

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

2015 SPECIAL SESSION C

OCTOBER 27, 2015

12:00 p.m.

Transcribed by:

CLARA C. ROTRUCK

Court Reporter

1 T A P E D P R O C E E D I N G S

2 SENATE SECRETARY: All unauthorized
3 persons will please leave the Chamber. All
4 Senators and guests in the gallery, please
5 silence all electronic devices.

6 All Senators, please indicate your
7 presence. A quorum is present, Mr. President.

8 PRESIDENT GARDINER: The Senate will be in
9 order. Senators and our guests in the gallery,
10 please rise for the opening prayer to be given
11 today by the Senator of the 12th District,
12 Senator Thompson. Senator, you are recognized.

13 SENATOR THOMPSON: May we bow our heads in
14 supplication to he who is greater than we are.
15 On this beautiful day and in this special hour,
16 great God, we humbly pause now to invoke your
17 divine presence and perfect will upon this
18 august body.

19 How grateful we are for our republic and
20 for those present here today who have the
21 responsibility to demonstrate your concern for
22 their fellow humans.

23 We thank you that they have vowed to serve
24 and to include rather than to exclude others in
25 this process. We thank you that these Senators

1 are here. We thank you that their families
2 have allowed them to be here.

3 We appreciate their gifts and their deeds
4 and may all that we do inspire us all further
5 to pursue your desire upon this earth for
6 fairness, for liberty and justice for all. We
7 ask for your guidance today during this special
8 session to enable us to develop a Senate that
9 looks like Florida and looks like America.

10 We ask that you allow us to achieve a more
11 perfect union. We welcome you now holy one and
12 pray that your will be done in earth as it is
13 in heaven. Amen.

14 PRESIDENT GARDINER: Please remain
15 standing for the pledge of allegiance to be led
16 today by the Senator Wilton Simpson.

17 (Brief pause.)

18 PRESIDENT GARDINER: We will now continue
19 with the order of business. Are there reports
20 of committees?

21 SENATE CLERK: None on the desk,
22 Mr. President.

23 PRESIDENT GARDINER: Are there motions
24 relating to committee reference?

25 SENATE CLERK: None on the desk,

1 Mr. President.

2 PRESIDENT GARDINER: Are there messages
3 from the Governor and other executive
4 communications?

5 SENATE CLERK: None on the desk,
6 Mr. President.

7 PRESIDENT GARDINER: Are there messages
8 from the House of Representatives?

9 SENATE CLERK: None on the desk,
10 Mr. President.

11 PRESIDENT GARDINER: Are there matters of
12 reconsideration?

13 SENATE CLERK: None on the desk,
14 Mr. President.

15 PRESIDENT GARDINER: Senators, we are
16 about to take up the first Bill on the special
17 order calendar which is Senate Bill 2-C. We
18 all know the importance of the issue before us,
19 but I would like to remind you about the
20 decorum of the Florida Senate.

21 We will discuss the amendments that are
22 before us, the Bill that is before us regarding
23 the metrics, the methodology, the compactness.
24 What we will not have and the Senate will not
25 stoop to this, attacks on each other, personal

1 attacks on anybody in this Chamber. And so I
2 would encourage you to watch and act
3 accordingly.

4 Today will be a long day and it is going
5 to be a difficult day, but I believe the Senate
6 will rise up and do the right thing. So please
7 keep that in mind as we move forward in this
8 process, and with that take up and read the
9 first Bill.

10 SENATE CLERK: Committee substitute for
11 Senate Joint Resolution 2-C, a joint resolution
12 of apportionment.

13 PRESIDENT GARDINER: Senator of the 26th
14 District, Senator Galvano, you are recognized.

15 SENATOR GALVANO: Thank you, Mr.
16 President. Good afternoon, Senators. We are
17 taking up as you heard, SO 26-9090, and I want
18 to talk a little bit about the process that
19 brought us here today and how this Bill has
20 come before all of us.

21 And I would begin by reminding all of you
22 that we are in a very unique position. We are
23 currently engaged in a remedial legal process,
24 one in which there is a pending order that
25 requires the product produced by this Senate

1 together with the House to go back to the
2 Circuit Court and then eventually to be
3 reviewed at the higher level, and we are here
4 to remediate issues that have taken place in
5 the past in terms of compliance with the
6 Constitution of the State of Florida.

7 At this point you all are familiar with
8 the two tiers of those constitutional
9 requirements. The one first and foremost is
10 that what we do here not diminish minority
11 opportunity districts and be free from partisan
12 intent. And so I think that is where we need
13 to begin in terms of the Bill that is before
14 you today, because as a result of that very
15 strict Tier 1 compliance requirement and the
16 judicial opinions that have come out
17 interpreting that Tier 1 and making
18 recommendations in terms of how we need to
19 conduct ourselves in complying with those
20 requirements, led this Senate and the House to
21 enter into an agreement with regard to a base
22 map drawing process, one that involved the
23 staff from both the Senate and the House
24 together with the advice of legal counsel in a
25 sequestered yet recorded environment in order

1 to ensure at least through the base map process
2 that we were free from Tier 1 infirmities. And
3 the Bill before you is the content of one of
4 the products that came out of that process.

5 You will also recall that I sent a memo to
6 each of you before we began this special
7 session reminding you of the process and
8 talking about the opportunity to amend and we
9 have a lot of amendments here today.

10 I think there is some good ideas being
11 kicked around out there, and it is likely that
12 one or more may be adopted, but I want you to
13 continue to remember that we still have an
14 obligation to justify what we do as a body and
15 what we do as amendments even here today in
16 this Chamber and that is why I want you to be
17 reminded of the recommendations that were made
18 in my memo that when you are explaining your
19 amendment, that you do identify the source of
20 its origin and explain the non-partisan and
21 non-diminutive purpose for the content in that
22 amendment.

23 One thing I can tell you about the process
24 that we engaged in based on where we were with
25 the congressional maps is that we were

1 successful, that we had -- did not incur
2 another charge of Tier 1 violation, and in
3 fact, when you go back a year ago when we
4 addressed the congressional maps we were
5 successful in that regard, too, and that is
6 something that all of us should recognize and
7 frankly be proud of that we have gone beyond
8 that.

9 So with regard to that process, as I
10 mentioned, we had six base maps, 9090 as I said
11 is the substance of base map 9078.

12 When those maps were drawn there were two
13 methodologies that were established for drawing
14 those maps. The first was to keep as many
15 counties whole as possible. The second was to
16 minimize the total county splits, and that is a
17 summary of the methodologies obviously to
18 comply with all of Tier 1 requirements.

19 9090 is a methodology two map, and if you
20 recall when we were here during the
21 congressional redistricting we ran into an
22 issue with regard to consistency of application
23 of methodologies, and that was one of the
24 sticking points that we had with our neighbors
25 down the hall, that it was argued that the

1 methodologies were being juxtaposed within the
2 same map, and that is why when the base map
3 process was undertaken there were two clear
4 methodologies and of the six maps you had three
5 in each methodology.

6 During the course of the committee there
7 were discussions about the methodologies and
8 one has a more statewide balance than the
9 other. Methodology one, which maximizes whole
10 counties has the potential of creating donor
11 counties. In other words, larger counties
12 would incur more splits so as to keep medium
13 and smaller counties from incurring splits, and
14 yet you would achieve the goal of keeping more
15 counties whole.

16 Methodology two as a statewide perspective
17 says let's minimize the total number of splits
18 versus the total number of counties whole. So
19 the map before you comes from that methodology
20 two, the more balanced statewide application.

21 Early in our committee meetings as we were
22 discussing the legal ramifications and hearing
23 from our staff and I know at least a couple of
24 times we are going to have to recognize Jay for
25 his tremendous work here today, but it was

1 brought up that despite the instructions on the
2 methodologies from the attorneys and
3 notwithstanding the consent order that was
4 entered into between the Plaintiffs and the
5 Legislature, that there were still -- there was
6 still an amended complaint out there that had
7 certain allegations that were worthy at least
8 in terms of discussion of taking up and taking
9 a look at.

10 Now, I want to make one thing clear as we
11 went through this in the committee process we
12 did not in any way intend that the allegations
13 were anything more than mere allegation. We
14 didn't intend that somehow by looking at them
15 and talking about them that we have decided
16 that at they backed up by relevant evidence.

17 We afforded an opportunity frankly to the
18 Plaintiffs to join us at the committee level to
19 come and share their thoughts and ideas. I
20 sent a letter myself inviting them to attend
21 and maybe help us in our deliberations, to
22 which we were told they were not going to join
23 us. So we took it upon ourselves to go through
24 this exercise as a committee.

25 And so one of the very first things that

1 was identified, I believe President Lee brought
2 it up and then of course it was discussed
3 further and drilled down into by Chairman
4 Simmons, was the concern about the Pinellas
5 district in the Tampa Bay area crossing the bay
6 into Hillsborough. And in looking at this as a
7 committee we recognized that there were only
8 three maps that didn't do this, 9074, 9078,
9 which is the substance of the Bill before you,
10 and 9080.

11 9074 was in the Tier 1 methodology. We
12 were already looking in the Tier 2 methodology.
13 So with this first step in analyzing where the
14 allegations were, we were already narrowed down
15 to two potential of the six Tier 1 compliant
16 maps.

17 The next thing that we took into
18 consideration was the language of the Tier 2
19 requirements themselves, and you do hear a lot
20 about county splits and city splits and things
21 of this nature, but there are really only three
22 components. Population has to be as near as
23 possible, unlike the congressional, it doesn't
24 have to be spot on within a one person
25 deviation, but there can be a deviation in the

1 Senate and courts have recognized that four
2 percent less are probably acceptable, the lower
3 the better obviously.

4 Compactness, compactness is an interesting
5 concept, because compactness means they are
6 compact, but in looking through the way the
7 courts have viewed compactness and how they
8 have interpreted that provision within the Tier
9 2 requirements, compactness does not mean
10 maximizing compactness at the expense of the
11 other considerations.

12 In fact, the courts have said you begin by
13 looking with your eyes. The Supreme Court
14 said, take a look at it, is it irregular, I
15 think they used the word bazaar, if it is not
16 then you can move on to a mathematical
17 calculation, the Convex Hull test, for example,
18 which is the rubber band, or the Reock test
19 which is the circle that goes around the
20 district or the Polsby Popper which is where
21 you take into consideration the perimeter
22 lengths of the district.

23 And when you look at these numbers, use
24 them as a guide, but don't -- but understand
25 that compactness can flow downward as you

1 comply with following political and
2 geographical lines.

3 The third component in the Tier 2 is
4 exactly that, political and geographical lines.
5 So those are the only three named components of
6 Tier 2 compliance, population, compactness and
7 where feasible to follow political and
8 geographical lines.

9 So now, follow me, we are back to 9078,
10 the substance of the Bill before us, and 9080.
11 9078 of all of the base maps scores the highest
12 in terms of following political and
13 geographical lines, 94 percent. Unfortunately,
14 9080 scores the lowest.

15 The other issues that we did look at in
16 terms of the allegations also included a
17 Daytona Beach, there was an issue about
18 splitting Daytona Beach and how we address
19 Volusia. We went back, took a look at that and
20 made clear that we weren't splitting a single
21 city in Volusia. There was an appendage that
22 we removed that was complained of.

23 We kept Seminole County whole, and again,
24 we did this in this map by maintaining still
25 the highest score with regard to political and

1 geographical lines.

2 9090 before you keeps 51 counties whole.
3 It keeps 391 cities whole. It has a Reock
4 score of .42, and a Convex Hull of .78. It is
5 also the most balanced map in terms of standard
6 deviation.

7 Let me explain what I mean with that.
8 Deviation occurs when you have outliers within
9 the state. For example, you may draw a
10 tremendously compact district or a handful of
11 tremendously compact districts to run scores
12 up, but you do so at the expense of the shape
13 and compactness of other districts.

14 When we looked through the Tier 2
15 characteristics or I say we looked through,
16 when the reports were run with the Tier 2
17 characteristics on 9078 which is 9090, it had
18 the lowest standard deviation of the map before
19 us. And so if there is a theme that goes with
20 this map it is balance, you know, once you get
21 past the Tier 1 considerations which you do
22 given that it was a product of the sequestered
23 process, not that you can't amend it, like I
24 said, we are going to have robust discussion
25 today and there are great ideas out there.

1 I only give the caveat that we know that
2 we are going back to court, but it is
3 incorporated the important balanced
4 methodology, the Tier 2 methodology. It had a
5 more balanced Tier 2 characteristic,
6 characteristics between population, and by the
7 way, that deviation is 3.1 percent compactness
8 and following political and geographical lines.

9 And so this is the product that passed out
10 of our committee on Friday, one that I hope you
11 will consider today and hopefully we will be
12 able to send something to the Florida House to
13 take up as well. Thank you.

14 PRESIDENT GARDINER: Are there questions
15 of the sponsor before we get into the
16 amendatory process?

17 The Senator of the 36th District, Senator
18 Braynon, you are recognized for a question.

19 SENATOR BRAYNON: Thank you,
20 Mr. President. Chairman, could you, I may have
21 missed this, but the numbering, and is there --
22 the numbering, I don't know if you covered it
23 or not, if you didn't can you do that, and also
24 in the back end of that, talk about what
25 happens to the numbering if there are any

1 substantial changes or if there is a minimal
2 change or will we go through that process
3 again?

4 PRESIDENT GARDINER: Senator of the 26th
5 District, Senator Galvano.

6 SENATOR GALVANO: Yes, thank you,
7 Mr. President, and thank you, Senator Braynon,
8 for bringing that up. I did want to touch on
9 that because that was another example where
10 input from the committee changed the product.

11 If you recall, when I sent my memo out to
12 you before the beginning of session, I said we
13 were -- had a methodology that we would
14 consider using based on commonality of the
15 districts in relationship to the enacted plan
16 on numbering, and when that methodology was
17 explained in committee, what the map drawers
18 had suggested was that it be based on
19 population basis.

20 The discussion on the committee led to the
21 idea that perhaps it was best just to go back
22 and randomly renumber given that we had a base
23 map or a new map that had substantial changes,
24 Senator Braynon, and so that was done.

25 That was what took place last Thursday.

1 There was a program, the Auditor General came
2 in and hit the button that spit out the numbers
3 and we had a random assignment. And I know
4 there were some questions about, well, why
5 can't we wait until the end, why don't we get
6 through this whole process and do it, but the
7 reality is that both as a committee and as a
8 Senate and Legislature, you are going to vote
9 on a numbered map. You have to have a final
10 product when you -- when you vote.

11 If there are changes, there is both the
12 opportunity to go back and look at the
13 methodology of commonality of districts,
14 Senator Braynon, and that probably would
15 require less, a more modest or smaller change
16 with substantial population basis remaining the
17 same, but it is -- it is just as likely that we
18 would go back and completely hit another random
19 renumbering.

20 PRESIDENT GARDINER: Senator Clemens for a
21 question.

22 SENATOR CLEMENS: Thank you,
23 Mr. President. Mr. Chair, just to follow up on
24 Senator Braynon's question. So how did the
25 committee go about deciding that that was the

1 right process for renumbering?

2 PRESIDENT GARDINER: Senator of the 26th.

3 SENATOR GALVANO: Yes, thank you,
4 Mr. President. We had a meeting with staff and
5 counsel and we reviewed the program that the
6 Auditor General had in terms of -- of -- or we
7 reviewed the program that would assign the
8 random numbers.

9 I sat and I said, let me see how it works,
10 let me see how it plays out. We talked about,
11 as you recall from the last time, the ball
12 system and remember, there is two components to
13 it. There is the ultimate number and there is
14 the even/odd, and, you know, I was convinced
15 that the numbering program that I saw was truly
16 random and was efficient and sufficient enough
17 for me to print an amendment under my name on
18 that.

19 PRESIDENT GARDINER: Senator Clemens for a
20 follow up.

21 SENATOR CLEMENS: Thank you,
22 Mr. President. Mr. Chair, just as a
23 clarification though, that wasn't something
24 that the committee decided on as a whole? That
25 was something, you said, we, but that was a

1 decision that you made?

2 PRESIDENT GARDINER: Senator Galvano.

3 SENATOR GALVANO: Thank you,

4 Mr. President. The committee decision was
5 this, and if you -- I don't know if you were
6 there or not, I know you were there a lot.

7 After our discussion on Wednesday I said, here
8 is what I am going to do.

9 I said when we come back Friday I will
10 make, put the Bill in a posture where the
11 committee could either choose a random numbered
12 map or one chosen under the methodology, and
13 that was in response to the discussion that the
14 committee had.

15 The actual mechanics of the number system
16 or the program, that was -- was determined
17 afterwards.

18 PRESIDENT GARDINER: Senator Clemens for a
19 follow up.

20 SENATOR CLEMENS: It is a separate
21 question, if that is okay, Mr. President.

22 PRESIDENT GARDINER: You are recognized.

23 SENATOR CLEMENS: Thank you so much. Mr.
24 Chair, again, getting just to some of the
25 technical questions. In going through these

1 maps there were a lot, I understand things like
2 county splits, city splits.

3 One of the things that I have yet to be
4 able to grasp is the percentage grade that you
5 get on political and geographic lines, and it
6 is -- it is sort of alludes me how we pleasure
7 that, how that is quantified. It would seem
8 that a -- you got it, fantastic, I will let you
9 answer the question then.

10 SENATOR GALVANO: I will.

11 PRESIDENT GARDINER: Senator Galvano, you
12 are recognized.

13 SENATOR GALVANO: Thank you,
14 Mr. President, and I will try to go through
15 this formula without boring everybody. But the
16 quantitative method for gauging the extent to
17 which district borders use political and
18 geographic features, since professional staff
19 -- is the following, I am cutting to the chase.

20 One merges all of Florida's county and
21 municipal boundaries into a web of line
22 segments. That occurs first. And then extends
23 that web to include primary and secondary roads
24 and significant bodies of water, contiguous
25 areas greater than five acres within bays,

1 rivers and lakes, and three, determines the
2 percentage of each district's total perimeter
3 that is masked by the web of political
4 boundaries only. And then four, determines the
5 percentage of the district's total perimeter
6 that is masked by the extended web of political
7 or geographical boundaries.

