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JOINT MEETING ON REAPPORTIONMENT

HOUSE CHAMBER

MAY 6, 2011

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 REPRESENTATIVE WEATHERFORD: Okay,
3 members, we have a long day ahead of us.
4 Let's go ahead and get this thing started, if
5 we could, everybody grab a seat.

6 This is an official Joint Select Committee
7 meeting, and so what I am going to do is ask
8 for the administrative assistant to call the
9 roll.

10 THE CLERK: Senator Margolis.

11 SENATOR MARGOLIS: Here.

12 THE CLERK: Benacquisto.

13 SENATOR BENACQUISTO: Here.

14 THE CLERK: Brannon?

15 SENATOR BRANNON: Here.

16 THE CLERK: Bullard?

17 SENATOR BULLARD: Here.

18 THE CLERK: Dean.

19 SENATOR DEAN: Here.

20 THE CLERK: Detert.

21 SENATOR DETERT: Here.

22 THE CLERK: Diaz de la Portilla?

23 SENATOR DIAZ DE LA PORTILLA: Here.

24 THE CLERK: Evers.

25 SENATOR EVERS: Here.

1 THE CLERK: Florez.
2 SENATOR FLORES: Here.
3 THE CLERK: Garcia.
4 REPRESENTATIVE GARCIA: Here.
5 THE CLERK: Gardiner.
6 SENATOR GARDINER: Here.
7 THE CLERK: Hays.
8 SENATOR HAYS: Here.
9 THE CLERK: Bogdanoff.
10 SENATOR BOGDANOFF: Here.
11 THE CLERK: Lynn.
12 SENATOR LYNN: Here.
13 THE CLERK: Montford.
14 SENATOR MONTFORD: Here.
15 THE CLERK: Negron.
16 SENATOR NEGRON: Here.
17 THE CLERK: Rich.
18 SENATOR RICH: Here.
19 THE CLERK: Sachs.
20 SENATOR SACHS: Here.
21 THE CLERK: Siplin.
22 SENATOR SIPLIN: Here.
23 THE CLERK: Sobel.
24 SENATOR SOBEL: Here.
25 THE CLERK: Storms.

1 SENATOR STORMS: Here.
2 THE CLERK: Thrasher.
3 SENATOR THRASHER: Here.
4 THE CLERK: Chairman Gaetz.
5 SENATOR GAETZ: Here.
6 THE CLERK: Representatives, Atkins.
7 REPRESENTATIVE ADKINS: Here.
8 THE CLERK: Bernard.
9 REPRESENTATIVE BERNARD: Here.
10 THE CLERK: Chestnut.
11 REPRESENTATIVE CHESTNUT: Here.
12 THE CLERK: Dorworth.
13 REPRESENTATIVE DORWORTH: Here.
14 THE CLERK: Eisgnaugle.
15 REPRESENTATIVE EISGNAUGLE: Here.
16 THE CLERK: Fresen.
17 REPRESENTATIVE FRESEN: Here.
18 THE CLERK: Frishe.
19 REPRESENTATIVE FRISHE: Here.
20 THE CLERK: Holder.
21 REPRESENTATIVE HOLDER: Here.
22 THE CLERK: Horner.
23 REPRESENTATIVE HORNER: Here.
24 THE CLERK: Hukill.
25 REPRESENTATIVE HUKILL: Here.

1 THE CLERK: Jenne.
2 REPRESENTATIVE JENNE: Here.
3 THE CLERK: Jones.
4 REPRESENTATIVE JONES: Here.
5 THE CLERK: Kiar.
6 REPRESENTATIVE KIAR: Here.
7 THE CLERK: Legg.
8 REPRESENTATIVE LEGG: Here.
9 THE CLERK: Nehr.
10 REPRESENTATIVE NEHR: Here.
11 THE CLERK: Precourt.
12 REPRESENTATIVE PRECOURT: Here.
13 THE CLERK: Rogers.?
14 REPRESENTATIVE ROGERS: Here.
15 THE CLERK: Rouson.
16 REPRESENTATIVE ROUSON: Here.
17 THE CLERK: Schenck.
18 REPRESENTATIVE SCHENCK: Here.
19 THE CLERK: Workman.
20 REPRESENTATIVE WORKMAN: Here.
21 THE CLERK: Chairman Weatherford.
22 REPRESENTATIVE WEATHERFORD: Here. I
23 believe we have a quorum. Mr. Taylor was here.
24 We will mark you present, Mr. Taylor.
25 Members, thank you so much for being here.

1 Before we get started on kind of the meat and
2 potatoes of this meeting, first of all, I want
3 to thank everyone for taking the time to be
4 here this morning.

5 I know we were up late last night. There
6 is a lot to get achieved today, but there are
7 two people that both myself and Chairman Gaetz
8 wanted to make sure that were here and were a
9 part of this historic day, which is to kind of
10 kick off the joint meetings we will be having
11 across the state.

12 And the first person I wanted you to hear
13 from is no stranger to this Chamber. He is the
14 person who has allowed me to serve as Chair,
15 Redistricting in the Florida House and has been
16 a tremendous leader for the Florida House and
17 for the state over the last 60 days and that is
18 Speaker Dean Cannon. Speaker.

19 SPEAKER CANNON: Thank you. Welcome to
20 President Haridopolos, Chairman Gaetz and the
21 other Senators on the committee, and obviously
22 to Speaker Designate Weatherford and our House
23 members, welcome on day 60.

24 Thank you for taking time on what will
25 otherwise promise to be a fairly intense day,

1 but the Lord willing, the last day of session,
2 and I know that Chairman Weatherford and
3 Chairman Gaetz have some information that they
4 want to share with the committees in a moment
5 regarding our summer meetings on redistricting.

6 But I wanted to take the opportunity to
7 reiterate a basic point which we have
8 emphasized and which I know Chair Weatherford
9 is going to emphasize as you begin the public
10 outreach phase of the reapportionment process,
11 and that is this.

12 This process will only be successful if we
13 let the public start the conversation about the
14 communities of interest and the districts and
15 where these lines are ultimately drawn.

16 And your task this summer will be much
17 more about listening than talking, which for
18 those of us in public office is sometimes hard.
19 I am guilty of that, and it is about
20 understanding the feedback you get in context
21 of the geography and the demography of the
22 areas you go and visit.

23 And then use the wisdom of the public,
24 engage them, seek their input. They may be
25 reluctant, but draw it out of them because that

1 is very important, and give it your full
2 commitment.

3 This happens once in a decade, it is a
4 special process. We have a constitutional
5 obligation to do this right, and as Chair
6 Weatherford has outlined, and as President
7 Haridopolos and I may have made our task and
8 our charge to you, to make it the most open,
9 transparent and publicly participatory
10 reapportionment process in Florida's history,
11 and I know you will do that.

12 Be ready for the public meetings. Tend to
13 take a lot of notes and keep a lot of good
14 information so that when we return to
15 Tallahassee for our interim committee meetings
16 we can incorporate that into our work.

17 And I would ask you also, and I know this
18 is going to be difficult, particularly given
19 the importance of complying with our
20 Constitution and our laws and the Federal
21 Voting Rights Act.

22 I take very seriously your thoughtfulness
23 in putting your political aspirations aside as
24 you make legally appropriate decisions in the
25 upcoming redistricting process.

1 Please remember in doing this right is our
2 task, it is our charge, and it is our
3 constitutional legal obligation.

4 Thank you very much. I want to introduce
5 someone now without whom we would not be
6 adjourning today, and we would have not gotten
7 as many successful Bills passed, that is my
8 good friend, Mike Haridopolos, Mr. Haridopolos
9 -- hold on, President Haridopolos, I saw the
10 jump, that is good hold.

11 President Haridopolos has exercised
12 leadership along with me over what is the
13 toughest budget year in modern history, and
14 there is men and women in this Chamber who have
15 been a lot longer than he or I, and he has been
16 here longer than I have.

17 But his friendship, Mr. President, your
18 leadership, your courage in the face of a very
19 brutal session has helped make us in the
20 position now to land the plane, and I just want
21 to say thank you, and I want you to all join me
22 in welcoming Senate President Mike Haridopolos.

23 SENATOR HARIDOPOLOS: Thank you. Thank
24 you very much. It is also great to be in the
25 Florida House with my friends, especially my

1 good friend, Dean Cannon.

2 I am glad this is our final morning, and I
3 wasn't sure on Monday night if it would be. So
4 we are grateful to be here as always, and an
5 exciting time for everyone to get home with
6 their friends and family, and most importantly,
7 to report back to the people of Florida that we
8 have a balanced budget with no new taxes, and
9 reforming huge programs. So with the work of
10 Senator Negron, Representative Schenck and
11 others on Medicaid, on pension, and, of course,
12 already on education.

13 So it has been I think a remarkable
14 session. I am grateful for the hard work that
15 everybody member, not only here, but across the
16 Capitol today has put in, just this morning
17 working with Attorney General Bondi. We were
18 able to work out some issues with pill mills,
19 so that was a very good success and we
20 appreciate it very much.

21 But today is also a special day. We have
22 prided ourselves on the idea of transparency,
23 making this the most open Florida government
24 ever.

25 And there is a few veterans in the room

1 who were actually here back in 2002, who drew
2 those lines, which today, of course, you
3 occupy.

4 But starting this summer we are going to
5 be embarking on a new mission, making sure this
6 is the most open transparent system ever. Ten
7 years ago when we last worked on
8 reapportionment, we literally had to have a CD
9 ROM in order to work the system.

10 Now it is available online for all
11 Floridians to participate and make sure they
12 have that opportunity, and with the leadership
13 of Chairman Gaetz and Chairman Weatherford who
14 will be traveling across the state of Florida,
15 to listen to people before we create the
16 policies that will change the lines in the
17 state of Florida, given the challenges that are
18 before us with Amendments 5 and 6.

19 And so I am excited today to participate
20 in this endeavor in making sure that we give
21 citizens the direct say, literally the ability
22 to send in their plans so that we can draw the
23 lines that best reflect the communities that we
24 all represent.

25 And so with that I just want to say thank

1 you very much for this opportunity to be here,
2 and let's turn it back over to Chairman
3 Weatherford, and proceed to what I think will
4 be a thoughtful, methodical, open, transparent
5 system and make sure when we draw the lines
6 next year that will be done with the best
7 interest of all Floridians in mind.

8 Thank you very much.

9 REPRESENTATIVE WEATHERFORD: Thank you
10 very much, Mr. President, and thank you for
11 being here this morning.

12 Before I turn it over to my partner,
13 Chairman Gaetz, there is a few comments I would
14 I like to make.

15 The first is just to reiterate what has
16 been said by the Senate President and the
17 Speaker, that our goal is to make this the most
18 transparent and open process it has ever been,
19 and not just in Florida, but across the
20 country.

21 We want this to be a model for
22 reapportionment and redistricting in the
23 nation, and I think we can do that, and that is
24 the leadership and that is what we have been
25 given from our presiding officers.

1 In front of every member who is on the
2 Redistricting Committee, you should have a
3 packet in front of you.

4 That packet basically breaks down the
5 meetings and the hearings that we have planned
6 out thus far.

7 In the very first slide or the second
8 slide, I should say, in the meetings that will
9 start right here in Tallahassee. That will be
10 the very first meeting. We will then be moving
11 on to Milton, Florida, Ft. Walton and Panama
12 City.

13 Looking at slide three, if you turn it
14 over, you will see a second round of meetings,
15 starting in mid-July, with meetings in
16 Jacksonville, St. Augustine, Daytona Beach, The
17 Villages, and finally in Gainesville.

18 If you turn to slide four you will see a
19 general outline for the third, fourth and fifth
20 weeks of meetings in central Florida, southeast
21 Florida, and southwest Florida.

22 Our staff is currently working with Senate
23 staff to nail down the exact locations of
24 those, but we have dates that I want to be very
25 direct in telling you are tentative.

1 There certainly could be changes in the
2 last two dates that we have set forth, but we
3 wanted to give you as much certainty as we
4 possibly could, but those dates are tentative.

5 We hope that those will be the final
6 dates. You will know that very, very quickly,
7 and we hope to have locations, specific
8 locations for each and every one of you in the
9 very near future.

10 With that being said, this is going to be
11 a fun process, and as I tell my House members,
12 if you look to your right and you look to your
13 left and you see the Senator sitting next to
14 you, get to know them, because you will be on a
15 long tour with them for the next four or five
16 months, and it is going to it be a good time,
17 but it is a very serious time.

18 And the charge that we have to redraw
19 these seats is very important to the future of
20 the state of Florida.

21 It is going to define what the map is
22 going to look like for our state for the next
23 decade and we take it very seriously and I know
24 you do as well.

25 But I am most excited about the fact that

1 I am going to get to work with my partner in
2 this process, and that is Chairman Gaetz, and
3 Chairman Gaetz has been a personal friend of
4 mine for many years.

5 He is a tremendous leader in the Senate.
6 He takes this process very seriously as well,
7 and I have just enjoyed our friendship growing
8 over the years, Chairman, and I look forward to
9 working with you to make sure that this process
10 is the best it has ever been, not only in
11 Florida, but across the United States of
12 America. Chairman.

13 SENATOR GAETZ: Thank you very much,
14 Speaker Designate and Mr. Speaker,
15 Mr. President, thank you for being with us this
16 morning.

17 I am privileged to work with Will
18 Weatherford in this process. As he indicated,
19 we have developed a close friendship, one that
20 I think will deepen as we work together in this
21 process.

22 This is a once in a decade responsibility
23 that we take very, very seriously. Florida has
24 been honored and recognized nationally for the
25 accuracy and professionalism of our

1 reapportionment and redistricting process.

2 And this year, as President Haridopolos
3 and Speaker Cannon has said, we intend to take
4 it a step further.

5 We have already placed on the Internet all
6 of the demographic data gathered by the Bureau
7 of the Census and relevant to our redistricting
8 process. That is on the Internet.

9 And now today, President Haridopolos has
10 thrown the switch, along with Speaker Cannon so
11 that 19 million Floridians will also have
12 access to the same software in redistricting
13 that all of us will have access to.

14 That means 19 million Floridians can
15 actually draw maps, can submit their proposals
16 and can be online, hard wired auditors of what
17 we do.

18 This has never happened before in Florida.
19 This has never happened before in America, and
20 we look forward to this kind of an interactive
21 process.

22 But as the Speaker Designate had
23 indicated, between June 20th and September 1st,
24 we will hold a series of 26 public hearings
25 across the state of Florida.

1 Our mission, as Speaker Cannon indicated,
2 is not to talk, but to listen. That will be
3 hard for some of us, especially hard for me,
4 although I am losing my voice and at least half
5 of the Senate is deeply grateful.

6 But when somebody asks you what you have
7 done on your summer vacation, you will really
8 have a story to tell them, because you will
9 have been able to hear the views and meet the
10 faces and understand the concerns of Floridians
11 all over the state.

12 The Speaker Designate and I would urge you
13 to urge your constituents to attend these
14 public hearings. This is one where the losers
15 are the ones who don't show up. The winners
16 are the ones who suit up and share their views,
17 share their concerns.

18 So please, through your e-mails, through
19 your reports, through your Town Hall meetings
20 after the session, encourage your constituents
21 to come to these public meetings and to express
22 their concerns and how they believe lines
23 should be drawn to benefit their communities,
24 and to be accurate and to reflect the realities
25 of their communities.

1 I would point out to my Senate colleagues
2 that we have broken the Senate Reapportionment
3 Committee into hearing groups.

4 And so there is a handout that all of you
5 ha have in front of you. You will see which
6 hearing groups you are a member of, and each
7 Senator is being asked to attend two hearings
8 and also the kick off hearing in Tallahassee
9 which will be on the 20th of June.

10 There we hope to invite groups who have
11 expressed an interest in this process to come
12 and give us their plans so that we will have
13 the opportunity to get the benefit of their
14 wisdom.

15 I also want to thank President Margolis,
16 who is the Senate Vice-Chair who has been
17 through this process before, and her steady
18 hand will help guide us as we move through the
19 process.

20 And Mr. Speaker Designate, that is all of
21 the business that the Senate has. I know you
22 are going to break up into hearing groups as
23 well.

24 The main point here is we are holding a
25 joint series of meetings. This is not the

1 Senate Reapportionment Committee or the House
2 Reapportionment Committee. This is the
3 Legislative Reapportionment Committee.

4 We have been directed by our presiding
5 officers to work together. We will work
6 together, and our goal is to bring home a
7 product that all of you and all of Florida can
8 look at and say it has integrity, it has
9 accuracy and it is effective in accomplishing
10 the Voting Rights Act in carrying out the laws
11 and Constitution of the State of Florida.

12 So thanks, Mr. Speaker D, and I really
13 look forward to spending my summer vacation
14 with you.

15 REPRESENTATIVE WEATHERFORD: I as well, I
16 as well. Members, are there any questions? We
17 have a few questions.

18 Representative Chestnut, you are
19 recognized for a question.

20 REPRESENTATIVE CHESTNUT: Yes, sir, will
21 these meetings be televised or be on the
22 webcast?

23 REPRESENTATIVE WEATHERFORD: That is a
24 freight question. They will be. We are
25 working with the Florida Channel as we speak.

1 Our staffs have been working.

2 We are hoping that they will be able to
3 televise every single one.

4 There will be at least audio for every
5 meeting, but we hope that the Florida Channel
6 will be able to televise every single meeting
7 that we have. That is a good question.

8 Representative Bernard.

9 REPRESENTATIVE BERNARD: Week one, I see
10 that we didn't choose Pensacola. Were there
11 any considerations made to including Pensacola?

12 REPRESENTATIVE WEATHERFORD: The question
13 is about whether or not Pensacola was included.

14 The problem we have is obviously we have
15 more than 24 cities across the state of
16 Florida, and so we are trying to include as
17 many as we possibly can.

18 This is the dates and the locations that
19 we came up with in negotiations with the
20 Senate. Members, if you see a city or if you
21 see a location that you feel like should be on
22 this list that is not on this list, I would
23 encourage you to get with the Chairs, both in
24 the House and in the Senate and we will work
25 with you on that.

1 We cannot guarantee you that we can go
2 everywhere, but we certainly want to be
3 accommodating in that light.

4 I don't know, Mr. Chairman, if you have
5 anything to add to that.

6 SENATOR GAETZ: That is one of the thing,
7 that happens to be Senator Evers and my neck of
8 the woods, and we think it is important to make
9 sure that our rural communities have an
10 opportunity to have hearings in their venues.
11 Milton is fairly close to Pensacola.

12 We hope to broadly publicize this hearing
13 in the Pensacola area. I wish we could have
14 one in Pensacola and in Milton, but we also
15 have to bear in mind that there is a whole
16 series of rural communities across north
17 Florida, and those folks need to have at least
18 some opportunity to have us come to their
19 communities.

20 REPRESENTATIVE WEATHERFORD: Any other
21 questions? Representative Cruz, you are
22 recognized.

23 REPRESENTATIVE CRUZ: My question is,
24 first, my comment, and that is thank you very
25 much for creating meetings that are from 6:00

1 to 9:00 p.m. so that we can include the working
2 families.

3 I did see that there are some meetings
4 that only have morning meetings. Is there a
5 chance that they will be adding evening
6 meetings to some of those locations?

7 REPRESENTATIVE WEATHERFORD: The reason
8 that we have some mornings and some evenings,
9 because we will sometimes do two meetings in
10 one day.

11 And so it is kind of, if we did every
12 meeting in the evening we would spend twice as
13 many days out on the road, and we tried to make
14 this as user friendly so to speak for the
15 membership and the members of the Committee,
16 but also for the public.

17 There are some folks who do work at night
18 and would need to come in the mornings. It is
19 a balance, but again, if you have suggestions
20 or any input we would love to hear from you,
21 and if you have any specific areas that you
22 think we should be having hearings in the
23 evening as opposed to the morning, we would
24 love to hear that as well.

25 I know we are running very short on time.

1 I think we have one minute left. If there is
2 any burning questions, please ask them now,
3 otherwise you can get with myself or the
4 Senator and we will work with you, but thank
5 you very much for being a part of this.

6 We look forward to working with you,
7 Mr. Chairman and I think -- Senator Gaetz moves
8 we rise.

9 (Whereupon, the proceedings were
10 concluded.)

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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 23 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 14th day of November, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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THE FLORIDA SENATE REAPPORTIONMENT
SEPTEMBER 22, 2011

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 SENATOR GAETZ: Good morning, ladies and
3 gentlemen, the Senate Committee on
4 Reapportionment is called to order.

5 Would the Administrative Assistant please
6 call the roll, and will somebody please turn
7 down this PA system which I think they can hear
8 me in Sopchoppy with this.

9 THE CLERK: Senator Gaetz.

10 SENATOR GAETZ: Here.

11 THE CLERK: Senator Margolis.

12 SENATOR MARGOLIS: Here.

13 THE CLERK: Senator Altman. Senator
14 Benacquisto.

15 SENATOR BENACQUISTO: Here.

16 THE CLERK: Senator Braynon.

17 SENATOR BRAYNON: Here.

18 THE CLERK: Senator Bullard. Senator
19 Dean.

20 SENATOR DEAN: Here.

21 THE CLERK: Senator Detert.

22 SENATOR DETERT: Here.

23 THE CLERK: Senator Diaz de la Portilla.

24 SENATOR DE LA PORTILLA: Here.

25 THE CLERK: Senator Evers. Senator

1 Florez. Senator Garcia. Senator Gardiner.

2 SENATIR GARDINER: Here.

3 THE CLERK: Senator Hays.

4 SENATOR HAYS: Here.

5 THE CLERK: Senator Joyner.

6 REPRESENTATIVE JOYNER: Here.

7 THE CLERK: Senator Latvala.

8 SENATOR LATVALA: Here.

9 THE CLERK: Senator Lynn. Senator
10 Montford.

11 SENATOR MONTFORD: Here.

12 THE CLERK: Senator Negron?

13 SENATOR NEGRON: Here.

14 THE CLERK: Senator Rich.

15 SENATOR RICH: Here.

16 THE CLERK: Senator Sachs. Senator
17 Siplin. Senator Sobel.

18 SENATOR SOBEL: Here.

19 THE CLERK: Senator Storms. Senator
20 Thrasher. A quorum is present.

21 SENATOR GAETZ: Thank you very much, madam
22 secretary. Senator Thrasher and Senator Florez
23 have excused absences this morning, and I would
24 like to take a moment of personal privilege
25 before we go forward.

1 From time to time we are reminded that the
2 members of the Legislature have lives outside
3 of this building, and if you will permit me, I
4 would like to read a couple of paragraphs from
5 -- from a release which proves not only that
6 one of our members, our distinguished Minority
7 Leader has a life outside this building, but it
8 is a life of achievement, accomplishment and
9 service.

10 This comes from New York. It is entitled,
11 "The National Council of Jewish Women Solutes
12 Nan Rich at the Israel Benefit Luncheon."

13 It says, "The National Council of Jewish
14 Women will honor its President from 1996 to
15 1999, Senator Nan Rich, at its annual Israel
16 Benefit Luncheon to be held, Tuesday,
17 June 21st, in New York City.

18 Jewish daily Forward Editor, Jan Eisner
19 will deliver the keynote address. The event
20 benefits the National Council of Jewish Women's
21 Israel program which fosters supports
22 education, promotes the empowerment of women
23 and bridges the gaps in society for Israel's
24 vulnerable women, children and families."

25 And here is the salient part of this

1 release, and I quote, "In various posts with
2 the National Council of Jewish Women, in the
3 Florida Legislature and in her community Nan
4 Rich has been fighting for women and children
5 for decades. Nan's contribution towards
6 strengthening the National Council of Jewish
7 Women's work in Israel is enormous and we at
8 the Council are proud to be honoring her at our
9 annual Israel benefit.

10 The National Council of Jewish Women's
11 work in Israel mirrors its work in the United
12 States, advancing women's equality and
13 strengthening the social safety net, ensuring
14 the free exercise of religion.

15 During her presidency, Rich initiated the
16 National Council of Jewish Women's Israel
17 granting program which funds advocacy and
18 service projects in Israel that focus on the
19 needs of women and children of all backgrounds.

20 She developed the National Council of
21 Jewish Women's relationship with Tel Aviv
22 University, which led to the women and gender
23 studies program there, the first of its kind in
24 the Middle East, and she helped establish the
25 National Council of Jewish Women's Israel

1 endowment fund to support its Israel work.

2 Rich also has a long association", of
3 course, all of us know this, "with IPPE, a
4 preschool readiness program for disadvantaged
5 children that originated in Israel.

6 She was instrumental in launching IPPE in
7 the 1980's in Miami-Dade County. Rich is
8 currently the Minority Leader of the Florida
9 Senate, a distinguished Senator and somebody
10 who proves that you can have a life outside
11 this building that adds to this community, that
12 adds to this state, to this country and indeed
13 to the world, Leader Rich.

14 The Chair recognizes the Leader. I caught
15 her unawares. She didn't know I was doing
16 this.

17 SENATOR RICH: Thank you. You got me
18 totally unaware.

19 SENATOR GAETZ: It is fun to catch the
20 Minority Leader unawares.

21 SENATOR RICH: It is really very kind of
22 you. I really appreciate that. I know that we
23 all have lives before and after the Legislature
24 and even during the legislative, our
25 legislative years, and I feel fortunate that I

1 think I have been able to bring the experiences
2 that I had in my years of involvement with the
3 National Council of Jewish Women in those areas
4 that you mentioned to bear in the legislative
5 process, and it is just very kind of you.

6 I appreciate tremendously your recognizing
7 me in this way. Thank you.

8 SENATOR GAETZ: Absolutely. Well, while
9 some of the rest of us were traveling the
10 state, Leader Rich was being honored
11 internationally, but Leader Rich was traveling
12 the state with us as well.

13 Members, when our Committee last met it
14 was on the last day, the 60th day of the
15 regular session, as you will remember.

16 We met in the House Chamber along with our
17 House partners to announce the dates for our
18 summer listening tour for gathering input on
19 how laws, constitutional amendments and court
20 cases related to redistricting should be
21 applied in order to achieve equity and avoid
22 retrogression, protect minority voting rights
23 and meet the needs of communities throughout
24 the state of Florida.

25 During the summer we have been very, very

1 pleased to have two Senators added to our
2 Committee by the President, Senator Joyner and
3 Senator Altman, and I believe Senator Joyner is
4 here. Senator Joyner, good morning, Senator
5 Altman, are you here?

6 SENATOR ALTMAN: I am here, Mr. Chairman.

7 SENATOR GAETZ: Okay, and both of them
8 joined us for portions of our hearings across
9 the state. So thank you for your
10 contributions, and welcome to the Committee.

11 At the time that we last met we were also
12 waiting for a response to the Legislature's
13 request to the Department of Justice for
14 pre-clearance on Amendments 5 and 6.

15 You will recall that pre-clearance means
16 that before any change to an election practice
17 can be implemented, the Justice Department or a
18 Federal court must determine that the change
19 will not result in retrogression or
20 back-sliding in the voting opportunities for
21 racial minorities.

22 The Legislature took the position in its
23 pre-clearance submission that Amendments 5 and
24 6 quote, "Preserve without change the
25 Legislature's prior ability to construct

1 effective minority districts and that in
2 promoting minority voting strength, the
3 Legislature may continue to employ whatever
4 means were previously at its disposal", end
5 quote.

6 I am pleased to say that several weeks
7 after we last met the Justice Department,
8 having reviewed this rationale, pre-cleared the
9 Amendments based upon the rationale that we
10 provided, and I am sure it gives members of
11 this Committee some comfort to know that
12 Amendments 5 and 6 will not be applied in a way
13 that interferes with the Legislature's ability
14 to advance the cause of minority voting rights
15 and representation.

16 Members, you know, because all of you were
17 in our tour, either in whole or in part, that
18 we actively sought out public opinions about
19 how district lines ought to be drawn, and how
20 maps and ideas ought to be applied in order to
21 resolve problems that members of communities
22 and neighborhoods saw.

23 And the maps and the testimony that
24 citizens brought to the table is where we will
25 start our deliberations today.

1 Let me emphasize that. Our commitment,
2 Representative Weatherford's commitment and our
3 commitment here in the Senate is that the maps
4 provided by the public will be the basis for
5 developing any proposals that come from this
6 committee to the Florida Senate.

7 So we will be taking very, very seriously
8 the input that we received and you will see, I
9 hope, I certainly hope that the maps that
10 ultimately come from this Committee will be
11 derived from the input from the testimony that
12 we receive from the public.

13 Of course, we have to remind everybody
14 that our plans must comply with State and
15 Federal law and those legal requirements will
16 limit our choices.

17 You will see as we begin to go through
18 maps and come to consensus or not and express
19 our views on where lines ought to be drawn in
20 particular areas that many members of the
21 public submitting maps may not have appreciated
22 some of the nuances of Federal court decisions,
23 and therefore, we have to deburr or refine or
24 mature some of those good ideas in order to
25 make sure that they will stand in good stead

1 with the courts.

2 For example, we may find ourselves
3 compelled by Section V of the Federal Voting
4 Rights Act or by the mandates of the first tier
5 of Amendments 5 and 6 to draw some districts
6 that aren't as compact as we would otherwise
7 hope, and as those who testified and provided
8 maps would want.

9 Of course, we will consult with legal
10 counsel throughout the process to be, to ensure
11 that plans coming out of this Committee are
12 within the parameters of State and Federal law.

13 Just a few fun facts for you. During the
14 summer we traveled 4,000 miles, to 26 locations
15 across Florida. Our public hearings were
16 attended by nearly 5,000 people, while the
17 Florida Channel was streaming a live video feed
18 on the web that was watched, we believe by
19 thousands more.

20 Members and professional staff heard more
21 than 71 hours of testimony, more than 1,700
22 people testified, and I can say that I had the
23 opportunity to listen to every single one of
24 those testifiers.

25 We heard a lot of good ideas,

1 extraordinary insights into communities and
2 neighborhoods, insights that we couldn't have
3 gotten, wouldn't have gotten if we would have
4 stayed in Tallahassee and just listened to each
5 other even as knowledgeable as all of us are
6 about our own communities.

7 In truth, we also heard from many who
8 objected to our decision to hear testimony
9 prior to developing maps that would be voted
10 out by this Committee.