8 This boundary now does not purport to be
9 perfect for compliance with legal standards,
10 but the data method are well suited as an
11 analytical tool. So basically they matrix the
12 state and then see where there is -- there is a
13 match and then calculate the percentages from
14 there, and it is --

15 PRESIDENT GARDINER: Senator Clemens.

16 SENATOR GALVANO: That is why we have
17 people a lot smarter than me.

18 PRESIDENT GARDINER: Senator Clemens for a
19 follow up.

20 SENATOR CLEMENS: Thank you,
21 Mr. President. I appreciate that and I
22 appreciate the explanation because it was -- it
23 was always kind of confusing to me. So if I
24 got that correct, it was somewhat of a judgment
25 call by staff in terms of what was a major

1 boundary, what was not a major boundary, if I
2 understand that correctly.

3 PRESIDENT GARDINER: Senator Galvano, you
4 are recognized.

5 SENATOR GALVANO: Thank you,
6 Mr. President. I am not sure if the judgment
7 call was what is major and what was not major.
8 The formula for analyzing the overall
9 boundaries, politically and geographical as it
10 says there, it is not a perfect science and
11 there is probably some discretion in choosing
12 that formula, but, you know, it is well suited
13 for the job that it does.

14 PRESIDENT GARDINER: Senator Clemens, you
15 are recognized.

16 SENATOR CLEMENS: Thank you,
17 Mr. President. And I appreciate that, Mr.
18 Chair. The reason I asked is because you had
19 -- you had mentioned earlier that this
20 particular area, the political and geographic
21 lines was the one that the map that was chosen
22 that -- that performed best in that area. But
23 I -- I am trying to get a handle on whether or
24 not take is a real scientific measurement
25 because it seems arbitrary to me. Is that your

1 opinion?

2 PRESIDENT GARDINER: Senator Galvano.

3 SENATOR GALVANO: Thank you,

4 Mr. President. And I think you hit on an
5 important point. There -- it -- there is in
6 many ways more art than science in this whole
7 process of putting together districts.

8 That is why the same people with the same
9 instructions, with the same computer programs,
10 with the same methodology, could come up with
11 different iterations, and that is why even the
12 court says you start with your eye and what
13 might be esthetic to Senator Benacquisto may
14 not be to Senator Detert.

15 So yes, I don't know how else to answer
16 that there -- there is truly a component of
17 objectivity and subjectivity, and when the --
18 you look at the mathematical test, which one
19 might argue like the Reock and the Convex Hull,
20 one might say, well those are mathematical
21 tests, those are scientific, but those are the
22 ones that the court said, you know what, those
23 come after the esthetic and you need to expect
24 them to slide as you follow these other
25 characteristics.

1 PRESIDENT GARDINER: Senator Clemens for a
2 follow up.

3 SENATOR CLEMENS: Thank you,
4 Mr. President. And Mr. Chair, I actually agree
5 with you. I think we can get to -- to end of
6 the varying numbers. But when we are talking
7 about data one of the things that members of
8 the committee talked about was the difference
9 between 2010 and 2012 primary numbers.

10 Have you talked about that at all with
11 staff and has there been a discussion about,
12 you know, whether or not, which are the proper
13 numbers to use? I know it has been said that
14 it is difficult to get all of that information
15 inputted. Can you speak to that briefly?

16 PRESIDENT GARDINER: Senator Galvano.

17 SENATOR GALVANO: Yes. Thank you,
18 Mr. President. And yes, that did come up in
19 committee, and in fact, last night after close
20 of business we actually were provided some --
21 some data that is being reviewed for quality
22 and veracity that I was hopeful that we might
23 even have this morning reviewed that take into
24 consideration, and I would think if you have
25 that type of data available you would -- it

1 should work itself into the process.

2 I don't know that it will change things or
3 necessarily would impact any lines. Prior to
4 the submission last night, notwithstanding what
5 I said about it, the case has been based on the
6 2010, and no one along the line had challenged
7 that usage. And as the Plaintiffs have used it
8 in their exemplar maps and the Chamber has used
9 it and the court has used it in its order. So
10 that is -- that is where it is.

11 If you have something more recent I think
12 it is worth it to take a look at it. When our
13 professional staff was asked that question in
14 committee, the result was or the answer was
15 that there is a tremendous -- there are a
16 tremendous number of manhours that need to go
17 in, not maybe necessarily collecting, but for
18 quality control and veracity.

19 PRESIDENT GARDINER: Okay, Senator
20 Latvala, I apologize. Please, there were two
21 or three others but we will go ahead. The
22 20th, Senator Latvala, you are recognized for a
23 question.

24 SENATOR LATVALA: Thank you,
25 Mr. President. Let's follow up on a couple of

1 these statistical points, because I am a little
2 slower on numbers than other folks are
3 potentially.

4 First of all, I thought that I heard you,
5 Senator Galvano, when you were explaining the
6 rationale between the methodology one and the
7 methodology two, saying that methodology two's
8 aim was to produce less aggregate splits. Was
9 that what you said?

10 PRESIDENT GARDINER: Senator Galvano, you
11 are recognized.

12 SENATOR GALVANO: Yes. Thank you,
13 Mr. President. Yes, that is -- that is the
14 instruction with methodology two versus keeping
15 simply keeping more counties whole.

16 PRESIDENT GARDINER: Senator Latvala for a
17 follow up.

18 SENATOR LATVALA: Well, how would you
19 explain then the fact that on the three maps
20 that were produced under methodology two, 76,
21 78 and 80, there was a total, and maybe I added
22 it wrong, but I got 147 aggregate splits, and
23 on the 70, 72 and 74, I got 135 aggregate
24 splits.

25 So what that is is 12 more aggregate

1 splits collectively in the three maps that were
2 produced under the methodology that was aimed
3 at reducing the aggregate splits. How would
4 you explain that?

5 PRESIDENT GARDINER: Senator of the 26th,
6 you are recognized.

7 SENATOR GALVANO: Thank you,
8 Mr. President. And again we are talking about
9 the methodology that was used to approach the
10 drawing of the map, and what the number you are
11 giving me and I can confirm with Jay where 9078
12 fell in there, was I think you are aggregating
13 the number each of the maps together. And so
14 if, you know, the numbers you are giving me are
15 accurate, that is what they are.

16 PRESIDENT GARDINER: Senator Latvala for a
17 follow up.

18 SENATOR LATVALA: Well, they are what they
19 are and they do show that there is more
20 aggregate splits among those three maps than
21 the ones done under methodology one.

22 Now, with regard to the next computer, new
23 thing that we are being told is how we arrived
24 at 9078. Who's formula is that? I mean, you
25 read the -- how the formula worked, but I

1 didn't hear you say who's formula that was,
2 whether that is a university and how long that
3 formula has been around and did we use that,
4 did we have the benefit of using that in 2012,
5 when we did the original map?

6 PRESIDENT GARDINER: Senator Galvano, you
7 are recognized.

8 SENATOR GALVANO: Thank you,
9 Mr. President. That was a formula developed by
10 staff and it has been used since 2011.

11 PRESIDENT GARDINER: Senator Latvala for a
12 follow up.

13 SENATOR LATVALA: So whereas on the other
14 formulas that we have here, the Polsby Popper
15 and the Reock and the Convex Hull, those
16 formulas were all done -- they are all
17 universal formulas, is that correct, and this
18 formula is just something that we developed, we
19 have developed with our staff?

20 PRESIDENT GARDINER: Senator Galvano.

21 SENATOR GALVANO: Thank you,
22 Mr. President. This formula was developed in
23 response to the specifically named component in
24 the constitution within Tier 2 with the
25 political and geographical boundaries.

1 The other tests you are talking about are
2 the compactness mathematic scores which, you
3 know, some favor one over the other. Frankly,
4 I think the courts have sort of pushed the
5 Polsby Popper to the side, and some, you --
6 those are all, those are all so open to -- to
7 ambiguity that they have to be used in
8 conjunctions.

9 For example, the Convex Hull, you could
10 have a district 300 miles long and five feet
11 wide and it would have a perfect score there,
12 but I don't know the exact origin of those
13 tests, but they have been used by redistricting
14 staff for some time, but used in conjunction
15 with each other.

16 PRESIDENT GARDINER: Senator Latvala for a
17 follow up.

18 SENATOR LATVALA: So, but the score that
19 we appear to be basing our map on is something
20 that is fairly new and it has only been used by
21 the Florida Legislature. Is that what you are
22 saying just to kind of put it all in
23 perspective here?

24 PRESIDENT GARDINER: Senator Galvano.

25 SENATOR GALVANO: Thank you,

1 Mr. President. That is one of the components
2 that we are basing our map on. As you recall,
3 we also took a look at the allegations that
4 were in the complaint. We looked at the
5 compactness scores, the ones you just
6 referenced to make sure that they were not out
7 of sync or bazaar in any way, that they met
8 what is normally deemed acceptable in terms of
9 compactness. And we did, yes, also look at the
10 political geographical web matrix formula that
11 I just described, as well as the numbers of
12 cities and counties.

13 PRESIDENT GARDINER: Follow up, Senator
14 Latvala?

15 SENATOR LATVALA: Yes, I have got a couple
16 more.

17 PRESIDENT GARDINER: Okay.

18 SENATOR LATVALA: I mean, this is my -- I
19 wasn't on the committee, Mr. President. This
20 is my opportunity now.

21 PRESIDENT GARDINER: We have got plenty of
22 time. We have got plenty of time.

23 SENATOR LATVALA: All right. You know, I
24 guess the reason I am zeroing in on that
25 particular formula is that that is the one you

1 seem to have been the deciding factor in
2 picking this map over the others.

3 Now, since you brought up the compactness
4 scores and the county splits and the city
5 splits, can you -- I guess the way to ask this
6 question would be, do you think this particular
7 formula that we developed with our staff
8 outliers, outweighs the fact that we have got
9 the fourth best base map on compactness, the
10 fourth best base map on county splits, and the
11 fifth best base map on city splits?

12 PRESIDENT GARDINER: Senator Galvano.

13 SENATOR GALVANO: Thank you,
14 Mr. President. What I said was that when you
15 look at Tier 2 components, the three things
16 that are explicit are the population,
17 compactness and the following of political and
18 geographical lines.

19 Population is easy. We need to not have a
20 substantial deviation and I drew guidance from
21 the court as to the committee that four percent
22 or less or so is within a reasonable range, and
23 we are at 3.1.

24 With regard to compactness, the guidance
25 from the court is a step by step process that

1 begins with a test that is completely
2 subjective, esthetics test, and a determination
3 subjectively as to whether or not something is
4 bazaar and then moves into mathematics, with
5 the caveat that mathematics necessarily will go
6 down as you follow the third named component,
7 political and geographical lines.

8 The only tool available on that that I
9 know of was the one we just discussed, that was
10 in fact put together within the Legislature in
11 2011. But I think all of it, all of it plays
12 together, including the legal side of it.

13 PRESIDENT GARDINER: Senator Latvala for a
14 follow up.

15 SENATOR LATVALA: Okay, one more area of
16 questions and there would be back to the
17 numbering. I am -- I wish you would be a
18 little more expansive in your explanation of
19 the numbering, particularly with respect to the
20 commonality, how the commonality of the
21 districts was determined, number one.

22 And number two, why you used which map you
23 used to make that comparison, and if -- and the
24 third part of that question would be and if we
25 are using -- we used that map because that was

1 the map that was going to be recommended, when
2 we change it, that map, if we adopt any
3 amendments, then won't that then change some of
4 those commonality numbers?

5 PRESIDENT GARDINER: Senator Galvano.

6 SENATOR GALVANO: Thank you,
7 Mr. President. I will start with the last
8 part. Yes, I think you are right on that. The
9 issue on commonality was a methodology that in
10 talking with counsel and staff we thought could
11 be applicable to the enacted plan that had the
12 numbers.

13 The component of commonality was the
14 population centers within a currently numbered
15 district and a district that found itself in a
16 new map. Ultimately based on input from the
17 committee and a vote by the committee, we did
18 not follow that commonality procedure and went
19 straight to a random numbering system.

20 PRESIDENT GARDINER: Follow up, Senator
21 Latvala.

22 SENATOR LATVALA: So maybe I got this
23 wrong. So there was no matching up of
24 districts with any map. It was just strictly
25 the numbers, is that what you are saying?

1 PRESIDENT GARDINER: Senator Galvano.

2 SENATOR GALVANO: Thank you,
3 Mr. President. That is correct. I mean, this
4 map doesn't represent any type of match up
5 number wise. These are all brand new random
6 numbers.

7 PRESIDENT GARDINER: For a follow up.

8 SENATOR LATVALA: Yes, I don't understand.
9 But what numbers were used to determine the --
10 to go into the drum to start with so to speak
11 or to go into the random numbering process?
12 Where were the numbers selected from?

13 Were they -- were they selected, they had
14 it to be selected from somewhere. So did you
15 use the numbers that were on map 78 originally
16 and then you put those numbers in, you shook
17 them all up and you got a new set of numbers?

18 PRESIDENT GARDINER: Senator Galvano.

19 SENATOR GALVANO: Thank you,
20 Mr. President. I understand what you are
21 asking now, and that is -- that is correct.

22 SENATOR LATVALA: Thank you.

23 PRESIDENT GARDINER: Senator Gibson, did
24 you have a question, and then Senator Dean?

25 SENATOR GIBSON: Thank you, Mr. President.

1 And maybe you covered this, but I know I asked
2 in committee and I am still trying to
3 understand so I can put it all with the maps
4 and potential amendment.

5 So we didn't -- there were allegations
6 made as you mentioned and they were not backed
7 up by evidence. So in the process of drawing
8 the six maps, were allegations used or not used
9 and what did we agree to do when we agreed to
10 come back to the table and redraw the map that
11 we drew, the enacted map?

12 PRESIDENT GARDINER: Senator of the 26th,
13 you are recognized.

14 SENATOR GALVANO: Thank you,
15 Mr. President. If you are talking about the
16 court document, the consent order that brought
17 us back from to special session, the agreement
18 was to redraw the Senate maps and it was
19 simply, simply that, and that, you know, based
20 on -- on where we were with Tier 1 we would
21 come back and redraw.

22 We did not delineate each component or any
23 district or any party, and that is a big
24 difference from where we were with the
25 congressional redraw because at that point we

1 had a court opinion that brought us through
2 each of the districts.

3 PRESIDENT GARDINER: Senator of the 9th
4 District, Senator Gibson, you are recognized.

5 SENATOR GIBSON: Thank you, Mr. President.
6 So I guess I am asking then, did we draw, did
7 we come back to draw the maps based on the
8 allegations, and did we address allegations in
9 the map that we have before us?

10 PRESIDENT GARDINER: Senator Galvano, you
11 are recognized.

12 SENATOR GALVANO: Yes, thank you,
13 Mr. President. We came back based on the
14 July 9th interpretation of the constitutional
15 amendments that was rendered in the
16 congressional case. In particular Tier 1
17 infirmities. The -- and the agreement was that
18 we come back, readdress the process and first
19 and foremost not have the same issues that we
20 had the last go around. And that is -- was the
21 genesis of the process that we engaged in with
22 the map drawers and counsel.

23 We did not agree to address specifically
24 any particular allegation that was made,
25 because at the time that it was resolved, the

1 -- they had not gone to be proved, and in an
2 abundance of caution and in a prudent fashion I
3 think the committee, through a few of its
4 members suggested that it would not be
5 appropriate just to ignore it because we are in
6 this remedial process and whether they are
7 approved or not we should, should review and
8 take into consideration what the Plaintiffs had
9 said.

10 We had up to that point taken into
11 consideration what the Plaintiffs had
12 submitted, the nine maps prior to the session,
13 and then also hoped that they would have shown
14 up at the committee.

15 PRESIDENT GARDINER: Senator Gibson for a
16 follow up.

17 SENATOR GIBSON: Thank you, Mr. President.
18 I appreciate your indulgence. So in -- in
19 producing the map then that ultimately was put
20 forward, and I think I misunderstood that we
21 were going to not as a committee decide which
22 map was going to go forward.

23 So in coming up with this map for
24 presentation today, are there districts that
25 were changed that were not necessarily alleged

1 to be non-compliant?

2 PRESIDENT GARDINER: Senator Galvano.

3 SENATOR GALVANO: Thank you,

4 Mr. President. Yes.

5 PRESIDENT GARDINER: Senator Gibson for a
6 follow up.

7 SENATOR GIBSON: Okay. Knowing that when
8 you change some districts you have to change
9 others even if they are not part of an
10 allegation, so were there districts that were
11 changed that didn't necessarily need to be
12 changed because the district next to it was not
13 impacted?

14 PRESIDENT GARDINER: Senator of the 26th,
15 you are recognized.

16 SENATOR GALVANO: Yes, the map we -- it
17 was a new process that redrew basically the
18 whole Senate, Senate map, and it wasn't like
19 let's fix this and see how it impacts that.

20 When the base maps were compared to one
21 another that is when the analysis came into
22 play with regard to some of the allegations
23 that were made.

24 SENATOR GIBSON: I just have one.

25 PRESIDENT GARDINER: You are recognized.

1 SENATOR GIBSON: Thank you, Mr. President.
2 As we prepare to go through the amendatory
3 process, and I know we talked about methodology
4 one and methodology two which were used to
5 develop the base map. So does, since this is a
6 methodology two map and I know you replaced the
7 entire map, but if there is a possibility that
8 some in the amendments that I have seen, some
9 things can change, some things are changed and
10 some things are not.

11 And so do the changes in an amendment form
12 have to be methodology two?

13 PRESIDENT GARDINER: Senator Galvano, you
14 are recognized.

15 SENATOR GALVANO: Thank you,
16 Mr. President. What I can say on that is that
17 is where there was at least a difference of
18 legal opinion in terms of consistency of
19 methodologies. And if I am not mistaken, at
20 the Circuit Court level that was the idea that
21 you stay within a certain methodology was
22 confirmed.