11 I happen to agree and I think we made this
12 point, Representative Weatherford certainly
13 did, I happen to agree with the principle
14 author of Florida's New Redistricting
15 Standards, the Chairperson of Fair Districts,
16 Ellen Freidin, she told our Committee last year
17 that a map drawn before public hearings are
18 held would not be in her words compliant or
19 appropriate, and therefore taking public
20 testimony before maps was drawn by the
21 Committee was the right thing to do.

22 In addition to all of the testimony we
23 heard, we collected hundreds of written
24 comments and suggestions, and as of this
25 morning the Legislature has received 64 maps

1 from the public, 60 more than were received in
2 the last cycle.

3 So ten years ago when there was a
4 redistricting process underway, there were four
5 maps submitted by the public and we have 64
6 maps submitted by the public to this point, yet
7 we will continue to solicit additional public
8 comments.

9 We will continue to solicit additional
10 publicly drawn maps so that any maps that
11 derive from the work of this Committee can be
12 based upon the input we have received from the
13 public, and then we can mature that input as we
14 go forward over the next several weeks.

15 The increased level of participation, I
16 would point out, is a direct result of how open
17 and accessible our professional staff has made
18 District Builder, which is our on-line
19 application for the creation and submission of
20 redistricting maps.

21 Citizens, as you know, can use the same
22 redistricting software and demographic
23 information used by Legislators and
24 professional staff, and I believe that we have
25 the District Builder table set up outside just

1 as we have had in the 26 public hearings that
2 we have held across the state of Florida.

3 I personally observed how our professional
4 staff has, have assisted hundreds and hundreds
5 of people in using District Builder. In fact,
6 I think that there are several instances that
7 we could name where individuals came to
8 hearings and they might have been a little bit
9 sinical, a little bit frustrated.

10 They wanted to share their ideas, and
11 thanks to our good professional staff and the
12 fine work of our House professional staff,
13 there were individuals were able to literally
14 sit down until real time at the hearings,
15 before the hearings, after the hearings, and
16 with just a few minutes of help, to get on to
17 District Builder, drew their maps or partial
18 maps and were able to submit them right then
19 and there, and then walked away feeling like
20 they really had a piece of this process, and,
21 indeed, they do.

22 In a moment I will recognize John Guthrie
23 who is our professional staff director to show
24 us the plans that we have received. Before I
25 do, I want to take a moment to mention and

1 address some of the common themes that we heard
2 this summer that I hope will implicate the work
3 of this committee very, very directly.

4 First, as I mentioned, we learned
5 information essential to our task by listening
6 to communities that are actually affected by
7 redistricting decisions.

8 Going out on the road and hearing what
9 people have to say about their hometown
10 provided insight we just couldn't have gotten
11 any other way, and I would like to thank those
12 just, and we did this at every hearing, whether
13 they came with their fists clinched and their
14 teeth locked together in distress over one
15 thing or another, or whether they came with a
16 proposal to make, we thanked everyone who
17 participated.

18 It was the most open interactive process
19 in this state's history as we look at
20 redistricting.

21 Now, people have differing opinions as to
22 what constitutes a fair district, and this is
23 where the work of this Committee is going to be
24 so important.

25 At no single hearing did we hear a

1 consensus among those who testified. We heard
2 a lot of people say fair districts, just
3 implement Amendments 5 and 6, but then when we
4 got one more layer into the onion, we found
5 that there were those who testified that they
6 want us to prioritize protection of minority
7 access.

8 Then there were those who said no, no, no,
9 no, no, it is more important that we follow
10 county and city boundaries, and then there were
11 those who said, no, no, no, what is most
12 important is that you don't break up
13 communities of interest.

14 I think, for example, The Villages,
15 Senator Hays, where there are three counties
16 that really are involved in The Villages.

17 The Villages encompass an area of three
18 different counties, and over and over again at
19 The Villages we heard, please try as much as
20 possible to keep us together even though we
21 cross three county lines.

22 And so you can imagine now that the work
23 of this Committee is going to be complicated by
24 the conflicting, but sincerely meant testimony
25 that we heard on the road, that was, whatever

1 you do, avoid retrogression, no, no, whatever
2 you do, use compact lines, city and county
3 boundaries, notwithstanding the fact we had
4 some testifiers who pointed out to us that city
5 boundaries looked like Rorschach blots in many
6 cases in the state, and then there were those
7 who said, no, no, no, communities of interest
8 are more important, and then there were those
9 who said, do it all.

10 Their testimony was, do it all, you know,
11 make us happy in all cases. I am afraid that
12 what will happen is that no matter what we will
13 do, we are not going to be able to please
14 everyone, and we are going to have to make some
15 decisions and those decisions have to be made
16 within the context of the law, or our reading
17 of the law, or the reading of the law that our
18 legal counsel provides to us and that all of us
19 rely upon.

20 The House Redistricting Committee produced
21 a synopsis of public testimony. We have it
22 here. We have it for everybody. This synopsis
23 illustrates the themes and also the conflicts
24 expressed during the hearings.

25 I found it interesting and well-organized

1 and I asked our professional staff to provide
2 copies to each of you. Electronic copies are
3 also available for the press, the public
4 on-line and for the members of our Committee
5 and members of the Senate.

6 But if you look at this I think you will
7 see very vividly the expressions of specific
8 concern by members of the public, but you will
9 also see that there are apparent conflicts and
10 that those are conflicts we are going to have
11 to wrestle with and attempt to resolve.

12 Now, third, there was a strong desire,
13 particularly among Supervisors of Elections, to
14 see this process completed sooner rather than
15 later.

16 As some of you may remember, there has
17 been an exchange of letters between the
18 Majority and the Minority Leader on this
19 matter, and I will yield to the Minority Leader
20 in a moment for any clarification she may want
21 to make.

22 I took her comments at a Miami hearing and
23 we have copies of her comments here for anybody
24 that wishes to read them from the, from the
25 transcript that as a member of the minority she

1 was shut out of the process ten years ago, not
2 really welcomed to offer her ideas, but
3 basically just said, this is the way it is.

4 And so I indicated that we would make time
5 at every hearing to not only ask the Leader,
6 but also ask any other Senator, if you feel
7 like you are shut out of the process, you
8 haven't been given an opportunity to present
9 your ideas, here we are in public. We want you
10 to present your ideas.

11 And one of the things that Leader Rich
12 indicated in her letter back was that her, one
13 of her real concerns is to make sure that this
14 process is, A, transparent and B, that it moves
15 in a timely fashion, and to that end we have
16 accelerated the process as much as we feel we
17 legally can, and in a moment I will indicate to
18 you that I believe through conversations
19 between myself and Chairman Weatherford, we
20 have come to a potential schedule that is
21 aggressive, and I hope will begin at least in
22 some ways to respond to Leader Rich's very
23 valid concerns.

24 But just so that you know, we have moved
25 the beginning of session from March to January.

1 The beginning of these interim Committee
2 meetings from December to September. Here we
3 are in September, two months and-a-half earlier
4 than we would usually meet.

5 District Builder has been available to the
6 public and to every member of this Committee
7 and every member of the Legislature throughout
8 the summer.

9 Some of you will recall the meetings that
10 we held where Mr. Guthrie and members of his
11 staff gave us their time to make sure we all
12 understood how to use District Builder, and I
13 know at the time that some of us sort of glazed
14 over and said, well, gee, are we really going
15 to use this? Do we really need to know this?

16 Now is the time when all of that
17 information and all of that tutoring really,
18 really comes to the fore. And we have
19 completed our listening tour, a full four
20 months before the Florida Constitution even
21 permits us to adopt a redistricting plan for
22 state legislative districts.

23 We are very well ahead of the schedule
24 compared to ten years ago when I wasn't here,
25 most of us weren't here, but Leader Rich makes,

1 I think some very good points about how the
2 process, if I take her comments to be correct,
3 if I properly interpret her comments, how the
4 process was more closed ten years ago.

5 And Leader, I would like to first tell you
6 that if I took your comments made at the Miami
7 hearing in any way that, different from how you
8 meant them, let me apologize to you publicly.

9 I took the comments to mean that you were
10 shut out as a member of the Minority, people
11 weren't interested in your point of view, you
12 were just shown a Feta Compli, and my
13 commitment to you is that that would not happen
14 this time, and I would, I would recognize you
15 for any comments you may wish to make and any
16 correction of my characterization of your
17 comments that you may wish to add. Leader
18 Rich.

19 SENATOR RICH: Thank you, Mr. Chair, and I
20 appreciate your comments. I believe the one
21 place where we probably diverged in what I
22 believe I had said was, I focused on the fact
23 that the process last time was not transparent
24 and that maps appeared.

25 I can speak for myself and many of my

1 colleagues who felt the same way, and there is
2 a difference between the Majority and the
3 Minority and I have received a letter saying
4 that I had mischaracterized the process last
5 time.

6 Well, I didn't mischaracterize it from the
7 point of view of the Minority Party and I know
8 that you are working very hard to reverse that,
9 and to see that that doesn't happen, and just
10 your comments this morning and the number of
11 maps that have been submitted show that
12 obviously the process more people are involved
13 and I think everyone here on both sides of the
14 aisle feels that they are involved in this
15 process.

16 And my comments were directed specifically
17 at that lack of transparency, not in the sense
18 of, you know, me or anyone specifically wishing
19 to present, you know, necessarily a map. So
20 that was the only place where I just had wanted
21 to clarify that, and, you know, we are all
22 here, we feel part of this Committee.

23 Vice Chair, our own Senator Margolis, and
24 so we are here to work. We are here to work in
25 the Sunshine, and to dispel kind of the idea

1 out there that this might be similar to the
2 process ten years ago, because obviously from
3 what you have said this morning and what we
4 have done so far, the process is dramatically
5 different than the one we participated or
6 didn't participate in last year, ten years ago.

7 Thank you.

8 SENATOR GAETZ: Thank you very much,
9 Leader, and just so that we can put the
10 conversation in proper context and then behind
11 us, recognize the Majority Leader for any
12 comments he might wish to make.

13 SENATOR GARDINER: Thank you,
14 Mr. Chairman, and obviously this is a new day,
15 and I disagree with Leader Rich. I was a
16 member of the Committee.

17 I traveled the state with my colleagues,
18 not to Key West, but all parts of the state
19 throughout. You know, the Bills ten years ago
20 went through the process. We offered up to the
21 Minority Party the opportunity to draw maps.
22 They were voted on in Committee.

23 They were voted on on the floor, and if I
24 remember correctly, passed with Democrat
25 support in many cases. So obviously we can't

1 sit here and attempt to re-write history.

2 It is, you know, the facts are sometimes
3 in the eyes of the beholder and who says them,
4 but Mr. Chairman, I want to thank you for your
5 leadership on this.

6 If you look at the number of public
7 hearings that we have had around the state, and
8 I think John Guthrie can confirm that we are
9 ahead of schedule of where we were ten years
10 ago.

11 The first map that was presented in
12 committee was not until January, ten years ago.
13 It was two days after the map or three days,
14 John can confirm it, that the League of Women
15 Voters put forward a map.

16 So I think that the aggressive timeline
17 that you and Chairman Weatherford have shown
18 shows that this is going to be transparent. It
19 is going to be transparent just like it was ten
20 years ago.

21 It is going to follow the same path and be
22 heard in Committee and voted on and potentially
23 amended as it was ten years ago. So again,
24 there will always be interpretations of what
25 happened ten years ago, but I am very proud of

1 what we accomplished ten years ago and the hard
2 work staff put into it.

3 I am very proud of the direction we are
4 taking this time around, the technology is
5 better. The opportunity is better for the
6 input from the public, and Mr. Chairman, you
7 have embraced that and I appreciate that very
8 much.

9 SENATOR GAETZ: Thank you very much,
10 Leader. Let's get into some very specific
11 areas where we heard testimony and where I hope
12 we would, we would be able to come to consensus
13 and give direction to our professional staff.
14 Let's first talk about VTDs.

15 Supervisors of Elections said that they
16 really wanted the new lines to follow VTD
17 boundaries whenever possible, and they laid
18 out, I think a convincing rationale for why
19 that would be the case.

20 Now, again, sometimes there will be
21 conflicts between following VTDs in 100 percent
22 of cases, and then also following geographic
23 and political boundaries, because rivers don't
24 and highways don't always respect VTDs.

25 Most often they do, but sometimes they

1 don't, and so there will be opportunities here
2 for us to make tough calls, but we heard the
3 message from our Supervisors of Elections
4 loudly and clearly and my request to the
5 Committee is that we use VTDs as the building
6 blocks of any maps that are derived from the
7 public submissions we have had and that would
8 therefore be recommended out of this Committee.

9 Is there any objection to our using VTDs
10 as the primary building block of our maps?

11 All of us have heard the testimony. We
12 certainly can discuss this issue, but I wanted
13 to see if we can give our professional staff a
14 sense of how the Committee, Democrats and
15 Republicans, feel about this issue.

16 Is there anybody who would like to comment
17 on the VTD matter?

18 A VOICE: Right behind you, Mr. Chair.

19 SENATOR GAETZ: Senator Storms. You are
20 recognized.

21 SENATOR STORMS: Thank you, Mr. Chair. I
22 do want to comment on VTDs. I just would like
23 to have some understanding of how, what it is
24 that we mean by using VTDs.

25 In my understanding of how we would use

1 those VTDs, this is the way, when Jay was
2 training me, this is the way I used them.

3 I started first with, with the county as
4 my primary goal, to keep the county in the
5 district lines. So if I was drawing a
6 district, then I tried to keep the whole
7 district within a particular county.

8 Then if there was, if there was a
9 municipality in that city or two, I tried to
10 keep, and I was drawing the district within
11 that county, so what I am trying to talk to you
12 about is prioritizing the VTDs.

13 So then if I am in the county and I have
14 been able to keep that entire county in that
15 district, then I went to the municipality and I
16 tried to keep the entire municipality in the
17 district.

18 If there were multiple municipalities I
19 tried to keep all of the municipalities in the
20 county district, and then if I still needed to
21 take people or move people, I went census block
22 by census block to get me to where I needed to
23 be, but then I used VTDs.

24 So I guess what I am saying for VTDs, is
25 VTDs should be tool of last resort and not the

1 tool of first resort, because, you know, we
2 should keep the political boundaries, to me
3 political boundaries are counties,
4 municipalities, census block, then VTDs in
5 descending order like that.

6 And then the tool of last resort would be
7 the VTDs. If I have to make a break at all, it
8 would be the break on VTDs. Is that an
9 accurate understanding, or is that not the
10 accurate understanding?

11 SENATOR GAETZ: John, you have been
12 working very closely with the Supervisors of
13 Elections. You know what they have requested,
14 why they have requested. Could you respond to
15 Senator Storms's point, please?

16 MR. GUTHRIE: Thank you, Mr. Chairman.
17 Senator Storms, my -- I think you have got the
18 hierarchy almost exactly correct.

19 It is, for building districts, the
20 smartest strategy is start with counties, take
21 a look at cities.

22 SENATOR STORMS: Wait, wait, did you just
23 say I was using the smartest strategy, because
24 you can say that again?

25 MR. GUTHRIE: The -- I believe the next

1 level below municipalities would be VTDs, which
2 is composed of one to several hundred blocks,
3 and you only go to census block as the last
4 resort.

5 So I would make that one clarification on
6 your suggestion of the hierarchy, but what you
7 say is exactly right, and when I and my staff
8 are looking at planned scenarios, the approach
9 that we are going to take is to start with
10 counties, then look at cities, then try to
11 finish out our districts with VTDs, where VTDs
12 just don't make sense because they, and it gets
13 kind of technical here, but because of how they
14 lay down with the Interstate highways, with
15 bays, et cetera.

16 In some cases the Supervisors if given
17 another opportunity would say, well, that VTD
18 really doesn't work for us. So I don't think
19 we want to be dogmatic about using VTDs, but I
20 think we do want to, want to be respectful of
21 that intermediate level of geography that
22 Supervisors of Elections provided for us so
23 that we can help them implement the new
24 districts as efficiently as possible and
25 conduct future elections as efficiently as

1 possible.

2 SENATOR STORMS: Follow up, Mr. Chair?

3 SENATOR GAETZ: Yes, of course, Senator
4 Storms.

5 SENATOR STORMS: So just so that I
6 understand, if there is -- so in 5 and 6, the
7 competition, the tension rather, is between
8 whether it is compact, political boundaries,
9 contiguity and essentially and then not
10 protecting the, you know, incumbents, either
11 protecting or harming them either way.

12 So, but they don't address -- it doesn't
13 really address Voting Rights Act districts. I
14 mean, it gives a nod toward it, but it doesn't
15 really say it.

16 So I guess what I am wondering is, and
17 what I would like to say something on the
18 record, is if there is a competition, if there
19 is a tension between a Voting Rights Act
20 district and a political boundary, how do you
21 make the break in the usage of VTDs?

22 In other words, do you then say, okay,
23 here we have a minority access district, and so
24 because we have a minority access district
25 here, we cannot follow political boundaries and

1 then we are going to just default to VTDs?

2 So you would be less inclined to follow
3 the municipality or the county line and just
4 use the VTD?

5 I am trying to understand, because there
6 will be some municipalities that will be carved
7 up, you know, they won't have a single voice
8 for there, and I know that there is the public
9 testimony that said some people said they only
10 want one, other people said they want 50
11 elected officials representing them, not
12 really, but four was fine with them.

13 So I wonder how, how will it break like
14 that? Which tool will you default to if it is
15 a Voting Rights access seat?

16 SENATOR GAETZ: John?

17 MR. GUTHRIE: Mr. Chairman, thank you. As
18 the Chairman sort of said in his comments
19 previously, the standards in the Florida
20 Constitution are set out in two tiers, and
21 protecting the equal voting opportunities of
22 minorities gets the highest level of priority.

23 And so whatever we need to do in order to
24 not retrogress and in order to preserve
25 opportunities for minority voters in this

1 state, and that was the interpretation that the
2 Legislature took in presenting Amendments 5 and
3 6 to the U.S. Department of Justice for
4 pre-clearance, that we are not going to let
5 worries about compactness or political
6 subdivisions trump the tier one consideration
7 for preserving minority voting rights.

8 SENATOR STORMS: Final follow up, Mr.
9 Chair?

10 SENATOR GAETZ: Sure and then we will go
11 to Senator Latvala.

12 SENATOR STORMS: Yes. So that I am
13 understanding, because I just wanted to be
14 clear on how this is going to work, because the
15 question we are asking is about VTDs, and my
16 understanding about VTDs and merging 5 and 6
17 is, you know, we start first with the political
18 boundaries, political boundaries being county
19 lines.

20 Then next is municipalities if at all
21 possible, then VTDs, then census block, but,
22 but the only overlay that you put over that is
23 the question on every district, is this a
24 minority access seat.

25 If it is a minority access seat, then the

1 filter that you use is how do we keep it from
2 retrogression and in that case, instead of
3 municipality and county line and municipality
4 being the first tool that you use, it may be
5 that you default immediately to the VTD which
6 would be almost a tool of last resort in any
7 other circumstance. Is that accurate?

8 SENATOR GAETZ: Mr. Guthrie.

9 MR. GUTHRIE: I think that is close, yes,
10 that is very close. That is a good statement
11 of where we are.

12 SENATOR STORMS: Okay, thank you.

13 SENATOR GAETZ: Thank you, Senator Storms.
14 Senator Latvala, you are recognized, sir.

15 SENATOR LATVALA: With regard to the
16 second tier of the Constitutional Amendment
17 which would be the political boundaries and
18 compactness, we are not saying that we would
19 let the -- using the VTDs trump that section,
20 are we?

21 SENATOR GAETZ: Mr. Guthrie.

22 MR. GUTHRIE: No, no, there may be a
23 question in some people's minds about whether
24 VTDs are, themselves, political subdivisions.
25 They were drawn by, by the Legislature with

1 cooperation or in partnership with Supervisors
2 of Elections for the purposes of making,
3 running elections as efficient as it could be.

4 And the Supervisors who have been on the
5 ground, you know, putting their ballots
6 together, making their precincts, they know
7 better than anyone what, what makes sense in
8 terms of the political boundaries for election
9 precincts.

10 And so, you know, it is -- but the
11 language that was on the ballot for Amendments
12 5 and 6 did refer to counties and cities as
13 being political subdivisions.

14 So I think there is an expectation among
15 the voters, as Senator Storms was talking
16 about, that cities and counties will be
17 provided higher respect than VTDs for purposes
18 of making districts.

19 SENATOR LATVALA: Mr. Chairman?

20 SENATOR GAETZ: Yes, of course, Senator
21 Latvala.

22 SENATOR LATVALA: With regard to the
23 compactness standard, and particularly in rural
24 areas I if have noticed that using the VTDs
25 tend to produce some weird shapes, you know,

1 there is some jagged triangles that kind of go
2 out to the side where there is not a lot of
3 people and they have tried to connect folks
4 together.

5 So what my question probably relates to
6 using the VTDs with relation to the compactness
7 standard.

8 MR. GUTHRIE: Okay. And on that what I
9 would say is what would be helpful to this
10 Committee is to continue our partnership with
11 Supervisors of Elections through the process,
12 so that if they have input about where the line
13 should be drawn through that rural area, and if
14 the Supervisors recommend an alignment that
15 does not correspond with the VTDs, then it
16 would be very efficient to take that better
17 advice.

18 SENATOR LATVALA: Thank you.

19 SENATOR GAETZ: Thank you, Senator
20 Latvala. Senator Sobel, then Senator Detert.

21 SENATOR SOBEL: Thank you, Mr. Chair, and
22 speaking of the Supervisor of Elections and
23 their input, is there data, current and how do
24 we take into consideration transient
25 populations?

1 SENATOR GAETZ: By transient populations,
2 you mean, for example?

3 SENATOR SOBEL: People move around.

4 SENATOR GAETZ: Migrant workers.

5 SENATOR SOBEL: Okay, yes, migrant
6 workers, but is there --

7 SENATOR GAETZ: Tourists?

8 SENATOR SOBEL: Is there -- is there data
9 current, and --

10 MR. GUTHRIE: That would not be in the
11 Supervisor of Elections' data typically, but it
12 would -- it is in the United States Census,
13 which is the basis for the maps that you will
14 draw.

15 So, and the way the census works is that
16 people's existence is where people live is
17 recorded as of April 1st, 2010. So where you,
18 where your domicile was on that date determines
19 where you are located for purposes of
20 equalizing the population of Florida's
21 Senatorial, State House and Congressional
22 Districts.

23 SENATOR GAETZ: Senator Sobel.

24 SENATOR SOBEL: Thank you, Mr. Chair. So
25 the Supervisors, when they give out any kind of

1 population, they don't give out any kind of
2 population data for the cities or the counties?

3 SENATOR GAETZ: Mr. Guthrie.

4 MR. GUTHRIE: Supervisors keep records of
5 who are the registered voters in a county. And
6 redistricting is going to be based not on who
7 is registered to vote, but on who was counted
8 in the 2010 Census.

9 SENATOR SOBEL: Who was counted, okay.

10 MR. GUTHRIE: And the census made
11 significant efforts to make sure that all of
12 us, including transient or migrant workers were
13 counted. Homeless individuals were counted in
14 that process.

15 SENATOR SOBEL: Thank you.

16 SENATOR GAETZ: Senator Detert, you are
17 recognized.

18 SENATOR DETERT: Thank you, Mr. Chair. I
19 think frankly for any viewing audience and for
20 some members we should explain the acronym,
21 VTD, if you haven't already.

22 SENATOR GAETZ: Mr. Guthrie, can you give
23 us --

24 MR. GUTHRIE: VTD is an official level of
25 census geography just like a track or a block

1 group or a block. It stands for voting
2 tabulation district.

3 In most cases in Florida they are very
4 similar to precincts, but they are not
5 precincts. They aren't controlled by
6 Supervisors of Elections or County Commissions.
7 The VTDs for the 2010 Census were set by us
8 working with, in partnership with Supervisors
9 of Elections prior to the census and they will
10 remain as legal boundaries for the next ten
11 years, until the Supervisors have another
12 opportunity to set them again.

13 The direction that we gave Supervisors
14 was, in recommending these lines or in drawing
15 these lines for the counting of population,
16 let's don't look back at the elections that
17 have occurred over the past ten years, but
18 rather let's look forward to the elections you
19 will need to be conducting in the ten years
20 after redistricting occurs.

21 SENATOR DETERT: And if I can continue.

22 SENATOR GAETZ: Yes, of course, ma'am.

23 SENATOR DETERT: Thank you for that. I
24 think it is important, and I think your
25 previous statements defining the difference

1 between registered voters and census is an
2 important key issue.

3 And I would like to say that when it comes
4 to using that as a component, I agree with
5 Senator Storms that it should come third or
6 fourth. I mean, it is very, maybe more
7 convenient for Supervisors, because as we draw
8 lines and boundaries that are county or city,
9 we could be splitting precincts and it makes it
10 a little bit more difficult for Supervisors to
11 get their ballots correct when, you know, you
12 are splitting precincts.

13 It happened to me, I was left off of
14 several ballots which was probably why I won,
15 because so was my opponent, but, you know, not
16 the best way to go.

17 I think to use VTDs though as your main
18 source, my goal is to have an ordinary citizen
19 look at the map and have confidence in the map,
20 trust in the system and just feel that, you
21 know, there is a certain fairness to the issue.

22 If you do it according to the VTDs, I
23 think you are going to get some crazy looking
24 lines.

25 So that is why I think it should be a

1 component or a factor, but it shouldn't be the
2 prime factor.

3 SENATOR GAETZ: Thank you, Senator Detert,
4 and I think that as Senator Latvala indicated,
5 a slavish devotion to VTDs would create some
6 weird geometry.

7 But what the Supervisors were asking was
8 that when you, you know, we have constitutional
9 requirements to live by, but when we get down
10 to how, how then to draw lines after we follow
11 the constitutional requirements, what they are
12 asking is, you know, pay some attention to
13 VTDs, because if you don't it creates a
14 substantial burden on Supervisors in preparing
15 ballots and that sort of thing.

16 But President Margolis, our Vice Chair,
17 you are next.

18 SENATOR MARGOLIS: Senators, I think we
19 need to start with how many, how many Senate
20 Districts, how many Congressional Districts fit
21 in each county and make a determination, if you
22 have to put two counties together or three
23 counties together.

24 So if we start with the, with the amount
25 of population in each county, we would know and

1 what I see in several of the legislative
2 districts is crossing county lines, but two or
3 three people crossing county lines instead of
4 -- instead of, you know, just one or two.

5 I mean, you know, it gets to be a larger
6 amount, and I don't know, and I think that that
7 is one of the constant complaints I heard, that
8 they cross county lines.

9 I don't know them. They don't come here,
10 that kind of conversation. So it would seem to
11 me if we took a county like Dade and a county
12 like Broward and said, look, say this many
13 Congressional Districts will fit into this
14 county and this amount of House Districts and
15 this amount of Senate Districts, we have a
16 starting point, and we don't have to start
17 taking people and putting them in multiple
18 districts.

19 It might be one or two in a county, a
20 large county, as opposed to five or six that
21 are crossing county lines. I think that would
22 be an easy way to start anyway.

23 SENATOR GAETZ: Thank you, Madam
24 President, and I think as I use the phrase,
25 using VTDS as building blocks, my understanding

1 of the Supervisors of Elections' testimony, and
2 I think we heard from Supervisors at every
3 single hearing that we held, what they were
4 saying is when you get down then to past the
5 city and county boundaries, when you feel you
6 have met your constitutional requirements,
7 don't get your pen out and go free style, don't
8 just free style it. Then use VTDs as building
9 blocks as you can. Leader Rich.

10 SENATOR RICH: Thank you, Mr. Chair.
11 Going back to the VTD. On the Congressional
12 Districts you have to have exactly the same
13 number of people in each Congressional
14 District, that is correct, right?

15 SENATOR GAETZ: Yes.

16 MR. GUTHRIE: Very close, yes.

17 SENATOR RICH: So if you are needing to go
18 up or down, you know, plus or minus a few, is
19 the VTD the place where you divide?

20 MR. GUTHRIE: No, for getting spot on
21 equal population, you are going to need to go
22 to block level.

23 SENATOR RICH: To block level.

24 MR. GUTHRIE: Yes.

25 SENATOR GAETZ: Particularly, Leader, in

1 Congressional Districts, because there, as you
2 know, from the discussions we have had
3 previously, the relevant court cases tell us
4 that equal Congressional Districts mean exactly
5 that.

6 Congressional Districts that have been
7 next to each other that one has been 11 voters
8 off from another or 11 people, I am sorry, off
9 from another, we are declared to be not, not
10 providing equal representation in the Congress.

11 So when you get down to that we are
12 probably going to have to just the tweezers and
13 that is, that is not going to follow any neat
14 line, except I got to go pick up, Senator
15 Storms I think very eloquently explained at our
16 hearing in Orlando, you got to go with the
17 tweezers then and you got to go pick up those
18 six voters to make it work.

19 Now, when we get into the Senate and House
20 Districts, then there is a variance that can be
21 used if it is defensible, and all of the
22 Supervisors are saying is, don't just be
23 arbitrary and capricious or political at that
24 point, follow the VTDs if you can.

25 But in Congressional Districts, there we

1 have really -- we have really got to keep them
2 equal. Senator Lynn.

3 SENATOR LYNN: Thank you, Mr. Chairman.
4 We kept hearing as people have said, keep my
5 county whole, I want to have one of whatever,
6 and we know as much as people might like to do
7 that, that is not going to be too easy to do.

8 I like Senator Margolis' approach because
9 it is very practical and she has certainly the
10 broad experience. She has been here a long
11 time. She has been here through several
12 redistrictings.

13 And so it is an excellent way, but the
14 other thing that has come up in many of our
15 meetings, and I have seen it so much where
16 redistricting locally, areas of interest, and
17 you brought up The Villages.

18 We have -- there are many counties and
19 areas that within counties that are very
20 similar, and others that are very disparate,
21 and as we start working through it with the
22 requirements of the Constitution, of course, I
23 think it is important to look at that as well,
24 because if we throw sometimes a major city in
25 with a very rural county, despite the fact that

1 we keep trying to protect those rural counties
2 and so forth, there is something, there is a
3 disconnect.

4 And I know of one situation that just
5 occurred in Volusia County where they have put
6 one very unique area in with one major city and
7 it is so contradictory, but it is going to be
8 what it is. It is the way they decided to do
9 it. So I hope we pay attention to that as
10 well.

11 SENATOR GAETZ: Thank you very much,
12 Senator Lynn. That is -- before we move on,
13 let's just take a quick break in the action and
14 recognize our dear colleague and friend,
15 Senator Bullard, who has been able to be with
16 us for some but not all of our deliberations
17 over the last few months.

18 And to tell her first that she looks
19 great. She has got that Bullard smile on her
20 face. She is back and we are delighted to see
21 her.

22 Welcome back, Senator, we have been
23 praying for you. We have been thinking about
24 you and the prayers are answered. Here you
25 are.

1 SENATOR BULLARD: Thank you, Mr. Chairman,
2 and I do want to say that I am the weather girl
3 this morning. When it rains, you know, some
4 things happen. I want to say to you that I
5 have been keeping up with everything and I do
6 appreciate all, everything this Committee has
7 been doing. I appreciate you very much. Thank
8 you.

9 SENATOR GAETZ: Thank you, Senator.
10 Senator Hays.

11 SENATOR HAYS: Thank you, Mr. Chairman.
12 Mr. Guthrie, is the census block basically a
13 sacred block that we cannot divide, or is it
14 the VTDs or is there even a geographical area
15 that has to be left intact as we build these
16 districts?

17 SENATOR GAETZ: Mr. Guthrie.

18 MR. GUTHRIE: Mr. Chairman. Census blocks
19 are the smallest unit of geography for which we
20 have census population data. So that is the
21 most granular level of geography that you can
22 use.

23 But we have 484,000 blocks in the state,
24 which gives you an almost infinite variety of
25 permutation of how you put them together.

1 SENATOR HAYS: Okay, but the scenario that
2 I am trying to define is we have the, well, for
3 instance, two counties put together, population
4 does not equal one Senate District so we have
5 to go into another county and get sufficient
6 numbers to meet that goal of what, 470,000
7 people.

8 When we are going into that other county
9 and carving out those residents, are we able to
10 dissect a census block or must all of the
11 census be kept intact?

12 SENATOR GAETZ: Mr. Guthrie.

13 MR. GUTHRIE: The software we are using
14 does not support splitting blocks, and we would
15 be in an interesting legal area. It would be
16 very difficult.

17 You would need to sort of ascertain for
18 cutting that block how many people are on one
19 side of the line you drew, and how many people
20 were on the other side of the line as of
21 April 1st, 2010, and that would be a very
22 difficult thing.

23 SENATOR HAYS: So basically the guideline
24 is, don't, don't dissect the census block,
25 leave the census block intact?

1 MR. GUTHRIE: Correct, and the way that we
2 traditionally, and in fact we are going to look
3 a little bit later this morning at some Bill
4 language for the Apportionment Joint Resolution
5 and for the Congressional Bill and that defines
6 the hierarchy -- not the hierarchy, but the
7 units of census geography that will be used for
8 describing districts.

9 And the language that it says in the Bill
10 is that a block describes the smallest
11 geographic unit for which population was
12 tabulated in the 2010 Decennial Census, so it
13 is the smallest the unit of geography for which
14 we have a legal description that we can refer
15 to in the redistricting legislation.

16 SENATOR GAETZ: Comments?

17 SENATOR HAYS: Mr. Chairman, if I may just
18 get --

19 SENATOR GAETZ: Of course.

20 SENATOR HAYS: -- one more clarification.
21 We have got the map drawn, and we have 469,075
22 people in the district and we need 25 more to
23 make it a round number, and yet we go into
24 another census block and it has got 340 people
25 in it.

1 Must we take all 340 or can we carve out
2 the 25 more people and leave the rest of them?

3 SENATOR GAETZ: Mr. Guthrie.

4 MR. GUTHRIE: You would either take those
5 340 people or you would find another block that
6 had the 25 that you were looking for.

7 SENATOR HAYS: Thank you.

8 MR. GUTHRIE: That is the choice. So when
9 you are zeroing out a Congressional plan, what
10 you do is you look for a location where the
11 blocks that have the exact number that you are
12 after are available.

13 SENATOR HAYS: Well, is that not also true
14 for a House District or a Senate District as
15 well?

16 MR. GUTHRIE: The population requirement
17 under Federal law is not as stringent for House
18 and Senate Districts as it is for Congressional
19 Districts.

20 SENATOR HAYS: Thank you.

21 SENATOR GAETZ: We can vary, Senator Hays,
22 correct me, Mr. Guthrie, we can vary if we have
23 a defensible reason. We can vary by two or
24 three or four and sometimes even five points,
25 but as you get north of about three points,

1 about a three percent variance, your burden of
2 proof becomes pretty severe based on the
3 information that I have seen, case law I have
4 read.

5 But with Congressional Districts you have
6 got to be spot on, and that is why even with
7 all of the best efforts as articulated by our
8 members this morning, we may have pimples and
9 dimples on Congressional Districts, because you
10 have got to go pick up those six people, those
11 24 people.

12 Anything else on this matter of sort of
13 the building blocks of districts?

14 Mr. Guthrie, could you please, could you
15 please summarize?

16 MR. GUTHRIE: Yes, and maybe this picture
17 that I put up on the screen will be helpful for
18 that.

19 We are in the Clearwater, Largo area of
20 Pinellas County. The cities are shown in
21 colors here. The VTD lines are the bold brown
22 lines, and the block lines are the fine lines.

23 So what we see is that the Supervisor of
24 Elections in Pinellas County generally paid
25 attention to municipal boundaries in drawing

1 the VTDs, but she was not dogmatic about it.

2 I think that the correct way to approach
3 implementing Amendments 5 and 6 in this area
4 would be as the committee has heard and has
5 expressed here today, to look first to keeping
6 counties whole, and not subdividing county
7 lines.

8 And next to look at keeping your
9 municipalities intact, and then beyond that,
10 if, in order to make it most easy for
11 Supervisors to implement the new districts and
12 conduct efficient elections in the years to
13 come, follow the VTD lines.

14 So that would mean in this case is that if
15 you put the city of Clearwater in a district,
16 and then you needed additional population you
17 might look at this, rounding out this VTD and
18 this VTD in order to fill out the population
19 for that district.

20 You see that how that works? And then
21 only go to the block level where it is
22 necessary, in the rare cases where it is
23 necessary to equalize your population.

24 But generally just pay attention to county
25 lines, to city lines and to VTDs and one more

1 point of background on this.

2 Ten years ago the software we provided
3 made it very, very easy, as this does, too, to
4 do all of your redistricting at the block
5 level. So you could, and what we found is that
6 the people who were drawing the plans actually
7 started, not at the county level, not at the
8 tract or block group level, they started at the
9 block level and drew everything based on that.

10 So what we ended up with is many, many
11 cases where the House District was on First
12 Street, the Senate District was on Second
13 Street, and the Congressional District was on
14 Third Street.

15 They all were trying to capture the same
16 neighborhood, but they did it in three
17 different ways. If they all three had followed
18 Second Street which was the VTD line, that
19 would have made it much, much easier for
20 Supervisors to implement the new districts.

21 SENATOR GAETZ: Do we have a general
22 understanding of how we are going to proceed
23 and is there any objection to the explanation
24 of how we are going to proceed as articulated
25 by Mr. Guthrie? Is there any issue?

1 Senator Storms.

2 SENATOR STORMS: There is one issue, but
3 it is not -- it has to do with the
4 implementation in the end product that I want
5 to call to your attention.

6 On My District Builder you have -- you
7 have got the maps presented and you have the
8 ability to like it on Facebook, you have the
9 ability to like it, to tweak it, but there is
10 no ability for anybody to, you know, give you a
11 thumbs down or other important finger, and say
12 that they don't like it.

13 So -- so I think that there needs to be
14 some option there for somebody. It seems like
15 you stacked the deck by saying, okay, if you
16 like this, you forward it, but if you don't,
17 you know, what do you do?

18 So after we are done with the whole thing
19 there ought to be some something there for
20 people to be able to click on it and say, no,
21 no, I hate this, and then for comments to go
22 along with it, just kind of FYI. Thank you.

23 SENATOR GAETZ: Thank you for the
24 suggestion. Members, what we would like to do
25 now is get into specifically how we will

1 proceed with various regions of the state in
2 developing maps.

3 For the next few interim meetings we will
4 be closely examining the maps and district
5 scenarios related to different regions of
6 Florida.

7 In other words, our approach will be to go
8 region by region. Our professional staff will
9 be showing us various scenarios directly
10 derived from the maps and the comments that we
11 have received from the public.

12 For our next meeting on October 5th, and I
13 would ask you to be cognizant of these dates
14 and these deadlines that I would like your
15 support on.

16 For the next meeting on October 5th, we
17 will be presenting and discussing maps and
18 scenarios for northwest Florida, including the
19 Panhandle and the Big Bend.

20 Then the week of October 17th, we will be
21 discussing maps, reviewing scenarios related to
22 the northeast part of the state, including the
23 First Coast to the Space Coast and central
24 Florida.

25 Then at our two November meetings, we

1 would take up the maps and scenarios for the
2 southeastern and southwestern portions of the
3 state.

4 These next four meetings will be the times
5 for members to discuss the merits associated
6 with drawing district lines one way or the
7 other.

8 Subject to requirements of State and
9 Federal law, professional staff would then use
10 the direction we would give them as we go
11 region by region. They will use the direction
12 we give them in these open public meetings to
13 produce a statewide Congressional map, a
14 statewide Senate map and a statewide House map
15 that would be derived from, first the testimony
16 and maps we received from the public.

17 Then secondly, the input and direction we
18 will receive in these open public meetings for
19 members of this Committee, and then hopefully
20 we will arrive at a consensus. We can then
21 vote and then recommend our maps to the Senate
22 as a whole.

23 Our objective will be to introduce these
24 plans as proposed Committee Bills at the
25 meeting the week of December 5th. So

1 December 5th meeting, the week of December 5th,
2 if we stay on schedule and I hope we can, we
3 would introduce proposed Committee Bills.

4 Now, what that means is that November 1st,
5 would be our drop dead date for submission of
6 plans or proposals from the public, from
7 interest groups, from members of this
8 Committee.

9 So if you have a particular proposal you
10 would like to make for your part of the state,
11 for my part of the state or for the state as a
12 whole, or House maps or Senate maps or
13 Congressional maps, our deadline for receiving
14 those proposals in this Committee will be
15 November 1st.

16 This corresponds very closely with what
17 the House of Representatives is doing. Then we
18 will follow the procedure that I have laid out
19 to go region by region. Then during the
20 meeting the week of December 5th, we would, we
21 would hopefully having had all of the input
22 region by region, so we have gone through these
23 meetings, have a proposed Committee Bill.

24 By contrast, Senators, ten years ago the
25 first plans for Congressional and Legislative

1 Districts appeared on January 23rd. So we are
2 talking about, about virtually being two months
3 ahead, almost two months ahead of where we were
4 ten years ago.

5 Our ambitious goal assumes a lot of hard
6 work on the part of members of this Committee.
7 It assumes that we will get down to business.
8 We will not hold cards close to our chests, but
9 we will rather play those cards as soon as we
10 possibly can.

11 And it also assumes, our schedule assumes
12 continued good input from the public, but we
13 want that input to come to a head by
14 November 1st.

15 Now, if somebody comes in on November 4th,
16 some member of the public, some interest group
17 and offers something, we certainly take it into
18 the record and we certainly consider it, but in
19 terms of using it as a plan that we would, that
20 we would take seriously and then try to derive
21 our Committee Bill from, we have got, we have
22 got to have an all in date and the all in date
23 that we would like to suggest is November 1st.

24 SENATOR LATVALA: Mr. Chairman?

25 SENATOR GAETZ: Yes, sir, Senator Latvala.

1 SENATOR LATVALA: I commend your, this is
2 a tremendous step forward to get these plans
3 out in advance by such a significant time
4 period over what has been done before, and what
5 a lot of people accused us of planning to do at
6 these various hearings.

7 The only question I have is that by having
8 the deadline of November 1st, on plans
9 submitted by the public, as well as plans
10 submitted by Senators the same day, would seem
11 to not give any time for us to look at the
12 public submitted plans before we would do a
13 plan of our own.

14 And I am just wondering if you might
15 consider, and I hate to follow the House, but I
16 have been trained all of these years not to do
17 what the House does, but, you know, the House
18 has a two tier plan where, where, you know,
19 November 1st is the public date, and then two
20 weeks later would be their Members date and I
21 am wondering if we could give some
22 consideration so there is some period of time
23 for Senators to review what has come in from
24 the public before we have to submit a plan
25 ourselves.

1 SENATOR GAETZ: Mr. Guthrie, don't wander
2 away. You heard Senator Latvala's comments,
3 and Senator Latvala, I met yesterday with
4 Chairman Weatherford to understand where the
5 House is coming from, and the House is doing
6 exactly what you said and for the reasons that
7 you mentioned.

8 Do you have any comment on if we accepted
9 Senator Latvala's suggestion, to have a
10 suspense period between the deadline for
11 submission by interest groups and members of
12 the public and submission of maps by Senators,
13 do you have any comment, Mr. Guthrie, on
14 whether we could still maintain our aggressive
15 schedule to be able to move forward with a
16 proposed Committee Bill the week of
17 December 5th?

18 MR. GUTHRIE: What I think the November 1
19 deadline is designed to do, is as Senator Gaetz
20 said, keep interest groups, public and Senators
21 from holding their great ideas close to their
22 chest.

23 That -- so the material that the Committee
24 staff is going to use for purposes of putting
25 together a proposed Committee Bill will come,

1 we are hoping by November 1.

2 Now, the Committee -- it is not -- the
3 proposed Committee Bill is not at the end of
4 the day a staff product. It is your product,
5 and so this Committee will have an opportunity
6 at the meeting in December, and thereafter, to
7 discuss, debate, amend, and clarify what this
8 proposed draft that the Committee staff will
9 put out some time maybe a week in advance of
10 the Committee meeting.

11 SENATOR GAETZ: But to Senator Latvala's
12 point, and we discussed this yesterday, and I
13 was the guy pushing for deadlines of these kind
14 so we can move the process.

15 What would be the, you know, what would be
16 the consequences of saying that November 1st,
17 would be the deadline for all submissions from
18 the public and from interest groups, let's pick
19 a date, November 10th, would be the deadline
20 for submission by all members of the Senate?

21 What would be the consequences of that and
22 would we be able to still introduce a proposed
23 Committee Bill on --

24 MR. GUTHRIE: I am sure that working over
25 Thanksgiving staff could, could get a proposed

1 Committee Bill done in time.

2 SENATOR GAETZ: Senator Latvala and I will
3 bring the turkey and the dressing. Senator
4 Latvala, I think you --

5 SENATOR LATVALA: I mean, even --

6 SENATOR GAETZ: I think you make a good
7 point, sir.

8 SENATOR LATVALA: Even if we had to move
9 the public date up a couple of days or
10 something, I mean, I don't want to be put in a
11 position of feeling guilty that we are making
12 the staff work over Thanksgiving.

13 I am not entirely sure that is necessary,
14 but I just think there ought to be a period of
15 time between when the public cutoff is and when
16 our cutoff is. I mean, we are elected to
17 represent the public in our districts.

18 SENATOR GAETZ: Senator Sachs.

19 SENATOR SACHS: Thank you very much,
20 Mr. Chairman. I agree with Senator Latvala's
21 analysis. I do think, sir, that we need to
22 have, and, you know, let me say this.

23 I do think we need to have some time in
24 order to digest and review and possibly revise
25 or agree with those maps that are submitted by

1 the public.

2 It doesn't mean that we need a
3 November 1st deadline. Let's -- let's take a
4 step back.

5 The public, as well as, as well as
6 Legislators, have had ample time to submit
7 maps. So we can possibly move up the
8 November 1st date, to an earlier time in
9 October possibly, so that we would have time by
10 November 1st, drop dead date to have all of the
11 submissions in, but I do think you need a time
12 space between the public submissions of maps,
13 our review of them, and then our deadline for
14 commenting, revising, agreeing with those maps
15 that have already been submitted.

16 And I don't think we need to impinge upon
17 Thanksgiving holidays, but I do think that we
18 can, you know, we can bring that November 1st
19 date up a little bit and I agree with that
20 suggestion.

21 SENATOR GAETZ: Why don't we do this,
22 unless there is objection. I apologize,
23 Senator Lynn.

24 SENATOR LYNN: Mr. Chairman, I understand
25 where Senator Latvala is coming from, but I do

1 have some discomfort.

2 The public has great fear that we are
3 going to be doing something behind the scenes,
4 and by setting the November 1 deadline for
5 everybody, you are saying, hey, work on this,
6 ultimately this comes to the Committee, and
7 anybody on the Committee can talk to anybody
8 outside the Committee in the Legislature, get
9 input from them.

10 And if we need to do what Senator Latvala
11 is thinking, and I am speaking on behalf of the
12 citizens out there that are saying, okay, so we
13 got our stuff down, and now November 5th, you
14 are going to be able to change it according go
15 to the way you want your district done or
16 whatever.

17 And so it gives us or the Legislators that
18 last input, and I think it is only fair the
19 public and Legislators have the input together.
20 We can fix whatever we need to do here to make
21 things work according to where we need to be
22 requirement-wise.

23 But I don't want to put us in a position
24 where, once again, the public can say, you are
25 doing something behind the scenes, after we do

1 it you are just going to fix it your own way,
2 anyway.

3 We have that ultimate requirement that we
4 have got to come up with something, but I would
5 like to see it appear, at least, that it is
6 going to be in the fairest way possible and you
7 have worked so hard at that, I would not want
8 to change it.

9 SENATOR GAETZ: Thank you, Senator Lynn.
10 Leader Rich.

11 SENATOR RICH: Thank you, Mr. Chair. I
12 would like to echo Senator Lynn's point of view
13 here. I think what we heard, a lot of what we
14 heard was that people wanted to see our maps,
15 and this exactly flips it, and I think we
16 should all have the same deadline, and I think
17 your timeline is excellent.

18 I mean, it gives us an opportunity,
19 although I would have liked to have seen a
20 Congressional even earlier, but I think, you
21 know, it gives a parity between the people and
22 the Legislators, and I think that that is
23 really very important after what we heard at
24 all of the Committee hearings.

25 SENATOR GAETZ: Thank you, Leader.

1 Senator Bullard.

2 SENATOR BULLARD: Thank you, Mr. Chairman,
3 and I appreciate your recognition. I agree
4 with my Leader as well, what has been said by
5 Senator Lynn, but I also want to ask, in view
6 of the fact that I have had experience in the
7 reapportionment, because I was here in 2002,
8 when the lines were being drawn.

9 So with that experience I know that some
10 of the techniques have changed since that time,
11 but I have heard different definitions
12 pertaining to a contiguous district.

13 I am changing my question a little bit,
14 Mr. Chairman. The contiguous districts, based
15 on some of the districts that I have seen and
16 one that, 39, District 39, I am told that the
17 contiguous district is one that it is either
18 compact in a circle or straight line as long as
19 it is a straight line.

20 Now, what I do not understand is if a
21 district is drawn in a straight line and that
22 straight line then moves over to another
23 straight line, is that contiguous?

24 SENATOR GAETZ: Mr. Guthrie, can you
25 define contiguity for us, please?

1 MR. GUTHRIE: Yes. The Florida Supreme
2 Court has taken the position that the
3 contiguity means that the district is a single
4 polygon or a single shape so you can get from
5 one part of the district to another without
6 stepping outside of the district, by boat or
7 car or walking or whatever.

8 SENATOR BULLARD: Well. Mr. Chairman.

9 SENATOR GAETZ: Of course, Senator
10 Bullard.

11 SENATOR BULLARD: So therefore, if the
12 district is drawn in the shape of an octagon,
13 that would be considered contiguous?

14 MR. GUTHRIE: An octagon is contiguous.

15 SENATOR BULLARD: Okay, so that -- that
16 clarifies some of the questions I have been
17 approached by some of the constituents who are
18 saying, well, you know, what -- how are you
19 drawing these lines and where are they
20 reaching? Are they too far reaching?

21 And as you well know, our District 39 is
22 very far reaching, and I am certain some of the
23 other districts are as well.

24 And if those lines are drawn in such a way
25 that it is not really meeting the needs of the

1 constituents, as well as taking a real toll on
2 the elected official, is it in the best
3 interest of the constituent and the elected
4 official when lines are drawn in such a way?

5 SENATOR GAETZ: Mr. Guthrie, any comment?

6 MR. GUTHRIE: So District 39 was
7 determined by the Florida Supreme Court to be
8 contiguous. So that we know, District 39 is
9 contiguous.

10 What this Committee will be considering in
11 the weeks and months ahead is how do we balance
12 all of the values that you believe makes sense
13 for providing the best possible representation
14 for voters and constituents in this state.

15 And there will be varying opinions on
16 that. As Senator Gaetz said, this Committee
17 process is a great way to determine how you,
18 the people's elected representatives, want to
19 make that choice.

20 SENATOR BULLARD: Mr. Chairman, follow up?

21 SENATOR GAETZ: Sure.

22 SENATOR BULLARD: Okay, now, are we
23 looking at the quota as well? Is that
24 considered in determining the districts?

25 SENATOR GAETZ: Mr. Guthrie.

1 MR. GUTHRIE: I am not sure exactly what
2 we mean by quota.

3 SENATOR BULLARD: The ethnic break down.

4 MR. GUTHRIE: Mr. Chairman.

5 SENATOR GAETZ: Of course.

6 MR. GUTHRIE: The -- as we said earlier,
7 the Section 5 and Section 2 of the U. S. Voting
8 Rights Act of 1965 as amended, and new Sections
9 20 and 21 of the Florida Constitution say that
10 providing voting rights for minorities is the
11 priority consideration in this state.

12 And there are numerous court cases that
13 get into determining how that will be best be
14 accomplished, that will take us way far afield
15 to get into this morning.

16 SENATOR BULLARD: Okay, Mr. Chairman, back
17 to the question I really need an answer for,
18 and because it is -- there is a misconception
19 or a perception by the people that they are
20 going in, we are going in, not they, we are
21 going in and taking certain pockets of people
22 and placing them in certain districts, whether
23 they are contiguous or not, and to develop a
24 district for a particular group.

25 So that I am concerned about, and I -- I

1 have no problem talking with you, and I have
2 had, you know, so at some point if you could
3 help me understand what is happening with that
4 so that I can clearly have an explanation for
5 my constituents and others who are discussing
6 this.

7 I have never seen before an issue
8 discussed as much as this reapportionment. In
9 2002, for those of you who were here, Senator
10 Latvala, and who else was here? Whoever was
11 here at that time, I know that it was not
12 discussed to the extent that it is today.

13 But I am very appreciative of the
14 hearings, because that is allowing people to at
15 least participate, and I really need to
16 understand clearly that when I go out to speak
17 before the constituents or they call my office,
18 well, what are you all doing up here? This is
19 so confusing for us.

20 I need to be able to say to them, no, they
21 are not going in and dipping, they are not
22 taking truck loads of people at night and
23 moving them into other areas so that we could
24 have a district that is -- what is considered
25 contiguous.

1 SENATOR GAETZ: Well, yes, ma'am, and we
2 owe you that, and professional staff, would you
3 please get with Senator Bullard and make sure
4 that she fully understands that issue and take
5 her input so that she has a clear message and
6 an accurate message she can provide to her
7 constituents.

8 Let's get back on topic here having to do
9 with our schedule. We have had a number of
10 people express their views. I think Senator
11 Storms was next, and then we will try to bring
12 it to a head.

13 Senator Storms.

14 SENATOR STORMS: Thank you, Mr. Chair.
15 Well, you know, I appreciate both sides of the
16 discussion, but maybe this is a different
17 perspective on getting the public's maps here
18 first.

19 If there was a way for us to bring that,
20 bring all of that in so whether, not to mess up
21 anybody's Thanksgiving holiday, because I
22 happen to love Thanksgiving, I think it is one
23 of the best family holidays that you can have.
24 It is not as much stress unless you happen to
25 be the one cooking, and in which case there is

1 a lot of stress.

2 But anyway, I don't think that is going to
3 be you all up there doing the cooking. I want
4 you all to be able to relax in your recliner,
5 so I am not trying to get you to work on
6 Thanksgiving, but I do think that there is a
7 benefit to having the maps here early for the
8 members to be able to know, you know, to be
9 able to take stuff into consideration.

10 I don't know really how we take stuff into
11 consideration without having all of the public
12 maps here. And I am not -- I certainly am not
13 trying to roll the public and trick them into
14 doing something, but I think that I benefit at
15 least from hearing the fellow members look at
16 the maps and have the conversation and say,
17 like this, not that, and here is why this
18 wouldn't work because of that.

19 And so, so I like the idea of doing
20 something like getting the public's maps in
21 first so then we can consider that and produce
22 something and put it on the table.

23 So that is just kind of where this member
24 stands, and I think we all might benefit from
25 having access to that information and gathering

1 everything together before we start sorting and
2 coming up with a final product. So that is my
3 two cents worth, Mr. Chair.

4 SENATOR GAETZ: Thank you, Senator Storms.
5 I think that if I do a better job of explaining
6 the proposed schedule it may reassure some
7 members.

8 That is that if we stick with a
9 November 1st deadline for submission of maps by
10 whomever, that it is the week of December 5th,
11 that we would prepare and propose a Committee
12 Bill.

13 So there will be, at least a month after
14 the public and members would submit their maps
15 for us to then consider those submissions, as
16 well as the 64 submissions we have already
17 received, to use those submissions as the basis
18 for a Committee Bill to deburr, to criticize,
19 to analyze, to evaluate, I think we will have
20 sufficient time.

21 We are going to have -- we are going to
22 have more than a month after the November 1st
23 deadline.

24 The November 1st deadline, as far as the
25 public is concerned is something that we did

1 agree with Chairman Weatherford on yesterday,
2 and in order to provide a last call for those
3 organizations that have not yet participated,
4 those organizations that have kind of sat in
5 the corner and maybe waited until a propitious
6 moment to articulate their views, Chairman
7 Weatherford and I have agreed upon a letter
8 that we are sending today to some 50
9 organizations, primarily civil rights and
10 minority advocacy organizations to say if
11 someone has told you to hold your cards, this
12 is last call.

13 And you have got until November 1st, and
14 we really, really need your ideas and your
15 interpretations of what you believe is
16 essential to protect minority voting rights.

17 So that is kind of the reason why we are,
18 why we are trying to stick with a November 1st
19 time frame, to give those organizations. We
20 have had an open door to them all of the way
21 along.

22 A few, particularly those representing
23 Latinos in central Florida, have been very
24 forthcoming. Others have been part of a
25 coalition that has said we really don't want to

1 tell you now what we think.

2 We want to give them a last call because
3 we really do want to know what they think so
4 that we can include their views and their
5 perspectives.

6 So what I would like to ask the
7 Committee's support on, and I, Senator Latvala
8 makes an excellent point, but I think we will
9 have better than a month before we have to act
10 in any way on a proposed Committee Bill.

11 We will have more than a month to deburr,
12 refine, mature, I would like to ask the
13 Committee's support, please, for a deadline
14 that says --

15 SENATOR DE LA PORTILLA: Mr. Chairman.

16 SENATOR GAETZ: Senator Diaz de la
17 Portilla, you are recognized.

18 SENATOR DE LA PORTILLA: I agree -- I
19 agree with the November 1st deadline for
20 everyone. I think we as Committee members will
21 have ample opportunity to modify the maps that
22 are submitted on November 1st.

23 And so my, I would move, Mr. Chairman, if
24 it is appropriate, that we adopt the
25 November 1st deadline for all parties, both the

1 public and members to submit those maps and
2 then we can discuss them and change them and
3 modify them at the three or four Committee
4 meetings that we are going to have, you know,
5 after that.

6 SENATOR GAETZ: I appreciate that, Senator
7 Diaz de la Portilla. As opposed to taking a
8 vote, because we didn't advertise we would be
9 taking any votes today, what I would like to do
10 is get a Committee consensus or get the
11 Committee's support for the proposal that the
12 Senator just made, and if that would be
13 agreeable.

14 SENATOR LATVALA: Mr. Chairman?

15 SENATOR GAETZ: Yes, sir, Senator Latvala.

16 SENATOR LATVALA: I mean, I am good with
17 the consensus.

18 SENATOR GAETZ: Okay.

19 SENATOR LATVALA: Just a thought I was
20 just raising a point of trying to get a, you
21 know, a good reason why we should be different
22 from the House on that, and I am not sure I
23 ever did, but, you know, I am okay with it.

24 SENATOR GAETZ: Okay, Senator Latvala.

25 Senator Sachs, you are recognized.

1 SENATOR SACHS: Thank you, Mr. Chair. I
2 have one question. It appears, and I think we
3 are all on the same page on this. It appears
4 that November 1st, is the cutoff deadline, but
5 we will have until December, basically, to take
6 care of it in Committee meeting.

7 And I think it is fine with me, I think we
8 are all on the same page. Excellent
9 suggestion, and I am with you.

10 SENATOR GAETZ: And to Senator Lynn's
11 point which I think was well made. Senator
12 Lynn was with us as all Committee members were
13 at various hearings. I, you know, yes, it is
14 true that we have a constitutional obligation
15 as the Legislature to propose maps and propose
16 a redistricting plan to the courts, and we have
17 to fulfill that obligation, and that obligation
18 comes after we have received public input.

19 But I think, I think if we can hold it to
20 a November 1st deadline for everybody, this
21 Committee will have plenty of opportunity to
22 deburr after that deadline is met.

23 Is there any objection to our sticking
24 with a November 1st deadline, for submission of
25 all proposals? Is there objection?

1 If not, then Committee staff, you have
2 seen the consensus of the Committee, and then
3 again, to make sure that we have our timeline
4 before us, then the week of December 5th, we
5 will discuss a proposed Committee Bill.

6 That Committee Bill will be derived from
7 the meetings that we will have between now and
8 December 5th. That is the week of
9 December 5th, with our next meeting on
10 October 5th, discussing plans and scenarios for
11 northwest Florida, including the panhandle and
12 the Big Bend.

13 So what you will see at the next meeting,
14 and then at the other meetings that where we
15 will be looking at the state region by region,
16 what you will see is that the professional
17 staff will present to us, here are maps that
18 have been drawn by citizens, by interest
19 groups, by Senators, by whomever, for northwest
20 Florida, the Big Bend and the panhandle. Here
21 are one or two or three maps, hopefully more
22 than one.