23 And so, you know, the recommendation has
24 always been that if you are going to amend
25 within a map after you meet the Tier 1

1 requirements enunciated, that you maintain the
2 same methodology. And so like with us
3 methodology two, and I want to make clear that
4 it is, methodology two reduced once counties,
5 reduced the number of splits to counties. So
6 that may not always impact the total aggregate
7 that -- and Senator Latvala and I discussed
8 that a little bit, but if you are going to
9 change within a map, it most likely the best
10 course is to stay within the same methodology.

11 PRESIDENT GARDINER: Senator Dean of the
12 5th District, you are recognized.

13 SENATOR DEAN: Thank you, Mr. President.
14 So we had a number of the multiple base maps
15 were all constitutional in some form. I think
16 you have spent some time here today to try to
17 explain how this one map was decided.

18 However, was the committee ever given a
19 chance to vote on the other maps, to look at
20 the other maps from the standpoint of
21 selection?

22 PRESIDENT GARDINER: Senator Galvano, you
23 are recognized.

24 SENATOR GALVANO: Thank you,
25 Mr. President. A week ago yesterday we had a

1 joint committee, not a formal joint committee,
2 but both committees in the House and the Senate
3 met and we spent several hours going through
4 the different -- different maps presented.

5 We also had that, did that same exercise
6 again on Wednesday in our committee with the
7 opportunity for really anyone to put in as an
8 amendment, any one of the base maps. In fact,
9 we were very liberal by in terms of accepting
10 amendments because by the time we got there
11 Friday, you know, we had courtesy whole
12 amendments by people on the committee.

13 So, yes, and I don't know that anyone has,
14 I know there is not one today, but there is an
15 opportunity for anyone to submit.

16 We did have -- have votes on amendments,
17 but it was not a specific alternative base map
18 that came before us.

19 SENATOR DEAN: Just on the --

20 PRESIDENT GARDINER: Senator Dean for a
21 follow up.

22 SENATOR DEAN: Excuse me. Just on the
23 amendments then, not on the base map, itself?

24 SENATOR GALVANO: Thank you,
25 Mr. President. Yes, and amendment is sort of a

1 bad word to use in this type of process,
2 because everything is a -- its own map. Is
3 that one of the requirements is that the whole,
4 and to make clear and I think all the members
5 understand this, so forgive me if I am saying
6 what you already know and wasting time, but
7 there is -- it is not a question of making a
8 tweak here or a tweak there.

9 If you -- if you are making a tweak it is
10 going to be a whole new map. So everything is
11 almost a substitute in succession. So like on
12 Friday for example, you know, when I went to
13 committee I realized procedurally if we were to
14 adopt the amendment to my Bill right out of the
15 gate then all -- everything else would have
16 fallen out of order, which, you know, given
17 what is openness as we were trying to be, it
18 wouldn't have been a good idea. And so we were
19 -- actually took in succession several things
20 and members were courteous in working with us
21 and some were withdrawn. But that is how it
22 works. So even today whatever comes up is
23 going to be in the whole new plan.

24 PRESIDENT GARDINER: Senator Soto, you are
25 recognized.

1 SENATOR SOTO: Thank you, Mr. President.
2 Even if six maps were developed in a sterile
3 environment, if one particular map was
4 selected, could that be considered for intent
5 purposes under the Fair District amendments?

6 SENATOR GALVANO: Thank you,
7 Mr. President. And that is an interesting, an
8 interesting legal question. It is funny
9 because actually Jay and I were talking about
10 that the other day.

11 I don't know the answer to that. I don't.
12 What I do understand is that if you have a
13 process in which the drawers of the lines are
14 there in earnest, we are being recorded and
15 free from the influences of political
16 operatives, then you -- you are most likely
17 going to be successful complying with -- with
18 Tier 1.

19 If a product such as that then goes
20 through a committee process and then to the
21 entire body and then through the Legislature it
22 is still free from the influences of outside
23 sources, or for lack of a better phrase, a
24 smoking gun type of intent thing. I think you
25 still have that high likelihood.

1 PRESIDENT GARDINER: Senator Soto, you are
2 recognized.

3 SENATOR SOTO: Under the plain language of
4 the Fair Districting amendments, what requires
5 us to go back to 2002, to determine minority
6 access seats?

7 PRESIDENT GARDINER: Senator Galvano.

8 SENATOR GALVANO: Yes, thank you
9 Mr. President. And just a quick footnote on
10 the previous question, too. The other obstacle
11 to making that conclusion is that while the
12 courts have found ill intent, they have -- they
13 corroborated, at least at the trial level and
14 at the appellate levels with a Tier 2 issue.

15 So if you are choosing a map in which all
16 Tier 2 components have already been plugged in,
17 then that is, I think that makes it a stretch
18 to make the argument of not that you were
19 suggesting it, but you were asking about it.

20 The enacted, going back to 2002, was our
21 base plan. The 20, and that was on the
22 instruction of counsel and the staff, the 2012
23 plan, was the enacted plan that is in question.

24 PRESIDENT GARDINER: Senator of the 1st,
25 President Gaetz, you are recognized.

1 PRESIDENT GAETZ: Thank you very much,
2 Mr. President. Chairman Galvano, a couple of
3 questions.

4 First, in going back and reviewing the
5 April 15th, amended complaint, which really
6 forms the basis of why we are here today,
7 because that amended complaint led to the
8 consent agreement and it led to us being here
9 today, a great deal of the amended complaint
10 had to do with what the Plaintiffs viewed as
11 impure intent.

12 So my question is really a process
13 question to follow up on what Senator Soto just
14 asked. And that is, do you believe that in
15 reviewing the proposal which is filed under
16 your name and the amendments which were filed
17 under the names of other Senators, that we need
18 to discuss intent and understand intent so that
19 we don't fall victim to other allegations of
20 impure intent?

21 Do we need to defend our intent? Do we
22 have a burden of proof there in your judgment
23 legally, sir?

24 PRESIDENT GARDINER: Senator Galvano, you
25 are recognized.

1 SENATOR GALVANO: Yes, thank you,
2 Mr. President. The answer is yes, we do have a
3 burden of proof so to speak, and that is why it
4 was made very clear. If you are bringing forth
5 an amendment here today be prepared to describe
6 its origin and to give a non-partisan
7 justification and understand that we are still
8 in a -- under the cloak of a court proceeding
9 that will further investigate the intent of the
10 amendment.

11 PRESIDENT GARDINER: President Gaetz for a
12 follow up?

13 PRESIDENT GAETZ: Thank you very much,
14 Mr. President. Going back then to Senator
15 Gibson's question. Did we attempt, and I
16 wasn't a member of the committee either, so I
17 followed some of your proceedings, but not all,
18 did you attempt to cure any impure or improper
19 or unconstitutional intent that was
20 specifically laid out in the amended complaint?

21 PRESIDENT GARDINER: Senator of the 26th.

22 SENATOR GALVANO: Yes, thank you,
23 Mr. President. And the answer is yes, and we
24 drew a lot from the Supreme Court's opinion in
25 the July 9th opinion, because while that court

1 had a holding and made findings, it also made
2 recommendations in terms of what we should do,
3 and that was the genesis for the cumbersome
4 recording process that has taken place, and
5 those of you who have been up to staff have
6 gone on -- on record.

7 That was the genesis of the base map
8 drawing process in a sequestered environment,
9 and it was also the genesis for the predicate
10 that we have requested be laid out before a
11 member has fully described an amendment.

12 PRESIDENT GARDINER: Senator of the 1st,
13 Senator Gaetz.

14 PRESIDENT GAETZ: Thank you very much,
15 Mr. President. And then a question on the
16 numbering system. Again, as I reviewed the
17 April 15th, 2015 complaint, I found a reference
18 to the random numbering system that the Senate
19 used four years ago, but in all of the
20 allegations made by the Plaintiffs and all of
21 the findings made by the court I found
22 absolutely no criticism or negative comment
23 about the random numbering system.

24 And therefore my question is, was -- did
25 you feel as though you needed to utilize a

1 different system, or getting back to Senator
2 Latvala's good questions, did you feel as
3 though since the random numbering system that
4 was used four years ago was not commented on or
5 criticized by the court or even the Plaintiffs,
6 that that sort of a random numbering system
7 could be used again without risk?

8 PRESIDENT GARDINER: Senator Galvano.

9 SENATOR GALVANO: Thank you,
10 Mr. President. The latter, and you are right,
11 there were no challenges to the numbering
12 system, and that was the -- where we had the
13 confidence going in, but it is the will and
14 discussion of the committee led us otherwise,
15 and I think wisely so. I voted for the
16 amendment myself.

17 PRESIDENT GARDINER: Are there additional
18 questions? Senator Bradley for a question.

19 SENATOR BRADLEY: Thank you,
20 Mr. President. Chairman, first of all, I want
21 to compliment you and the members of the
22 committee on -- on working together
23 collectively and going through the tedious
24 process of understanding the methodology and
25 then applying the methodology to what was

1 before us on these maps. I want to thank Jay
2 and his staff as well.

3 The statement has been made that there are
4 six base maps and they were prepared in a
5 sterile environment. So I guess my first
6 question is, to your knowledge has anyone
7 credible challenged the integrity of those
8 three map drawers who drew the six base maps?

9 PRESIDENT GARDINER: Senator Galvano.

10 SENATOR GALVANO: Thank you,
11 Mr. President. And the answer is no.

12 PRESIDENT GARDINER: Senator Bradley for a
13 follow up.

14 SENATOR BRADLEY: To your knowledge was
15 each map prepared following an objective
16 methodology and process?

17 PRESIDENT GARDINER: Senator Galvano.

18 SENATOR GALVANO: Thank you,
19 Mr. President. The methodology is as was
20 spelled out in the memo. I was not in the room
21 with them.

22 SENATOR BRADLEY: And one last question.
23 There was a series of questions with Senator
24 Latvala dealing with methodology one versus
25 methodology two, and he raised a point that I

1 actually raised early on in my consideration of
2 this matter.

3 To summarize his point, it was that
4 methodologies and I wrote this out just to make
5 sure I said it correctly, to summarize what I
6 understood his point to be, methodology two's
7 goals were not met because there were maps
8 developed pursuant to methodology two, the last
9 three, 76, 78 and 80, that had more county
10 splits than the three in methodology one.

11 And I asked why that -- how that could
12 happen, why that would be, and I would -- I
13 know Mr. Ferrin understands why because it is a
14 complicated answer. And so would you please
15 address it at some point in time how that could
16 happen and how you could follow methodology two
17 yet still have that outcome?

18 SENATOR GALVANO: Thank you,
19 Mr. President.

20 PRESIDENT GARDINER: Senator Galvano.

21 SENATOR GALVANO: And I think for
22 clarity's sake and so we are all on the same
23 page, and I am going to read directly from the
24 memo.

25 Methodology two says, "Minimize the number

1 of times each county is split." So under,
2 under that methodology it isn't -- it isn't
3 necessarily the aggregate total number of
4 splits, but it is the minimizing the time each
5 county is split. And so you are spreading the
6 number of splits more statewide as opposed to
7 if you are just keeping counties whole. You
8 may split one county an inordinate amount of
9 times.

10 PRESIDENT GARDINER: Any further
11 questions? Senator Latvala, you are recognized
12 for a question.

13 SENATOR LATVALA: Thank you. There is one
14 or two others that have come to mind as we have
15 been sitting here having this discussion. And
16 I guess the major one and I am really surprised
17 no one has brought it up before now, because I
18 notice a number of the amendments today are
19 filed dealing with this particular issue.

20 And that is Tier 1, and that is the
21 requirement in Article III, Section 21 of our
22 Constitution that says, "And districts shall
23 not be drawn with the intent or result of
24 denying or abridging the equal opportunity of
25 racial or language minorities to participate in

1 the political process or to diminish their
2 ability to elect representatives of their
3 choice."

4 My question, and maybe again, maybe I am
5 reading these numbers wrong, but my
6 understanding is in Miami-Dade County for the
7 last 20 years since 1972, we have had three
8 Hispanic districts. One centered in Hialeah,
9 one centered in the western part of the county,
10 Sweetwater area, and one centered in Little
11 Havana.

12 And -- but looking at as close as I can
13 tell, looking at the District 37 which we are
14 presented here with, which has Little Havana in
15 it, the Hispanic population has gone down to
16 65 percent, and instead we are taking a
17 different district which is basically further
18 south in the county and further west in the
19 county and we are making that into the third
20 Hispanic district.

21 Now, my question, Mr. Chairman, is the
22 Hispanics that live in Little Havana and Little
23 Havana is named, you know, aptly, if we are
24 taking away their right to have a predominantly
25 functioning Hispanic district which plan 9090

1 does, because it is not -- there is not even a
2 functional analysis done in that district in
3 9090 that is listed, how are we abiding by the
4 constitution with respect to Tier 1 there?

5 PRESIDENT GARDINER: Senator Galvano.

6 SENATOR GALVANO: Yes, thank you,
7 Mr. President. Under 9090 you still have three
8 Hispanic majority-minority districts. The
9 functional analysis that you are referring to
10 was not done because I believe that it was felt
11 that at that point we were getting into not a
12 minority functional analysis, but getting into
13 more of a performance.

14 PRESIDENT GARDINER: Senator Latvala for a
15 follow up.

16 SENATOR LATVALA: That doesn't quite get
17 it, Mr. Chairman, for me, anyway. My question
18 to you is, with the words diminish in the
19 constitution, if we have an area that is
20 currently a Hispanic district or a black
21 district for that matter, I mean, predominantly
22 African-American district, are you saying that
23 we can say, no, you are not in that district
24 anymore, instead, 20 miles away we are going to
25 create a different district and if that doesn't

1 SENATOR THOMPSON: Thank you. Senator
2 Galvano, in central Florida there has been a
3 significant increase in Hispanics. And in
4 Senate District 14 are there, based on the
5 voting age population and the performance
6 functional analysis, are there greater or fewer
7 Hispanics in the proposed district under your
8 map?

9 PRESIDENT GARDINER: Senator Galvano.

10 SENATOR GALVANO: Thank you,
11 Mr. President. Are you sure you are talking
12 about District 14? Because the District 14 is
13 an African-American opportunity district with a
14 39, 35.9 BVAP.

15 SENATOR THOMPSON: I am -- I am asking
16 about the district that you are proposing. It
17 is currently is 14 under the enacted map.

18 SENATOR GALVANO: Okay, it is currently
19 14, which -- if you give me a second I will get
20 that.

21 SENATOR THOMPSON: Sixteen, it is 16.

22 SENATOR GALVANO: Thank you,
23 Mr. President. It is, I believe 37.5 Hispanic
24 BVAP or VAP.

25 SENATOR THOMPSON: And my question,

1 Senator, is that greater or lesser than what it
2 is in 14 currently under the enacted map?

3 PRESIDENT GARDINER: Senator Galvano.

4 SENATOR GALVANO: It would what -- yes.
5 Thank you, Mr. President. The answer is it is
6 less.

7 PRESIDENT GARDINER: Senator of the 12th.

8 SENATOR THOMPSON: Thank you,
9 Mr. President. So in your opinion, Senator
10 Galvano, does that diminish the ability of that
11 minority population to elect an individual of
12 their choice?

13 SENATOR GALVANO: Thank you,
14 Mr. President. With regard to that district,
15 that area has already been identified by the
16 courts as a non protected area in district and
17 I think the map drawers were following,
18 following that.

19 PRESIDENT GARDINER: Senator Montford for
20 a question.

21 SENATOR MONTFORD: Thank you,
22 Mr. President. Mr. Chair, thank you for the
23 great work that you have done throughout this
24 process.

25 My question is in this, it may be you may

1 not have an answer to this, but if, we have
2 been throughout the committee proceedings and
3 all we have been told that, you know, we bring
4 a map here and we will look at what we are
5 calling amendments, but I think you explained
6 it really well a few minutes ago, and what we
7 are really talking about it is an entirely new
8 map.

9 And I think it has been said during the
10 committee meetings as well, there are other
11 possibilities, other maps could meet the Tier
12 1, Tier 2 requirements.

13 If we pass anything out of this meeting
14 today other than the proposed map, will that
15 cause any issue with the courts or any issue
16 that you can see and, if so, what would, you
17 know, what would be special about this
18 particular map than any other map would not
19 have if it indeed meets the requirements?

20 PRESIDENT GARDINER: Senator Galvano, you
21 are recognized.

22 SENATOR GALVANO: Thank you,
23 Mr. President. What this map has from a
24 process standpoint is that it did -- did
25 generate in what we are calling the sterile

1 base map process, and one that we, we know is
2 successful. One that has been tested by the
3 courts.

4 Having said that, that is -- there are
5 certain steps that can be taken in the
6 amendatory process to reach that level, and
7 that is why at the onset of explaining this
8 though I said there are good ideas out there,
9 just understand as we go forward that we have
10 as President Gaetz has said, a continuing
11 burden of proof.

12 The -- this map from a Tier 1 perspective
13 has come through a process that -- that in my
14 opinion should not be assailable, but, you know
15 that is, you still have the opportunity of
16 course to amend and have those discussions.

17 PRESIDENT GARDINER: Are there additional
18 questions? If not, we will start the
19 amendatory process.

20 Seeing no further questions, take up the
21 first amendment.

22 SENATE CLERK: Bar Code 689980 by Senator
23 Clemens. Delete lines 56 through 4,981 and
24 insert amendment.

25 PRESIDENT GARDINER: And Senators, just so

1 I want to make sure we are all on the little
2 bit unusual, so that was the Bar Code, and if
3 it is okay with you, Senator Clemens, I would
4 like to read the actual map number because I
5 believe everybody has copies of all of the
6 maps, and Senator Clemens, if -- I want to make
7 sure we are on the same page here.

8 It is S027S9094, 9094? Going once, going
9 twice? Okay.

10 All right, take up and read the amendment.

11 SENATE CLERK: Bar Code 689980 by Senator
12 Clemens. Delete lines 56 through 4,981 and
13 insert amendment.

14 PRESIDENT GARDINER: Senator Clemens, you
15 are recognized on your amendment.

16 SENATOR CLEMENS: Thank you,
17 Mr. President. So what this amendment simply
18 does is try to rectify a concern of the court
19 in north central Florida. And if you look at
20 9094, it is largely the same as the base map.