23 I would say at least two or three maps
24 that seem to represent the testimony that we
25 are receiving, and then we will have a chance

1 to discuss those maps in detail.

2 So that as we look at where lines ought to
3 be changed, if at all, for maps that were
4 submitted, we will have the opportunity to look
5 at issues of retrogression, issues of
6 compactness. Senator Bullard indicated issues
7 of contiguity, first tier, second tier,
8 constitutional matters.

9 We will be looking at those maps in the
10 context of those legal requirements, region by
11 region, to bring us to a point where we have
12 given guidance region by region to our
13 professional staff so that they can prepare a
14 Bill that is not my Bill. It will be the
15 Committee's Bill based on that discussion.

16 Senator Detert.

17 SENATOR DETERT: Thank you, just for a
18 simplification and clarification. So we will
19 start with the panhandle. We will review maps
20 that were submitted by the public and others
21 as of November 1st.

22 We will have that discussion, and then as
23 part of that meeting, will this Committee then
24 go over it and sort of kind of hammer out how
25 we expect that portion to look barring any

1 future domino affects, and then we will move on
2 to the next piece and we are going to take this
3 map, I mean, the state section by section?

4 SENATOR GAETZ: Yes, ma'am.

5 SENATOR DETERT: As we go along?

6 SENATOR GAETZ: You have articulated it
7 very, very well, recognizing that when you,
8 when you build a jigsaw puzzle and you have got
9 four different pieces that you are building
10 from, that at some point when you try to put
11 them altogether you may have to go back and
12 say, well, did I have the right piece in the
13 right place in the northwest section of the
14 jigsaw puzzle.

15 But your recitation of how we would go
16 forward is exactly what I have in mind.

17 SENATOR ALTMAN: Mr. Chairman?

18 SENATOR GAETZ: Judge, Senator Altman.

19 SENATOR ALTMAN: Thank you, Mr. Chairman.

20 A question of procedure. Let's say we draw
21 maps and we come up with a consensus. Members
22 of the public though may see some adjustments
23 or changes or might want to present in response
24 to what we have drawn. Is there a procedure
25 for that?

1 SENATOR GAETZ: Thank you, Senator Altman.
2 You make an excellent point. One of the things
3 -- one of the requests that we heard at a
4 number of the public hearings was, will the
5 public have an opportunity to have a second
6 bite at the apple.

7 Once the public input has been taken into
8 account, we have looked at the regions of the
9 state and given direction to professional staff
10 and we have a proposed Committee Bill, then
11 what. Will the public be able to look at it
12 again?

13 The answer to that question has to be yes.
14 Now, there are those who would probably say,
15 well, let's go have 26 more hearings then.
16 Well, the problem is, we have got to have
17 elections in 2012, and I think we would be
18 jammed up between those who say we want, we
19 want comprehensive hearings across the state,
20 and those who say, but wait a minute, we have
21 been trying to tell you all along that you need
22 to move this process deliberately, not
23 unthoughtfully, but deliberately.

24 So here is what we are considering, and I
25 would just emphasize the word considering for

1 your, and please give it some thought. We
2 don't have to decide today, but just a moment,
3 please, and we will get back to you in a
4 second.

5 Here is what we are considering. We are
6 considering teleconferencing whereby this
7 Committee would go out to FSU, it is called
8 Studio A or something, Studio A and we would
9 start in the morning and we would probably have
10 to bring our lunch.

11 And this would be a long day maybe, but we
12 would ask the President's permission to take a
13 day and we would advertise develop in advance.
14 We would publish a proposed Committee Bill so
15 that everybody could see it, everybody would
16 know what it was, at least a week in advance,
17 and then we would say, all right, we are going
18 to look at three locations in northwest Florida
19 where individuals could come to say a Community
20 College that has teleconferencing capabilities,
21 and we would start at, you know, maybe 8:00 in
22 the morning in, you know, at Pensacola State
23 College, for example.

24 We would say, folks are gathered at
25 Pensacola State College. We have advertised it

1 publicly. They have had the opportunity to
2 review the proposed Committee Bill, and we are
3 going to take, take a second bite at the apple
4 testimony from people who will then come
5 forward and say, well, you listened to us, or
6 no, by golly, you didn't, or, you know, it
7 looks good but you need to really make this one
8 change that conforms to our needs in northwest
9 Florida.

10 And then maybe at 10:00 we would move to
11 another part of the state for a
12 videoconferencing and we would run, we would
13 run all day long so that we would give people
14 an opportunity to comment on a proposed
15 Committee Bill before the first vote was taken
16 on that Bill.

17 That would be, that is something we are
18 considering and we haven't worked out all of
19 the technical issues, but I would like to ask
20 your consideration of this idea. Maybe you
21 have a better idea.

22 Senator Bullard. Yes, ma'am.

23 SENATOR BULLARD: Thank you. I believe
24 that you answered part of my question.

25 SENATOR GAETZ: Yes, ma'am.

1 SENATOR BULLARD: And that would be I
2 think it is a very good idea to have that
3 televised.

4 However, I would like to just move a step
5 further and ask you, when we televise that,
6 that we ensure that other media sources have
7 publicly advertised it so that the public will
8 know that we are, that you are doing this, you
9 know, because many people just don't know when
10 it is happening.

11 A lot of people may be at work. We need
12 to know whether it is timely, so that they are
13 at home and something that will be repeated
14 after this tape so they will know about this
15 prior to this.

16 We, I think we all believe that everyone
17 has access to a computer, that everyone reads
18 the newspaper. Some people can't even afford
19 to buy a newspaper.

20 So when is it going to be advertised?
21 When is it going to be placed in the news, in
22 the media's sight so they can have them know
23 that on this date at this time we are going to
24 show you exactly what or talk about the lines
25 and how they will be drawn. I would appreciate

1 you considering that.

2 SENATOR GAETZ: Yes, excellent point and
3 our professional staff I think did a very good
4 job of making sure that we had public notices
5 posted in newspapers across Florida for our
6 public hearings.

7 The media was very cooperative in doing,
8 earned media stories ahead of the hearings.
9 More than 5,000 people showed up. Somehow they
10 figured out that we were there and they got
11 there, but I would give you my word that if we
12 do go to a teleconferencing option, that we
13 would provide to the media well in advance
14 information about that teleconference.

15 Not only the Capitol press, but the
16 regional media as well.

17 Senator Sobel.

18 SENATOR SOBEL: Thank you, Mr. Chair. I
19 believe the teleconferencing idea is a good
20 one. We did hear from constituents who wanted
21 that. So we will need the support of local
22 areas to provide us with this kind of set up,
23 maybe the people who were involved with the
24 redistricting throughout when we went around
25 would help us with that.

1 I think it is really good to get and those
2 people who are interested will find out and
3 attend. I know it is very hard to reach
4 everybody, but the option is not doing anything
5 and I think it is a real good choice.

6 I wrote down -- I wrote down these dates
7 of October 5th, October 17th, November 1st,
8 November 14th and December 5th. Those are the
9 dates that we will be meeting?

10 SENATOR GAETZ: Those are the weeks that
11 we will be meeting. The President's office
12 has not published a meeting schedule for those
13 weeks yet, but we will be meeting on those
14 weeks.

15 I have asked for Wednesdays in those weeks
16 so that we are not either at the beginning or
17 the end of the week, but, you know, this is an
18 important Committee.

19 All committees are important, but I have
20 asked for a Wednesday. The President's office
21 is taking that into account.

22 SENATOR SOBEL: Thank you.

23 SENATOR GAETZ: President Margolis, and
24 then Senator Lynn, did you request -- okay.
25 President Margolis.

1 SENATOR MARGOLIS: The people who have
2 filled out cards at all of the public hearings,
3 those that testified, I think deserve an e-mail
4 or a direct communication to tell them that
5 this is, this is where we are going to present
6 the maps and we would like to hear their
7 response, if they had a response.

8 SENATOR GAETZ: Excellent point, Senator
9 Margolis. We will -- we did ask for everyone
10 who came, not just those who testified, but
11 those who came to observe, if they would give
12 us their contact information, and if we are
13 able it put together, if this Committee
14 supports the notion of teleconferencing and if
15 we are able to put it together technically and
16 get the President's permission, I am sure the
17 President has been nothing but full speed ahead
18 on public involvement and interaction, we would
19 definitely do that.

20 We would get back to all of those people
21 and say, hear is the second bite at the apple.

22 Now, you know, obviously there will be
23 criticism. There will be people in my
24 community who will say, if we start at 8:00 in
25 the morning in the panhandle, there will be

1 people that say, well, gosh, I am a teacher.
2 That is when I am teaching, I am in the
3 classroom, I can't participate.

4 And if we start in the panhandle at 6:00
5 at night there will be people who say I can't
6 come at 6:00, that is when I have my Bridge
7 Club, why didn't you check with me to make sure
8 that you didn't conflict with my Bridge Club.

9 So we know that every schedule is
10 inconvenient for some people, but we think this
11 would be a good faith effort.

12 Senator Storms.

13 SENATOR STORMS: Thank you, Mr. Chair. I
14 just want to reiterate again what, well, first
15 of all, that digital Town Hall meeting is a
16 fabulous idea.

17 I think that is wonderful and will give
18 people an opportunity to be heard, so long as
19 at the location there will be something for
20 them to see and they won't be trying to see it
21 on, you know, where we are.

22 So we just want, they will be able to have
23 like at whatever location they are. So imagine
24 you will divide up staff and go to those
25 locations and staff will be assigned to those

1 locations if we are going to have a Town Hall
2 meeting.

3 I don't want people to be trying to
4 comment on something that will be where we are,
5 because it will be very difficult to see,
6 unless I am missing, misunderstanding what the
7 concept is.

8 SENATOR GAETZ: Well, again, Senator
9 Storms, I am not a technical expert on these
10 things. I think we will want to probably work
11 with people who have done this kind of a series
12 of teleconferences in one day, see if they can
13 help us, but I certainly would agree.

14 I don't know that we will send staff out
15 all over the state for these, but I think what
16 we would do is make sure that there was, that
17 people are looking at, visually exactly what we
18 are talking about.

19 First, that they have it visually well in
20 advance, and secondly, that at the
21 teleconference, that they are looking at it
22 visually while they are commenting.

23 We would definitely make sure of that, but
24 again, I wish I were technically competent
25 enough to say that we just do that by twisting

1 the conifer belt to the left and it would all
2 be good, but we would work with our technical
3 experts if the Committee feels that something
4 like this is an appropriate approach.

5 I am committed to a second bite at the
6 apple. Chairman Weatherford is very supportive
7 of making sure that, you know, the public has
8 another look, but if you have better ideas,
9 please contact me, contact our professional
10 staff and we will, we don't have to decide this
11 right now, but I wanted to give you some idea
12 of what our thinking is.

13 SENATOR STORMS: Comment, Mr. Chair.

14 SENATOR GAETZ: Senator Storms.

15 SENATOR STORMS: Okay, so in the past, in
16 my years of local experience of doing public
17 hearings, et cetera, on, like road widening
18 projects and producing PD&Es, which would be
19 very similar to what this would happen.

20 You have got the plan now. Now you are
21 going to present it to the public, and
22 typically it is set up like a charette, where
23 you have that you have got the white boards
24 propped around where people can walk around at
25 the beginning before the public comment.

1 They can walk around and they can look and
2 they will be able to make their notes. And so
3 if we are going to do a videoconferencing, and,
4 you know, I mean, I am for that. I think that
5 is a great idea, then people need to have the
6 hard copy at their location.

7 Now, if that means staff is not there, it
8 doesn't matter to me, but the things have to
9 get there, the white boards have to get there.
10 So maybe we have it at county centers or City
11 Councils or something and we ship them down to
12 county center and they are in a library or
13 something like that.

14 I don't know how that is going to work,
15 but just to kind of give you some things to be
16 thinking of, because it will not work and it
17 will only frustrate the public and expose us to
18 really harsh criticism if our maps here behind
19 us somewhere and it is hard for them to see
20 that.

21 So then the other thing that I wanted to
22 say is back towards what Senator Bullard said,
23 some people, we do want to give people who
24 don't have access to the latest and greatest
25 technology an opportunity to be heard and to

1 express their views.

2 So for instance, they may not have and I,
3 my several, do not Tweet. I, myself, do not
4 have a Facebook page. So I, myself, cannot
5 like things or put out information on Facebook,
6 and I know there are a whole host of other
7 people that do not do that also.

8 They may go to the public library and use
9 the Internet and that is fine, and, you know, I
10 would encourage that, but I just want -- I
11 guess what I am saying is I don't want staff to
12 think and I don't want this Committee to think,
13 to fall into the trap of thinking because we
14 have all of the benefits of the financial
15 resources to make it as technologically
16 effective as possible, that that is true for
17 everybody in the state.

18 So again, on My District Builder, if
19 somebody goes to the public library and goes to
20 and looks at the maps in preparation, but they
21 don't have Twitter and they don't have
22 Facebook, there needs to be a place for them to
23 click on to say they like it or they don't like
24 it so that we are giving everybody a voice,
25 even people who don't have access to the

1 resources to have Twitter and Facebook. Thank
2 you.

3 SENATOR GAETZ: Thank you, and
4 professional staff may want to talk with
5 Senator Storms about, given her experience as a
6 County Commissioner, doing a lot of these kinds
7 of hearings, get her advice.

8 It has also been suggested that we might
9 want to consider a tele Town Hall that would
10 give some of the same features Senator Storms
11 has just discussed, where people really can,
12 can express their views through punching a
13 number into a phone, but we don't have to
14 decide all of the technical stuff now.

15 I just wanted to share with you our
16 commitment to try to do a second bite at the
17 apple, and Senator Storms would be a good
18 resource for us on what to do and what not to
19 do.

20 All right, now we have got a schedule. We
21 know that we are going to move region by
22 region.

23 Now I would like to offer a procedural
24 suggestion, please, as we go through the
25 amendatory process.

1 One of the fears that I believe is out
2 there is that somebody is going to come in at
3 the last minute with no notice, walk in the
4 door and say, here is the map.

5 And so what I would like to suggest is
6 that we view this process much the way we do
7 the appropriations process.

8 In other words, that there is no, no
9 surprises, no gotcha, no sudden amendments that
10 are material that change everything.

11 The procedure that I would like to suggest
12 and ask your support on is that in this
13 Committee, and then I will ask the Rules Chair
14 for his support on the floor if this Committee
15 agrees, that in this Committee we have no late
16 filed amendments.

17 And instead, that there be at least two
18 days notice to the public and to other members
19 of any amendment.

20 Now, obviously we will follow all of the
21 other rules regarding the amendatory process,
22 but typically in Committee you can come in with
23 a late filed amendment and if you can get
24 two-thirds, then your late filed amendment is
25 considered.

1 I would like to just ask you to agree or
2 to consider at least a process where we do not
3 have any surprise amendments, where there be no
4 late filed amendments.

5 If there are late filed amendments, if
6 someone comes in and insist on late filed, then
7 I will vote against all late filed amendments
8 whether introduced by Republicans or Democrats,
9 and I will ask Committee members to support me.

10 But if we could start with a consensus
11 that there won't be late files, that there
12 won't be surprise amendments, then we are not
13 going to embarrass any members of the Committee
14 who come in with a late filed and say, well,
15 gee, I just didn't know that you wouldn't
16 consider it.

17 So I don't mean to be overbearing about
18 this, but I would like to ask for just a moment
19 of discussion about this. Senator Latvala.

20 SENATOR LATVALA: Mr. Chairman, I couldn't
21 agree with you more on late filed amendments.
22 I support that 100 percent.

23 The question that I have is, when -- what
24 is the time frame going to be for things that
25 come from the Committee?

1 In other words, when the proposed
2 Committee Bill comes out, how many days before
3 the meeting will that come out so that we would
4 know what the time frame is going to be between
5 then and when the Committee deadline is?

6 SENATOR GAETZ: I defer to Mr. Guthrie and
7 to counsel, but I believe that five days, five
8 days.

9 SENATOR LATVALA: And not to knit-pick.

10 SENATOR GAETZ: No, sir, go ahead.

11 SENATOR LATVALA: Is that five calendar
12 day or five business days?

13 SENATOR GAETZ: Mr. Guthrie, counsel?

14 MR. GUTHRIE: Depending on how -- once we
15 get into session we are on a two-day notice --

16 SENATOR GAETZ: Let's take it in bites.
17 We are talking about this Committee and its
18 work prior to the December 5th week Committee
19 meeting when we would have a proposed Committee
20 Bill discussed.

21 I think Senator Latvala's question, if I
22 understand him correctly is, okay, we are going
23 to have, if we agree to no late files, when
24 will Senator Latvala and the other members of
25 the Senate and the public see the proposed

1 Committee Bill so that they will know whether
2 or not they need to come in with a properly
3 filed amendment to make sure that some public
4 consideration is met? Five days ahead?

5 MR. GUTHRIE: Well, a full week, so five
6 business days.

7 SENATOR GAETZ: A full calendar week?

8 MR. GUTHRIE: Yes.

9 SENATOR GAETZ: Seven calendar days?

10 MR. GUTHRIE: Yes.

11 SENATOR GAETZ: Seven calendar days.

12 SENATOR LATVALA: Okay, so we are on seven
13 calendar days for what comes from the Committee
14 and two calendar days on amendments from the
15 members? Is that what -- is that what the
16 proposal is?

17 SENATOR GAETZ: Yes, sir.

18 SENATOR LATVALA: Great idea.

19 SENATOR GAETZ: Senator Dean, did you wish
20 recognition, sir?

21 SENATOR DEAN: That will be fine. I am
22 just wondering -- I just want to make sure.

23 SENATOR GAETZ: I don't think your mike is
24 on, sir. Use Senator Latvala's mike if you
25 wouldn't mind.

1 SENATOR HAYS: The bottom line, the bottom
2 line, what I was trying, the difference between
3 the seven calendar days and the two days and
4 the amendments, that is what I was trying to
5 make sure that we had.

6 That we know the rules to live by before
7 we get here and expressly in what he was saying
8 about seven calendar days and then the
9 amendment days. That is what I want to know.

10 SENATOR GAETZ: Yes, President Margolis.

11 SENATOR MARGOLIS: I think it is important
12 that everybody understand that when they submit
13 amendments, that they have to have, if not
14 identical, the identical -- the identical
15 population somewhat between one or two percent
16 and this is on the legislative side of it,
17 congressional side, you don't have that
18 possibility at all.

19 I mean, you have to be accurately there,
20 but the big issue is, oh, I would rather have
21 this district than this district, but the
22 numbers might not be the same and the numbers
23 might not come out right.

24 So I think staff has to have enough time
25 to evaluate each one and as to the numbers. I

1 mean, I think each amendment is going to have
2 to be looked at very carefully before we --

3 SENATOR GAETZ: You are right, Madam
4 President, and one of the rules that we use in
5 the appropriations process, of course, is you
6 can't come in with a spending amendment unless
7 you can show where you are going to get the
8 money.

9 So what I would hope we would do is abide
10 by the same rule, and that is that if I come in
11 and say, you know, gosh, I want Rocky Bayou in
12 the Fourth Senate District, and then I have got
13 to show you where I comply with the laws and if
14 by adding Rocky Bayou to the Fourth Senate
15 District I have got too many voters, then I
16 have got to show you who I am going to propose
17 in that same amendment would not be in District
18 4 and how the exactly as the President says,
19 how then the result complies with the law.
20 That would be the burden of proof, absolutely.
21 Leader.

22 SENATOR GARDINER: That brings up a very
23 good point because I want to make sure that I
24 understand how the amendment would be drafted
25 and submitted, and maybe John can give me some

1 guidance here.

2 Are we going to allow for amendments that
3 are specific to a region, or if an amendment is
4 filed, do you need to submit an amendment that
5 is the entire state of Florida?

6 So if we want to tweak, as very similar to
7 what you are talking about, Chairman, if you
8 are going to tweak a particular area, do you
9 need to take into consideration the impact
10 that, the ripple effect, so to speak, on the
11 rest of the state, or is it going to be an
12 amendment just for one particular region?

13 SENATOR GAETZ: John, would you like to
14 offer your thoughts on that, please?

15 MR. GUTHRIE: Yes. All of the plans that
16 are enacted by the Legislature will be for the
17 entire state.

18 And the way that it works practically is
19 that whether you are changing a single block or
20 totally reconfiguring all of your districts,
21 the way that amendment will be prepared by Bill
22 drafting, is they will take a plan that is in
23 the, on the Senate website and the legal
24 descriptions from that plan for the entire
25 state and put that into the text of an

1 amendment.

2 So the legal descriptions for every
3 amendment will encompass all 27 or 40 or 120
4 districts.

5 SENATOR GAETZ: Leader.

6 SENATOR GARDINER: So I think, and I think
7 that is a very good point to make. Everybody
8 needs to understand that though they may be
9 interested in one particular area, if they are
10 going to come and advocate for an amendment for
11 that one particular area, it will have an
12 impact and it will be proposed publicly as the
13 entire state.

14 MR. GUTHRIE: Yes.

15 SENATOR GARDINER: Okay.

16 SENATOR GAETZ: And that is the reason why
17 we are fortunate to have excellent professional
18 staff. We have -- we have attorneys on our
19 staff, Mr. Guthrie, of course, is recognized as
20 the national expert in this area.

21 If you want to propose an amendment and I
22 am sure there will be amendments and we
23 certainly don't want to discourage amendments,
24 work with the professional staff so that your
25 amendment is, can be, so that your amendment is

1 no discounted out of hand because it upsets all
2 sorts of other apple carts.

3 If it upsets other apple carts, that may
4 be fine, but then let's take into account how
5 that is going to happen.

6 So our professional staff is ready,
7 willing and able to work with you on amendments
8 and then to help you understand the
9 consequences of those amendments and defend the
10 consequences.

11 Leader Rich.

12 SENATOR RICH: Thank you, Mr. Chairman. I
13 do want to support your idea of no late filed
14 amendments. I think that going back to the
15 discussion we had at the very beginning, I
16 think that this adds it your goal of
17 transparency and things not just appearing all
18 of a sudden and having very little vetting.

19 So I certainly support the concept and
20 would, you know, hope that the whole Committee
21 would as well. Thank you.

22 SENATOR GAETZ: Thank you for your
23 support, Leader. Yes, Senator Sachs, and then,
24 I apologize, Senator Storms, you are next.

25 SENATOR SACHS: Thank you very much,

1 Mr. Chairman. In echoing our Leader, Nan Rich,
2 this is probably been the most transparent way
3 that redistricting and reapportionment has
4 occurred in the state of Florida.

5 I know it has taken a little time to get
6 through the procedures, but that is the way it
7 should be, and so I applaud your efforts and I
8 applaud Leader Rich for keeping an eye on
9 everything on behalf of our party and I
10 certainly applaud the staff.

11 I am with you all the way. I don't care
12 how long it takes to get the procedures up and
13 going. The important thing is what it says
14 right up there, keep the process open and
15 transparent. So I applaud these efforts.

16 SENATOR GAETZ: Thank you, Senator.
17 Senator Storms.

18 SENATOR STORMS: Thank you, Mr. Chair.
19 So, Mr. Guthrie, can I just understand, will
20 you help me understand a little bit better what
21 we are talking about here?

22 So staff will submit, we will start with
23 the tolling of the five business days which
24 could, depending on when it comes out, if it
25 comes out Monday morning at 8:00, what is the

1 likelihood of you releasing it like at Monday
2 night at 11:30?

3 Sometimes budgets get released like that,
4 and conforming Bills with 2,000 pages get
5 released like that.

6 So I am wondering what is the likelihood
7 that you would release it like at 11:00 at
8 night?

9 SENATOR GAETZ: Let me answer that
10 question, Senator Storms. There is going to be
11 an immense amount of detailed work here, and a
12 member who comes in and files what they
13 consider to be a simple amendment, may appear
14 to be simple, but may have all sorts of
15 consequences.

16 This staff already has been working night
17 and day, and so there is every possibility that
18 something may be, may be launched, if you will,
19 at 11:30 at night.

20 Every possibility, not because somebody is
21 trying to do something at night, but because we
22 are having to do something at night. So I
23 don't want there to be any expectation that
24 there are going to be any surprises.

25 That is why I am proposing these

1 procedures, but please understand that the
2 lights are probably not ever going to get
3 turned off in the Senate Reapportionment
4 Committee as we get closer to this process, and
5 there will be launches made in the middle of
6 the night, but that is why we have seven
7 calendar days.

8 There are not going to be any surprises
9 here if this Committee supports our proposal
10 for the no surprises procedures.

11 SENATOR STORMS: So follow up, Mr. Chair?

12 SENATOR GAETZ: Of course.

13 SENATOR STORMS: So Mr. Guthrie, so we
14 have an 11:00 Monday night release of the
15 initial Bill. Then when, when does, if it was
16 five business days, if that is when it starts
17 ticking, when does that stop?

18 When does that five business days stop in
19 your professional opinion?

20 MR. GUTHRIE: Thank you, Mr. Chairman.
21 The -- in redistricting, whether we are talking
22 about legal reviews or public notice prior to
23 Committee meetings, what is important is to
24 work from the end time back.

25 So let's, so if we have a meeting that is

1 scheduled for 2:00 p.m. on Wednesday afternoon,
2 the seven days would in my mind would be 2:00
3 o'clock p.m. the prior Wednesday.

4 SENATOR STORMS: Mr. Chair, follow up.

5 SENATOR GAETZ: Yes, Senator Storms.

6 SENATOR STORMS: Where is the two days for
7 the amendments, because as I am understanding,
8 for the amendatory process, because as I am
9 understanding what Senator Latvala, and I
10 haven't done this before.

11 I did redistricting at the local level
12 with local County Commission seats, but not
13 here.

14 So I am saying, as I understood the
15 process, there is a five-day initial Bill and
16 there is two business days to do the amendatory
17 process.

18 MR. GUTHRIE: Okay, so in that same
19 Wednesday scenario, two days prior to 2:00 p.m.
20 on Wednesday would be 2:00 p.m. on Monday.

21 SENATOR STORMS: Okay, so then and then
22 you would back up your five business days from
23 that 2:00 p.m. on Monday, to five business days
24 before that is when you would expect to have it
25 released, that is what your goal is right now

1 as we talk today?

2 MR. GUTHRIE: Yes.

3 SENATOR STORMS: Okay, so one more
4 question, Mr. Chair?

5 SENATOR GAETZ: Of course.

6 SENATOR STORMS: So historically how long,
7 how big has the text been, not the maps, but
8 the text of the Committee Bill been? What size
9 of a document are we talking about?

10 SENATOR GAETZ: Mr. Guthrie.

11 MR. GUTHRIE: Hundreds of pages for the
12 legal description. In your packet today we
13 have the verbiage that goes with that Bill
14 which is only four pages, but once you add in
15 the legal descriptions, it grows much longer.

16 Now, by keeping counties and VTDs whole,
17 you will make that throw weight a lot lighter.

18 SENATOR STORMS: And so is that -- just to
19 clarify. Are we talking about 800 pages or are
20 we talking about 2,200 pages, in general, in
21 your experience?

22 MR. GUTHRIE: We are talking about two or
23 300, 400 pages.

24 SENATOR STORMS: Okay. I am just trying
25 to understand.

1 SENATOR GAETZ: And the reason for that,
2 Senator Storms, again, so that we will all
3 understand, the public will understand, and I
4 don't mean to use this as a pejorative, but the
5 Federal Healthcare Reform Bill was a very long
6 bill, whether you were for it or against it.

7 It was a very long Bill and some people
8 said that they didn't believe that members of
9 Congress fully understood it or even read it,
10 maybe they did, maybe they didn't.

11 The reason why this proposed Committee
12 Bill will be the length that it is, is not to
13 create a forest in which you can't find the
14 trees, but because it is required that the
15 legal descriptions be in the Bill. They have
16 to be in the Bill. Leader Gardiner.

17 SENATOR GARDINER: Just to, maybe this
18 will help clarify a little bit. If it is five
19 business days and then I as a member of this
20 Committee decide that I want to do an amendment
21 to what has been filed, if I were to come to
22 staff and say, I want to change one particular
23 area for whatever reason it may be.

24 How long, working with the staff here,
25 would it take to draft an amendment, to tweak a

1 particular area, take into consideration the
2 ripple effect, an hour, a day? How long would
3 something like that take?

4 SENATOR GAETZ: Mr. Guthrie, how do you
5 want us to work with your staff? Again, if
6 everybody didn't hear the Leader's question.

7 We get a draft of a proposed Committee
8 Bill, and again, if we are doing this the way
9 we ought to do it, the proposed Committee Bill
10 is not going to be something that we go, wow, I
11 never saw that before.

12 But rather it would be the product of the
13 regional guidance, the guidance as to specific
14 regions that this Committee gives to our
15 professional staff, and the proposed Committee
16 Bill then is the fitting together of that
17 guidance as opposed to, on my God, I never
18 imagined that they would do that. That is
19 different.

20 So -- but in any case, there you have it,
21 now we have the proposed Committee Bill, and
22 let's assume it is Senator Gardiner, Senator
23 Rich, any number of other people that come in
24 and say, boys, you just didn't get it. You
25 didn't do this right.

1 I have got an amendment, or, you know, my
2 constituents have contacted me, you know, they
3 are concerned about something. How do you want
4 us to work with the professional staff in that
5 context, as to timing, how much time will it
6 take, you know?

7 Give us a little direction here because we
8 know your folks are going to be working often
9 around the clock, but we want to make sure that
10 we can get our amendments out, too.

11 MR. GUTHRIE: So we are not going to be
12 working with the Bill language. All of the
13 work that you will do and the staff will do, I
14 don't read the legal descriptions either.

15 They must go in the law as the Chairman
16 said, but none of us will be amending or
17 working on legal descriptions. We will be
18 working on maps.

19 SENATIR GARDINER: Right.

20 MR. GUTHRIE: And the fundamental rule of
21 keeping your populations equal is that if you
22 are going to add territory to a district and
23 keep population equal, you are probably going
24 to have to take something else out.

25 And so where you add you have grown into

1 another district. Where you remove population,
2 another district is going to be growing into
3 you, and that creates this rotation that may
4 involve two or four, sometimes 12 or 15
5 districts are impacted by, as Senator Gaetz
6 said, the ripple effect or the rotation that
7 must occur to get your population back to
8 equal.