21 I don't mean that necessarily as an
22 endorsement of the base map, but just so that I
23 can kind of talk about how we are going to deal
24 with individual issues.

25 One of the things that came up in the

1 congressional court case was -- was a lot of
2 back and forth with political consultants where
3 they talked about how they could link Alachua
4 County with Clay County, and it was discovered
5 during that court case that there was a lot of
6 discussion between those political operatives
7 who had a political intent in order to be able
8 to link up those two particular counties.

9 And so in most of the base maps they take
10 good -- great pains to make sure they don't do
11 that. But in the base map that we have chosen
12 or that has been chosen for us and that we are
13 potentially adopting today, Alachua County or
14 at least portions of it are included with Clay
15 county and it also splits Alachua County.

16 So what my map tries to do here is just
17 fix a potential constitutional issue, a
18 potential court issue in the future and make it
19 so that our map is more likely to pass
20 constitutional muster. That is the amendment.

21 PRESIDENT GARDINER: Are there questions
22 on the amendment? Are there questions on the
23 amendment? Is there debate on the amendment?

24 Senator Galvano in debate.

25 SENATOR GALVANO: Thank you,

1 Mr. President. Senators and Senator from the
2 state, the concern that I have with this map
3 and that we need to consider is the consistency
4 within methodologies. The Tier 2 methodology
5 that is the underlying methodology of 9090 is
6 focused on a minimization of splits to a
7 certain county.

8 This goes -- is focused on balancing the
9 county splits against the aggregate county
10 splits and then zooms in particularly on
11 Alachua. And if I am not mistaken and maybe
12 you could address this in your close, that
13 while Alachua is then made whole, yours then
14 splits Marion three times which is kept whole
15 in the 9090.

16 PRESIDENT GARDINER: Further in debate,
17 further in debate? Senator Braynon in debate.

18 SENATOR BRAYNON: Thank you, thank you,
19 Mr. President. I think this amendment is, it
20 speaks to what we are trying, what a broader
21 theme which is I think we are trying to make
22 sure that we have a map that will -- that is, I
23 guess you could say constitutional, and I think
24 that will -- that will stand up to some of the
25 attacks that our maps have received in court.

1 And one of the attacks levied against us
2 was very specific to this region and I think
3 that is what he is really just trying to
4 address, is so we don't look like we are
5 possibly doing the same thing again, he is
6 saying, let's just, let's just do that and I
7 think the way he is doing it is a responsible
8 way.

9 Again, it is just making sure that one, it
10 is still within counties. I think it even
11 eliminates the county split of Alachua, which
12 is a huge county in our state. So I support
13 this amendment. Thank you, Mr. President.

14 PRESIDENT GARDINER: Further in debate,
15 President Gaetz in debate.

16 PRESIDENT GAETZ: Thank you,
17 Mr. President. I apologize, I was slow on the
18 uptake when you asked for questions.

19 May I ask Senator Clemens a question?

20 PRESIDENT GARDINER: Senator Clemens,
21 yield for a question from President Gaetz?

22 SENATOR CLEMENS: Yes.

23 PRESIDENT GARDINER: You are recognized.

24 PRESIDENT GAETZ: Thank you,
25 Mr. President. Senator Clemens, in explaining

1 the purpose of your amendment you indicated
2 that -- that there, I thought you indicated
3 that there was a legal finding that political
4 consultants somehow conspired with map makers
5 to create the current District 6.

6 I have in front of me the complaint by the
7 Plaintiffs that goes district by district with
8 concerns and allegations, and I don't find that
9 allegation there. Could you point to the court
10 document, either a finding by the court or an
11 allegation in the complaint that evidences your
12 claim?

13 PRESIDENT GARDINER: Senator Clemens.

14 SENATOR CLEMENS: Thank you,
15 Mr. President. No, I apologize if that is how
16 you took my statement. What I had said was
17 that during the court proceedings there were
18 allegations made. I did not say that there was
19 a finding by the court. So I apologize if I
20 department state that correctly, Mr. President.

21 PRESIDENT GARDINER: Senator Detert in
22 debate.

23 SENATOR DETERT: Thank you, Mr. President.
24 I would have to rise to speak against the map
25 and I think what we are going to have is an

1 ongoing theme starting right now where you fix
2 one problem and you created several others.

3 Fixing your problem creates a problem for
4 my district. So I will certainly be voting no
5 on this, but I see you have offered other maps
6 that help, so I look forward to discussing
7 those.

8 PRESIDENT GARDINER: Further in debate,
9 further in debate? Senator Clemens, you are
10 recognized to close on your amendment. Oh, I
11 apologize. President Gaetz had asked a
12 question earlier and I did not recognize him in
13 debate. President Gaetz, you are recognized.

14 PRESIDENT GAETZ: Thank you very much,
15 Mr. President. I will be brief. Thank you,
16 Senator Clemens, for acknowledging that your --
17 that there is no representation that there has
18 been any finding by any court or even any
19 allegation by any Plaintiff that supports the
20 statement that political consultants conspired
21 with map makers to create the current District
22 6. Thank you for acknowledging that.

23 Secondly, again as I read the Plaintiffs'
24 maps, it seems to me that in five of the
25 Plaintiffs' maps Alachua County is split. So

1 consequently if it is somehow inappropriate to
2 split Alachua County, it would seem odd that
3 the Plaintiffs, themselves, would have split
4 Alachua County.

5 Therefore, I will have to vote against
6 your amendment. I understand the -- the intent
7 and the consequence of the amendment, but the
8 argumentative foundation appears not to be
9 evidenced and the consequence of the amendment
10 appears to be inconsistent.

11 PRESIDENT GARDINER: Senator Clemens, you
12 are recognized to close on your amendment.

13 SENATOR CLEMENS: Thank you,
14 Mr. President. As this -- as the base map
15 moves through these committee process, there
16 was a discussion I believe started by Senator
17 Bradley in committee that suggested that we
18 should make sure as we went through that we
19 were -- as we went through these maps that we
20 were specifically looking at the Plaintiffs'
21 allegations and that we were doing whatever we
22 could to either fix them or to at least show
23 how we went about fixing them.

24 So I thought that that was something that
25 the committee did take up, something that the

1 committee was interested in dealing with, but
2 for whatever reason it did not deal with this
3 at the committee level. So I thought I would
4 try to help make this map more compliant by
5 bringing this issue to the forefront.

6 And as it relates to what Senator Detert
7 said about southern districts, this -- this --
8 the map that I have offered at 9094 did not
9 change anything south of the Orlando, Tampa
10 area. So it leaves everything else the same,
11 and I would ask for your support.

12 PRESIDENT GARDINER: All those in favor of
13 the amendment signify by saying aye.

14 (Chorus of ayes.)

15 PRESIDENT GARDINER: All those opposed say
16 no.

17 (Chorus of nays.)

18 PRESIDENT GARDINER: Take up and read the
19 next amendment.

20 SENATE CLERK: Bar Code 142266 by Senator
21 Clemens. Delete lines 56 through 4,981 and
22 insert amendment.

23 PRESIDENT GARDINER: Senator Clemens, you
24 are recognized.

25 SENATOR CLEMENS: Thank you,

1 Mr. President. I am -- first of all, I am
2 thankful I was able to keep the first 55 lines
3 of the current map. This is for those of you
4 who are wanting to reference, this is 9096.

5 Is that correct, Mr. President?

6 PRESIDENT GARDINER: I apologize, Ronaldo
7 just reminded me, it is 9096 in your packet,
8 9096. I apologize.

9 SENATOR CLEMMONS: Thank you,
10 Mr. President. So we went through a
11 congressional redistricting in August, and one
12 of the difficulties that I noticed is that we
13 have one person in the entire building here in
14 the Senate side that can draw maps. And I
15 thought that put a whole lot of weight on Jay
16 Ferrin and it really basically concentrated the
17 process in one particular area and made it
18 difficult for those, anybody who was trying to
19 file an amendment yesterday, you see how
20 difficult it was.

21 So I endeavored after the congressional
22 process to teach myself how to use the
23 redistricting software, and it was a laborious
24 process and I can tell you that over the past
25 couple of months I can't count the number of

1 nights I was up to 3:00 or 4:00 a.m. learning
2 this software and trying to figure out how to
3 draw maps. It is very difficult.

4 As Senator Detert just mentioned, you
5 change something here and it changed something
6 else over here. So I wanted to -- to draw my
7 own map. And so for the members of the entire
8 Senate I know you heard during the committee
9 process, but I just wanted to reiterate it.

10 This map which is 9096 was drawn entirely
11 by me. I did not receive advice from anyone on
12 how to draw the map. In fact, the only people
13 who even knew I was drawing a map were my three
14 staff members and Senator Braynon and an
15 attorney. I told Senator Braynon because he
16 was lead on the committee, and I told the
17 attorney because I needed some advice on
18 diminishment.

19 I did not ask either of those people nor
20 my staff how I should go about drawing the map
21 or how the process should work out, but merely
22 informed them. And so this is what you see I
23 believe is the only -- the only map product
24 that you will be hearing today that is entirely
25 the product of a member of the Florida Senate,

1 and I think that makes a difference.

2 So I had a methodology as it relates to
3 this map and I presented it in committee and it
4 was a little bit of a mix of some of the other
5 methodologies that you heard, but it included
6 keeping counties whole wherever possible. It
7 included keeping cities whole wherever
8 possible, which was not a methodology in any of
9 the other base maps that were created.

10 It followed Tier 1 requirements not only
11 to make sure that we continued to draw
12 districts that have minority access and allow
13 minorities the opportunity to elect a candidate
14 of their choice, but also that we don't pack
15 those districts, which as we all know has been
16 an issue before the courts as well. So I
17 wanted to make sure that I included that in my
18 methodology.

19 So without going through every, every
20 district and I am certainly open to -- to
21 answering questions, I -- I truly believe that
22 this map is the best product that you are going
23 to see today, and I would urge your support of
24 this map and I will take, I will yield to
25 questions, Mr. President.

1 PRESIDENT GARDINER: Are there questions
2 of the sponsor? Are there questions? We are
3 in questions. Senator of the 9th, you are
4 recognized for a question.

5 SENATOR GIBSON: Thank you, Mr. President.
6 You mentioned methodology. So does your --
7 does your map contain one consistent
8 methodology?

9 PRESIDENT GARDINER: Senator Clemens, you
10 are recognized.

11 SENATOR CLEMENS: Thank you, Senator
12 Gibson, for the question. So just to be real
13 clear I will go ahead and read it out so that I
14 know not everybody saw the Power Point that I
15 had the other day in committee, so I will read
16 it out.

17 "Tier 1 principles. In drawing districts
18 do not reduce the ability of minorities to
19 elect candidates of their choice nor attempt to
20 pack minorities into one district when not
21 constitutionally necessary. In drawing
22 districts give no regard to partisanship or
23 incumbency."

24 And then the Tier 2 principles. "In
25 drawing districts consistently respect county

1 boundaries by keeping counties whole wherever
2 possible. In drawing districts consistently
3 respect city boundaries by keeping cities whole
4 wherever possible. Where possible consistently
5 follow other commonly understood geographic
6 boundaries, such as railways, major roads,
7 rivers or other water bodies. Make districts
8 as nearly equal in population as practicable
9 with a maximum overall deviation of one
10 percent. Districts shall be compact where
11 possible, follow previous court direction
12 regarding the drawing of districts, i.e., not
13 crossing Tampa Bay, and where possible, address
14 Plaintiffs' concerns with political
15 gerrymandering on the current map."

16 That is my methodology.

17 PRESIDENT GARDINER: Are there further
18 questions, further questions?

19 President Gaetz for a question.

20 PRESIDENT GAETZ: Thank you,
21 Mr. President. Senator Clemens, I draw your
22 attention to your map and to what you label as
23 Senate District 3. Senate District 3 covers
24 two time zones and several counties and has to
25 my eye, and this is I guess a question I would

1 ask you. To my eye, this is a very oddly and
2 somewhat bizarrely shaped district, Senate
3 District 3.

4 What was your thinking behind shaping
5 Senate District 3 in that fashion and how did
6 it comply better with constitutional
7 requirements than the proposal that the
8 reapportionment committee has on the floor?

9 PRESIDENT GARDINER: Senator Clemens.

10 SENATOR CLEMENS: Thank you,
11 Mr. President, and thank you for that question,
12 President Gaetz.

13 You will notice that in Districts 1 and 2
14 I chose a little bit of a different
15 methodology. What I label as Districts 1 and 2
16 I chose a little bit of a different methodology
17 than the base map, and because I did that the
18 population shifts made it difficult to include,
19 I am sorry, made it difficult in order to make
20 the population deviation correctly I had to
21 include Gulf and Franklin Counties as opposed
22 to Jackson Counties in what I have labeled
23 District 2.

24 So it was a population deviation issue as
25 I noted in my methodology. I strove to keep

1 population deviation below one percent and in
2 doing so I was able to keep those counties
3 whole as well. I acknowledge that some people
4 may think that looks a little strange. I think
5 they are contiguous counties and I think
6 Jackson County has a lot in common with Gadsden
7 and Leon and Liberty and I wanted to keep those
8 counties whole. That was my thinking.

9 PRESIDENT GARDINER: President Gaetz for a
10 follow up question.

11 PRESIDENT GAETZ: Thank you very much,
12 Mr. President. I am curious as to your
13 reference to communities that have
14 characteristics in common with each other. Are
15 -- is that a criterion that you now would apply
16 as we consider other amendments, that
17 communities that have characteristics in common
18 with each other ought to be put together,
19 because that is -- I hadn't heard that in the
20 discussion today of the criteria that we are
21 obliged to use by the constitutional mandates?

22 PRESIDENT GARDINER: Senator Clemens.

23 SENATOR CLEMENS: Thank you,
24 Mr. President. No, in fact, that is not what I
25 said. The main reason for doing it was

1 population deviation.

2 PRESIDENT GARDINER: Senator Braynon for a
3 question.

4 SENATOR BRAYNON: Thank you,
5 Mr. President. Senator Clemens, did you -- do
6 you know how, what percentage of the population
7 you have in Flagler County in District 10 and
8 what percentage you have in District 7?

9 PRESIDENT GARDINER: Senator Clemens.

10 SENATOR CLEMENS: I could find that out
11 for you. I don't have it right here in front
12 of me.

13 PRESIDENT GARDINER: Why don't we go to
14 another question and then if we can come back.

15 SENATOR CLEMENS: I can tell you why I
16 draw -- why I drew the district that way if you
17 are interested in hearing.

18 PRESIDENT GARDINER: Senator Braynon for a
19 follow up question.

20 SENATOR BRAYNON: I will let him answer
21 that.

22 PRESIDENT GARDINER: Okay, Senator
23 Clemens, you are recognized.

24 SENATOR CLEMENS: So the border between
25 District 7 and District 10 was largely informed

1 by city boundaries, and I don't know if I am --
2 I am pronouncing the cities correctly, but
3 Bunnell, is that correct, for those of you who
4 are in Flagler County?

5 SENATOR BRAYNON: Yes.

6 SENATOR CLEMENS: That is correct, okay.
7 That city runs the entire length, north/south
8 of the western side of Flagler County. Not a
9 lot of population, but they sure have annexed a
10 lot of property. And so in order to not split
11 cities, that is the reason that that border
12 looks like it does.

13 PRESIDENT GARDINER: Senator Braynon for a
14 follow up question. Senator Braynon.

15 SENATOR BRAYNON: Thank you,
16 Mr. President. Can we move over to the Tampa,
17 Tampa Bay area? Your District 21 stays all
18 wholly within Hillsborough County. Could you
19 go into the -- how that, I don't know if you
20 did that and I missed it, the functioning of
21 District 21 and how exactly that functions and
22 how you drew it, kind of the methodology?

23 I am not going to say methodology because
24 I kind of don't know that that is -- I may not
25 be on the same page with everyone and I am not

1 talking about the same methodology as the
2 Chairperson, but how you drew District 21?

3 PRESIDENT GARDINER: Senator Clemens to
4 respond.

5 SENATOR CLEMENS: Thank you,
6 Mr. President. It actually does have something
7 to do with methodology. As you heard me say
8 earlier in drawing districts, do not reduce the
9 ability of minorities to elect candidates of
10 their choice is one of the methodology tenets
11 that I used.

12 And so it is important to draw District 21
13 in a way that allows minorities to elect a
14 candidate of their choice. And then you move
15 down to some of the other criteria and in the
16 -- in the congressional case having to do with
17 redistricting, the courts had a lot of concern
18 and a lot of angst with allowing districts to
19 jump over the bay, especially since it was
20 alleged that they were doing so for a political
21 purpose.

22 So there has been a lot of discussion
23 about whether or not we should be jumping the
24 bay, and staff did a lot of good work in trying
25 to draw a district that didn't jump the bay but

1 couldn't get the combined minority numbers
2 above 50 percent. And so I set out over really
3 a two-week period drawing, drawing block by
4 block trying to figure out how I could draw a
5 district that stayed entirely within
6 Hillsborough County and still performed for
7 minorities.

8 And while I will admit that my district is
9 somewhat unusual looking, it does that, and it
10 does that using 2010 numbers which you may or
11 may not have heard us discuss earlier, probably
12 significantly lower than 2012 numbers. So the
13 goal there was to not jump the bay because I
14 thought that was something that the court had
15 issues and concern with when we didn't have to,
16 and I was able to prove through my drawing of
17 what I call District 21 that you can draw a
18 minority performing district without jumping
19 the bay.

20 PRESIDENT GARDINER: Senator Hutson for a
21 question.

22 SENATOR HUTSON: Thank you, Mr. President.
23 And I am going to follow up on Senator
24 Braynon's question with Flagler County, if that
25 is okay, Senator Clemens.