9 And the more, so the more extensive the
10 change, the longer it is going to take.

11 SENATOR GARDINER: Mr. Chairman, I guess
12 my question is, if I come in and I say I want
13 to tweak this little area, take into
14 consideration exactly what you, your example,
15 you are looking at the computer, I am looking
16 at the computer.

17 Is it an hour, is it two hours? How long
18 would something like that take?

19 MR. GUTHRIE: If you have got in mind the
20 full rotation, how the whole thing is going to
21 balance out, then it can be done in a matter of
22 minutes.

23 Once I get a plan I drop it into a hopper.
24 It runs through an automatic process and which
25 produces what you see on the Senate website.

1 So for each of the 64 plans that we have
2 already, they each have their own plan page on
3 the Senate website.

4 We have got PDF reports, we have got
5 spreadsheets where you can look at the
6 statistics for those plans. We have got the
7 map. We have got the downloads, and you can
8 actually pull up the districts to explore
9 application and look at the map interactively.

10 SENATOR GAETZ: Senator Gardiner to follow
11 up, then we will go to Senator Dean.

12 SENATIR GARDINER: Yes, it may be more of
13 a comment, Mr. Chairman. I know that the
14 members are learning how to use this computer
15 system.

16 I think it is very important when these
17 amendments are being filed that they are
18 working with John and their staff, because what
19 I wouldn't want to see is somebody does an
20 amendment, comes to the Committee and it is
21 possibly not done exactly right and it is
22 discounted and thrown out because they have not
23 worked with staff.

24 Maybe they were working with their own
25 staff, their own legislative staff, but I think

1 it is so important that whatever that amendment
2 is, that they are working with John so it is
3 not just completely discounted as soon as it
4 comes in here because they took from one area
5 and didn't take into consideration the
6 ramifications somewhere else, so.

7 SENATOR GAETZ: And that is why, and
8 Senator Dean is next, but that is why we are
9 very sincere in saying, if you have some, a
10 point of view about your area based on your
11 knowledge of the geography, the demographics,
12 the Town Hall meetings you have with your
13 constituents, the mail you are getting, if you
14 have a particular point of view about your area
15 or my area or some other part of the state or
16 some other aspect of this process, please don't
17 hold your cards to the very end, because there
18 is a risk there.

19 And Leader Gardiner has articulated the
20 sub text of that risk. Please come forward, if
21 you don't want to talk to me, that is fine, you
22 can talk to John, you can talk to the other
23 members of our staff and say, now, look, I have
24 got a particular point of view here that is
25 informed by the testimony that we have taken,

1 informed by what I am hearing from my
2 constituents and I want you to take that into
3 account and take that seriously.

4 So, you know, play those cards as soon as
5 you possibly can. We really want to get the
6 information out.

7 Senator Dean.

8 SENATOR DEAN: Based on that assumption
9 that we are all going to have and dissent,
10 impact on different things and moving like one
11 district or bring another one in, an enclave of
12 voters or moving them out, I have all or part
13 of 13 different counties.

14 Every time somebody touches a map they are
15 going to be moving me. So please, I am just
16 going to beg you, I am going to try to bring my
17 staff up here, let you train them and let them
18 sit me down as often as they can and mess with
19 my mind about being confused.

20 Because the fact is, there isn't anything
21 that I have seen so far anywhere, except maybe
22 further down in Senator Bullard's district in
23 Key West, or South Florida, that is not going
24 to move my line somewhere.

25 So I am concerned that I keep up to speed,

1 my staff keeps up to speed with you, but as
2 someone that does a good job as I say in Putnam
3 County or here in Leon County or somewhere, one
4 of the counties that I am a part of, moves me
5 or puts me in or takes me out, it is almost
6 going, I am going to have to have somebody to
7 sits by the computer every day to talk to you
8 to see how I have been moved or where the
9 district is.

10 So I don't want to poor mouth, but there
11 isn't much I have seen so far that isn't going
12 to effect me in every way because of all or
13 part of the 13 counties that I represent.

14 SENATOR GAETZ: Senator Dean makes an
15 excellent point and other Senators. I think
16 Senator Dean makes that point
17 disproportionately because he really is
18 affected disproportionately, but everybody
19 else, you know, we are going to keep the coffee
20 pots on downstairs and I would encourage you to
21 have your staff stay connected in real time to
22 what is going on.

23 Nobody is going to say, don't come down
24 here. Nobody is going to say, we don't want to
25 hear from you. We really do want to hear from

1 you and we want your staff connected, and we
2 don't want surprises.

3 There will be surprises in the process
4 because that is the nature of the process, but
5 as much as we can eliminate surprises, then to
6 Leader Gardiner's point, we are not going to be
7 discounting what may be a good idea because,
8 because it didn't get vetted.

9 And so it throws off Senator Dean's
10 district, it causes some retrogression
11 somewhere. It creates an equity problem
12 someplace else or a compactness problem that we
13 can't resolve.

14 So it is critical that we all stay
15 engaged, and I am sorry, I know we are all
16 real, real busy, we all have other Committee
17 assignments, we have Bills. This is once in a
18 decade.

19 Senator Lynn -- I am sorry, Senator
20 Bullard, then Senator Lynn.

21 SENATOR BULLARD: Thank you, Mr. Chairman.
22 I want to thank Senator Gardiner for beginning
23 this dialogue because we definitely need to
24 discuss this.

25 Senator Dean is right on target. There

1 was a lot of movement in 2002, and I just -- I
2 am feeling that this is really grand what we
3 are doing in terms of transparency. I like
4 this.

5 However, I want to be assured that at the
6 late night hours, and I mean, I know, I am
7 happy that today we cut off at a certain time,
8 and that we are not living into 2:00 in the
9 morning unless we move to do that.

10 But in the late night hours when someone
11 says, well, you know, let's do this, and
12 something is changed and that happened a lot in
13 2002.

14 As a result, District 39, I am not going
15 to say my, but District 39, that district was
16 not constructed. I did not know where that
17 district and where my people were until six
18 months later, and the elections were over and
19 people did not know they were in the district.

20 It was a very -- it wasn't a nice process,
21 and I, and I am against that and I am very
22 cautious in moving forward, because -- how do
23 you know?

24 You don't know until once it has happened,
25 and once it has happened, you, that is it, and

1 you have it, but you don't know that you have
2 it.

3 So I do appreciate the transparency, but I
4 really want to understand and hopefully and
5 prayerfully people will have the conscious to
6 not go at the 11:30 or the 12:00 or the 11:55
7 hour and decide that, you know, we are going to
8 change this.

9 SENATOR GAETZ: Well, that Senator
10 Bullard, is why the Majority Leader and the
11 Minority Leader I believe are supporting the
12 idea of no last late, you know, no late filed
13 amendments and appropriate public notice.

14 If you don't know what the proposed
15 Committee Bill is and how it affects your
16 district, it won't be our fault. If you don't
17 know in advance about an amendment, it is
18 because you didn't look at the amendments as
19 they were being filed, and if you, if any
20 Senator needs, needs assistance in
21 understanding how to stay abreast of the
22 process, and as Senator Dean says, staying
23 connected to the consequences for your
24 district, the district you represent, please
25 hang out down in the Reapportionment Committee

1 office.

2 Have your staff members stay in close
3 touch, get a staff member of yours to buddy up
4 with one of the staff members in the
5 Reapportionment Committee so you can stay
6 connected. I believe Senator Lynn was next.

7 SENATOR LYNN: Thank you, Mr. Chairman.
8 You have been amazingly transparent and very
9 open with everything you have done. You have
10 allowed endless numbers of people to speak on
11 anything and everything they wanted to do
12 pertaining to the maps.

13 And I think the ultimate goal that we must
14 always keep in mind, and I think you have kept
15 us on track, is what is going to be the best
16 map for the state of Florida in terms of how it
17 best represents the people of the state of
18 Florida and gives them opportunities.

19 So as we are talking about amendments and
20 concerns about specific districts and so forth,
21 I think it is very, very important that we keep
22 in mind, it is not that it relates to
23 somebody's district.

24 It is a district that has a variety of
25 concerns and interests that you maybe will

1 speak to in terms of how it will best serve
2 those people and I would not want anything to,
3 that was said to be misinterpreted that someone
4 on this Committee might be looking to protect a
5 district for themselves, because I don't
6 believe that is what was intended, but I do
7 believe we need to make that very clear, that
8 what we are working on is to provide districts
9 that will best represent the people in the
10 state of Florida and respond to the many issues
11 that we heard.

12 SENATOR GAETZ: Thank you very much,
13 Senator Lynn. Any other comments at this
14 point? If not, we would like to move -- yes,
15 sir, Senator.

16 SENATOR MONTFORD: Thank you, Mr. Chair, I
17 am not exactly sure if this should be now or at
18 the end, but I will go ahead and take this
19 opportunity.

20 I attended 11 out of the 26 public
21 hearings and I never thought we would get to
22 the point where we are today, and that is, I
23 think a sense of comfort, and that comes I
24 think from your direction and the work of the
25 staff.

1 In my own personal life back with the
2 school rezoning I didn't think anything could
3 be worse than that, but through the public
4 hearings people were agitated, but interested,
5 and I think you have gone, taken extraordinary
6 efforts to keep it transparent so that
7 everybody would have, everybody would have a
8 chance to speak, and have time to react, and I
9 think that was more important than anything.

10 So I just want to say thank you. I have
11 learned a lot in this process already. I
12 didn't think we could get to this point as
13 where we are, at least at this comfort level.

14 So thank you from my constituents, thank
15 you and the staff for making it to the point
16 where we are today.

17 SENATOR GAETZ: Thank you, Senator
18 Montford. Although I would emphasize that we
19 are still in the pre-game, we are, we are
20 about, the whistle is about ready to blow to
21 start the game, to start the real process.

22 And John, what I would like to do is just
23 move out of order just a little bit, if you
24 wouldn't mind, because of the fact that we have
25 had a very thorough going and useful

1 discussion, come to consensus on a number of
2 things.

3 John, if it is all right with you, may we
4 please move to tabs three and four now for a
5 discussion of the format for the joint
6 resolution of apportionment and the Bill
7 establishing Congressional Districts?

8 It is important that we give our
9 professional staff our guidance and approval of
10 that format, because those are the two by six's
11 and two by eight's that really form the
12 framework for how we are going to build the
13 rest of this legislation.

14 Is there any objection to moving to tabs
15 three and four? If not, John, would you please
16 take us through that information?

17 MR. GUTHRIE: Thank you, Chairman. Tab
18 three is the format for a Senate Joint
19 Resolution of Apportionment.

20 As we noted earlier, the Joint Resolution
21 is only four pages long when you take out the
22 legal descriptions.

23 The most important part of a joint
24 resolution is right here in the title where we
25 cross reference the Joint Resolution to Senate

1 plan numbers, and we have worked out a naming
2 convention with the House so that the House of
3 Representatives and the Florida Senate is, are
4 both going to be using the same numbers for
5 plans.

6 So what that, the two blanks on this page,
7 on line four are going to cross reference a
8 plan that exists in the Senate's submitted
9 plans folder, okay, and here are the 64 plans
10 that have been submitted by the public so far.

11 If a Senator submits a plan, it will
12 appear in this same list and for any of these
13 proposals, if you click on the plan name, you
14 go to the plan details page and among the
15 downloads for that plan is a legal description
16 of the districts.

17 And by, if we open that legal description,
18 we see all of the numbers that we were
19 referring to earlier that just go on for page
20 after page after page.

21 That is what will get inserted into, in
22 the case of Senate Joint Resolution, line 57 is
23 where the State House Districts will be
24 inserted, and line 62 is where the State Senate
25 Districts will be inserted.

1 And when we insert, so when we insert all
2 of these numbers that is when this simple
3 little four-page document becomes scores, if
4 not hundreds of paged long. Okay.

5 SENATOR GAETZ: President Margolis.

6 SENATOR MARGOLIS: In preparing an
7 amendment, you are going to have to delineate,
8 you have a legal description with every number
9 there, every one of those blocks?

10 MR. GUTHRIE: In order for a plan to be --

11 SENATOR MARGOLIS: So the legal
12 description is attached to a number? Have you
13 -- have you --

14 MR. GUTHRIE: So back to the plan page
15 here, this is S pub S 0064.

16 SENATOR MARGOLIS: Right, right.

17 MR. GUTHRIE: Senator Margolis, if you
18 were to submit the next plan, it would be S
19 035, which is your district number.

20 SENATOR MARGOLIS: Right.

21 MR. GUTHRIE: If it were a Senate plan,
22 this would, the fifth, the fourth letter is
23 either S, H or C, indicating it is a Senate,
24 House or Congressional plan, and then the 0064
25 is just a sequential number so the next one

1 might be 65.

2 SENATOR MARGOLIS: And in submitting plans
3 they have to be full plans?

4 MR. GUTHRIE: In order for a plan to be
5 considered for a Bill or an Amendment, and a
6 legal Bill or an Amendment, it must be a
7 complete plan, yes.

8 SENATOR MARGOLIS: And you would have --
9 you would input the legal description based on
10 the plan or it will be up to the individual?

11 MR. GUTHRIE: What you -- what you would
12 do is in the District Builder software -- let's
13 go to that, I don't have that opened still.

14 In the District Builder software there is
15 a submit button. When you click the submit
16 button it sends a copy of your plan to the
17 redistricting staff.

18 It also sends you an e-mail saying, here
19 is the thumb print, a number that indicates the
20 thumb print of that plan.

21 I take what you submit and drop it into an
22 automatic process which results in the plan
23 appearing on the Senate web page. So I take
24 the e-mail that you send to me, using the
25 submit button on District Builder, drop it into

1 a hopper and it automatically then appears on
2 the Senate website.

3 So what I as professional staff can
4 guarantee you and the public and the courts, is
5 that the block assignment file, which is the
6 definition of, in Department of Justice format
7 of where, what district each block in the state
8 is assigned to, matches up with all of the
9 reports, all of the statistical reports that we
10 are providing on this page, and with all of the
11 downloads, including the legal description that
12 we are providing on this page, and with the
13 maps that we are providing on this page.

14 SENATOR MARGOLIS: And --

15 SENATOR GAETZ: Yes, ma'am.

16 SENATOR MARGOLIS: Just to get back to the
17 original question. The block, I mean, if you
18 look at a block and I happen to have a map, you
19 know, that has blocks on it, so I know, I guess
20 everybody does, and -- and -- but -- but if
21 you, if I told you the block number that I
22 would like to put into a plan, you have the
23 legal description for the block number, I
24 assume?

25 MR. GUTHRIE: Yes, yes, yes. That is

1 established by the United States Census. So
2 the census geography is --

3 SENATOR MARGOLIS: It is all there.

4 MR. GUTHRIE: An official legal
5 description for purposes of describing.

6 SENATOR MARGOLIS: So if somebody comes in
7 and said, you know, I want to exclude block
8 this and include block that, that, I mean,
9 without going through a big rigmarole to define
10 it by a legal description, you could just plug
11 that in?

12 MR. GUTHRIE: Right.

13 SENATOR GAETZ: And President Margolis, I
14 would just say this for all Committee members.
15 We want to make the amendatory process Senator
16 friendly, and so I may not know the census
17 block.

18 MR. GUTHRIE: You don't need to.

19 SENATOR GAETZ: I just know Rocky Bayou,
20 you know, it is, I think it ought to be in the
21 Fourth Senate District. It is not now, and so
22 I come to John and say, John, get out your map
23 of northwest Florida, I am going to point here
24 with my finger to Rocky Bayou.

25 See how we got testimony that said that

1 these people think that they are in the wrong
2 place and they want to be in the Fourth Senate
3 District or whatever.

4 Help me out in developing an amendment
5 that will articulate that change. Obviously,
6 as technical savey you can be, that is
7 terrific.

8 But if what you are is a guy like me comes
9 down with a map and a finger and says, this is
10 a problem that we didn't take care of that we
11 heard in testimony that we should take care of,
12 we want to make this process Senator friendly,
13 but -- but, but, but.

14 If I want to do that and I know I want to
15 do that, I shouldn't wait until the last dog is
16 hung. I should come down tomorrow. I should
17 come down this next week.

18 I should come down soon and say, John,
19 this is a concern. Now, we heard the testimony
20 and when you prepare the proposed Committee
21 Bill, listen to what we heard from the people
22 who testified.

23 So that we are not crowded all up at the
24 end of the day with lots of amendments, because
25 a lot of what we want to do can be included in

1 the proposed Committee Bill. We have got the
2 testimony. We have got the maps. We have
3 heard what people have to say.

4 So please, if you know what you want to do
5 because of what you have heard, what we have
6 heard, the maps that we have received, bring
7 that information forward as soon as you can.
8 But we will make it as friendly as we can make
9 it.

10 Other comments or questions? Do you see
11 the format before you? John, procedurally,
12 what do you want us to do? Do you want us to
13 by consensus give you guidance on this?

14 MR. GUTHRIE: Well, this will be the, what
15 we come forward with in the proposed Committee
16 Bill. So we will take this language.

17 It very simply, it includes a cross
18 reference to the plan numbers. It says that
19 the 2010 Census is the census for purposes of
20 redistricting in this state.

21 It defines as we were, block, track,
22 voting tabulation district, with the -- with
23 the specific definitions that they have for
24 redistricting Bills.

25 It has a place for the House and Senate

1 Districts. It has Section 4 and Section 5
2 which are provisions that would cure an
3 inadvertent completeness problem or contiguity
4 problem with a plan that was passed by the
5 Legislature.

6 And the draft says that the new districts
7 will apply for future elections, so for the
8 election starting with 2012.

9 SENATOR GAETZ: Any questions about this
10 format? President Margolis has raised a very
11 good point as to how we would proceed to fill
12 in the blanks here.

13 Any other questions about the format? If
14 not, John, then I think you can take from the
15 Committee their support for the format and to
16 go forward on that basis.

17 John, I think that while we had planned to
18 maybe review individual maps that we have
19 received in testimony to date, why don't we
20 defer that for the regional meetings if that is
21 agreeable with you.

22 Is there any reason why we should not do
23 that, because I would like to make sure we have
24 time for public testimony today.

25 MR. GUTHRIE: That is an excellent

1 suggestion. This slide shows a break down of
2 the 64 plans that have been submitted thus far.
3 So we have got a total of 34 Congressional
4 plans, 12 Senate and 18 House.

5 Among those, 20 of the Congressional plans
6 are for the entire state. Six of the Senate
7 plans are for the entire state, and four of the
8 House plans are for the entire state.

9 So that is the break down of what we have
10 gotten from the public so far. All of those
11 are listed on the Senate Redistricting website.
12 So from the Florida Senate home page, go to the
13 Redistricting link, and then if you click
14 submitted plans, you have got a listing of all
15 64 of those plans, and by clicking on any of
16 those plans you can launch its page.

17 You can launch District Explorer. Senator
18 Bullard said she had trouble ten years ago
19 knowing the details of where her district went.

20 Well, now within five minutes of when a
21 plan is dropped into the hopper, anybody in the
22 world can get neighborhood level detail about
23 exactly where the lines are drawn.

24 Nowhere else is that being provided to the
25 public or to -- or to Representatives and I

1 think you can take great comfort in that
2 information.

3 SENATOR GAETZ: And I would encourage
4 Senators to go now in the next few days. I
5 know everyone is busy, but to go to the
6 submitted plans, because let me emphasize
7 again, that the plan that I hope to vote for,
8 the Committee Bill that I hope to vote for will
9 be derived from the information we have
10 received from the public and the information we
11 will receive from the public.

12 There is not going to be a magical plan
13 sprung fully grown from the brow of Zeus. That
14 has no basis in the information and input that
15 we have received from the public. That is just
16 not going to happen in this Committee.

17 And so I would urge you to go and become,
18 into the District Builder, become familiar with
19 what has been submitted and what will be
20 submitted, because my expectation is, my hope
21 is that now that we have set a deadline of
22 November 1st, that some of those who have, who
23 have kind of laid back may come forward.

24 I want to announce again just so you know
25 that I have signed and during this meeting I

1 have signed letters along with Chairman
2 Weatherford to civil rights and minority rights
3 advocacy groups around the state asking them
4 now to please, at long last, come forward and
5 give us the benefit of their thinking.

6 At this point, and we will do this as a
7 matter of form at every single meeting. It is
8 just something we want to do to make sure
9 everybody is included.

10 Are there any Senators, any members of
11 this Committee who wish to offer any plans for
12 the Committee's consideration today?

13 Anybody would like to make a presentation
14 of any plan or comment on any plan that has
15 been presented by someone else? And I am sure
16 this will be a livelier part of the meeting,
17 probably the main part of the meeting going
18 forward, but I want to make that offer to every
19 member of the Senate today.

20 All right, are there any Representatives
21 of any, and I don't mean this in a pejorative
22 way, when I say special interest, American
23 Cancer Society is a special interest group,
24 and, you know, special -- any members of any
25 interest groups who are here today who wish to

1 offer a plan, having had the opportunity,
2 couldn't attend one of our 26 hearings, maybe
3 hung back, waited to see when was the right
4 time? Any members of any interest groups who
5 wish to come forward today?

6 Finally, are there any members of the
7 public who wish to come forward today and offer
8 any public testimony on any plan that has been
9 submitted, any plan that you would like to
10 submit or to comment on anything that you have
11 heard today about the process, the procedure or
12 the timelines of this Committee? Any member of
13 the public?

14 If not, then let me showcase for you again
15 that we will be meeting next the week of
16 October the 5th, is that right? Do we have a
17 date from the President's office?

18 It is October 5th, and do we have a time?
19 Say that again, please. 1:00 to 6:00, and what
20 day of the week is that?

21 A VOICE: Wednesday.

22 SENATOR GAETZ: Wednesday, October 5th,
23 from when to when?

24 A VOICE: Starting at 1:00.

25 SENATOR GAETZ: Beginning at 1:00, and

1 that will be a very meaty discussion. We will
2 begin looking at maps that have been submitted
3 for northwest Florida and maps that might be
4 submitted between now and then.

5 Is there any other business to come before
6 the Committee today?

7 I would like to ask the Majority and
8 Minority Leaders if they have any comments
9 before we conclude. Senator Rich?

10 SENATOR RICH: I think we took care of a
11 lot of the housekeeping and I am looking
12 forward to the next meeting when we will
13 actually get into the nuts and bolts with the
14 maps and really dealing with what the people
15 out there have to say.

16 And just, it will be a very interesting
17 and I want to say just kind of enlightening
18 process to all of us as we move along, so.

19 SENATOR GAETZ: Thank you, that is a good
20 adjective. For those who have not been
21 involved before.

22 SENATOR RICH: Right.

23 SENATOR GAETZ: We hope it is
24 enlightening. We have heard it might be other
25 things, too.

1 SENATOR RICH: Right.

2 SENATOR GAETZ: Leader Gardiner.

3 SENATIR GARDINER: Thank you,
4 Mr. Chairman. As I mentioned earlier, just
5 thank you for the openness and really all of
6 the members of the Committee.

7 It is enlightening, but it is also
8 rewarding if everybody is working together and
9 there is no surprises and it is done in a
10 transparent fashion.

11 I think we have done that and I think we
12 have laid out a roadmap to continue that. So
13 thank you, Chairman and everybody have a safe
14 trip home.

15 SENATOR GAETZ: And with that, Senator
16 Margolis moves we rise.

17 (Whereupon, the proceedings were
18 concluded.)

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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 135 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 27th day of October, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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SENATE REAPPORTIONMENT

OCTOBER 5, 2011

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 SENATOR GAETZ: We are pleased today to
3 welcome to this committee and to the Florida
4 Senate the newest Senator of the State of
5 Florida, Senate 1, Senator Audrey Gibson,
6 formerly State Representative, now a member of
7 the Senate. And, Senator Gibson, we know what
8 we all did to be placed on this committee, good
9 or bad, and we are not sure what you did, but
10 in any case, we are glad you are here, and the
11 Chair recognizes you for any introductory
12 comments, Senator.

13 SENATOR GIBSON: Thank you, Mr. Chair, and
14 I am extremely delighted and excited to be
15 here, and all I did was ask.

16 SENATOR GAETZ: Well, ask, it shall be
17 given, and knock, it shall be open unto you, I
18 guess.

19 Good afternoon, members. First, a matter
20 of just making sure that we are doing our due
21 diligence properly here. I believe, I hope,
22 that all of you received the memorandum which
23 summarized the consensus determinations that we
24 made at the last meeting, laid out procedures
25 that the committee will follow.

1 Let me begin by asking, is there anything
2 about that memo that lacks clarity? Is there
3 anything that you wish to discuss? Is there
4 anything that you believe was unfaithful to our
5 conversations at the last meeting, any member?
6 I'm sorry, Leader Rich, did you seek
7 recognition?

8 SENATOR RICH: Yes, Mr. Chair, just to say
9 that we don't have the memo with us, so if you
10 would allow us to just take a look at it again
11 to make sure that, you know, there's clarity --

12 SENATOR GAETZ: Of course. Why don't we
13 return to that at the end of the meeting --

14 SENATOR RICH: Great.

15 SENATOR GAETZ: -- to make sure if there
16 are any corrections that anybody wishes to
17 make. And, John, can you -- do we have a copy
18 for Leader Rich? Are there other members of
19 the committee who have not had an opportunity
20 to look at the memo? Senator Latvala, Senator
21 Diaz de la Portilla. Do we have some extra
22 copies? Don't be shy. We can make more. And
23 I would like an extra copy, too, when you are
24 finished.

25 And, Senators, the intent of this

1 memorandum, which was sent out on the 27th of
2 September, was to summarize the discussion that
3 we had at the last meeting to memorialize the
4 agreements that we made about how we would
5 proceed, and to try to be faithful to some of
6 the cautions that members of the committee had
7 for us to avoid last-minute amendments and
8 those sorts of things. So if you have not had
9 a chance to review the memo, please do, and as
10 Leader Rich has suggested, we will come back to
11 it later in the meeting to see if anyone has
12 any corrections or additions.

13 Our purposes today are to go through the
14 first region of Florida that we have identified
15 for discussion of district lines and
16 boundaries. Today and in our next three
17 meetings, we will move through the state,
18 region by region, discussing scenarios for
19 drawing congressional and legislative maps
20 based on suggestions and maps submitted by the
21 public, by interest groups and by Senators.

22 The next time we meet, to give you
23 previews of coming attractions, the next time
24 we meet we will look at northeast and central
25 Florida. Specifically in our next meeting, we

1 will be discussing the area from Suwannee River
2 east to Jacksonville, and from Pasco County
3 across to the east coast, including Orlando and
4 the surrounding areas. So that will be a very
5 substantial discussion. At our November
6 meetings, as we mentioned before, we will be
7 considering southeast and southwest Florida.

8 Let me just stop here so that we, again,
9 don't have any unpleasant surprises, and let's
10 discuss the practical application of what I
11 will call the seven-day rule, which by
12 consensus we adopted at our last meeting.

13 If any member of the public or any Senator
14 has a plan for northeast or central Florida for
15 our inclusion on the agenda for October 18th,
16 please make sure to submit that plan no later
17 than the first thing next Monday morning, which
18 is October 10th, so it can be included at the
19 meeting notice that is due before noon that
20 day. The purpose is to make sure that we are
21 not having any surprise maps, and that any
22 suggestions and any proposals are publicly
23 noticed so that the public and members of this
24 committee and anybody else who cares has an
25 opportunity to review what we will discuss

1 before we discuss it.

2 Today, as I indicated, we will start with
3 scenarios for northwest Florida. These
4 scenarios are drawn directly from the testimony
5 that we have received at the three public
6 hearings that we held in northwest Florida and
7 the public hearing that we held here in
8 Tallahassee to begin the hearing schedule that
9 took us to 26 locations across the state.

10 We will begin with a staff presentation
11 summarizing the scenarios that we have received
12 from the public, and then giving us -- trying
13 to draw together the themes from that testimony
14 that we can use for drawing districts in this
15 part of the state. After we have heard from
16 the staff and they have reminded us of the
17 scenarios that were presented, the themes that
18 are drawn from those scenarios, then we do have
19 a number of members of the public who have
20 signed up to speak, and we are delighted that
21 they are here. If you wish to speak before the
22 committee, we want your testimony, but we would
23 like to ask you to please fill out a blue
24 appearance card. And who has the blue
25 appearance cards? John has them, Mr. Guthrie

1 has the appearance cards. They are not blue
2 today, they are white. So fill out an
3 appearance card, they are sitting right there,
4 and then we will call on you in order so that
5 we will have a chance to hear from everybody
6 who wants to speak today about northwest
7 Florida. We are not going to take testimony
8 today about south Florida or about the process
9 or about, you know, any other topics. We are
10 going to take testimony specifically about
11 maps, districts, boundaries and borders for
12 northwest Florida.

13 Following that, we will have a committee
14 discussion and debate, and then I will ask the
15 committee if they can provide some direction to
16 our professional staff as they begin the
17 process of developing a proposed committee
18 bill. Obviously, as Henry Kelley, who is here
19 today and who is one of the citizens who drew
20 maps, as Mr. Kelley reminded me, the minute
21 that you drop a pebble in the water in
22 Choctawhatchee Bay, there are waves that wash
23 up, you know, in south Florida. So when we
24 begin to draw lines and develop guidance for
25 our professional staff as to northwest Florida

1 and north Florida, we begin to implicate the
2 other parts of the state. So we are not doing
3 this in isolation or in silos, but we are
4 trying to bite into the apple here region by
5 region, understanding that we will have to come
6 back and make sure that we have followed all of
7 the laws and requirements that we have.

8 So unless there are other questions about
9 our procedure for today's meeting, I would like
10 to skip forward to tabs four, five and six, and
11 recognize John Guthrie, who is our professional
12 staff director for the Reapportionment
13 Committee. And, Mr. Guthrie, would you please
14 make a presentation on the congressional and
15 legislative districts in northwest Florida?
16 You are recognized.

17 MR. GUTHRIE: Thank you, Chairman, and if
18 I may, what I would like to do is provide the
19 committee a bit of an overview of the resources
20 that your professional staff used for
21 assembling the content that we delivered to you
22 for the committee meeting today. Primarily it
23 is the public record, all of which is available
24 to you and to citizens through the Senate
25 website.

1 The way you get to the Senate
2 redistricting website is from the main Senate
3 page, which is www.flsenate.gov. Down in the
4 lower left-hand corner, there is a link to
5 redistricting, or under "Session," there is a
6 tab for "Redistricting." If you choose that,
7 you go to the redistricting home page. The
8 front page is an invitation for the public to
9 stay engaged in this interactive process. The
10 "U.S. Census Data" tab provides a variety of
11 ways of looking at and accessing the vast
12 amount of census data that are available for
13 redistricting.