1 In Flagler County you had mentioned you
2 split Palm Coast and Bunnell and wanted to stay
3 with the city lines, and in Bunnell the
4 population is about less than 5,000 people. So
5 my question to you is, if you wanted, and it
6 looks like the rest of the map that you are
7 trying to keep counties whole where you can,
8 why wouldn't you try and keep Flagler whole if
9 it is only another 5,000 people?

10 PRESIDENT GARDINER: Senator Clemens.

11 SENATOR CLEMENS: Thank you, Senator, for
12 the question. Well, it has to do with
13 population of several of the areas, but it is
14 mainly a deviation question. So with the Tier
15 2 concerns as you heard Jay say earlier of
16 keeping counties, cities whole, dealing with
17 political and geographic lines, and population
18 deviation.

19 My map is the only one, the only one you
20 are going to see today that keeps population
21 deviation under one percent, and that is a
22 significant and equal Tier 2 concern to keeping
23 counties whole.

24 PRESIDENT GARDINER: Are there further
25 questions, further questions of the sponsor?

1 Senator Stargel for a question.

2 SENATOR STARGEL: Thank you,
3 Mr. President. We are going to go to a new
4 area we have not talked about, which is Polk.
5 And in this map Polk County is divided four
6 ways, and it is a population of over 620
7 something thousand people that the way the
8 percentages break would not even have a likely
9 Senator from Polk County because it is divided
10 in four different directions.

11 SENATOR GARDINER: Senator Clemens to
12 respond to the question.

13 SENATOR CLEMENS: Thank you,
14 Mr. President. I don't know where anybody
15 lives. So you obviously have information that
16 I don't have where people live. I don't know
17 that this map says nobody lives in Polk County.

18 PRESIDENT GARDINER: Senators, let's stick
19 to the map. Are there additional questions,
20 additional questions?

21 President Gaetz for a follow up question.

22 PRESIDENT GAETZ: Thank you very much.
23 Let me -- let me pursue Senator Stargel's line
24 of questioning, Senator Clemens.

25 I think you were across the hall in the

1 House of Representatives when this occurred, so
2 you wouldn't have known unless you went back
3 and looked at the record. But the Supreme
4 Court seemed to be very clear, in fact, Senator
5 Latvala in floor debate emphasized this point
6 at the time, that -- that the three way split
7 in Polk County should be cured by a redrawing
8 of the Senate maps.

9 And since you are keeping a close and
10 watchful eye on the allegations and trying to
11 cure allegations and cure findings of the
12 court, could you explain how going from three
13 splits in Polk County to four splits cures the
14 problem that the Supreme Court indicated when
15 they said there should be less than three?

16 PRESIDENT GARDINER: Senator Clemens.

17 SENATOR CLEMENS: Thank you,
18 Mr. President. If I remember that case
19 correctly they didn't say that the three splits
20 around Polk County were the single problem.

21 It was how this map was drawn for a
22 political purpose in order to get to those
23 three splits as it relates to Polk County.
24 Now, what, in my map is District 15, I
25 endeavored to try to keep that Hispanic

1 performing district that we had there
2 previously, and I understand that staff and our
3 attorneys have told us that we don't need to do
4 that, that we need to go back to the 2002 maps,
5 but we have a sitting Senator who sits in this
6 Chamber who is Hispanic and who is elected
7 under a Hispanic performing district that was
8 created to elect an Hispanic.

9 So that was my goal in drawing District 15
10 which kind of informs the rest of the Polk
11 County map.

12 PRESIDENT GARDINER: President Gaetz.

13 PRESIDENT GAETZ: Thank you,
14 Mr. President. Well, to borrow a phrase, that
15 doesn't quite get it. The Supreme Court in --
16 in their findings did not make a specific
17 statement. Perhaps you could find it for me
18 and quote it for me if you can, I have the
19 record here. The Supreme Court did not make a
20 finding that Polk County was split for some
21 nefarious political purposes.

22 They simply said, while you are at it in
23 curing the other problems associated with the
24 map try to deal with the fact that you have
25 split Polk County three ways. And Senator

1 Dockery who was on the floor at that time led
2 the effort to make sure that that matter was
3 remedied.

4 And so I repeat my question, why since the
5 Supreme Court said three splits is too many,
6 have you now proposed four splits?

7 PRESIDENT GARDINER: Senator Clemens.

8 SENATOR CLEMENS: Thank you, Mr.
9 President. I believe I answered the question
10 in terms of what I was trying to accomplish. I
11 understand that maybe it doesn't answer your
12 concern or the Supreme Court's concern if it
13 is, if so be it, but that is the reason that I
14 drew the map the way that I drew the map.

15 It was an attempt at the beginning to try
16 and make sure we preserve a Hispanic performing
17 district. And then in terms of population, as
18 we all know when you draw a map and push in one
19 area it pushes out another area. I will tell
20 you this, and this may be neither here nor
21 there to the Supreme Court, but I hope when
22 they go back and look at some of these county
23 splits and whether or not they make sense and
24 what the reasoning for it is, they also look at
25 -- at the advantages of county splits.

1 My county, for example, Palm Beach County,
2 you may have seen an article in the newspaper
3 just yesterday, they actually want more
4 Senators in Palm Beach County. They believe it
5 carries more weight.

6 So that is not why I tried to do Polk
7 County the way I did, but I am hoping that
8 since I have had an opportunity to get that on
9 the record that if the Justices look at my map,
10 they won't necessarily look at something as
11 unfavorable just because there is a county
12 split.

13 PRESIDENT GARDINER: Further questions,
14 further questions of the sponsor? Additional
15 questions?

16 We are in debate. Is there debate on the
17 amendment? Is there debate? Senator Braynon
18 in debate.

19 SENATOR BRAYNON: Thank you,
20 Mr. President. No offense, Senator Clemens,
21 this is an imperfect map, right? But the good
22 part about this map and the difference between
23 this map and the six base maps is someone from
24 the Legislature had some input into it. And
25 while he may have made a few mistakes and he

1 didn't know about Flagler County and he didn't
2 know how much population was in one piece of
3 it, but he didn't know that because he is not
4 from Flagler County.

5 But luckily for us as a body we have
6 someone that knows that area, that is able to
7 point that out to him. So now if we had done
8 this in the beginning then he could have gone
9 back and switched it and made sure that Flagler
10 was whole because 95 percent of their
11 population is caught into one, not something
12 that somebody from West Palm Beach would have
13 known.

14 But if we as a body who represent the
15 entire State of Florida would come together in
16 a process recognizing Tier 1, Tier 2, keeping
17 to a methodology, ignoring and making sure we
18 stay consistent with the constitution which I
19 have faith in us that we can do, then we could
20 have drawn a map that shows -- that would have
21 had portions of our reasons of our state in
22 proper fashion and we would have participated
23 in this process.

24 So I comment Senator Clemens for at the
25 very least trying to participate in this

1 conversation and not saying I am just going to
2 leave it to someone else, you know, to someone
3 who is not from my area or not from somewhere,
4 let me take the time to -- to draw a map, go
5 through and look at the numbers, make
6 deviations, keep cities whole and, you know, I
7 would -- I would -- I would test that if it
8 were to pass I wish, I am sure in a third
9 reading because that is now where we would have
10 to be in this process, that he would probably
11 be open to taking amendments like the point
12 that someone that knows the area of Flagler did
13 or maybe someone that knows the area of Tampa
14 that could help, or maybe someone that knows
15 how Sarasota is -- should be split as long as
16 they are recognizing the constitution, Tier 1,
17 Tier 2 and staying on a singular methodology, I
18 think we could do it and I commend Senator
19 Clemens. Thank you, Mr. President.

20 PRESIDENT GARDINER: Further in debate?
21 Further in debate? Senator Galvano in debate.

22 SENATOR GALVANO: Thank you,
23 Mr. President. I will be very, very brief in
24 debate. It is my understanding from looking at
25 the minority voter analysis that this map

1 actually retrogresses in Tampa, reducing the
2 black VAP to 29.9 percent from 34.8 in 9090 and
3 also reduces black turn out based on the 2010
4 primary to 44.6 percent from 52.7 in 9090, and
5 then also has some retrogression issues in the
6 south Florida Hispanic districts, and that is
7 why I can't support this amendment.

8 PRESIDENT GARDINER: Further in debate,
9 further in debate? Senator Clemens on your
10 amendment.

11 SENATOR CLEMENS: Thank you,
12 Mr. President. This was an interesting
13 experience, drawing a map pretty much from
14 scratch and trying to find ways to -- to make
15 it work and it -- and there is no question as
16 Senator Braynon said and certainly as maybe as
17 Senator Gaetz just pointed out, this is not a
18 perfect never.

19 I would never suggest in any way that it
20 is. But I will suggest to you that
21 statistically, statistically it is superior to
22 the base map that we have right now in many,
23 many ways. The compactness scores are about
24 the same.

25 The county splits, the county overall

1 whole counties are exactly the same, but it
2 splits what I believe is seven less cities,
3 seven less cities in the state of Florida are
4 split under this map.

5 When you look at another Tier 2 concern,
6 as it relates to deviation, my map is the only
7 one that was drawn to have a deviation of less
8 than one percent in every district, the only
9 one. In fact, when you look at overall
10 deviation, my map is 63 percent better in an
11 overall deviation score, 63, this is not a
12 minor number, 63 percent better than 9090, the
13 base map.

14 When you look at our largest deviation,
15 the largest deviation in the base map is 7,695,
16 1.6 percent. The largest deviation in my map
17 is 4,425. That is 74 percent better,
18 74 percent better. These are not minor
19 statistical anomalies. These are actually real
20 numbers that show why this map is absolutely
21 superior to the base map that we have.

22 In dealing, you heard Senator Galvano,
23 talk, Chair Galvano talk about BVAP and
24 minority performance. I would submit to you
25 that performance is the measure that the

1 Supreme Court has used, and in fact, in the
2 League of Women Voters versus Detzner, that is
3 exactly what they say. They say that the
4 Supreme Court emphasized that it is the ability
5 to elect a referred candidate of choice, not a
6 particular numerical minority percentage, not a
7 particular numerical minority percentage that
8 is the pertinent point of reference.

9 So when we are dealing with issues like
10 BVAP or HVAP, that is not what we are using,
11 folks. What we are supposed to use is the
12 performance. You heard Senator Galvano talk
13 about Hispanic performance in some of the south
14 Florida districts.

15 Well, let me -- let me just tell you,
16 according to the 2010 census, if we are going
17 to use VAP, the Hispanic VAP for 30, District
18 37 is 92.8. The Hispanic VAP for District 38
19 is 72.8, and the Hispanic voter age population
20 of District 39 is 74.3.

21 That is not diminishment, and under the
22 Supreme Court's own definition that is not
23 diminishment. Diminishment isn't when the
24 percentage goes down a couple of percents to
25 74 percent. Diminishment is when you make it

1 so Hispanics can elect a candidate of their
2 choice, and with a Hispanic voting age
3 population of 74 percent, I think any good
4 political science or data specialist would tell
5 you that Hispanics have the opportunity to
6 elect a candidate of their choice.

7 Several years ago we created such a
8 district in central Florida where we would
9 allow Hispanics to create, to choose a
10 candidate of their choice. The base map
11 obliterates that. It doesn't allow it to
12 happen.

13 So why would we want to do that. We have
14 a sitting Senator on the floor of the Senate
15 right now who is elected in such a district.
16 Why would we want to regress? Why would we
17 want to have diminishment of central
18 Floridians' ability to elect a candidate of
19 their choice if we can possibly stop that? I
20 would hope that we would not.

21 And then getting to jumping the bay.
22 Senator Galvano's statements were correct
23 insofar as they went. When you add the -- the
24 minority population, it does add up to over
25 50 percent in this district and does allow

1 African-Americans, blacks, to elect a candidate
2 of their choice, but even more than that it
3 doesn't jump the bay. And we are using 2010
4 numbers, but I will tell you, I think if we
5 were using 2012 numbers, and I hope we have the
6 ability to do that very soon, you may find out
7 shortly after this process ends that this map
8 did meet the goal that Senator Galvano was
9 talking about in terms of a 50 percent number.

10 And if that is the case, then we really
11 didn't do our jobs here. We didn't put all of
12 the information together that we could have in
13 order to make sure that we were doing the right
14 thing. So the advantages of this map are
15 really simple.

16 It is very much even in other places, in
17 compactness, in other things that are scored,
18 but where it is significantly better is there
19 is much less deviation which is a Tier 2
20 concern. It doesn't pack districts. There are
21 significantly, significantly less city splits,
22 that makes this a superior map. It does not
23 jump Tampa Bay. That makes this a superior
24 map, and this map was drawn by a member of the
25 Legislature.

1 Jay Ferrin has worked really hard over the
2 past couple of months to put maps together, but
3 the 40 of us that are in this room, it is our
4 job, our responsibility to draw maps.

5 I would ask that you support this map
6 today. Thank you.

7 PRESIDENT GARDINER: Senator Clemens
8 having closed on his amendment, all those in
9 favor signify by saying aye.

10 (Chorus of ayes.)

11 PRESIDENT GARDINER: All opposed.

12 (Chorus of nays.)

13 PRESIDENT GARDINER: Show it not adopted.
14 Take up and read the next amendment.

15 SENATE CLERK: Bar Code 357766 by Senator
16 Braynon. Delete lines 56 through 4,981 and
17 insert amendment.

18 PRESIDENT GARDINER: Senator Braynon,
19 there is a substitute amendment and I think to
20 put in the proper posture we go to the
21 substitute amendment first. I believe that
22 Senator Diaz de la Portilla maybe intended to
23 withdraw this substitute amendment, or what is
24 your --

25 SENATOR DE LA PORTILLA: Mr. President, if

1 I may, may I just quickly catch up here and see
2 where we are at?

3 PRESIDENT GARDINER: I will tell you what.
4 Let's do this. We have gone through a couple
5 of the amendments. Can we just stand in
6 informal recess for a couple of minutes just to
7 make sure we are all on the same page here,
8 because I don't want to get ahead of ourselves
9 and we are looking at -- so if you will secure
10 the Chamber and we will hang out for a few
11 minutes. Thank you.

12 (Brief pause.)

13 PRESIDENT GARDINER: Do we have Senator
14 Braynon? If we could, would you read -- did
15 you read it into the -- why don't read it again
16 so I can give everybody the actual map number?

17 SENATE CLERK: Bar Code 357766 by Senator
18 Braynon. Delete lines 56 through 4,981 and
19 insert amendment.

20 PRESIDENT GARDINER: And Senators, that is
21 S-9102, and we have a substitute amendment by
22 Senator Diaz de la Portilla, which is S-9110.

23 Okay. Let the record show that S-9110 by
24 Senator Diaz de la Portilla has been withdrawn.
25 We are back on the main amendment by Senator

1 Braynon, S-9102, 9102.

2 Senator Braynon, you are recognized on
3 your amendment.

4 SENATOR BRAYNON: Thank you,
5 Mr. President. This is an amendment in a
6 series of amendments and it leads to my point.
7 Let me say, start off by saying that I along
8 with our staff, Jay Ferrin, ventured on drawing
9 a map a while ago.

10 That full map will come up soon in
11 amendments. This map is some of the pieces
12 from that map attached to, as best we could,
13 the 9090, which is the Chairman's map.

14 The first thing that we did was we took
15 the south Florida or Miami-Dade, Broward and
16 Monroe portion of the map that I drew with
17 Mr. Ferrin and put that into the 9090
18 configuration.

19 That almost fits exactly perfect, except I
20 had a small city split in the city of Coconut
21 Creek which we eliminated. So it got rid of
22 the city split there in 90, in that District 33
23 as it is shown on the map.

24 The numbering on this map, if I am not
25 mistaken, is for the most part as much as we

1 could keeping it the same as the 9090 map.

2 The second thing we did was we took -- we
3 took the Tampa, I think we kept the Tampa
4 version, right. So this is, okay, I am sorry,
5 this is my map. So this is the Tampa version
6 of 9090 is there. So everything there that
7 crosses the bay, the numbering is still the
8 same.

9 Then we went to central Florida and what I
10 tried to do was as much as possible keep
11 central Florida looking like the map that 9090,
12 but with some of the adjustments that I had
13 made in my map.

14 So just briefly in District 24 now
15 contains Martin and Okeechobee and less of
16 Polk, which leaves District 12 to contain more
17 of Polk and less of Lake. And District 7 keeps
18 Marion, District 7 in my map now splits Marion
19 where it was whole before as a result of
20 putting some of that, giving more Lake into
21 District 12.

22 Now, again, these are -- this is just me
23 kind of doing what is called sandboxing which
24 we talked a little bit about. I don't know if
25 the Chairman talked about the sandbox concept,

1 but when drawing a map which I recommend every
2 member should try at some point.

3 It is so invigorating, right, Jay, and,
4 you know, you take a sandbox and you say, for
5 instance, from Palm Beach to the bottom, to
6 Palm Beach, Broward, Dade and Monroe, all
7 contain enough population for I think the
8 number was 12 seats. So you keep that as a
9 sandbox. So you can interchange that sandbox.

10 Well, the problem there with the central
11 Florida sandbox, our sandboxes had different
12 parameters so I tried my best to arrange them
13 as such.

14 The other thing that you will notice at
15 the top of my map is very similar to 90 or even
16 similar, some of it similar to the enacted map.
17 If you will see that Senate 9 has Clay
18 connecting to St. Johns. Again, that was in my
19 original drawing of the map.

20 This map is what I like to call kind of a
21 Frankenstein map. It has portions of my map
22 and portions of 9090, and I think it is a start
23 and a proposal to see where we can get to
24 because as I said before, and I have been
25 saying, I think this should be a fluid process

1 Senator Gibson. That is a very good point that
2 I may have left out. And again, talking about
3 how I believe that a member can do this, if you
4 do this, if you follow those, the Tier 1, Tier
5 2 and you follow the constitution, you will
6 find that you are going to come to a point
7 where your scores are going to look very
8 similar to any of the base maps or even base
9 map 90.