14 The public hearings page includes a record
15 of all 26 of the public hearings that this
16 committee had during the summer. So we
17 traveled to 26 locations, we heard from almost
18 5,000 citizens, 1,700 people testified, and
19 this is the record that was created. For each
20 hearing, we have the handouts and displays that
21 were available at the hearing site, a hearing
22 report that tells you about what additional
23 submissions the committee received, the hearing
24 transcript -- now, not all of the hearing
25 transcripts are present yet. We have not yet

1 gotten them back from the court reporting
2 service, but as those hearing transcripts come
3 available to us, we immediately post them
4 on-line for you and the public. We also have
5 podcast and video-cast for each of the
6 hearings. So for all of the 26 hearings,
7 there's a huge amount of resources that you can
8 draw upon. And as Senator Gaetz said, that
9 will be the basis for staff's work on proposed
10 committee bills and for this committee's
11 deliberations.

12 The "Legal Submissions" tab on the Senate
13 redistricting page right now has the
14 pre-clearance submission that the Senate and
15 House made to the U.S. Department of Justice,
16 requesting pre-clearance approval for
17 Amendments 5 and 6. As time goes on and the
18 plans are passed by the Legislature, pending
19 before the Supreme Court, or the plans are
20 pending before the U.S. Department of Justice,
21 those records will also be publicized on this
22 site.

23 The "District Builder" tab gets you to a
24 form that you or constituents in your district
25 or your staff can fill out to get an account to

1 use the on-line redistricting system.

2 "Submitted Plans" is where your staff
3 spent most of their time preparing for this
4 meeting. We have a listing of all of the 71
5 plans that have been submitted to the
6 Legislature so far. There are a couple other
7 plans that were submitted to the House this
8 week. There was one plan that was submitted to
9 the Senate just an hour and a half or two
10 before this meeting started. We will be
11 getting those on-line later this week, very
12 soon.

13 In order to navigate the submitted plans
14 page, if you know who the sponsor of the bill
15 is, you can type in the sponsor's name, so the
16 Chairman mentioned Mr. Kelley, if we type
17 "Kelley" as the "submitted by," and say
18 "search," we see that Mr. Kelley so far has
19 submitted four of the 71 plans. So that gives
20 me an easy way of finding the plan that I am
21 interested in.

22 To clear out this search form, I simply
23 press the "Reset" button, and if I am looking
24 for a plan by name, so if I want to know about
25 plan number 37, I can type "zero, three,

1 seven," and say "Search," and in the search
2 results, I get just that plan.

3 A word about the plan-naming convention,
4 it is explained, if you click on the little
5 question mark next to where it says "Plan
6 Name," but basically for all of the plan names,
7 the first letter is an S or an H, which
8 indicates which Chamber processed the plan to
9 put it on the web initially. The next several
10 numbers -- in this case, it is 026, that would
11 be indicating that it is the Senator from
12 District 26 that proposed this plan. If it is
13 a member of the public that submits a plan,
14 those next three characters would be P-U-B, and
15 then the fifth character in a plan name is a C,
16 an S or an H, indicating whether it is a
17 congressional, Senate or House plan, and the
18 last four numbers indicate the plan ID. So for
19 every plan that is submitted to the Senate,
20 whether by the public or a Senator or a member
21 of the House of Representatives, or the
22 proposed committee bills that originate from
23 this committee, each of those will have a
24 unique name, and where plans are referred to in
25 bills or amendments, the plan name will be the

1 cross-reference between the maps, the
2 statistics, the Department of Justice -- the
3 file -- block assignment file that will be
4 submitted to the Department of Justice, and the
5 legal description that is posted in the bill or
6 the amendment. So that is our plan-naming
7 convention, and we expect that new plans will
8 be added to this directory all through the
9 process. So it is a place that you will come
10 back to often.

11 And finally on this page, we have a link
12 to the "Find Your Legislator" application. I
13 think you guys are familiar with it. Any
14 member of the public can type in a ZIP code,
15 and it will take them to a page which shows
16 them who their Senator representative and
17 congressional representatives are. If you
18 click on one of the little maps, it will bring
19 up an interactive map which you can use to zoom
20 in to see the areas that you are interested in
21 in greater detail. So that is a quick overview
22 of the resources that we used for getting us to
23 the point where we are today.

24 What I am going to do is walk through the
25 set of maps that were posted in the committee

1 agenda for this meeting, and just briefly get
2 them on the screen and walk through some of the
3 conclusions that I and your professional staff
4 came to in reviewing all the plans and the
5 public testimony that was submitted to the
6 committee through the summer and so far in the
7 fall, and some of the conclusions that we reach
8 from that.

9 So as the Chairman mentioned, we're going
10 to be focusing today on the northwest part of
11 Florida, which is the area west of and maybe
12 including Baker County and including the Big
13 Bend of Florida, through what I am calling the
14 Capital region and the Emerald Coast.

15 So what you see on the screen at this
16 moment is the current congressional districts
17 for northwest Florida. District 1 is in
18 Escambia, Santa Rosa, Okaloosa, Walton -- and
19 my memory is giving out on me -- Washington and
20 Holmes Counties. It joins up with District 2,
21 and District 2 has all of Bay County, plus
22 portions of Walton and Okaloosa Counties.

23 Another interesting feature of the current
24 congressional map is that District 4, which is
25 based in Jacksonville, extends west through

1 several whole counties to portions of Leon
2 County -- portions of Jefferson and Leon
3 County. So that is the current congressional
4 district map for Florida.

5 Sarah and -- Sarah Gates and Dr. David
6 Bradford submitted this proposal for -- excuse
7 me, this -- where am I? Yeah, I have them in
8 the wrong order here. Okay, submitted this
9 proposal. It is -- of the proposals that were
10 submitted to the committee so far, it is the
11 one that most closely approximates the existing
12 districts. The boundary between Districts 1
13 and 2 resembles the current boundary, with
14 District 2 picking up some additional territory
15 in Walton and Okaloosa Counties, but the same
16 general configuration for the boundary between
17 1 and 2. The boundary between 2 and 3,
18 however, is different. The extension of the
19 Jacksonville district west to Leon County is
20 not a feature of this map, but, rather, we have
21 three districts that are predominantly in the
22 Panhandle. So those are the features of the
23 plan number 20.

24 Plan four, that is by Henry Kelley, and it
25 has a -- it has a population deviation of

1 almost seven percent.

2 SENATOR GAETZ: Just a moment, John.

3 MR. GUTHRIE: Yes, sir.

4 SENATOR GAETZ: President Margolis is
5 asking a good question that I am sure is on all
6 of our minds. Do we have hard copies of this
7 in our book, or should we follow along on the
8 screen?

9 MR. GUTHRIE: Well, the map -- or the
10 meeting packet for this meeting at tabs four,
11 five and six, includes --

12 SENATOR MARGOLIS: The maps are --

13 MR. GUTHRIE: Yes.

14 SENATOR GAETZ: Yes, ma'am. Yes. Is
15 everybody following here? Either in the
16 meeting packet, which was provided to you, or
17 follow on the screen or follow in your laptop
18 computer in front of you. Everybody okay?

19 Okay, John, keep going, please.

20 MR. GUTHRIE: Okay. So we are on
21 congressional plan four by Mr. Kelley. It has
22 a deviation of almost seven percent. Typically
23 what the courts are looking for with
24 congressional redistricting is de minimis, very
25 slight deviations.

1 The portion of District 24 in Dixie, Levy,
2 Gilchrist Counties is not contiguous, and that
3 is this area right here, 24, are not contiguous
4 with the balance of District 24, which is on
5 the east coast of Florida. So contiguity
6 problems similar to that are something that we
7 would want to resolve in the final version of
8 the map reported by this committee.

9 And the two Panhandle districts, District
10 26 and 27, generally follow county boundaries,
11 making an exception only for as required to
12 equalize populations.

13 SENATOR GAETZ: Let me just ask a question
14 of clarification there. When you said that
15 there is an 11 percent deviation, is that
16 between what Mr. Kelley is calling 26 and 27,
17 or where is the deviation?

18 MR. GUTHRIE: No, the deviation -- well,
19 let's see, the deviation between those two
20 districts is 4.2 percent.

21 SENATOR GAETZ: Okay. And for purposes of
22 clarification, John, would you please remind
23 everyone of sort of what the case law tells us
24 about deviations, please?

25 MR. GUTHRIE: So on deviation with

1 congressional plans, the courts have
2 interpreted the requirement that districts be
3 as equal as practicable, to mean that almost no
4 deviation in population is a good idea.

5 SENATOR GAETZ: So -- and, again, I am
6 just using this as an example so that we can
7 all kind of follow along the other plans that
8 are being presented. So if one were to try to
9 conform plan number four, Mr. Kelley's plan, to
10 the case law, one would need to change the --
11 one would need to resolve the equity problem
12 and make sure that you have equal districts,
13 you would have to resolve the four percent
14 deviation down to just a handful of voters or
15 less, right?

16 MR. GUTHRIE: Right.

17 SENATOR GAETZ: Okay, thanks.

18 MR. GUTHRIE: And were the Legislature not
19 to do that, and somebody challenged it, there
20 is -- based on current case law, there is a
21 risk that that plan would be found to violate
22 the equal protection clause. So that is the
23 consequence of it.

24 The next plan that we want to look at --
25 and, actually, most of the remainder of the

1 plans that we have here today are -- generally
2 follow county lines, drawing vertical cuts
3 between the districts through northwest
4 Florida. So plan 31 was submitted by Sean
5 Phillippi. His two Panhandle districts follow
6 county boundaries pretty well. Only Holmes and
7 Madison Counties are divided, Holmes County on
8 the west, Madison County between Tallahassee
9 and Gainesville. And Mr. Phillippi, and this
10 is a good example, he got his population
11 deviations down to one person, okay, not only
12 for these two districts, but for the entire
13 plan. So it is an example of how exact your
14 population deviations can be made using the
15 redistricting software.

16 SENATOR GAETZ: And, Mr. Guthrie, again,
17 this is helpful because this is the sort of
18 first run-through as we provide guidance for
19 proposed committee bill. Am I correct to
20 assume that in the area of northwest Florida
21 that we are talking about, the Tier I mandate
22 out of Amendments 5 and 6 to not reduce
23 minority voting rights is a -- is not a
24 substantial issue because of the low proportion
25 of minorities in the population, so is that why

1 you are not talking about retrogression issues
2 here, but rather talking about equity issues?

3 MR. GUTHRIE: Well, what we can say with
4 the congressional plan is that it -- for
5 congressional districts, the incumbent members
6 of Congress -- in fact, we've never had an
7 African-American incumbent, never, you know, in
8 recent Florida history, representing the
9 Panhandle. So there is -- there is no
10 incumbency effect that would indicate that it
11 would be a retrogression to do the districts in
12 one way or another.

13 SENATOR GAETZ: Okay.

14 MR. GUTHRIE: But it is turning out that
15 District 2 in this case -- let's look at
16 Mr. Phillippi's map. District 2 is -- and
17 these figures are all in the report that we
18 prepared for your meeting packet. District 2
19 is 23 and a half percent black voting age
20 population. So if you take the black citizens
21 or persons over age 18 in District 2 in this
22 plan, 23.5 percent of those persons would be
23 African-American, or would indicate they are
24 African-American.

25 SENATOR GAETZ: But since there has been

1 no minority representation for 100 years or
2 more in Congress from that area, and since you
3 don't -- you haven't hit the threshold for a
4 majority-minority district, that is why it is
5 not an issue in this part of the state as it
6 will be an issue in other parts of the state,
7 is that correct?

8 MR. GUTHRIE: It will be an issue in other
9 parts of the state, yes.

10 SENATOR GAETZ: Okay. The reason I am
11 asking these questions of clarification is just
12 so you understand that the -- you know, we have
13 to look at Tier 1 mandates from Amendments 5
14 and 6, and the Tier 1 mandate is to avoid any
15 dilution of minority voting rights, but that is
16 not an issue here for the reasons Mr. Guthrie
17 has mentioned.

18 Okay, John. I'm sorry to interrupt you,
19 but --

20 MR. GUTHRIE: No.

21 SENATOR GAETZ: -- I think if we sort of
22 do this on the first run, we won't have to do
23 it on each run.

24 MR. GUTHRIE: That is very helpful. Thank
25 you, Senator.

1 The next plan we are featuring here today
2 is congressional plan 33 submitted by Joseph
3 Russo, and what is unique about this plan is he
4 followed county boundaries exactly. So his --
5 his district lines follows here the boundary of
6 Jackson and Bay Counties, his line between
7 Districts 2 and 4 follows exclusively county
8 boundaries, mostly the Suwannee River and --
9 but because Mr. Russo kept counties whole in
10 the Panhandle, he has a deviation in the
11 Panhandle districts of almost 10 percent, okay.
12 So keeping counties whole is going to be -- or
13 following county boundaries exclusively is
14 going to have the consequence of making it very
15 difficult, if not impossible, to keep your
16 districts equal in population.

17 The next plan we are going to look at is
18 plan -- congressional plan 36 submitted by
19 Jeffrey Carman, and this and really all of the
20 remainder are -- what -- the difference you see
21 between them are different ways of creating the
22 boundary between District 2 and the district to
23 the east of District 2. So it shows you just
24 the variety of creative ways that maps can be
25 drawn, and no clear preference for where that

1 line should be drawn in -- between the Big Bend
2 and the Capital region.

3 And that is my take-away from -- I --
4 really, the remainder of the plans they
5 submitted for Congress.

6 Are there any questions on the
7 congressional scenarios?

8 SENATOR GAETZ: Excuse me, member
9 Senators, what we will do now is we will move
10 to Senate plans that have been submitted, House
11 plans that have been submitted. Then we will
12 take public testimony, then we will have
13 discussion and debate. But questions about the
14 professional staff's presentation are in order
15 now. Are there questions? Are there questions
16 at this point? If not, move to the Senate
17 plans, please.

18 MR. GUTHRIE: Okay. So here is -- on the
19 screen we have the current Senate districts for
20 Florida. We are going to move to the northwest
21 Florida area, because that is our concentration
22 today. The current District 2 runs along the
23 northern tier of the -- above the Emerald
24 Coast. District 4 comprehends the Emerald
25 Coast of Florida. The current Senate District

1 6 is represented by Senator Bill Montford,
2 formerly was represented by Al Lawson. It
3 includes the -- most of Leon County and the
4 surrounding counties, mostly to the west. It
5 has a section that goes into Bay County. That
6 was necessary in order to equalize the
7 populations of Districts 2 and 4 with District
8 6.

9 And then current District 3, which is
10 represented by Senator Charlie Dean, is a --
11 includes the coastal area of the Big Bend, it
12 stretches into Leon County, almost to Capital
13 Circle, and it -- almost -- why do I keep --
14 there I was, okay -- and it includes some
15 districts, or counties, Hamilton, a portion of
16 Columbia and Baker, along the Georgia county
17 border west of Jacksonville.

18 And then District 14, represented by
19 Senator Oelrich, is Alachua County and some of
20 the surrounding areas. So that is the current
21 Senate district map.

22 The chart in front of me here, which we
23 took to each of the 26 hearings and which is
24 also available on the Senate website, shows you
25 how the current districts are over or

1 under-populated. For Senate districts, unlike
2 congressional districts -- with congressional
3 districts, Florida gets two new seats in the
4 United States Congress, and, therefore, by and
5 large, congressional seats in Florida will be
6 under-populated. With Senate districts, we
7 will not be increasing the 40 seats that we
8 currently have, that is the constitutional
9 maximum. So if districts that grew faster in
10 terms of population than the state average are
11 now over-populated and those districts need to
12 contract in order to equalize population,
13 districts that grew slower than the state
14 population need to add additional territory in
15 order to come up to equal population.

16 So that is the work of the committee for
17 the Senate, some scenarios that we have for you
18 to consider, and really this quick run-through
19 that we are giving, these maps today, bears a
20 lot more thought and a lot more study on your
21 part and on our part than we are going to be
22 able to invest in it at today's meeting.

23 But the first map that we wanted to focus
24 on is plan 64 by Mr. Libby. What he does is
25 provides for vertically-drawn districts. So I

1 mentioned earlier that the existing districts
2 in -- along the Emerald Coast have followed
3 more of a horizontal orientation. What Mr.
4 Kelley and some other proposers did is took
5 more of a vertical orientation to district maps
6 through the Panhandle, and Mr. Kelley's map is
7 nearly exact. In fact --

8 SENATOR GAETZ: Excuse me, is this Libby
9 or Kelley? Which -- give us the number.

10 MR. GUTHRIE: I'm sorry, Mr. Libby's map.

11 SENATOR GAETZ: What number is this,
12 please?

13 MR. GUTHRIE: This is plan number 64.

14 SENATOR GAETZ: Plan 64, we are looking at
15 the Libby plan. Okay.

16 MR. GUTHRIE: And the screen that I happen
17 to be on here, this is the District Explorer
18 screen. The plan number is always indicated in
19 the upper left-hand corner of the map if you
20 are working in District Explorer, and if you
21 click on that link, it will take you to a sheet
22 of -- where you can get the statistics and
23 downloads and all the information we have about
24 a plan.

25 So what Mr. John Libby was able to do is

1 get his population deviations virtually
2 identical, down to one person, for the Senate
3 districts.

4 You inquired, Mr. Chairman, earlier about
5 what the population deviation requirement is
6 under case law, and what we have heard from
7 Mr. Bardos and others is that while virtual
8 exactitude is the norm for congressional
9 districts, with state legislative districts,
10 variances as high as plus or minus five
11 percent, or a total deviation of 10 percent,
12 have been allowed by the courts for purposes of
13 achieving a legitimate state purpose. So if
14 there is a rationale that makes sense for
15 deviating as much as five percent from the
16 ideal, courts have granted leeway to do that.
17 And what we are going to see in some of the
18 other plans is they did -- worked harder to
19 follow county boundaries without splitting
20 counties, but by doing so, it resulted in
21 higher deviations than what you have in
22 Mr. Libby's plan.

23 The second map, plan number 56 by Ryan
24 Terrell, is interesting because instead of
25 equalizing the population of the Pensacola

1 district with northwestern Okaloosa County, he
2 came along the coast. He also extended
3 District 4 west to include all of Franklin
4 County, and so the District 6, the Capital
5 district, is more -- is more along the Georgia
6 border, just has a small section along the
7 coast. The --

8 SENATOR GAETZ: And, excuse me, just if
9 you could summarize as to this plan, which is
10 plan 56, are there any remarkable -- is there
11 anything remarkable about this plan in terms of
12 potential problems that you would see in
13 conforming with Amendments 5 and 6 or
14 conforming with the Voting Rights Act,
15 conforming with any case law that we are aware
16 of?

17 MR. GUTHRIE: Well, this plan has higher
18 deviations than others, although deviations
19 that, with some fiddling, could be brought into
20 range of acceptability under that plus or minus
21 five percent rule that we were talking about.

22 It has a -- this District 6 has a black
23 voting age population of 30.5 percent, which is
24 higher than some of the other alternatives that
25 were submitted by the public. So including the

1 counties away from the coast all together in a
2 district had the result of slightly increasing
3 the African-American percentage --

4 SENATOR GAETZ: And I would ask you,
5 Mr. Guthrie and Mr. Bardos, if you would care
6 to comment as well, or in addition, and that is
7 -- here is the question: At what point -- and
8 I realize that this -- you know, courts
9 interpret this in somewhat different ways and
10 for different reasons at different times, but
11 you talked here now about a minority population
12 that would be in the magnitude of 30 percent.
13 At what point do we reach a statistically
14 interesting number of minority persons in that
15 district where we need to begin to look at
16 minority-majority issues?

17 MR. GUTHRIE: It is -- there is no bright
18 line number. It varies from region to region
19 based on the historical patterns and voting
20 patterns of the -- of citizens or persons who
21 happen to live in those areas. So the -- I
22 don't mean to be ducking the question, but
23 there is no single figure that we can point to
24 as indicating that this is an effective
25 minority access district, whereas this is not.

1 We know -- the one thing that we do know
2 is a majority-minority district has more than
3 50 percent of the affected minorities' voting
4 age population. So majority-minority, we have
5 a bright line definition, but for minority
6 access or opportunity districts, there is no
7 such bright line. It really depends on
8 conducting analyses of past elections to
9 determine how the voters of the minority and
10 how the voters of the majority behave in
11 elections.

12 SENATOR GAETZ: Mr. Bardos, do you have
13 any comment? And then Senator Lynn. Mr.
14 Bardos?

15 MR. BARDOS: I would just add to that that
16 Section 2 of the Voting Rights Act we know from
17 Bartlett versus Strickland requires that there
18 be at least a majority of a minority in a
19 relatively compact area before Section 2 would
20 apply. So a 30 percent district would not
21 qualify for Section 2 protection, and we know
22 the Panhandle region is not protected by
23 Section 5.

24 Under the amendments, that is a little
25 less clear at this point, so -- but under

1 Section 2, we know that there is a clear, hard
2 and fast rule. So that would be my only
3 addition.

4 SENATOR GAETZ: Thank you, Mr. Bardos.
5 Senator Lynn, you are recognized.

6 SENATOR LYNN: Thank you, Mr. Chairman. I
7 guess I had two questions. First of all, the
8 geographic areas 2 and 4 are so different. Are
9 the populations the same in those -- each of
10 those areas?

11 MR. GUTHRIE: So if we look at the table
12 in your meeting packet for this plan, the
13 population of -- the two are very, very
14 similar. Two -- the population of District 2
15 is about 470,000 people, a little bit less, and
16 it is 206 people less than the ideal or target
17 population. District 4 is 470, 500, so it is
18 500 over the ideal population. So very close
19 to equal population between those two districts
20 in this plan.

21 SENATOR LYNN: And in District 6, that
22 seems to have the larger minority population,
23 and I guess it is a question to Mr. Bardos
24 perhaps. Compared to 2 and 4, it would have a
25 much larger minority population, and is that a

1 good thing or a bad thing in terms of the
2 Constitution?

3 SENATOR GAETZ: Mr. Bardos, any comment?

4 MR. BARDOS: I think constitutionally the
5 comparison of the minority population from one
6 district to another is not -- is not really the
7 driving issue. I think you would look at what
8 minority population exists within any
9 particular locality of the state, and then
10 determine to what extent the constitutional
11 provisions apply to those. So I don't think
12 that the fact that Section 6 has a larger
13 minority population than Section -- I'm sorry,
14 that District 6 has a larger minority
15 population than District 2 is itself a
16 constitutional issue.

17 SENATOR GAETZ: Senator Lynn?

18 SENATOR LYNN: I guess my question is,
19 when I see a map like this, it seems to be
20 trying to push an issue perhaps of protecting
21 white districts as opposed to a large majority
22 district.

23 MR. BARDOS: Well --

24 SENATOR LYNN: I mean, it is protecting
25 the majority numbers, I understand that. It

1 can be looked at, I guess, the other way as
2 well. Are you protecting majority on the white
3 side with 2 and 4?

4 SENATOR GAETZ: Why don't we answer
5 Senator Lynn's comment and then finish up with
6 the Senate districts, if you can. Very good
7 question, Senator Lynn.

8 Mr. Bardos, Mr. Guthrie, either one.

9 MR. BARDOS: Well, I think -- I think to
10 some extent it is unavoidable to -- in
11 Districts 2 and 4, because it would -- to bring
12 the minority populations which live around the
13 Capital region into Districts 2 and 4, you
14 would be required to extend those districts
15 quite a distance.

16 What we do know is that districting based
17 predominantly on race to the -- to the
18 exclusion or -- while subordinating other
19 race-neutral redistricting principles could
20 create an equal protection problem, but in
21 districts which simply move along the Panhandle
22 for race-neutral reasons and happen to take in
23 differing minority populations, that doesn't
24 seem to raise any immediate constitutional red
25 flags.

1 SENATOR GAETZ: Other comments at this
2 time? If not -- I'm sorry, Senator Lynn, did
3 you wish --

4 SENATOR LYNN: No.

5 SENATOR GAETZ: Mr. Guthrie, why don't you
6 go forward, please?

7 MR. GUTHRIE: Thank you, Mr. Chairman.

8 The next plan we wanted to feature here
9 this afternoon for northwest Florida is Senate
10 Plan 66 submitted by Bruce King. Bruce King,
11 in fact, submitted a Senate plan, a
12 congressional plan and a House plan. He also
13 provided the committee a detailed report that
14 explains the method he used for creating
15 districts was to lay a grid over the state and
16 put together pieces of that grid in order to --
17 once he got to the requisite district
18 population. So he started with Senate
19 districts using this grid methodology, then he
20 subdivided those into House districts, there
21 being three House districts to each Senate
22 district, and then he reconstituted the House
23 districts as congressional districts. So his
24 Senate plan is the neatest and tidiest of the
25 three, but what this shows you is the

1 consequences in terms of political boundaries
2 and in terms of other objectives of Amendments
3 5 and 6 if you strictly adhere to compactness
4 or grid properties as your driving force for
5 making a redistricting plan. So it was a very
6 interesting and very instructive exercise that
7 Mr. King provided for the committee, one that I
8 think we will want to look back at more as we
9 move to other regions of the state.

10 The remainder of the maps that we have for
11 Senate districts vary from what we have seen
12 previously in that they follow the same
13 arguments that we heard a lot of public
14 testimony on at our meetings in Pensacola and
15 Ft. Walton and Panama City, that being that
16 districts should continue to recognize coastal
17 interests versus rural interests, and provide
18 the rural communities an opportunity to elect
19 one of their own or somebody that is
20 sympathetic to their issues to the Senate.

21 So plan number seven was submitted by
22 Henry Kelley, and you see the orientation that
23 he has for Districts 1 and 2. Plan number 28
24 -- now, this is a different take on it. It --
25 the coastal areas of Pensacola, Santa Rosa and

1 Okaloosa County are put in one district, and
2 then the rural areas of those three counties
3 are put together with the whole counties
4 extending east through Bay County to Gulf
5 County.

6 And plan number 25 was submitted by David
7 Kolesar, and again, he has an orientation with
8 a coastal district and a rural district along
9 the Emerald Coast.

10 SENATOR GAETZ: And could you remark,
11 Mr. Guthrie, if appropriate, as you go through
12 those plans, are there -- are there population
13 deviations that are troublesome in those plans,
14 or not, in your judgment?

15 MR. GUTHRIE: With plans that do not set
16 as an objective keeping -- if you are not
17 dogmatically following county lines or other
18 political subdivision lines, you normally are
19 able to come fairly close in terms of
20 population deviations. So these plans may
21 have -- depending on how much effort the plan
22 drafter put into trying to equalize all of the
23 populations, and as Mr. King pointed out in his
24 report to us, that is very, very difficult and
25 tedious work, balancing the population is a

1 time-consuming process. Some people worked at
2 it more diligently than others. Even those who
3 did not, I believe that the population
4 deviations could be addressed without a huge --
5 without huge technical problems.

6 And plan number 34 was presented by Keith
7 Laytham. In the Panhandle, he is very similar
8 to plan 28. So these are -- I think you get
9 the picture here.

10 Here is a partial plan. It only -- plan
11 number 71 was submitted by -- oh, it is here
12 because it came in lately, it was not even in
13 your meeting packet, by Maxwell Bradley of Leon
14 County. He had three districts, which are --
15 include an orientation very similar to the
16 current districts.

17 So that is our -- and then we are back to
18 the current plan. So that is our northwest
19 scenarios for Senate plans.

20 SENATOR GAETZ: Any specific factual
21 questions? We will have time for discussion
22 and debate, but any specific questions of
23 Mr. Guthrie about the Senate plans before we
24 move on to the House plans, and then we will
25 come back, take testimony and discuss, debate

1 and give guidance to the committee?

2 SENATOR BULLARD: I have.

3 SENATOR GAETZ: Senator Bullard, you are
4 recognized.

5 SENATOR BULLARD: Senator Lynn asked a
6 question regarding the minority populations
7 versus majority. When you answered that
8 question, the response to that, there is no
9 real line, is that correct, to determine
10 whether that exists or whether it will exist?
11 And I ask this question because I want to know
12 in drawing these districts as we did before and
13 as they were -- it could be very confusing for
14 those of us, of some of the members who have
15 not gone through this redistricting process.
16 So when you draw the line -- when the last
17 lines are drawn, there was some districts with
18 75 percent, 85 percent, and then there were
19 other districts with 25 percent, 58 percent or,
20 you know, whatever number to make up the
21 balance. I want to be certain that that is not
22 happening, and I would hope that you could help
23 me by understanding.

24 At this point, where are we in terms of --
25 although these lines will not affect the south

1 -- the southern districts, I am speaking to the
2 districts that it will affect just all
3 Floridians.

4 SENATOR GAETZ: Mr. Guthrie, any comment?

5 MR. GUTHRIE: So what the committee must
6 do is follow the requirements of Section 2 and
7 Section 5 of the Voting Rights Act of 1965 as
8 amended, you must follow the requirements of
9 the new Sections 20 and 21 of the Florida
10 Constitution, which require equal opportunities
11 for minority voters --

12 SENATOR BULLARD: Thank you.

13 MR. GUTHRIE: -- and no reduction in the
14 ability to elect candidates of their own
15 choice, and you must follow the requirements of
16 the 14th Amendment to the United States
17 Constitution, the equal protection clause.

18 SENATOR BULLARD: Thank you very much.

19 SENATOR GAETZ: Thank you, Senator
20 Bullard.

21 Any other questions at this point,
22 technical, factual questions about the Senate
23 maps that are under consideration?

24 I'm sorry, Senator Storms.

25 SENATOR STORMS: Thank you, Mr. Chair. I

1 received correspondence from -- an e-mail
2 correspondence from some citizens who are
3 interested in the process in the Panhandle, and
4 they were talking about the representation.
5 They wanted to see their representatives from a
6 north/south perspective. Their concern was
7 that if you configured the maps to be
8 north/south, then you would concentrate the
9 metropolitan areas and necessarily give more
10 political influence to the metropolitan areas
11 than they thought was warranted and they
12 thought was appropriate from a democracy
13 perspective. And so I wasn't sure, because all
14 they said was north/south, so I wasn't sure if
15 they were talking about drawing the lines
16 north/south so that -- so that you -- whereas
17 this is -- I would consider this to be the
18 yellow district to be parallel with the water
19 instead of perpendicular, I didn't know if they
20 were talking about making the districts
21 themselves perpendicular, or -- so that the
22 lines are perpendicular, or were they talking
23 about dividing it in a parallel way so that you
24 have a north district and a south district. I
25 didn't understand from the e-mail which was

1 which, and do you know that?