10 But to be specific in this map you will
11 see that my Reock score is exactly the same.
12 My Convex Hull score is .01 better, and my
13 Polsby Popper score is .38, and then even if we
14 go to our political geographic number which was
15 92 percent, which if I am not mistaken is the
16 same as 9090.

17 My deviation is at three percent, again,
18 well within the margins, and again, if I am not
19 mistaken, comparing it to 9090, is also -- is
20 3.1. So my deviation is actually better, is
21 one point better, and then my city splits and
22 county splits also are comparable or within,
23 within very similar numbers for -- in this map
24 compared to 9090, because again, like I said,
25 if you follow these, if you follow Tier 1, Tier

1 2 and follow the constitution, you will
2 probably end up with a map that will be within
3 the same range as almost all of the maps, if
4 not possibly better.

5 PRESIDENT GARDINER: Further questions?

6 Senator Clemens for a follow up question.

7 SENATOR CLEMENS: Thank you,

8 Mr. President. Senator Braynon, can you talk a
9 little bit about your reasoning for how you
10 constructed the Hillsborough County, Pinellas
11 County area the way you did in this map?

12 PRESIDENT GARDINER: Senator Braynon.

13 SENATOR BRAYNON: Thank you, Mr. Chair.

14 Mr. President, Senator Clemens, in the Tampa,
15 Hillsborough, Pinellas area, I sandboxed out
16 the exact 9090 configuration.

17 Again, Frankenstein. I mean, I will tell
18 you that I -- I personally do not believe that
19 this is how it should be, but again, this is
20 not about what I personally 100 percent
21 believe. I think that this should be a
22 collaborative process which I have continued to
23 say, and I will say one more time, that we as a
24 body should be involved in this.

25 PRESIDENT GARDINER: Further questions,

1 further questions?

2 Seeing none we are in debate. Is there
3 debate on the amendment?

4 Senator Bradley, was that a wave of debate
5 or was that -- okay, you were just waving.
6 Hello to you, too.

7 Okay, Senator Galvano in debate.

8 SENATOR GALVANO: Thank you,
9 Mr. President. Senators, my concern with this
10 particular map I think starts visually. If you
11 look at District 24, it literally goes across
12 the state in a stair stepping manner all the
13 way down to the -- the coast.

14 With regard to geographical boundaries, it
15 crosses the St. Johns River. None of the
16 Plaintiffs' alternatives crossed the river to
17 join St. Johns and Clay County and that
18 probably accounts for why the score on
19 following political and geographical lines is
20 diminished in this map as well.

21 It does -- does have less counties and
22 less cities, but, you know, from a
23 geographical, political standpoint as well as
24 the crossing of the river and some other
25 infirmities, I don't support this map.

1 PRESIDENT GARDINER: Further in debate,
2 further in debate?

3 Senator Braynon, you are recognized to
4 close on your amendment.

5 SENATOR BRAYNON: Thank you, Mr. Chair.
6 Again, the -- you know, the crossing of the St.
7 Johns River which I think is, is new to me
8 because I didn't -- I don't live up there, so I
9 didn't even know that there is no bridge in
10 that area for you to cross that or that that is
11 a huge water body.

12 But again, that is something that if we as
13 a completely, complete body worked on the map,
14 then we could all, someone could have said, you
15 know, hey, you got a Clay, Clay should probably
16 be connected somewhere else or Putnam should --
17 is where the bridge is.

18 And -- and then on District 24, I can't
19 disagree, that is a stair step which is a shape
20 though, and -- but again, this is what happens
21 when you Frankenstein it. And again I am open
22 and have been and remain open to working on
23 maps and to work through a process that
24 includes every member of this body. And this
25 again is my -- is just one of my possible

1 works.

2 I have some better ones coming, stay
3 around for it.

4 PRESIDENT GARDINER: Senator Braynon
5 having closed, all those in favor signify by
6 saying aye.

7 (Chorus of ayes.)

8 PRESIDENT GARDINER: All opposed?

9 (Chorus of nays.)

10 PRESIDENT GARDINER: I thank you got the
11 Frankenstein caucus there, Senator Braynon.
12 Congratulations.

13 Take up and read the next amendment.

14 SENATE CLERK: Bar Code 430386 by Senator
15 Braynon. Delete lines 56 through 4,981 and
16 insert amendment.

17 PRESIDENT GARDINER: Okay, Senators, we
18 are on map 9106 by Senator Braynon. We have a
19 substitute amendment by Senator Diaz de la
20 Portilla, S-9108, 9108.

21 Senator Diaz de la Portilla, you are
22 recognized.

23 SENATOR DE LA PORTILLA: Mr. President, it
24 is my understanding that Senator Braynon will
25 be withdrawing this amendment. So I am going

1 to withdraw my substitute amendment to save us
2 all some time.

3 PRESIDENT GARDINER: Okay, show it
4 withdrawn. Take up and read the next
5 amendment.

6 SENATE CLERK: No further amendments to
7 the amendment, Mr. President.

8 PRESIDENT GARDINER: Okay, we are back on
9 the amendment. On the main -- I apologize,
10 Senator Braynon, you are recognized.

11 SENATOR BRAYNON: Thank you,
12 Mr. President. Senator Diaz de la Portilla is
13 correct, but I do want to point out some things
14 about this amendment, because this is a -- this
15 is a very good amendment. This has some good
16 things in it.

17 It is a good amendment if you agree with
18 the rest of the things that happen in the rest
19 of the state, which I happen to not in 9090.
20 106, what it does is it takes a Dade, Broward
21 and Monroe portion of the map that I worked
22 with Mr. Ferrin to create and puts it into
23 9090.

24 Now, what happens is you, because it fits
25 so well, it fits along the exact same

1 methodology as 9090 does, and it actually,
2 because I have drawn it in such a compact way,
3 it reduces the Polsby Popper, Convex Hull and
4 Reock ratio just by putting those three
5 counties in the way that I have configured
6 them. You drop the overall score of the total
7 9090 by .01 in all three, in the Reock, your
8 Polsby Popper and all of that, because in Dade
9 County alone, just Dade County alone 9090, the
10 Reock ratio just for Dade County is 37, is
11 .37.6. In the Dade County that I drew is .440,
12 the Convex Hull is 718 in 9090, 785 in Dade, in
13 my Dade, Broward, and 36 in 9090 and 443 in
14 mine.

15 I mean, it is almost, it is so many that
16 it is -- it is so well drawn and compact,
17 great, and then only splitting two more cities
18 in Dade County than our current map and that is
19 because I am recognizing the -- the not
20 diminishing our three Hispanic seats, our one
21 minority access seat that performs
22 African-American and our minority seat.

23 And then in Broward it is a very similar
24 looking map. So I drew that just to show that
25 what I said was if I was going to participate

1 in this process and I said, here is what I
2 would say we should do from my many years of
3 living and representing Miami-Dade and Broward
4 County, you know, this is what I would offer.
5 And then I would say, all right, now, people
6 from north Florida, tell me what should happen
7 in north Florida. People from central Florida,
8 what should we do in central Florida.

9 This is how I think this process should
10 go. Someone from Miami-Dade just say I am
11 going to follow Tier 1, Tier 2, I am going to
12 keep and I will give you an example, you want
13 to keep a city like Aventura in the same
14 district with a city like Golden, Golden Beach.

15 Golden Beach should not be in a district
16 with Opa Locka. They are all within the same
17 county, but yet there are some sort of
18 interests there. And when we talk about
19 communities of interest which is not mentioned
20 in the constitution, but what we do talk about,
21 what we talked about in our committee and our
22 attorneys talked about this, too, was there is
23 a Tier 3, right, and Tier 3 is what happens
24 after you have done Tier 1, Tier 2, followed
25 the constitution is what are we -- what

1 communities have the similar interests.

2 So if you have already said we are in one
3 county and these are two different cities, the
4 next thing is, do the interests align, would
5 that make a district that would be people who
6 have -- have similar interests. And you can do
7 that after you have done Tier 1 and Tier 2, and
8 who better to tell you how to do that than
9 somebody from that area. And that is Pinellas
10 argument, is that somebody from that area
11 should be involved in what happens in this map.

12 And I am sorry, but 9090, which is what I
13 am adjusting and why I am adjusting it, it
14 doesn't have that type of input in it. But
15 because I don't agree with the rest of the map
16 I am going to withdraw this amendment,
17 Mr. President.

18 PRESIDENT GARDINER: Show the amendment
19 withdrawn. Take up and read the next
20 amendment.

21 SENATE CLERK: Bar Code 758946 by Senator
22 Braynon. Delete lines 56 through 4,981 and
23 insert amendment.

24 PRESIDENT GARDINER: Okay. We have got a
25 substitute amendment. The main amendment, map

1 number 9104, we have a substitute amendment by
2 Senator Diaz de la Portilla, which is 9114.

3 Senate Diaz de la Portilla, your
4 substitute amendment to the Braynon amendment
5 is map 9114. The Braynon amendment is 9104, is
6 that correct Senator Braynon? Are we on the
7 same page? Senator Diaz de la Portilla, what
8 is your pleasure?

9 SENATOR DE LA PORTILLA: I am withdrawing
10 this one as well, sir.

11 PRESIDENT GARDINER: Okay, show that
12 amendment withdrawn. Senator Braynon, you are
13 recognized.

14 SENATOR BRAYNON: I will tell you, when he
15 withdraws, I don't know, something might be
16 happening. So, all right, so Senate -- so 104,
17 and again, these are not in -- they are not
18 completely in order, but if you will eventually
19 come to the map that I originally draw -- drew.

20 This map is portions of 9090, right. So I
21 took 9090 and I took things out and what I took
22 out was now my Tampa area. In the Tampa area
23 of 9090, Senator Clemens talked a little bit
24 about trying to not jump the bay and keeping --
25 and still making a minority performing district

1 in the Tampa Bay area.

2 What I attempted to do and I did this
3 again with Jay Ferrin. I just want to put that
4 out there. My maps all were drawn with myself
5 and Jay Ferrin. I would love if Jay would come
6 and sit next to me and kind of help me walk
7 through this, but, you know, I see how this
8 works. Maybe you didn't like my tie, I don't
9 know, maybe I didn't put on the right cologne
10 and Bill Galvano, Senator Galvano did.

11 If you will look at 19, I have drawn what
12 is -- what looks is not the most compact, but
13 with the 2010, primary numbers only, and of all
14 the maps, this seat that I have drawn here is
15 the best performing so far with 2010, numbers
16 for African-Americans in a primary. In most of
17 your other maps it performed at 44.

18 This one performs at 48 going down into
19 Bradenton. So I take this Tampa portion and
20 put it into -- because I sandboxed. I sandbox
21 from Hernando to the middle of Sarasota County,
22 which was actually a cut that was in 9090, so
23 it allows for what we are talking about, a
24 sandbox to happen and that is how those
25 districts are drawn.

1 Then I also, because I believe so much in
2 my south Florida configuration, which I believe
3 is the best, best Miami-Dade, Broward, Monroe
4 configuration and the numbers speak to it, I
5 put that also into 9090. So what I am doing
6 other is I am changing Tampa and I am changing
7 south Florida in the current 9090 map, and that
8 is the -- that is the amendment.

9 PRESIDENT GARDINER: Are there questions
10 on the amendment? Are there questions?

11 Is there debate on the amendment? Is
12 there debate? Senator Galvano in debate.

13 SENATOR GALVANO: Thank you, Mr.
14 President. I think the major problem with this
15 particular map is with Senate District 19.
16 Currently under the benchmark you have an of
17 African-American VAP that exceeds 50 percent.

18 The result of that is functionally
19 African-Americans control the primary. What
20 this map does is it brings it back below that.
21 The argument was made that then you can back
22 fill with Hispanic American voters. The
23 problem is from, as I understand from a legal
24 standpoint, you can't take an African-American
25 performing district and simply convert it into

1 a coalition district, and therein lies the
2 problem.

3 And I think that is the main problem,
4 there is some ripple affects, compactness, but
5 in the interest of time that is why I would
6 have opposition to this amendment.

7 PRESIDENT GARDINER: Senator -- I
8 apologize, Senator Clemens in debate.

9 SENATOR CLEMENS: Thank you,
10 Mr. President. And this is the similar
11 argument that Senator Galvano made on my map.
12 And while I understand where the argument is
13 coming from, I think this is important that we
14 get on the record here in the Senate as Senator
15 Galvano indicated earlier, you know, there
16 could possibly be an ability to get more
17 current data that would change the way that
18 this -- this map is dealt with.

19 And I think it is incumbent upon us as
20 Senators, if we have the ability to get to
21 that, you know, is one week or is a few days or
22 are two weeks worth putting our -- our map and
23 our work in constitutional jeopardy because we
24 are going to try to -- to jump over the bay or
25 not jump over the bay.

1 So I just, I think we are -- not that
2 anybody wants to spend any more time up here
3 dealing with this particular issue, trust me, I
4 have been here a lot, but I think in this
5 particular case I think it just -- it just
6 behooves us to try to not cross the bay if we
7 can.

8 This district performs and I believe with
9 2012, data you will see that it performs in the
10 way that Senator Galvano had indicated that it
11 should, and as such I think it is a good map.

12 PRESIDENT GARDINER: Further in debate,
13 further in debate?

14 Seeing none, Senator Braynon, you are
15 recognized to close on your amendment.

16 SENATOR BRAYNON: Thank you,
17 Mr. President. I again just point out that I
18 attempted to work on my portion of the state,
19 the state, the part of the area that I know the
20 best. I do believe that there are some other
21 things that are wrong in this -- in this
22 configuration of the map.

23 I would lean on people from those areas of
24 the state to talk about those and to talk about
25 how we could possibly solve that, even if we

1 said that we took someone from Tampa, and let
2 me say this, gave them the numbers that were
3 more current, then I think they could draw
4 something that would have more compactness.

5 I think that we -- we are -- we are -- we
6 are leaning on possibly getting into some areas
7 that will come back up if we don't work hard to
8 make sure that we have the numbers that prove
9 what that -- that are available to us to help
10 us to draw a district like a 19 all within one
11 county, which is again, if you can follow Tier
12 1 and follow Tier 2, you should. And that is
13 the map. Thank you.

14 PRESIDENT GARDINER: Senator Braynon
15 having closed on his amendment, all those in
16 favor, signify by saying aye.

17 (Chorus of ayes.)

18 PRESIDENT GARDINER: All opposed.

19 (Chorus of nays.)

20 PRESIDENT GARDINER: Show it not adopted.
21 Take and read the next amendment.

22 SENATE CLERK: Bar Code 880466 by Senator
23 Braynon. Delete lines 56, be 4,981 and insert
24 amendment.

25 PRESIDENT GARDINER: Senator Braynon, this

1 is 9098 and is your intent to withdraw?

2 SENATOR BRAYNON: Yes.

3 PRESIDENT GARDINER: Okay, show that
4 amendment withdrawn. Take up and read the next
5 amendment.

6 SENATE CLERK: Bar Code 185554, by Senator
7 Braynon. Delete lines 56 through 4,981 and
8 insert amendment.

9 PRESIDENT GARDINER: Senators, that is map
10 9068 for those of you following along. And we
11 have a substitute amendment. Take up and read
12 the substitute amendment.

13 SENATE CLERK: Bar Code 621670 by Senator
14 Diaz de la Portilla. Delete lines 56 through
15 4,981 and insert amendment.

16 PRESIDENT GARDINER: That is map number
17 9112. It is a substitute amendment by Senator
18 Diaz de la Portilla. You are recognized on
19 your amendment.

20 SENATOR DE LA PORTILLA: Thank you,
21 Mr. President, and I would like to withdraw
22 that amendment.

23 PRESIDENT GARDINER: Show that amendment
24 withdrawn. We are back on the main amendment.
25 Senator Braynon, you are recognized on your

1 amendment 185554, map 9068.

2 SENATOR BRAYNON: Thank you,
3 Mr. President. So this is what has been talked
4 about as the Braynon map, because this was the
5 map that I along with Jay Ferrin and I still
6 have a chair here for you, Jay, drew earlier,
7 earlier this -- in the past few months.

8 This map I believe is a -- is a good map.
9 I think -- look at it. Right here, man. All
10 right, so -- so this -- can I get, get a second
11 to --

12 PRESIDENT GARDINER: We have to wait for
13 the professional staff to be prepared to answer
14 questions.

15 SENATOR BRAYNON: Thank you, thank you,
16 Mr. Chair. All right, let's start from the
17 bottom, right. Because this map again is a
18 completely different map. This map is not a
19 Frankenstein of anything.

20 The only thing that I will say is similar
21 is we drew districts in this map, 2, 1, 3, 4
22 and 9 are exactly the same as in the enacted
23 map. It is exactly the same as in the enacted
24 map. Everything else has changed in some way.

25 I started out with trying to look at some

1 of the, I guess what we have been referring to
2 as allegations by the Plaintiff to make sure
3 that we remedied those.

4 That was a little different in my process
5 than the process of the -- of 9090. And so one
6 of the first things we will talk about is that
7 in District 13 there was an accusation of an
8 appendage. So we didn't -- we took off that
9 appendage and put that into 14 or 12.

10 Now, here is where it comes into we have
11 to decide where we are doing an enacted, we are
12 following as the enacted map is the beginning
13 or the benchmark. We had -- we had a little
14 bit of debate about that but we, because it was
15 just me and Jay and not an attorney, we just
16 said, you know, he listened to me because that
17 is what Jay does, he listens to the member and
18 he said -- I said, well let's try to make a
19 Hispanic performing seat in District 14. So
20 that is why 14 last a little bit of an odd
21 shape, but it took in some of 13, 13's
22 appendage.

23 The next thing was that we unnecessarily
24 broke up Volusia and did not allow a seat to be
25 majority Volusia for political intent. So we

1 drew a seat that was almost, was mostly
2 encompassed in Volusia.

3 Volusia has the population of almost a
4 Senate seat. Where you see it drawn, parts of
5 Volusia that is the most populated part of
6 Volusia. So that is where District 8 was
7 drawn.

8 Then we -- also one of the -- one of the
9 things was the double jump of the bay. So that
10 was not the minority jump. It was the jump
11 back over from Pinellas in what is now 22 to
12 take up south Tampa. So we don't have that.
13 We don't have that double jump of the bay.

14 Now, in 19, again trying to not jump the
15 bay, because that is almost foreshadowing what
16 had happened with the congressional seat and
17 seeing if it was possible. I have already gone
18 through that and I think Senator Clemens and
19 Senator Galvano, but in this iteration I tried
20 to stay all on one side of the bay and in so
21 went down into Manatee, very similar to what
22 District 19, what is District 19 which is now
23 district, I think it is 18, 19, yes, District
24 19 does.

25 Then we will go to one of the allegations

1 is that District 39 in Dade and Monroe County
2 was kind of misshapenly drawn and you didn't
3 have to misshapenly draw that to produce a
4 minority access seat in Dade County. So
5 instead we switched it from being a minority
6 access, that Monroe seat to taking the arm of
7 that old in the enacted map, the arm of what
8 used to be 39 and connecting that to the top
9 part of District 35 and creating a minority
10 access then having a seat, District 39 would be
11 where we start our map. So now let's start our
12 map.

13 So District 39 starts at Monroe. We take
14 all of Monroe and then we go north, filling up
15 the population as much as possible. Now we
16 start to get to our minority protected seats.
17 So our Hispanic minority protected seats in
18 district, in Miami-Dade are Districts 37, 40
19 and 38 and you will hear those people talking
20 right now and they are not apparently paying
21 attention to me talking about those actual
22 seats there.

23 And then next to them, then you will see
24 what comes as our now minority access seat,
25 District 35, which now encompasses the eastern

1 portion of Miami-Dade, the -- they are
2 listening now, the eastern portion of
3 Miami-Dade and also some of the central, north
4 central part of Miami-Dade.

5 After that then we produce our minority
6 performing district for an African-American
7 which on this map is District 36 which is very
8 similar in the enacted map as it is here, as it
9 crosses Miami-Dade and is Miami-Dade and
10 Broward. It is the only seat within Dade
11 County that crosses into Broward. Similarly
12 that is done in 9090 as it is here.

13 After that you look at now creating your
14 next minority access seat which is in Broward,
15 which in this map is District 31. That seat is
16 begin drawn very similar to we have it the way
17 it was drawn in the enacted map and you do that
18 in order to -- and again while this is a
19 discussion that was had, I chose in my map to
20 just go ahead and start out as a starting point
21 with our BVAP being over 50 percent. So the
22 BVAP of District 36 and District 31 are 50 --
23 50.1 and 50.6 respectively. So they stay above
24 50.

25 After you have drawn those seats you kind

1 of have to draw around those. So then we drew
2 District 34 as much as we could keeping cities
3 whole and you can see there are squiggly lines
4 on the western boundary there. Those are the
5 city limits of the cities of Davie and a few
6 other cities.

7 We take this and we go all the way out to
8 the coast and we keep Broward County's coast
9 all wholly within one district, again not
10 jumping over the county line. District 33 gets
11 the western part of district and keeps as many
12 cities whole as possible. The only cities that
13 are being broken up are the cities that are
14 broken up by the minority performing district,
15 District 31. So that is for Tier 1
16 requirements why those cities are broken up.

17 Now you see that we break into, we go Palm
18 Beach and you break into Broward County just a
19 little bit. The reason you have to break into
20 Broward County is Palm Beach alone does not
21 have the population for three Senate seats.
22 There is -- you need to go somewhere, whether
23 it be Broward or it could be Martin. In this
24 -- in this iteration we go into district, into
25 Broward to pick up pieces of the city of

1 Coconut Creek.

2 Moving upwards, we just stacked, we began
3 to just stack seats above, on top of each other
4 but packing sure we kept counties whole.

5 Again, this is a place where the input of
6 somebody from that area would have been very
7 helpful to say, well, this county should go
8 with this county or this city should be with
9 there city, but known the less, I am from
10 Miami-Dade, and Jay, where are you from? He is
11 from Palm Beach, so maybe our Palm Beach looks
12 nice because Jay was part of this with me.

13 So this is what we have for Palm Beach.
14 You are Palm Beach. I didn't know that, all
15 right. And then we move over to the western
16 side of the state. In 23 we put Collier and
17 Hendry all within one district, but then you
18 still have some population available. So we
19 pick that up from Lee County.

20 Lee County is our District 30, and now
21 there we have a break in -- in Lee County and
22 if you will see there is a little break on the
23 furthest western side, and again, this is
24 something that maybe the members over there or
25 someone from that region could have talked to

1 me about, is you cannot get to that island
2 without -- from the southern portion of that.
3 So even though we could have put it all in Lee
4 County, we left it in District 28, which is
5 Charlotte, because that is how you -- that is
6 the bridge you would have to take to get there.

7 Moving, moving upwards I talked about
8 Tampa already. My central Florida again was
9 really based on how we drew it. The things
10 that we had to take into consideration, keeping
11 12 as a coalition performing seat, 14 as a
12 Hispanic access seat. District 13 where we are
13 cutting off the appendage. So you fill, we
14 begin to fill in around it trying to not cut,
15 trying to cut as few counties and cities as
16 possible.

17 And then moving up the county, doing
18 almost the exact same theory, and that is the
19 map that I have drawn and with my good friend,
20 Jay Ferrin, West Palm Beach representative.

21 Mr. President, we are done.

22 PRESIDENT GARDINER: Are there questions
23 on the amendment? Are there questions? Are
24 there questions?

25 Is there debate? Senator Galvano.

1 Senator Soto in debate.

2 SENATOR SOTO: Thank you, Mr. President.

3 I rise in support of this map for some very
4 important reasons for central Florida. We know
5 the language in the Fair District amendments.
6 It says, "Districts shall not be drawn with the
7 intent or result of denying or abridging the
8 equal opportunity of racial or language
9 minorities to participate in the political
10 process or to diminish their ability to elect
11 representatives of their choice."

12 Now I submit to you that that language
13 makes it pretty clear that every time you draw
14 a map you have to comply with the language of
15 Fair District amendments, and that you -- there
16 is nothing in that language that says that you
17 go back to 2002.

18 The language that was discussed by the
19 Supreme Court about there being no grounds for
20 this to be a minority access seat were -- was
21 language put in before there was ever any
22 elections. And it goes back to 2002, map that
23 is now nearly 14 years old.

24 Since then we have had two elections. We
25 have had two elections where my community has

1 elected a minority of their choice, and we have
2 gathered together with that voice and this map
3 is the first map that puts that district back
4 in place, and I believe when it is properly
5 argued in front of the Supreme Court after two
6 elections have already occurred and under the
7 plain language that it is the rules of the road
8 of every time you draw a map rather than just
9 looking at the map a from historical
10 perspective 2002, or that we have to because we
11 are in a remedial posture, have to
12 automatically go back to that.

13 And so I would submit to you that this is
14 the first map that is constitutional with
15 regard to the central Florida population that I
16 happen to represent. And I thank you, Senator
17 Braynon, for putting together this very good
18 map.

19 PRESIDENT GARDINER: Further in debate,
20 further in debate? Senator Galvano of the 26th
21 in debate.

22 SENATOR GALVANO: Thank you,
23 Mr. President. Senators, unfortunately I have
24 the same concern on this map as I did the last
25 map with regard to the African-American voting

1 in Senate District 19.

2 Again, what is sought to be accomplished
3 here is to take a district that performs for
4 African-Americans and make it into a coalition
5 district which is just not acceptable.

6 Furthermore from a more broader Tier 2
7 perspective, while it is okay to have some
8 variance in for example the number of city
9 splits, this one adds 17 additional city
10 splits.

11 That is a lot, and in terms of whole
12 cities, has nine less. And so you have done
13 some good work in some areas, but the metrics
14 are just a little too off the charts for me to
15 support.

16 PRESIDENT GARDINER: Senator Braynon to
17 close on his amendment.

18 SENATOR BRAYNON: Thank you, Mr. Chair.
19 You know, again, this is -- this leads to my
20 point that has been consistent through all of
21 my maps, which is this is a process that all 40
22 of us should be involved in.

23 This is a process that every Senator
24 should be involved in. It shouldn't just be
25 myself and my good friend, Jay Ferrin. I

1 should be giving information to the body about
2 the area that I know best about, and that is --
3 that is my problem with the entire, entire
4 issue now.

5 Now, am I splitting some cities, that is
6 very possible. You know, what is very
7 interesting, I ended up improving my Reock and
8 concave, all of those things by quite a bit, by
9 making -- in doing this map, but what that
10 proves is that we can do this.

11 I have faith that you can do this. I did
12 it, I did it with Jay, it took us four days. I
13 think maybe four other five days, but not the
14 whole day, but we had some audio tapes there.
15 I believe myself and Jay will win a Grammy for
16 those audio tapes, you should listen to them.

17 A lot of salient points there, but the
18 point is everybody should be involved. If we
19 should -- we should have a map that everybody
20 has some sort of skin in the game. This here
21 is the Braynon map. I don't have pride in
22 authorship in saying that this couldn't change
23 and that I couldn't change some areas here that
24 I may have not drawn.

25 I think I did the Clay thing where I

1 didn't, you know, where I let them be connected
2 to St. Johns which I would -- I would again
3 acquiesce to someone from that area to tell me
4 how could Clay be, what would Clay be connected
5 to.

6 So, again, I understand that there are
7 problems with this map, but I still lean and I
8 -- and I lean heavily on that we as a body
9 should be involved in this process and just
10 putting out a map that does not have very --
11 has very little input other than that we picked
12 it and we said, this is the one that we pick, I
13 don't believe that was the intent of the Fair
14 Districts amendments.

15 I don't believe that is what we were
16 elected to come up here and do and that is why
17 I offered this map here. And as far as the
18 District 19 issue, I would say that while it
19 has been mentioned several times, I will -- I
20 will say that it will be mentioned again and
21 the numbers will be different, and when the
22 numbers are different are we still having the
23 same -- the same opinion, and I think that the
24 numbers do make up the numbers and the
25 information that we have been provided, that is

1 going to make a big difference.

2 So begin I think this is a -- a good map.
3 I think it is a constitutional map. I think it
4 has got its compactness is good and being that
5 we have 300 -- how many cities do we have in
6 the state? 600 -- 410, I think 17 is a small
7 number, we have 410 cities, and I alone with
8 Jay was able to keep most of them in one
9 district.

10 And as far as our county splits, two or
11 three or four, something like that, which all
12 could be corrected with some help from this
13 body, which is what I have continued in
14 everyone of my amendments and this is the last
15 one, have asked for, is that we be involved.
16 Hey, man, don't just sit there, man, let's be a
17 part of it, let's get in the game, coach put me
18 in, I am ready.

19 Thank you, Mr. President.

20 PRESIDENT GARDINER: Senator Braynon
21 having closed on his amendment all those in
22 favor signify by saying aye.

23 (Chorus of ayes.)

24 PRESIDENT GARDINER: All opposed.

25 (Chorus of nays.)

1 PRESIDENT GARDINER: Show it not adopted.
2 Take up and read the next amendment.

3 SENATE CLERK: Bar Code 660012 by Senator
4 Diaz de la Portilla. Delete lines 56 through
5 4,981 and insert amendment.

6 PRESIDENT GARDINER: Senator Diaz de la
7 Portilla, you are recognized. In your packet
8 members this is 9124, map 9124.

9 Senator, you are recognized on your
10 amendment.

11 SENATOR DE LA PORTILLA: Thank you,
12 Mr. President, and members. I am going to
13 start out by -- by just describing the general
14 concept that drove the production of this map,
15 and it is the Constitution of the State of
16 Florida.

17 I want to specifically read to you the
18 pertinent sections and why this map is
19 constitutionally compliant and why it
20 accomplishes and meets all the goals of Tier 1
21 and Tier 2.

22 Section, Article III, section 21-A of the
23 Florida Constitution states that, "No
24 apportionment plan or district shall be drawn
25 with the intent to favor or disfavor a

1 political party or incumbent and that districts
2 shall not be drawn with the intent or result of
3 denying or abridging the equal opportunity of
4 racial or language minorities to participate in
5 the political process or to diminish their
6 ability to elect representatives of their
7 choice and districts shall be, shall consist of
8 contiguous territory."

9 Tier 1, and the focus of this amendment is
10 to make us as Tier 1 compliant as humanly
11 possible. Miami-Dade County has had three
12 Hispanic seats, three Hispanic seats for over
13 30 years and you know, some of the people who
14 have represented the Hispanic community here in
15 the Senate. The three seats that are primarily
16 Hispanic, that are Hispanic seats in Miami-Dade
17 County are located in generally three sections
18 of the county.

19 There is a Hialeah centric seat, there is
20 a Little Havana centric seat and there is a
21 west Dade or west Kendall centric seat.

22 What this map that is before you today,
23 what this amendment that is before you today
24 tries to do is focus just on the sandbox and
25 perhaps it is a sand bucket because it only

1 focuses on Miami-Dade County, and it only
2 amends the base map when it comes to Miami-Dade
3 County specifically by protecting those Tier 1
4 majority-minority seats.

5 Now, I have mentioned how this map
6 maintains those three Hispanic seats and those
7 seats in my proposed map are seats numbered 36,
8 37 and 40. The map is map 9124.

9 We then go to Tier 2, and what does Tier 2
10 require after you are certain that you have
11 drawn the seats in a way to protect a language
12 minority so that the language minority can
13 participate in the process and elect a
14 candidate of their choice.

15 Then you go to Tier 2, and Tier 2 says,
16 "Unless compliance with the standards in this
17 subsection conflicts with the standards in sub
18 section (a), which is Tier 1, or with Federal
19 law, districts shall be nearly as equal in
20 population as is practicable. Districts shall
21 be compact and districts shall where feasible
22 utilize existing political and geographic
23 boundaries."

24 In looking at Tier 2, Tier 2 says clearly
25 recognizes that the Tier 1 requirements in the

1 constitution are first and foremost, because
2 the Tier 2 section which is 21(b) says, unless
3 compliance with the standards in this
4 subsection conflict with Tier 1 you shall then
5 follow the three things that we talked about
6 that are in Tier 2, which are compactness,
7 equality in population as much as practicable,
8 and following political and geographic
9 boundaries as feasible.

10 If you go at the metrics that are included
11 in -- with your map, 9124, you will see that
12 the district that is before you when it comes
13 to Miami-Dade County in particular, and that is
14 the only thing this map is changing and this
15 amendment is changing, is stronger when it
16 comes to Tier 2 requirements than the base map.

17 By way of comparison, I will tell you that
18 the Reock on District 36 in the base map is
19 .32. The Reock in the map that I am offering
20 to you today for 36 is .64, much more compact.

21 The Reock on the base map for District 39
22 which roughly corresponds with District 37
23 here, is .19. The Reock that I am presenting
24 to you for District 37 here is a .48, and the
25 Reock for District 40 is .62. And the same

1 thing across the board when it comes to Convex
2 Hull and Pilsby Popper.

3 What we have drawn with this map with the
4 help of Jay Ferrin are three very compact
5 districts, 36, 37 and 40, which by all of the
6 metrics as well as by the visual test that
7 Senator Galvano mentioned are a lot more
8 compact than any map that you have seen here
9 today and that we have discussed here today.

10 It does not touch minority seat 34 and the
11 rest of the scores for the other Senate
12 districts within Miami-Dade County are also
13 compact and have very impressive metrics.

14 And with this, Mr. President, that is my
15 basic presentation.

16 PRESIDENT GARDINER: Are there questions
17 on the amendment, questions on the amendment?
18 Senator Clemens, you are recognized for a
19 question.

20 SENATOR CLEMENS: Thank you,
21 Mr. President. My question, at least my first
22 question isn't technically to the sponsor of
23 the amendment, but more as it relates to the
24 plan as presented by Senator Galvano.

25 So I am not sure who I would address it

1 to, but it basically has to do with the
2 contention from Senator Diaz de la Portilla
3 that the map was not drawn with three Hispanic
4 performing seats, the base map. Is there
5 someone that could answer that for me?

6 PRESIDENT GARDINER: Senator Galvano,
7 would you like to yield to the question from
8 Senator Clemens?

9 SENATOR GALVANO: Yes, thank you,
10 Mr. President. There were in 9093 Hispanic
11 seats.

12 PRESIDENT GARDINER: Senator Clemens for a
13 follow up question, Senator Diaz de la Portilla
14 or Galvano?

15 SENATOR CLEMENS: I apologize,
16 Mr. President, I just wanted to know which
17 three those were, because the numbers are
18 shifting here and I want to make sure which
19 three those Hispanic performing seats were.

20 PRESIDENT GARDINER: Okay. Give us just a
21 second. Senator Clemens, do you have any other
22 questions for Senator Diaz de la Portilla while
23 the Chair is bringing that information
24 together?

25 SENATOR CLEMENS: Yes, Mr. Chair.

1 PRESIDENT GARDINER: Okay, Senator Clemens
2 for a question of Senator Diaz de la Portilla.

3 SENATOR CLEMENS: Thank you, Mr.
4 President. Senator, your map has a district
5 coming up from the Keys that kind of does a
6 strange weird U effect. It goes up, only
7 taking a very, very small portion of the
8 coaster east of US-1 all of the way up into the
9 City of Miami, and then, of course, goes all
10 the way back around the west side.

11 Is there a particular reason that that map
12 doesn't see -- I think what you have numbered
13 District 37 come all the way to the coast when
14 it is only a few blocks away from it?

15 PRESIDENT GARDINER: Senator, you are
16 recognized to answer the question.

17 SENATOR DE LA PORTILLA: I think he is
18 referring -- Mr. President, thank you. I think
19 he is -- I don't know what number you are
20 referring to. The map that I am talking about
21 is 9124, that is what I am offering as my
22 amendment.

23 The three majority Hispanic seats are
24 Districts 36, 37 and 40. So 37 which is the
25 number that you used in your question is the

1 Little Havana centric seat and I can give you
2 the numbers for that.

3 Actually, for 37 that seat has a Hispanic
4 population of 86.7 percent, and it has a Reock
5 of .48, which means it is very compact. It has
6 a Convex Hull of .75, and it has a Polsby
7 Popper of .44.