2 MR. GUTHRIE: Let me -- Mr. Chairman?

3 SENATOR GAETZ: Of course, Mr. Guthrie,
4 and then, Senator Storms, we do have a number
5 of folks from that area of the state who have
6 signed up to testify, and their testimony may
7 help us understand, you know, their
8 perspective, but, Mr. Guthrie, please go ahead.

9 MR. GUTHRIE: Yeah, Henry Kelley, who is
10 one of the submitters, is here this morning and
11 is intending to speak, so we will get to hear
12 from him directly. But to answer your question
13 briefly, the concern is that if the district
14 boundary is along a north/south orientation,
15 you will have some rural voters in a district,
16 together with the more urban areas along the
17 coast, and the fear that your constituent was
18 expressing in that e-mail is that the greater
19 density of population along the coast would
20 dominate the elections, just -- yeah.

21 SENATOR GAETZ: Did that help, Senator
22 Storms, or did we lose you on the -- okay.

23 Any other questions or comments before we
24 go to House districts? If not, Mr. Guthrie,
25 please, let's go to tab six in your committee

1 packet and go to the screen. And, Mr. Guthrie,
2 I see that there are more House members than
3 Senators. How did this happen?

4 MR. GUTHRIE: That --

5 SENATOR GAETZ: Senator Gibson must be
6 able to help us with that.

7 MR. GUTHRIE: We do, and even in the
8 Panhandle where districts are larger
9 geographically than they are in other parts of
10 the state, you still have three times as many
11 House members as you do Senators. As a
12 consequence of that, the -- you don't have as
13 strict a dichotomy between the north/south and
14 the coastal interest. For instance, if we look
15 at Districts 1, 2 and 3 of the current House
16 plan, the District 1 is more rural, District 2
17 is downtown -- excuse me, is mostly the coastal
18 areas, and District 3 is downtown Pensacola.
19 District 4 runs along the coast. District 5 is
20 more rural. So we did hear at the public
21 hearings a lot of comments about District 7,
22 which currently stretches from Okaloosa County
23 to the east side of Leon County.

24 So this is your current Senate map. We've
25 got several examples we are going to look at.

1 The first one is plan number 45 by Keith
2 Laytham, and from this we see that we have a
3 number of districts, particularly District 1
4 and 7 that run along the coast, then some urban
5 districts and some rural districts. So Mr.
6 Laytham's plan is a good example of with the
7 House plan trying to follow that strain of
8 thought that came out of the public hearings of
9 providing for both coastal and more rural
10 interests.

11 The District 47 -- or, excuse me, House
12 Plan 47 by Stacy Graham is a -- one thing that
13 -- excuse me, that Graham Stacy did was
14 numbered his districts from the south rather
15 than from the north. So all the Panhandle
16 districts got big numbers instead of little
17 numbers. And an interesting feature of this
18 plan is even with the House districts, Graham
19 Stacy was able to achieve nearly equal
20 populations among his districts, but you can
21 see that he did not pay a whole lot of
22 attention to following political subdivision
23 lines.

24 SENATOR GAETZ: It is very helpful, I
25 think, Senators, if you look at the committee

1 notes that follow each plan in your committee
2 packet, you will see that the committee staff
3 has indicated where there may be issues or
4 problems in conforming with Amendments 5 or 6,
5 or where there may be other problems in terms
6 of equity of population, that sort of thing.
7 So those comments are very helpful to me, and I
8 would encourage you to look at them as John
9 goes through these plans so that you can see if
10 you like a particular plan, if there needs to
11 be some de-burring or some refining, where that
12 refining or de-burring might have to take place
13 in order for the plan to be legally compliant.

14 MR. GUTHRIE: The same individual, Graham
15 Stacy, submitted House Plan 48. It is -- well,
16 one thing he did is he changed his numbering
17 scheme. You see that he goes from big numbers
18 in the Panhandle to numbers starting with one
19 in the Panhandle.

20 The other significant change that he made
21 with this second submission is that he paid
22 more attention to following municipal boundary
23 lines. With the exception of Crestview in
24 Okaloosa County and Tallahassee in Leon County,
25 this map does not split any municipalities.

1 Plan number 27 by David Kolesar is very,
2 very similar to the prior plan. We can look at
3 them side by side and see there's not a whole
4 lot of difference between them.

5 Plan number 18 by Mr. Henry Kelley is
6 another example of paying heed to the public
7 sentiment that coastal interests and rural
8 interests ought to be uniquely respective with
9 different districts, and Mr. Kelley will be
10 here to speak to that himself.

11 Map 67 by Bruce King, you remember
12 Mr. King also submitted a Senate plan and a
13 congressional plan, here is how his grid is
14 applied to the House districts, and the impact
15 of using that grid method is that you don't
16 very closely follow political and geographic
17 boundaries. The attention is more on creating
18 these grid-like, compact shapes. But Mr. King,
19 even for his House plan, achieved deviations of
20 single digits, so very, very close to exact
21 population on this map.

22 And that is the last of the scenarios for
23 House plans that we wanted to look at this
24 afternoon.

25 SENATOR GAETZ: Are there any technical

1 questions or comments about the House plans?

2 Senator Sobel, you are recognized.

3 SENATOR SOBEL: Thank you, Mr. Chair.

4 What role do we play as Senators in creating a
5 House plan, whereas we know the House is going
6 to create their own plan?

7 SENATOR GAETZ: That is a very good
8 question, Senator Sobel, and let me -- let me
9 take a shot at an answer, and then let me yield
10 to our Vice-Chair, President Margolis, who has
11 been a veteran of these processes and ask her
12 to comment as well.

13 There is a -- there is an obligation that
14 the House has to draw Senate plans, and there
15 is an obligation that we have to draw House
16 plans. Now, there will come a point in time
17 when our two committees work together. And I
18 personally, speaking just as one Senator, plan
19 to give great deference to the House as to
20 plans that they have developed for the House.
21 However, we have an obligation to make sure
22 that if there are -- if there are legal issues
23 or if there are common-sense issues that we see
24 in House plans, that we point them out. And,
25 similarly, we will ultimately have a proposed

1 committee bill that will include a Senate plan,
2 but our House colleagues can come forward and
3 say, look, we see two or three problems here
4 that, you know -- or five or 50 problems that
5 you are going to have to correct before we will
6 accept the Senate plan. But at some point in
7 time, these plans have to meld together. But
8 let me yield to President Margolis, because she
9 is a veteran of the wars here.

10 SENATOR MARGOLIS: Actually, ultimately,
11 the Senate does the Senate, and the House does
12 the House, but you have to -- you have to play
13 back and forth before that happens. It is --
14 it is a matter of -- it is a matter of you have
15 to -- you have to express your feelings as a
16 Senate, and they have to express their feelings
17 as a House, and that we are both doing both is
18 very helpful. It's -- that we -- you know, it
19 is very helpful, because it is a dose of
20 reality. You will see.

21 SENATOR GAETZ: We have the advantage of
22 having a sanity check for ourselves on the
23 other side of the Capital, and we are the
24 sanity check for the other team.

25 If there are no other factual questions at

1 this point, why don't we go to public
2 testimony? Thank you, Mr. Guthrie, for your
3 presentation and good work of the professional
4 staff. We have a number of individuals wishing
5 to testify, and many of them, based on the --
6 based on the addresses, have come a good way.
7 So I am going to take the prerogative of the
8 Chair, and Tallahassee lobbyists I am going to
9 put last, because you can be with us anytime,
10 and I am going to put those individuals who
11 have driven a fair distance first in the order
12 in which they were presented to me. In order
13 that we will give -- can give everybody an
14 opportunity to speak and then give the members
15 of this committee a chance to debate and
16 discuss and then give guidance to the committee
17 as to a proposed committee bill and its effect
18 on northwest Florida congressional, Senate and
19 House districts, we would ask members of the
20 public who are speaking if you can please come
21 to the point, if you can limit your testimony
22 to about three minutes. That way, we will give
23 everybody a chance.

24 Let us begin with Mr. Ryan Terrell, and
25 Mr. Terrell has come all the way from Weston.

1 And thank you for being here and thank you for
2 your submission of plans, and we look forward
3 to your testimony.

4 MR. TERRELL: Thank you, Mr. Chairman, and
5 thank you to the committee members for viewing
6 my plan and seeing some of the different key
7 elements that were addressed in those northwest
8 Florida districts.

9 My testimony is going to be very limited
10 today. It is just basically clarifying a few
11 points of that plan and certain questions that
12 were raised during the back and forth --

13 SENATOR GAETZ: And, Mr. Terrell, to be
14 fair to you, John, what is Mr. Terrell's plan
15 number so that if --

16 MR. TERRELL: Senate.

17 SENATOR GAETZ: Why don't we put that up
18 on the screen so that we can all see what
19 Mr. Terrell is referring to? I'm sorry,
20 Mr. Terrell, you are recognized.

21 MR. TERRELL: Thank you. Senate.

22 Basically, one of the main issues that
23 were obviously brought up is that my plan will
24 mainly focus on following county boundaries and
25 municipal boundaries. That I felt was

1 important because of the second tier status of
2 Amendments 5 and 6, which do ask that the
3 Legislature try to follow city and county
4 boundaries as much as possible.

5 That being said, there is a population
6 deviation because of the software I was using.
7 Obviously the Legislature, I would hope, would
8 be able to tinker with the boundary lines a
9 little bit to bring that population deviation
10 up to parity.

11 As far as the actual geographic I guess
12 characteristics of the three districts that we
13 were looking at, the main thing that needs to
14 be understood is why District 6 turned out the
15 way it did and became 30.5 percent
16 African-American. The reason why is when you
17 start including the rest of Tallahassee,
18 Jefferson, Madison and Hamilton Counties that
19 were not in the district before, those counties
20 have a significantly larger African-American
21 population, and when you add them because those
22 counties were split under the previous
23 Legislature's Senate plan, when you actually
24 make those counties whole, you are going to
25 marginally improve the African-American

1 population.

2 I did mostly agree with staff's comments,
3 except there is one slight thing I would like
4 to add about case law in that regard, and that
5 is that, yes, the requirements are that it has
6 to be over 50.1 percent of a voting age
7 population in order for it to be considered a
8 majority-minority protected district. The only
9 difference is that there's also the Gingles
10 criteria, which basically says that when you
11 are looking at a coalition district, in this
12 case, the only thing that you can do in
13 northwest Florida for minority protection is
14 create a coalition district which would be
15 majority, non-white population. I attempted to
16 do that on several maps. The only thing is
17 that you would end up having a Tallahassee to
18 Gainesville or a Tallahassee to Pensacola
19 district. The lines would look very ugly and
20 very non-conformant to city and county
21 boundaries. So that is why you don't see a
22 minority district in north -- a
23 minority-protected district in northwest
24 Florida that I could reasonably create.

25 That being said, those districts mainly

1 follow county lines. The only cases where it
2 doesn't in that particular area is in Taylor
3 County, I chose to include the City of Perry,
4 because I felt it was more characteristically
5 similar to the other counties in the district
6 compared to the rest of Taylor County because I
7 couldn't split some of the rural precincts. If
8 the Legislature would like to change that in
9 terms of making those lines a little bit more
10 nicer-looking, by all means, go ahead, but
11 basically that is why it has that kind of
12 weird-looking hook into the City of Perry,
13 because I couldn't split those precincts. But
14 I think Senator Storms brought this up at the
15 last redistricting hearing that you guys had
16 two weeks ago, if you are using VTDs, you might
17 be able to make those lines look a little bit
18 more compact-looking.

19 And that is pretty much the only issues I
20 wanted to address in the Senate map, if anyone
21 has any questions for me.

22 SENATOR GAETZ: Thank you, Mr. Terrell,
23 and thank you for your commitment to helping us
24 with this process and the time you have put
25 into it.

1 Questions for Mr. Terrell? Senator Lynn.

2 SENATOR LYNN: Go back one. I guess I am
3 wondering -- you were very perpendicular with 2
4 to 4, and I wondered why you didn't try to
5 remain at least even slanted perpendicular
6 between 4 and 6, and then extend 6 down further
7 into 14?

8 MR. TERRELL: Okay. I guess the answer to
9 your question is I tinkered with the State
10 Senate maps about five different times, and the
11 difference that I came up with is that when you
12 try and start adding counties like Calhoun or
13 Franklin, the population is going to get a
14 little bit harder for you to maintain county
15 compactness and to maintain a sizeable
16 deviation between District 4 and District 6.
17 So, in that case, by putting Calhoun and
18 Franklin County in District 4, I was able to
19 make districts that are -- that were more
20 similar population wise while maintaining a
21 kind of north -- a kind of Georgia border -- I
22 am trying to think of a word, but just a flavor
23 in that -- in the District 6 that you wouldn't
24 see in District 4, because District 4 becomes
25 more of the coastal district, and District 2

1 becomes more of the rural district in that
2 case.

3 SENATOR LYNN: Thank you.

4 SENATOR GAETZ: We are very, as I said,
5 pleased to have you all the way from Weston,
6 and your Senator is here of the distinguished
7 minority leader, Senator Rich, who is
8 recognized.

9 SENATOR RICH: Thank you, Mr. Chair. I
10 think his address is Weston, but I think he
11 lives in Tallahassee right now.

12 MR. TERRELL: Yes.

13 SENATOR RICH: He goes to FSU. So -- but
14 anyway, I just -- I have to say I am very proud
15 of Ryan. He was a wonderful student at Cypress
16 Bay High School, a friend of my grandson's, and
17 I think it is just wonderful that he's been
18 very involved in political affairs and things
19 for many years throughout high school and that
20 he decided to participate in this process. So
21 I just want to congratulate him. Thank you
22 very much.

23 MR. TERRELL: Thank you.

24 SENATOR GAETZ: Thank you very much,
25 Mr. Terrell. We appreciate your being here.

1 Our next testifier is Mike Godwin from
2 Walnut Hill, Florida. Mr. Godwin?

3 And on deck will be Brett Ward, also from
4 Walnut Hill, and then Mark Casson from Walnut
5 Hill. We are emptying out Walnut Hill today.
6 So if you will all be on deck to follow
7 Mr. Godwin.

8 Mr. Godwin, thank you for being here,
9 welcome to the Senate, and you are recognized,
10 sir.

11 MR. GODWIN: Thank you, Mr. Gaetz. I am
12 from the north end of Escambia County. I am a
13 farmer, aerial applicator and member of the
14 Florida Farm Bureau Board.

15 We would like to see agriculture
16 protected. Our rights, or our vote we seem to
17 think would be severely diluted with the
18 north/south boundaries. We need to keep more
19 agricultural areas looped together. We have
20 more -- our concerns are completely different
21 from the coastal concerns. And as far as
22 splitting northwest Florida geographically,
23 the -- it is all ready split. We have the
24 coastal areas and we have the agricultural
25 areas, and the concerns are totally different.

1 So in this committee, I would like for you
2 to consider that, that we would like to keep it
3 more as it is presented, the older method or --
4 it was laid out for that reason before for a
5 reason. So if we can keep it more east/west,
6 we would greatly appreciate it.

7 SENATOR GAETZ: Questions for Mr. Godwin?

8 Thank you, sir, for your testimony. I'm
9 sorry, Senator -- Mr. Godwin, could you come
10 back, please, for a second? Senator Sachs had
11 a question for you.

12 Senator Sachs, you are recognized.

13 SENATOR SACHS: Thank you very much,
14 Mr. Chair. Sir, have you submitted a map that
15 would indicate those preferences that you have
16 in keeping agricultural together, those
17 communities, and separate from the coastal
18 communities, sir?

19 MR. GODWIN: No, ma'am. It was our
20 understanding we had to 1st of November.

21 SENATOR SACHS: Okay. So that is what you
22 want to do, all right.

23 MR. GODWIN: And it changed apparently,
24 but I saw -- it is pretty much this map that is
25 on the board now, would be presentable.

1 SENATOR GAETZ: And, Mr. Godwin, you do
2 have until the 1st of November to submit any
3 additional maps that you would like.

4 Was there another question or comment? If
5 not, thank you very much, sir.

6 And our next testifier is Brett Ward.
7 Mr. Ward.

8 And following Mr. Ward will be Mark Casson
9 and then Mr. Jeff Sessions.

10 Mr. Ward, welcome to the Florida Senate.
11 We are glad you came all this way, anxious to
12 hear your testimony. You are recognized.

13 MR. WARD: Thank you, Mr. Chairman.

14 I appeared before this committee when it
15 met in Pensacola, and I must apologize to you.
16 You asked about a map, I promised you a map,
17 but as Mr. Godwin said, we were told -- we sent
18 for help up the line to Gainesville to get
19 Florida Farm Bureau to help us. They put us in
20 contact with someone down south that was going
21 to help us draw a map, and they told us it was
22 too late, we could not get a map, that there
23 would be a meeting held today and the best
24 thing we could do was attend the meeting. That
25 is why we have not presented a map.

1 Getting to the district lines, if Escambia
2 County -- and I am going to speak for Escambia
3 County, because that is where I am from -- was
4 united and spoke with one voice on how the
5 lines should be drawn, I would say you should
6 listen. Escambia County is not united. It is
7 divided. You have the rural area up north and
8 the urban areas down south.

9 Now, as a member of the Escambia County
10 Farm Bureau Board, I speak for more than 4,000
11 members. We want rural areas represented. We
12 want our voice heard. Do not disenfranchise us
13 by looping us together with the urban south,
14 for no matter what we would like, sheer numbers
15 tell you, a map will tell you, we cannot
16 overcome the population in the south end of the
17 county. The south end of the county, through
18 various means over the past few years, or
19 longer than that, has tried through charter
20 government, consolidated government, and then
21 lately through the 2030 land use map, to
22 silence us up north. They do not -- for some
23 reason, they want us under their thumb. I have
24 not figured that out. We want nothing they
25 have, and they seem to want to lord over us.

1 Don't let them take our voice out of
2 Tallahassee. It is important for us to have a
3 voice, and I will give you a prime example.
4 Three, four years ago, I can't remember, the
5 Florida DOT was writing farm equipment tickets
6 for moving up and down the road, because some
7 well-meaning person with no rural background
8 had written a law or passed a rule stating how
9 big something could be moving up and down the
10 road. Now, we had a voice in Tallahassee. At
11 that time, he was Representative Evers. We
12 came down here and explained our position, and
13 he was well aware of our position, because he
14 was in it also. He was a farmer trying to move
15 equipment up and down the road. But you don't
16 have to be a farmer to be our Representative.
17 If you live in a rural area, you see this
18 equipment moving up and down the road and you
19 are aware of what it is. So when we come to
20 Tallahassee to talk to you about something that
21 involves us, you are aware of it. At the same
22 time we were down here and talked to him about
23 that, we had a loop to make, had to meet
24 everyone that was on the committee. Most did
25 not even know what farm equipment -- what a

1 peanut combine was. That is what you run into
2 when you have urban people representing rural
3 areas.

4 Right now, we have a voice. I can pick up
5 the phone, I have the personal phone numbers
6 that I can call Representative Broxson or I can
7 call Senator Evers, and they know who I am.
8 They talk, they listen. Do not take that voice
9 away from us. Keep the rural area and the
10 urban area separate by keeping an east/west
11 line. Thank you.

12 SENATOR GAETZ: Thank you, Mr. Ward.

13 Any questions for Mr. Ward? Thank you
14 very much, sir, for coming all this way.

15 Mark -- is it Casson or Cason, sir?

16 Casson. Mr. Casson, thank you for coming. And
17 following Mr. Casson's testimony, Jeff Sessions
18 and then Henry Kelley.

19 Mr. Casson, welcome to the Senate. You
20 are recognized.

21 MR. CASSON: Thank you. The -- much to
22 what Mr. Godwin and Mr. Ward were talking
23 about, basically I have lived in Pensacola and
24 I currently live in the north end of the
25 county. The issues that affect people who live

1 in a city and the issues that affect people
2 living out in the rural areas are very
3 different.

4 It was -- you asked for a map that would
5 show basically these lines. Map number seven,
6 could you pull up map number seven? I
7 appreciate it. Sorry, I don't mean to -- but
8 map number seven does show the lines that
9 basically -- the current lines that exist and
10 my understanding is with the adjustments for
11 population that have been required.

12 The -- when they talk about the voice,
13 basically, you know, some of what is trying to
14 be addressed from the minority policies and
15 some of the statutes that are in place now are
16 trying to make sure that groups of population
17 do have a voice in Tallahassee, and there are
18 discussions previously in this meeting as to
19 how to make sure that some minority groups have
20 a voice.

21 The reality is if you take and draw a
22 north/south line to create these districts, the
23 rural areas will become a minority within a
24 larger district and they will not have any
25 voice. The -- I mean, the population --

1 population will dictate that. You currently
2 have across most of the Panhandle of Florida,
3 you have the rural districts all the way across
4 the north. Each one of those rural districts,
5 which currently geographically are a large
6 area, really would lose their voice here in
7 Tallahassee. And, to me, it doesn't make
8 sense. I understand, you know, some of the
9 things that people looking at with the maps are
10 saying, "Well, the maps look better, they are
11 easier for people to understand what district
12 they fall in," but the purpose of having these
13 districts and having for representation is that
14 the individuals have representation here. That
15 should be the main and most important factor in
16 redistricting is making sure that Floridians
17 have a voice in Tallahassee.

18 If we draw north/south lines, there will
19 be a population that will lose its voice in
20 Tallahassee, and I think that needs to be held
21 ahead of county lines and the continuation,
22 kind of the way the map looks, those issues
23 should fall behind making sure that Floridians
24 have a voice, that all Floridians have a voice
25 here. So that is my concern and hopefully the

1 end result.

2 SENATOR GAETZ: Thank you, Mr. Casson.

3 Any questions for Mr. Casson? If not,
4 thank you very much, sir. And next, Jeff
5 Sessions and following Mr. Sessions, Henry
6 Kelley and then David Pleat.

7 Mr. Sessions, thank you for coming, and
8 you are recognized, sir. We are anxious to
9 hear your testimony.

10 MR. SESSIONS: All right. Thank you,
11 Mr. Chairman and members of the committee. My
12 name is Jeff Sessions, and for over a decade I
13 have served as an appraiser with the Santa Rosa
14 County Property Appraiser's Office. My
15 experience working with constituents,
16 appraisals and maps has given me a unique
17 perspective of northwest Florida.

18 Northwest Florida's coastal communities
19 are very different from the northern
20 agricultural communities. Each community is
21 worthy of its own representation in the Florida
22 Senate.

23 Drawing on my experiences, I have
24 submitted a partial Senate map reflecting
25 northwest Florida for your consideration. My

1 map --

2 SENATOR GAETZ: Excuse me, Mr. Sessions,
3 let's -- have we got that map, Mr. Guthrie?

4 MR. SESSIONS: I don't know what my number
5 is.

6 SENATOR GAETZ: S-e-s-s-i-o-n-s, that is
7 what we have here, if that helps. Here we go.

8 MR. SESSIONS: If you will pull up Mr.
9 Kelley's map, it is very similar.

10 SENATOR GAETZ: That is map number 12 if
11 you are following along in your hard copies.
12 Is that correct? Or is it map number four?
13 Map number four if you are following in your
14 hard copies; otherwise, look at the screen.

15 MR. SESSIONS: That looks like -- well,
16 yes.

17 SENATOR GAETZ: Map number seven. Okay.
18 I apologize, Mr. Sessions, I'm sorry to
19 interrupt you.

20 MR. SESSIONS: That is okay.

21 My map is similar to the map you are
22 considering today drawn by Mr. Henry Kelley.
23 Both my map and Mr. Kelley's map draw a
24 southern and northern Senate district. My map
25 strictly adheres to municipal and geographical

1 boundaries as required by the Constitution. My
2 map starts on the western Florida/Alabama
3 border, using Highway 98 as the border between
4 the two Florida Panhandle Senate districts.
5 Highway 98 is a major, well-identified traffic
6 way. The border then travels along Blue Angel
7 Highway to the city limits of Pensacola. While
8 the city limits of Pensacola look like a jigsaw
9 puzzle, the Constitution requires adherence to
10 political boundaries where practical. My map
11 does this. The boundaries for my map then
12 follow Interstate 10, the Eglin Reservation,
13 the city limits, the City of Freeport, the
14 Intracoastal Waterway and the bay system in
15 southern Bay County. Every border in my map is
16 either a waterway, a political boundary, a
17 major highway or the Eglin Reservation
18 geographical boundary.

19 I have one central point to make, which is
20 the purpose of my map submission and my driving
21 with you here today. The State Senate seats in
22 northwest Florida cannot be divided by a
23 north/south line. The northern and coastal
24 communities of northwest Florida are very
25 different culturally and economically.

1 Virtually all the testimony given at the public
2 hearings from both Republicans and Democrats
3 has called for a northern district and a
4 coastal district. The map I have submitted
5 accomplishes what the community wants within
6 the confines of the Constitution. I hope you
7 will consider my map, along with Mr. Kelley's
8 map, and that you will drop consideration of
9 any map that divides the Panhandle Senate
10 districts with a north/south line. Thank you.

11 SENATOR GAETZ: Questions for
12 Mr. Sessions? Senator Sachs.

13 SENATOR SACHS: Thank you, Mr. Sessions.
14 Is it my understanding that you are the
15 property appraiser for that area?

16 MR. SESSIONS: No, no, ma'am, I was
17 employed with the property appraiser's office
18 for ten years, and now I work for the center as
19 a county tax collector's office.

20 SENATOR SACHS: Tax collector's?

21 MR. SESSIONS: Yes, ma'am.

22 SENATOR SACHS: So you -- if I -- can I --

23 SENATOR GAETZ: Of course, Senator Sachs.

24 SENATOR SACHS: Thank you, Mr. Chair. So
25 you are very much aware of the natural

1 boundaries, as well as the city and county
2 boundaries for that area?

3 MR. SESSIONS: Yes, ma'am, I am.

4 SENATOR SACHS: And is this the map that
5 we are looking at right now, is this one that
6 is either your map specifically or something
7 that is pretty similar to it?

8 MR. SESSIONS: This is not my specific
9 map, but --

10 SENATOR SACHS: But similar to it?

11 MR. SESSIONS: -- very similar, yes,
12 ma'am.

13 SENATOR SACHS: And the way that it is
14 drawn now as we see it today, is that -- you
15 are saying that is representative of the -- of
16 not only the natural boundaries, but the city
17 and county boundaries, as well as the
18 population occupation for that area?

19 MR. SESSIONS: Yes, ma'am.

20 SENATOR SACHS: Very good. All right.
21 Thank you very much, sir.

22 MR. SESSIONS: You are welcome.

23 SENATOR SACHS: Thank you for testifying.

24 SENATOR GAETZ: Thank you, Senator Sachs.

25 Other questions for Mr. Sessions? If not,

1 thank you for your testimony, sir.

2 Henry Kelley, whose name has been intoned
3 here many times, cussed and discussed.

4 Mr. Kelley, thank you for coming all the
5 way from Ft. Walton, and you are recognized,
6 sir.

7 MR. KELLEY: Thank you, Mr. Chairman.

8 A few comments as Mr. Guthrie pulls up the
9 congressional map. I want to thank the
10 committee for their service on this, and also
11 Mr. Guthrie and his staff here, but also on the
12 House side, the staff, Mr. Kelley, Parada and
13 Mr. Tackus were a great help to me in drawing
14 these maps and learning the software.

15 I attended the initial meeting here in
16 Tallahassee, Ft. Walton. I also attended
17 meetings in south Florida in Boca, Davie, Miami
18 and Dade, and I watched several more meetings
19 on-line. I have also lived in Ft. Walton,
20 Orlando, Gainesville, Jacksonville and Margate,
21 Florida, and this gives me a unique
22 perspective, having lived in almost every
23 corner of the state.

24 Earlier it was made mention of the
25 variations on the map, and I want to say

1 something as an amateur cartographer. Don't do
2 this on a four-year-old laptop that has one gig
3 of memory running Windows Vista. It is very
4 hard for the computer to process the different
5 layers of doing this. So those of us that did
6 attempt this, the variance sometimes just is
7 simply a function of the computer that we use.
8 So if anybody wants to buy me one of the six
9 gig computers, I won't say no.

10 But I just wanted to call it -- most of
11 the congressional lines in northwest Florida
12 are very similar. The population is what the
13 population is. The reason I asked Mr. Guthrie
14 to pull this map up, and even though it is not
15 relevant to this conversation today, map --
16 Congressional District 3, I copied in total,
17 and this has something to do with the Senate
18 maps that I drew, and the House maps, but I
19 copied Congressional Districts 3 and 21, which
20 were involved in the lawsuit, and started with
21 those geographies, put in place, got them as
22 near to the size as I could, and then I drew
23 the surrounding congressional districts
24 emanating from Districts 3 and 21. And that is
25 the reason some of the variances and stuff

1 occurred is simply when you started with those
2 very irregular shapes, you get irregular
3 shapes. And as you said at the start,
4 Mr. Chairman, this is what I referred to, you
5 throw a pebble in a pond, it is going to create
6 a wave on the far side. It may be a small
7 wave, but it has an effect. And so when you
8 start with those districts --

9 SENATOR GAETZ: And I apologize, Mr.
10 Kelley. We are throwing around a lot of
11 numbers, numbers of districts as they would be
12 numbered in proposed plans, and the numbers of
13 districts as they are now. I think, and
14 correct me if I am wrong, Mr. Kelley, when you
15 referred to using Congressional Districts 3 and
16 21 as your starting point, you meant the
17 current numbering of 3 and 21. You have
18 numbered them differently in your plan, but the
19 existing 3 and 21 were sort of where you
20 started, is that correct, sir?