8 A lot higher than if you read the court
9 opinions what the measures or metrics were for
10 compactness in terms of the Tier 2
11 requirements.

12 PRESIDENT GARDINER: Senator Clemens for a
13 follow up or Senator Galvano, did -- why don't
14 we have Senator Galvano address that question
15 from earlier.

16 SENATOR GALVANO: Yes, thank you,
17 Mr. President. And the three are District 40,
18 and that is under the present numbering of 9090
19 with a 76.7 HVAP, District 36 with an 89.9
20 percent HVAP and District 39 with a 70.4 HVAP.

21 PRESIDENT GARDINER: Additional questions,
22 Senator Clemens?

23 SENATOR CLEMENS: Thank you,
24 Mr. President. So and thank you, Chair
25 Galvano. So, Senator Diaz de la Portilla, what

1 I was talking about is in your map, 124,
2 District 39 does this kind of strange U wrap
3 around type of thing where it is on the west
4 side of District 36 in Miami-Dade, but then
5 wraps around 40 and 37 all the way up the coast
6 and includes in maybe a three or four block
7 area, a strip along the ocean which are --
8 which I am trying to, I am a little confused.

9 I am trying to figure out why you wouldn't
10 just run District in your map 37 all the way to
11 the water there. Why would you stop three or
12 four blocks just shy and have District 39 wrap
13 all the way up and run a thin line up the
14 coast?

15 PRESIDENT GARDINER: Senator Diaz de la
16 Portilla.

17 SENATOR DE LA PORTILLA: Again, as I
18 stated earlier, and I don't know if you were on
19 the floor or in the bubble or perhaps otherwise
20 occupied, but I started my -- my analysis or my
21 explanation by indicating that we have had
22 three Hispanic seats in Miami-Dade County for
23 almost 30 years.

24 And the population of Miami-Dade County 30
25 years ago, Senator Clemens, was less than

1 50 percent Hispanic. Today you have a
2 population in Miami-Dade County that is roughly
3 68 percent Hispanic. What this map does is
4 that it preserves the three Hispanic seats
5 because that is a Tier 1 imperative and that is
6 why Tier 1 is Tier 1 and Tier 2 is Tier 2.

7 But to your argument which is Tier 2
8 centered, because that is what you are implying
9 by the question. I will tell you that the
10 metrics as I have just gone over for the three
11 Hispanic seats that I just mentioned are a lot
12 better than any of the maps that have been
13 discussed here so far, including some that you
14 have supported and voted for, just, you know, a
15 few minutes ago.

16 I would tell you that there is nothing
17 strange visually and we start out with Senator
18 Galvano's analysis that the first thing is you
19 look at it visually. This is a very, very
20 compact configuration for Miami-Dade County.

21 The three, the prime imperative were the
22 three Hispanic seats. We followed political
23 and geographic boundaries. The geographic
24 boundaries are very clear, US 1, for example,
25 is the oldest road in Miami-Dade County, one of

1 the oldest in Florida, having been dedicated in
2 1925. And so by following precisely not what
3 anyone's opinion is but rather what the
4 constitution says, we came up with these very
5 compact districts that are supported by the
6 very strong metrics which I just read to you.

7 Again, Tier 1 is first and foremost. We
8 want to make sure that we don't have districts
9 that result in denying or abridging the equal
10 opportunity of racial or language minorities to
11 participate in the political process, or to
12 diminish their ability to elect representatives
13 of their choice.

14 And so that is why I would offer to you
15 that when it comes to this very important prime
16 imperative which is Tier 1, this map does that.
17 The one that you offered just recently did not
18 do that, because it basically disenfranchised
19 Hispanics by creating two Hispanic seats. But
20 if you want to talk Tier 2, we can talk Tier 2
21 as well, and I just talked Tier 2 to you.

22 Tier 2 tells you that the district has to
23 be compact. There are the numbers, the three
24 Hispanic districts which are the ones that I
25 focused on to make sure we were Tier 1

1 compliant and that we weren't disenfranchising
2 Hispanics, that -- those metrics are solid.
3 Reock scores through the roof, Convex Hull,
4 through the roof, and Polsby Popper, sky high.
5 So those are solid compact districts that meet
6 those Tier 2 metrics.

7 And again, following geographic and
8 political boundaries as well, to draw them the
9 way that they were drawn. That is --

10 PRESIDENT GARDINER: Senator Clemens for a
11 question. And President Margolis, I will get
12 to you. Do you have anymore, Senator Clemens?

13 SENATOR CLEMENS: A few more,
14 Mr. President.

15 PRESIDENT GARDINER: Okay.

16 SENATOR CLEMENS: If you wouldn't mind, I
17 appreciate the latitude. Okay, so you have
18 mentioned several times that this is more
19 compact than any other Miami-Dade map shown
20 today, and I would disagree with that.

21 I would think Oscar Braynon's map is that
22 way. But let's talk about the way that you
23 have drawn 37 to kind of exclude out those
24 voters right along the coast east of US 1, and
25 the way that you have drawn this really strange

1 appendage to the west side to reach into I
2 guess in between District 36 and 40.

3 Was that also an attempt to pack more
4 minorities and Hispanics into the district?

5 PRESIDENT GARDINER: Senator Diaz de la
6 Portilla to respond.

7 SENATOR DE LA PORTILLA: Thank you,
8 Mr. President. The southern boundary of
9 District 37 is one of the oldest roads, if not
10 the oldest road in the state of Florida. That
11 is called US 1, not US 3 or 4, US 1. And US 1
12 was founded in 1925. It is a well-known and
13 recognized geographic boundary in Miami-Dade
14 County, and those of us here who are from
15 Miami-Dade County will vouch for that.

16 So that was the geographic boundary that
17 was followed and Tier 2 tells us, again, in the
18 constitution, it says districts shall where
19 feasible utilize existing political and
20 geographical boundaries. So we followed that
21 existing and recognized geographical boundary
22 known as US 1 for that.

23 PRESIDENT GARDINER: Senator Clemens, you
24 are recognized.

25 SENATOR CLEMENS: Thank you,

1 Mr. President. And I apologize, maybe I just
2 didn't phrase the question right. I was
3 talking about the western strange appendage
4 finger that comes out and delves to the west
5 that doesn't seem to make very much contiguous
6 sense with the rest of the district.

7 Was that an attempt to pack more Hispanics
8 into the district?

9 PRESIDENT GARDINER: Senator Diaz de la
10 Portilla to respond.

11 SENATOR DE LA PORTILLA: Well, first of
12 all, I object to the form of the question,
13 because it -- it assumes facts not in evidence,
14 but I will tell you what it is, and anybody who
15 is familiar with Miami-Dade County knows that
16 that was done in an attempt to keep the city of
17 Sweetwater whole.

18 Again, Tier 2 requirement that
19 specifically says utilize existing political
20 and geographic boundaries and Sweetwater is a
21 city that we wanted to keep whole and not
22 split.

23 PRESIDENT GARDINER: Senator Clemens, you
24 are recognized.

25 SENATOR CLEMENS: Thank you,

1 Mr. President. Was the city of Sweetwater
2 split in the other maps?

3 PRESIDENT GARDINER: If we could stick to
4 this exact amendment I would appreciate that,
5 on the amendment, question on the amendment.
6 Senator Clemens, you are recognized.

7 SENATOR CLEMENS: Thank you,
8 Mr. President. The statement was that -- and I
9 was just following up. The statement was that
10 this map was drawn that way to include and keep
11 the city of Sweetwater whole, but it is not,
12 not whole already. So if you tell me that is
13 not a legitimate question, that is okay.

14 PRESIDENT GARDINER: I apologize, Senator
15 Clemens. Senator Diaz de la Portilla, you are
16 recognized to respond to the question.

17 SENATOR DE LA PORTILLA: The effort was to
18 keep the city of Sweetwater whole and to follow
19 the geographic boundary that runs north/south
20 and I believe at that juncture it is the -- it
21 is -- it is 107 -- let me see, let me confer
22 with Jay.

23 It is an extension of the Florida
24 Turnpike, a well-known geographic boundary that
25 runs north/south all the which across the state

1 actually, but in this particular section
2 throughout all of south Florida, including Dade
3 and Broward, and it is a western border of that
4 city as well.

5 PRESIDENT GARDINER: Okay, President
6 Margolis for a question of the sponsor.

7 PRESIDENT MARGOLEZ: Yes. You talk about
8 US 1, and it is interesting because I now
9 represent everything east of US 1 from -- from
10 Homestead to -- to the Broward line, everything
11 east, every single, every single home east of
12 US 1 is represented by me.

13 Now, I don't have anything west of US 1,
14 but I have east of US 1. It is the only place
15 you can have an Anglo seat in Miami-Dade County
16 just so you understand, and if --

17 PRESIDENT GARDINER: Okay.

18 PRESIDENT MARGOLEZ: You are sending it to
19 Hialeah.

20 PRESIDENT GARDINER: For a question, for a
21 question? Are there additional questions,
22 additional questions?

23 Seeing none we are in debate, in debate.
24 Senator Galvano in debate.

25 SENATOR GALVANO: Thank you,

1 Mr. President. When I look at this amendment,
2 you know, I have to actually agree with the
3 sponsor with regard to both the visual and
4 numerical compactness. And, you know, much
5 like some of the comparisons I made on some of
6 the past amendments, if you have a minor
7 deviation that is one thing, but when you see a
8 Reock score, a regional Reock score from .32 to
9 .48, or a Convex Hull go from .68 to .76 or the
10 Polsby go from .35 to 46, it is something that
11 you have to take note of.

12 Also, this happens to be in going back to
13 the sandbox concept within that south Florida
14 sandbox. And so, you know, with those type of
15 numbers as well as the visual compactness, I
16 will support this amendment.

17 PRESIDENT GARDINER: Is there further in
18 debate, further in debate. Senator Clemens in
19 debate.

20 SENATOR CLEMENS: Thank you,
21 Mr. President. I love that we are going to
22 take this amendment because we have just now
23 made this map unconstitutional and we have just
24 now said that the court is going to reject this
25 map, because the court is not going to allow us

1 to draw a map for any type of political purpose
2 or protect an incumbent. And what we are doing
3 here is just that. So thank you all for doing
4 this.

5 PRESIDENT GARDINER: Further in debate,
6 further in debate? Senator Diaz de la
7 Portilla, you are recognized to close on your
8 amendment.

9 SENATOR DE LA PORTILLA: Well, members,
10 thank you and I am just going to focus on what
11 the map does. And what it does is that it
12 ensures that the three Hispanic seats which are
13 protected seats under Tier 1 are protected in
14 Miami-Dade County, and it does so by adhering
15 very closely with the Tier 2 requirements.

16 You have heard and it has not been refuted
17 by anyone, including opponents of this map,
18 that the Reock scores, the Convex Hull score
19 and the Polsby Popper scores are very, very,
20 very high on this map. It is a very compact
21 map.

22 You have heard the justifiable and
23 reasonable explanations that we use political
24 and geographic boundaries that are
25 well-recognized and that have existed for close

1 to 100 years in drawing the map. Also, as
2 required under Tier 2.

3 And so this map is an improvement over any
4 of the maps offered and the numbers that I have
5 cited compare favorably to the maps offered by
6 opponents of this map. This is a
7 constitutional map, this is the right map, it
8 is a right map for Florida, it is a right map
9 for Miami-Dade County.

10 Thank you.

11 PRESIDENT GARDINER: Senator Diaz de la
12 Portilla having closed, all those in favor
13 signify by saying aye.

14 (Chorus of ayes.)

15 PRESIDENT GARDINER: All opposed.

16 (Chorus of nays.)

17 PRESIDENT GARDINER: Show it adopted.
18 Take up and read the next amendment.

19 SENATE CLERK: Bar Code 918632 by Senator
20 Clemens. Delete lines 56 through 4,981 and
21 insert amendment.

22 PRESIDENT GARDINER: Senator Clemens, you
23 are recognized on your amendment.

24 SENATOR CLEMENS: Mr. President, I am
25 sorry, can we get the map number on that? I

1 apologize.

2 PRESIDENT GARDINER: That map number is
3 S-027, S-9118.

4 SENATOR CLEMENS: Thank you, thank you,
5 Mr. President. I appreciate that. So the
6 purpose of this map is, in committee the other
7 day I presented a map that drew Hillsborough in
8 a way that didn't jump the bay. And I had -- I
9 had drawn the map to try to accomplish an
10 objective that would be more constitutional.

11 But, look, I am not a professional at this
12 and I was doing the best that I could, but I
13 have kind of put myself in a vacuum when I drew
14 these maps. I didn't try to talk to any other
15 Senators or any political consultants because I
16 wanted to -- to represent truthfully that it
17 was my map that I had drawn.

18 And as such all I could do was kind of
19 come up with the best that I could come up as
20 it relates to that particular map. But in
21 talking with another Senator last week, they
22 mentioned to me that my map looked like it had
23 been drawn by a consultant, a gentleman who --
24 who works for a company called MCI Maps.

25 And so I thought well, maybe it is worth

1 it for me to go look and see what he is doing
2 and see if I can come up with something a
3 little bit better and maybe he is -- since he
4 is a professional, he can come up with
5 something a little better.

6 So I looked at what he had done on his
7 website was to take a map that was drawn by
8 Representative Caldwell and alter it somewhat,
9 and that -- that came out to be what is
10 District 20 here on map 118. So District 20,
11 according to the gentleman who drew the map
12 that I have copied into my plan, performs for
13 African-Americans over 50 percent without
14 jumping the bay when it uses 2012, primary
15 numbers.

16 So the purpose of this map and the purpose
17 of you seeing it here today is to show you yet
18 one more time that it is possible when you have
19 2012, primary numbers to not jump the bay and
20 have a map that is compliant.

21 Having said that, Mr. President, I am
22 going to withdraw this amendment.

23 PRESIDENT GARDINER: Show the amendment
24 withdrawn. Take up the -- by withdrawing that
25 the substitute amendment, withdrawn.

1 Okay, show substitute Amendment 604782 is
2 withdrawn and 129496 is withdrawn.

3 Take up and read the next amendment.

4 SENATE CLERK: Bar Code 702266 by Senator
5 Clemens. Delete lines 56 through 4,981 and
6 insert amendment.

7 PRESIDENT GARDINER: Senator Clemens, you
8 are recognized to explain your amendment.

9 SENATOR CLEMENS: Thank you,
10 Mr. President, I would like to withdraw this
11 amendment.

12 PRESIDENT GARDINER: Show the amendment
13 withdrawn. Take up and read -- show the
14 amendment 819084, the substitute amendment
15 withdrawn. Show the substitute amendment
16 178658 both by Senator Diaz de la Portilla
17 withdrawn. Take up and read the next
18 amendment.

19 SENATE CLERK: Bar Code 421130 by Senator
20 Clemens. Delete lines 56 through 4,981 and
21 insert amendment.

22 PRESIDENT GARDINER: Senator Clemens, you
23 are recognized to explain the amendment.

24 SENATOR CLEMENS: Thank you,
25 Mr. President. I would like to withdraw this

1 amendment.

2 PRESIDENT GARDINER: Show -- show the
3 amendment withdrawn. Show the amendment
4 238194, the substitute amendment by Senator
5 Diaz de la Portilla withdrawn.

6 Take up and read the next amendment.

7 SENATE CLERK: None on the desk,
8 Mr. President.

9 PRESIDENT GARDINER: Okay, members, we are
10 back on the Bill. Good morning. We are back
11 on the Bill as amended. Where is Senator
12 Galvano?

13 SENATOR GALVANO: Can we take about a five
14 minute --

15 PRESIDENT GARDINER: Okay, members, while
16 we figure out exactly where we are right now,
17 we have been through a number of amendments, a
18 lots of substitute amendments have been
19 withdrawn. And so we are going to go into an
20 informal recess for five minutes.

21 (Brief recess taken.)

22 PRESIDENT GARDINER: Okay, Senators, I
23 apologize. Senators, let the record indicate
24 that the Bill as amended rolls to third
25 reading.

1 Senator of the 10th District, Rules Chair
2 Simmons, you are recognized. For what purpose
3 do you rise?

4 SENATOR SIMMONS: Mr. President, I move
5 that the Senate adjourn until 10:00 a.m. on
6 Wednesday, October 28th, or upon call of the
7 President for the purpose of holding committee
8 meetings and conducting other Senate business.

9 PRESIDENT GARDINER: Senator Thompson, do
10 you have an announcement?

11 SENATOR THOMPSON: Thank you, Mr.
12 President. I ask that the Senate stand for a
13 moment of silence for Juanita Evangeline Moore,
14 who was born in Mims, Florida in 1930. She was
15 the youngest child of Harry T. and Harriet
16 Moore who were killed in Mims in a bombing, and
17 she passed over the weekend.

18 She spent 65 years of her life trying to
19 get recognition for the contributions of her
20 parents, and I want to thank this Senate, this
21 body, that in the last legislative session
22 passed a resolution which was forwarded to Ms.
23 Moore, and it was highly gratifying to her that
24 the Florida Senate did recognize her parents as
25 the first martyrs in America's civil rights

1 movements, and that happened before her death
2 and I want to thank this body again and ask for
3 a moment of silence.

4 PRESIDENT GARDINER: Senators, please rise
5 for a moment of silence. Thank you Senators.

6 Any other announcements before we adjourn?
7 There is a motion on the table to adjourn until
8 10:00 a.m. on Wednesday, October 28th? Without
9 objection, the Senate is now adjourned for the
10 day.

11 (Whereupon, the proceedings were
12 adjourned.)

13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF LEON)

I hereby certify that the foregoing transcript is of a tape-recording taken down by the undersigned, and the contents thereof were reduced to typewriting under my direction;

That the foregoing pages 2 through 151 represent a true, correct, and complete transcript of the tape- recording;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this 2nd day of November, 2015.

CLARA C. ROTRUCK
Notary Public
State of Florida at Large
Commission Expires:
November 13, 2018
Commission NO.: FF 174037