21 MR. KELLEY: Yes, Mr. Chairman, that is
22 correct.

23 SENATOR GAETZ: I'm sorry.

24 MR. KELLEY: Thank you.

25 So I bring that up because of those

1 communities of interest in Districts 3 and 21,
2 and now as we shift to the Senate map, the
3 reason I brought up the communities of interest
4 is because one of the guidelines -- and I read
5 the Florida redistricting website, which was a
6 great tool. There was this very handy guide,
7 "The Impact of Redistricting Your Community,"
8 published by the NAACP, the Asian-American
9 Justice Center and the Mexican-American Legal
10 Defense and Educational Fund, discusses the
11 roles of community interest in drawing maps.
12 And I argued when the Fair Districts
13 conversations were going on that that was a
14 very important subject left out of Fair
15 Districts, but it is addressed all over the
16 documentation that the Legislature has provided
17 to the public to become educated about this.

18 The gentlemen that spoke in front of me
19 have already addressed the rural orientation
20 versus the beach orientation, but I would like
21 to add a couple of additional comments to what
22 they have already said.

23 The Highway 98 is the main access on the
24 south side from east to west, and I-10 is the
25 main access, and for generations, that is the

1 direction of the flow of commerce, that is the
2 direction of the flow of communications within
3 the region, not north/south.

4 Now, if you look at the county in the
5 center, Okaloosa County, my home, and you
6 notice a large blip in the middle, that blip is
7 Eglin Air Force Base. The only thing that
8 resides there is pine trees and alligators.
9 There's not a lot of population in there. But
10 I bring that out because I live due south,
11 almost where the mouse is, a little further
12 south. It is a two and a half hour drive
13 east/west from my House to the Capital, so Leon
14 County, which is barely on the map on the side.
15 However, to go due north to Alabama, there is a
16 geographical quirk. If you look on my map as I
17 look at it on the right side of Leon County,
18 you see there is a green that goes up about,
19 you know, yea much above the rest of the state.
20 It is two and a half hours from my house to the
21 Capital. It is almost two hours from my house
22 due north to Alabama without ever leaving my
23 own county. And people who don't live there or
24 you don't drive that way don't grasp just how
25 big of a geography we really are. Most people

1 pass through our region going on I-10 and never
2 get that far off the highway. But if you look
3 at how much -- how large our districts are
4 north/south, it is very telling. And so when
5 you look at this and you say, you know, the
6 districts are elongated east/west, I have
7 sisters -- I have six sisters, all of whom live
8 along Highway 98, and I can be to my sister in
9 Mobile, which is just on the other side of
10 Pensacola, in two hours, and to my sister over
11 in Mexico Beach, which is near where the mouse
12 is, in less than two hours, along the
13 east/west. The sister that I have -- the one
14 that got off the reservation that lives just
15 north of Tallahassee in Georgia, takes me
16 nearly three and a half hours, because there is
17 no real way to move north/south, and I urge you
18 to consider that as you think about the
19 counties, that we are structurally built to
20 move east/west, we are not structurally built
21 north/south, and frankly, that is a concern
22 every time there is a hurricane.

23 SENATOR GAETZ: And, Mr. Kelley, I
24 apologize, you have been very gracious with
25 your time --

1 MR. KELLEY: Yes.

2 SENATOR GAETZ: -- but if you could
3 summarize, we would be grateful.

4 MR. KELLEY: Yes, sir, I wanted to move to
5 the House map real quick, because I wanted to
6 address a comment Senator Sobel made about
7 drawing, you know, the House. I don't think
8 you can effectively do this if you don't draw
9 all three maps to understand the
10 inter-workings, and what I drew here in the
11 House map is, if you notice my districts, the
12 north districts are generally all within the
13 confines of one Senate district, and the three
14 beach communities are generally within the
15 confines of a beach Senate district, and
16 several members have presented this about
17 nesting, and this is really -- I didn't do it
18 precisely, but it is to put the Senate
19 districts with the House districts in a manner
20 to us that makes sense, where the beach
21 communities are really represented Senate and
22 House together, the rural communities are
23 represented Senate and House together, and this
24 sort of continues throughout my maps through
25 the rest of the state.

1 SENATOR GAETZ: Thank you very much, Mr.
2 Kelley.

3 MR. KELLEY: Thank you, Mr. Chairman.

4 SENATOR GAETZ: Any questions for Mr.
5 Kelley?

6 Thank you for hanging with us throughout
7 this whole process, and, you know, we are not
8 done yet, we are just getting started.

9 MR. KELLEY: Thank you.

10 SENATOR GAETZ: Thank you. Next is David
11 Pleat. Mr. Pleat, thank you very much for
12 coming over, and you are recognized, sir.

13 MR. PLEAT: Thank you, Mr. Chairman, and
14 thank you, members of this committee, for this
15 opportunity to speak to you.

16 I am David Pleat. I am from Destin,
17 Florida. I am also affectionately known
18 locally as one of the three Democrats in our
19 town, and I also feel uniquely qualified to
20 talk about this issue, because I ran for House
21 District 7 last fall, which is one of the
22 craziest districts in the state. It is the
23 second-largest geographic district in the
24 state. It covers parts of nine counties, two
25 different time zones, and I put 20,000 miles on

1 my truck during the course of that year. And
2 what stood out to me the most during that year
3 of campaigning is the glaring difference in
4 issues of importance to the coastal communities
5 in south Walton County, Bay County, Panama City
6 Beach, versus, for example, Marianna, what was
7 important in Marianna or Crawfordville or in
8 Tallahassee, because part of that district was
9 in Tallahassee.

10 The other net effect of a district like
11 that is that voters are very confused. I think
12 we forget that one of the goals is to make sure
13 we get people out to vote. And when your
14 districts are so confusing, as I found out at
15 every meeting I went to when people said "What
16 district am I in, Mr. Pleat," and we all know
17 the more confusion, the less likely they are
18 going to vote. So I think common sense
19 boundaries are so important for this process.

20 And as a result, as I went through the
21 proposed maps, I concur with the comments made
22 by Mr. Kelley and the folks from Escambia
23 County. Everybody in our area along the coast
24 knows that there is a distinct difference
25 geographically south of Choctaw Bay, for

1 example, south of the Eglin Preserve, versus
2 north of those geographic boundaries. Good
3 people in the north, good people in the south,
4 but very different communities. So as Senator
5 Gaetz, being the coastal Senator for our area,
6 gets to concentrate on the unique interests and
7 needs, tourism, environment, et cetera, those
8 interests are different for Senators from the
9 north county who have a more rural county to
10 worry about.

11 As I went through the proposed plans, it
12 just happened, and I have never met Mr. Kelley
13 before, but I ended up finding three different
14 maps that I think make the most sense for our
15 area which acknowledges and represents the
16 difference between the north and the south. So
17 if you look at Senate district proposed map,
18 Mr. Kelley's map, number seven, which I think,
19 Senator Gaetz, is very similar to the existing
20 district that you serve, it preserves that
21 coastal community interest and again goes
22 east/west and not north/south, as has been
23 proposed in some other maps. State House map
24 18, which is also Mr. Kelley's, I think best
25 concentrates those same philosophies for the

1 House seats and then Congressional District 4,
2 which also is Mr. Kelley's.

3 So I would respectfully request that the
4 committee recognize what us locals in that area
5 understand is this unique north/south
6 difference, and give those voting areas and
7 those communities a voice that is concentrated
8 and collectively theirs. Thank you.

9 SENATOR GAETZ: Thank you, Mr. Pleat. Any
10 questions for Mr. Pleat? I have one, sir.

11 As a candidate for the Legislature, and I
12 know you put a lot of miles on your vehicle and
13 you were everywhere, as a -- and you happen to
14 be a Democratic candidate, so let me ask this
15 question with asking you to speak from your
16 experience as a candidate: Do you believe that
17 the maps that you just referred to, which you
18 said were preferable, would have -- would have
19 resolved some or all of the problems that you
20 described, which is a -- and if I
21 mischaracterize, I know you will correct me --
22 a substantial divergence of issues between
23 communities in the current House district that
24 you ran for? And then the second part of the
25 question -- and if you want to dodge this, you

1 sure can -- do you believe that you would have
2 had a fairer chance as a candidate with the
3 districts that you are suggesting would be
4 preferable for other reasons, would you or
5 another Democrat have had a fairer chance in
6 that district?

7 MR. PLEAT: As to the first part of your
8 question, Senator, I think it is just easier
9 for voters to understand in our area, if their
10 district is District 6 and it is south of the
11 bay, everyone knows where the bay is, it is
12 going to make it easier for them to understand
13 where they are going to vote and where they --
14 given where they reside.

15 As to the second question, was it fairer,
16 I think Representative Coley would probably
17 share this thought as well. Being on the
18 coast, I was more privy to the interests of the
19 coastal communities and their -- what they felt
20 was paramount -- of paramount concern. When I
21 get up to Marianna in Calhoun County, for
22 example, Representative Coley had a much better
23 grip on those issues, because that is where she
24 is from. So I think if you allow the
25 candidates the opportunity to concentrate more

1 in the area where they live, you just give them
2 a better chance to speak to the issues that
3 they are familiar with. So I think, yes, if
4 you align it like these maps show, candidates
5 on both sides, Democratic candidate and
6 Republican, will be able to focus more on a set
7 of issues as opposed to a great -- a great list
8 of issues across nine counties.

9 SENATOR GAETZ: Thank you, sir.

10 Any other questions or comments? If not,
11 thank you very much, Mr. Pleat.

12 MR. PLEAT: Thank you.

13 SENATOR GAETZ: Dawn Moliterno is next,
14 and then following Ms. Moliterno, Dr. Don
15 Riley.

16 Ms. Moliterno, are you here? There you
17 are. For those who don't recognize
18 Ms. Moliterno, let me just take a prerogative
19 of the Chair to say that she was the leader of
20 the coalition of counties in coastal northwest
21 Florida that worked with the Governor to bring
22 an extraordinary amount of funding from BP to
23 help promote tourism in our area in the period
24 of recovery from the Deep Water Horizon oil
25 spill, and all of Florida is thankful to you

1 because those revenues now can be shared with
2 the entire state, and certainly our areas,
3 thankful to you. So you are recognized, ma'am.

4 MS. MOLITERNO: Thank you, Mr. Chairman,
5 and committee members.

6 I don't have maps. I don't have programs.
7 I am going to just speak from experience that
8 having been at the Tourist Development Council
9 in south Walton for over a year and a half, but
10 previous to that, being the Chamber President
11 for Walton County for five years, clearly got
12 to see the difference in issues from not only
13 business, but geographical to cultural issues
14 that were very different, different concerns.
15 You learn very quickly that the issues that
16 face those in the coastal communities are very
17 different than those that are faced in the
18 north end.

19 We are a little bit different from the
20 standpoint, Walton County, most of our
21 population is in the north end of the
22 community. So the rural community actually has
23 the predominant population; however, the
24 coastline has the largest share of business.

25 So the coastal communities is one that is very

1 important for us to preserve. We think it is
2 important that the coastal Senate districts be
3 preserved, and that we do continue to have that
4 representation along the coast.

5 We did learn during the oil spill, which
6 none of us were prepared for, or had any
7 experience, that there was great benefit in
8 having leadership that understood that
9 coastline and those issues in a time of crisis.

10 The one thing that in Walton County the
11 people of Walton County do agree on is the fact
12 that we need to four-lane 331. I'm sorry, you
13 knew I had to do it. I know it is a different
14 committee. It is your slowest evacuation route
15 in the state of Florida, but beyond that, very
16 different needs, different issues.

17 So we think that map -- I believe it was
18 seven and 71 are the best maps. They should
19 serve as the guiding maps going forward.
20 Senate maps 56, 64 and 66 are not good for
21 northwest Florida.

22 We have with us today also is our
23 Vice-Chairman of the county commission and our
24 TDC Chairman, Mr. Scott Brannon, and Special
25 Counsel Atkinson, and so on behalf of Walton

1 County constituents, we do hope that you will
2 continue to preserve the Senate districts as
3 they currently are.

4 SENATOR GAETZ: Thank you, ma'am. Is
5 there -- is there any comment or question?

6 Thank you, Ms. Moliterno, for being here
7 today and for your service to coastal northwest
8 Florida.

9 MS. MOLITERNO: Thank you.

10 SENATOR GAETZ: Next we will have
11 Dr. Riley. Dr. Riley, are you here, sir? And
12 following Dr. Riley, Jim Bagby, the Honorable
13 Jim Bagby from the City of Destin, and then
14 Seegar Swanson from Navarre.

15 Dr. Riley, you are recognized, and thank
16 you for coming today.

17 DR. RILEY: Thank you, Chairman Gaetz and
18 members of the committee. I traveled here
19 today from Walton County. I reside in Miramar
20 Beach. And this is my second opportunity to
21 give testimony before this committee. In Ft.
22 Walton Beach, I shared with you my desire that
23 the redistricting of northwest Florida reflect
24 the unique coastal and northern communities in
25 our part of the state. We should have a state

1 Senate district for the northern portions of
2 the Panhandle, and we should have a separate
3 state district -- Senate district for the
4 southern portions of the Panhandle.

5 During our meeting in Ft. Walton Beach,
6 the vast majority of people spoke in favor of
7 Senate districts similar to those in existence
8 today, and with perhaps one exception thus far.
9 I think the same sentiments have been and will
10 continue to be echoed here today. Virtually
11 everyone wanted a northern district and a
12 coastal district, irrespective of their
13 political affiliation.

14 Today the committee is considering eight
15 Panhandle state Senate maps. Five of those
16 maps accurately, I believe, reflect the will of
17 the people as measured by the prior testimony,
18 both in Ft. Walton Beach, as well as here
19 today. All five of those maps of which I speak
20 preserve both those coastal and northern Senate
21 districts. The most desirable of these, I
22 believe, was submitted by Mr. Kelley. However,
23 three of the maps being considered today would
24 mark radical and I believe totally unwanted
25 shift in how northwest Floridians are

1 represented in the state Senate, maps numbers
2 56, 64 and 66 submitted by Messrs. Terrell,
3 Libby and King, respectively.

4 SENATOR GAETZ: I apologize, Doctor.
5 Would you give us those numbers again?

6 DR. RILEY: Fifty-six, 64 and 66 --

7 SENATOR GAETZ: Thank you, sir.

8 DR. RILEY: -- would harm our community.
9 These maps neglect to use the Eglin Reservation
10 boundary as the primary geographical, cultural
11 and political boundary in northwest Florida.
12 The Eglin Reservation is the true boundary that
13 separates rural agricultural northwest
14 Floridians from the tourism-driven coastal
15 neighbors to the south.

16 The Constitution requires the Legislature
17 to adhere to geographic and political
18 boundaries where practical. It is neither
19 practical nor desirable to adhere solely to
20 county boundaries when municipal and geographic
21 boundaries could create -- guide the creation
22 of constitutional districts that the community
23 clearly wants.

24 I have reviewed some of the maps that have
25 been submitted to the Florida redistricting

1 website, and the map submitted by Mr. Sessions
2 should also be considered as it uses the Eglin
3 Reservation and key roadways and municipal
4 lines to draw district boundaries. Please do
5 not neglect the Eglin Reservation boundary, and
6 please don't forget the overwhelming testimony
7 that northwest Floridians have given.

8 I have driven here today at my expense
9 because I am very concerned that maps 56, 64
10 and 66 are being considered. I would ask that
11 this committee instruct their staff to exclude
12 those maps from consideration as other
13 constitutional submissions clearly reflect the
14 will of the people. Thank you.

15 SENATOR GAETZ: Thank you very much,
16 Doctor. Any comments or questions? If not,
17 thank you very much for coming today.

18 Jim Bagby. Mr. Bagby is a member of the
19 City Council, City of Destin, and we are
20 delighted to welcome him to the Florida Senate.
21 Mr. Bagby, you will be followed by Seegar
22 Swanson and then by Rich Templin.

23 And you are recognized, sir.

24 MR. BAGBY: Thank you, Senator Gaetz and
25 members of the redistricting members and any

1 other members -- distinguished members of the
2 Legislature. It is good to see you again. I
3 had the opportunity to speak before some of you
4 in Ft. Walton Beach, and it is my pleasure to
5 come back and speak again today.

6 I want to thank you, first of all, for the
7 process that you've put in place. That meeting
8 in Ft. Walton Beach, I know the meeting in
9 Pensacola, the meeting in Panama City and all
10 over the state, people appreciate that, and the
11 transparency that you have provided in the
12 hearings and the ability to submit and draw
13 plans. I did not submit or draw any plans. I
14 have a full-time paying job as the Town Manager
15 of Rosemary Beach down in the far eastern end
16 of Walton County, I also have a part-time city
17 councilman's job, and like a lot of you, I
18 serve on committees, commissions, boards,
19 councils, in our region. But I want to thank
20 you for the openness of this process.

21 I have some recommendations though. I did
22 review all the plans that I think you were
23 going to review today, with the exception of
24 one, and I don't know, Mr. Guthrie, if it was
25 41 or 71, I couldn't hear over there, but where

1 I think most of the people in northwest Florida
2 agree, all the congressional plans, with the
3 exception of 20, are acceptable, and 20 is not
4 acceptable because, as I remember, it splits
5 the City of Destin, and as you may remember, or
6 some of you may remember from the meeting in
7 Ft. Walton Beach, that was one of the things --
8 the Mayor spoke, I spoke and others spoke.
9 Destin right now, a city of 13,000 people, sits
10 in two congressional districts and two state
11 legislative districts, and it is just wrong
12 that a town that small that is on a little spit
13 of land is split like that, and so hopefully
14 you will address that issue.

15 The Senate plans, we prefer number seven,
16 I haven't seen Mr. Session's plan, 25, and then
17 maybe that 41 or 71, I couldn't tell, and I
18 didn't have that map printed out when I was
19 reviewing the plans, but those are the Senate
20 plans.

21 And, again, I will speak to the
22 north/south issue as one of the people from the
23 south. I have friends, a lot of friends, on
24 the north end of the county, and they are
25 concerned about the south taking control of

1 legislative districts, because the majority of
2 the population is there along the coast. They
3 deserve their representation. They have great
4 representation now, we have great
5 representation now, and it falls into the if it
6 is not broken, please don't fix it category.
7 And our state Senate districts are not broken
8 in northwest Florida.

9 With respect to the House plans, I
10 strongly urge you to support number 27 or 45,
11 and maybe 18, I couldn't tell from my map where
12 it -- if it split Destin or not on 18. If it
13 does split Destin, then obviously I could not
14 support that.

15 And the big question is why. The statute
16 is now very clear, and we have talked about the
17 Voting Rights Act and the various sections
18 Mr. Guthrie covered, but when I was reading the
19 sections, the new additions to the
20 Constitution, I guess, I was struck by there
21 seems to be a lot of emphasis in a lot of these
22 plans on political boundaries, i.e., county
23 boundaries, and not a lot of emphasis on
24 geographical boundaries. And I think those of
25 you who were at Senator Gaetz' ceremony for

1 the -- to be the Senate President remember the
2 story about Senator Gaetz campaigning in
3 Alabama, okay, and that applies here, okay,
4 because people don't know necessarily the
5 county line is on this property or on that
6 property, unless they live right there. But
7 they know where Interstate 10 is, they know
8 where Highway 98 is, they know where the
9 Choctawhatchee Bay is, okay, everybody knows
10 that, so they know in an instant where they
11 are. But if they are looking at property up by
12 Alabama or over by Walton County line or over
13 by the Okaloosa County line, they may not know.
14 We have a lot of prominent citizens in Destin
15 who don't vote in Destin because they are
16 actually on the wrong side of the county line,
17 and they all think they live in Destin, but
18 they don't. And we have the same problem in
19 Destin, because that little spit of land, there
20 is an unincorporated part of the county there
21 that everybody thinks they are in Destin.

22 But I would just remind you of
23 subparagraph c that says, "The order in which
24 standards within subsections 1a and b of this
25 section are set forth shall not be read to

1 establish any priority of one standard over the
2 other within that subsection."

3 So please look at the geographical
4 boundaries, the bays, the rivers, the highways,
5 Eglin Reservation, when you are drawing the
6 lines in northwest Florida. And I just want to
7 thank you again. You all are doing a great
8 job, and I appreciate the opportunity to speak.

9 SENATOR GAETZ: Questions for Mr. Bagby?

10 Well, now the public record will show that
11 Senator Gaetz doesn't know where Alabama and
12 Florida are, which will not be a surprise to
13 members of this committee.

14 Seegar Swanson, and then following
15 Mr. Swanson, Rich Templin, and then Phyllis
16 Garrett.

17 Sir, thank you for coming, and we are
18 delighted to have you before the Florida Senate
19 today. You are recognized.

20 MR. SWANSON: Thank you, Mr. Chairman and
21 members of the Senate and the House that are
22 here. My Senator, you may know him, he is
23 Senator Gaetz, the -- I am here to speak
24 because I have some concerns about the House
25 districts, and I would like to say my expertise

1 lies in the fact that I worked on a campaign
2 committee for the present Representative from
3 that district for the last three campaigns, and
4 we lost three times, and we are talking about
5 Representative Ford who lives in Santa Rosa
6 County, precinct 22, the only precinct in that
7 House district that isn't in Escambia County.
8 Now, you would think that somebody working on a
9 campaign for a candidate from Escambia County
10 would be a slam dunk to beat a guy that lives
11 in the orphan district that is geographically
12 removed by a three-mile bridge across the bay,
13 but the truth of the matter is, as I can bring
14 some attention to the problems with Escambia
15 County, if you look in the population and the
16 voting -- number of voting people in Escambia
17 County on the first chart with the
18 congressional -- existing congressional
19 district, almost half of the population of the
20 first congressional district lives in Escambia
21 County, but their Congressman doesn't.
22 Congressman Miller is from Santa Rosa County.
23 There aren't any Senate -- State Senators from
24 Escambia County. One of them is from Okaloosa
25 County and the other one is from Santa Rosa

1 County. The -- when it comes to the House
2 representation, District 2 is 100 percent in
3 Escambia County, they got one. District 3 is
4 99 percent in Escambia County, they don't get
5 that one.

6 So this is my concern. I think -- I don't
7 know that that was the intention that that was
8 gerrymandered that way ten years ago to see
9 that the Escambia County was denied
10 representation in the House with that
11 configuration, but that seems to be the way
12 that it has worked out. And if you people have
13 a conscience and you are interested in giving
14 the minority a possible seat in the House from
15 the Panhandle, your best chance is with
16 District 3. And if you would look at those
17 minority statistics precinct by precinct when
18 you draw these lines, the -- it would be very
19 possible to have a House district that is not
20 50 percent minority, but close to 50 percent,
21 very close to 50 percent minority. And that is
22 the end of my comments, thank you.

23 SENATOR GAETZ: Comments or questions for
24 Mr. Swanson?

25 I have a question, sir. As you -- if you

1 have had a chance to look at the maps that we
2 are considering, the House maps, because that
3 is what you focused your testimony on, are
4 there House maps by number or by name that you
5 like better?

6 MR. SWANSON: Yes.

7 SENATOR GAETZ: And which are those,
8 please, sir?

9 MR. SWANSON: Sixty-seven, 18 and 27.

10 SENATOR GAETZ: Okay. Other comments or
11 questions? Senator Negron, you are recognized,
12 sir.

13 SENATOR NEGRON: Thank you, Mr. Chairman.
14 I just, with your permission, had a brief
15 rhetorical question just for all of us to be
16 thinking about as we go forward.

17 Where it says -- I think there is an
18 inherent tension between the directive that we
19 have here in subsection b that we are to
20 utilize existing political and geographic
21 boundaries, and then it says "where feasible,"
22 which I am not sure what that means, but -- so
23 that is going directly against what citizens
24 are telling us and we're -- you know, we're --
25 I am inclined to default to what the citizens

1 want and to give that great weight in our
2 deliberations, and yet I wonder what "where
3 feasible" means. Like could we say, "Well, the
4 reason why we didn't put Okaloosa all in one
5 state Senate district, it wasn't feasible
6 because of the flow of commerce didn't allow
7 it," or could we say, "There were unique
8 characteristics," or there was -- "There is --
9 98 goes through Escambia County in such a way
10 that it wasn't feasible"? I just think there
11 is this inherent tension between using these --
12 you know, if you are just going to use these
13 geographic and political boundaries, this will
14 be a very easy process, you could just get a
15 magic marker and a thing and just start doing
16 counties until you have the right number. So I
17 just -- I am wrestling as I'm -- I don't live
18 in northwest Florida, but I listened to the
19 citizens, and they clearly do not want us to
20 just use strict geographic boundaries in doing
21 these districts, and so I am wrestling in my
22 mind to what "where feasible" means. Do I have
23 the flexibility as a legislator to say, "It
24 wasn't feasible in northwest Florida to do it,
25 and here is why," or are we bound by the strict

1 language of the amendments?

2 So I think as we go forward, I would love
3 to hear what other members and our staff think
4 about what seems to me to be this inherent
5 tension between wanting to follow the clear
6 directions of our constituents, while at the
7 same time being bound to follow the letter of
8 the Constitution.

9 SENATOR GAETZ: Thank you, Senator Negron.

10 Yes, sir, did you wish recognition,
11 Senator Braynon? Just waving?

12 SENATOR BRAYNON: You know, yes.

13 SENATOR GAETZ: You would like
14 recognition? Please.

15 SENATOR BRAYNON: Listening to what
16 Senator Negron said, someone got up and said
17 that one of the lines was drawn using
18 geographical -- because when you say
19 geographical or political lines, geographical
20 could mean a river, could mean -- you know, it
21 could be a list of different things. Doesn't
22 particularly have to be a county line. So
23 someone said that before us, so, I mean, I
24 guess the tension is there if you only
25 constrain it to that definition, but there's

1 maps that have different things on it than just
2 the county.

3 SENATOR GAETZ: Thank you, Senator
4 Braynon.

5 Any other comments at this point? If not,
6 Mr. Swanson, thank you for coming all this way,
7 and we really appreciate your testimony.

8 Next is Rich Templin, and then Phyllis
9 Garrett, and then Chris Moore.

10 Mr. Templin, thank you for being here
11 today, and we recognize you.

12 MR. TEMPLIN: Good afternoon,
13 Mr. Chairman, thank you very much. And first
14 just let me make it clear that I am actually
15 here this afternoon representing myself, not my
16 employer. I guess if I am representing
17 anybody, it is Grace and Aster and Roland over
18 at 2038 Talaheni here in Tallahassee. And,
19 Mr. Chairman, if I may beg your pardon, I would
20 very much like to say congratulations to
21 Senator Gibson. It is very exciting to see you
22 here serving in this most august body. Thank
23 you, and congratulations.

24 As an individual citizen, I am fortunate
25 enough through my employer to be able to be a

1 Union member. And first let me say that I am
2 very proud to be one -- maybe one of the few
3 fourth-generation Floridians that you will
4 meet. My daddy's side of the family settled in
5 what is now Delray Beach in the 1800s, and my
6 mom's side of the family settled in south
7 Georgia and the northern part of the Panhandle
8 in the early 1900s.

9 As a Union member here in this area, I am
10 fortunate enough to be part of the Northwest
11 Florida Federation of Labor, and as such, I
12 have Union brothers and sisters between here
13 and Pensacola. And one of the things that I
14 have learned simply through fellowship with
15 them and working with them on different
16 projects and just in my free time, barbecues
17 and picnics and such, is a lot of what you have
18 heard here today, that their fundamental
19 experience, their work experience, their life
20 experience, is north of I-10 and in those areas
21 in the rural communities where most of them
22 reside. It is far different than the
23 experience of those folks who live in the
24 coastal areas. You know, they may travel to
25 the coastal areas to work, but they can't

1 afford to live there, so they turn around and
2 drive back north to their homes. And I think
3 that it is just -- it is just really important
4 when you are looking at this part of the state,
5 to just always keep that in mind, that there is
6 a fundamental difference between the
7 experiences of the folks living in these two
8 geographic areas, regardless of how close in
9 proximity on a map they may appear, and just
10 that you do everything that you can to look out
11 for them, to look out for the folks that work
12 perhaps in the prisons there or the folks that
13 work in the other state institutions in that
14 part of the state, to look out for the folks
15 that work for the farmers, there's Union
16 members who do agriculture work in that area,
17 and to just really keep an eye out when looking
18 at these maps, when you look at maps 64, 66,
19 map number 56, I believe, that really tries to,
20 you know, force those two disparate groups of
21 people together. I think that you should be
22 real concerned when looking at those, whereas
23 when you look at a map similar to the map
24 represented in number seven that maintains that
25 distinction between those two disparate

1 economic and socioeconomic groups of people, I
2 would just encourage you as an individual to
3 just really keep that in mind.

4 The folks over there have gone through a
5 lot lately, and I think that we don't want to
6 do anything to shut out their ability to have
7 representation that is truly accountable to
8 their needs, their interests. And I know a lot
9 of folks have said that today, and, you know,
10 just to even drive the point home, I mean, I am
11 a registered Democrat, I don't have a big
12 partisan interest in that part of the state at
13 all, but I am very concerned about -- about my
14 Union brothers and sisters that live there, and
15 I would hope and I am confident that you will
16 look out for their interests when going through
17 this important process. Thank you very much.

18 SENATOR GAETZ: Thank you, Mr. Templin.

19 Questions for Mr. Templin? If not -- I'm
20 sorry, did someone have a question? Thank you
21 very much, sir. We appreciate your testimony.

22 MR. TEMPLIN: Thank you.

23 SENATOR GAETZ: Phyllis Garrett, and then
24 Chris Moore, and then Joe, and I apologize,
25 Joe, I know I am not going to do this well,

1 Bourassa.

2 MR. BOURASSA: Correct.

3 SENATOR GAETZ: All right. I got one
4 right.

5 Ms. Garrett, thank you for being here, and
6 you are recognized, ma'am.

7 MS. GARRETT: Thank you, Mr. Chair. I am
8 a little conflicted with just filling out my
9 appearance card today, because even though I am
10 representing myself, I am a registered
11 lobbyist. But I am -- I live at -- I don't
12 even know where I live. I live at 1335
13 Castenau Court here in Tallahassee because of
14 my job. My family lives 5867 Quintet Road,
15 Santa Rosa County.

16 I found out just a minute ago that I have
17 something in common with Rich Templin. I am a
18 fourth-generation Floridian. My grandfather's
19 family came to Santa Rosa County and settled in
20 Chumucka, which had a population growth of I
21 think one about five years ago.

22 It is -- I was happy to see -- I don't
23 want to repeat anything, so I will say that I
24 was happy to see the gentleman from the
25 northern part of Escambia County, I was happy

1 to see the lady say that she represented the
2 business interests along the coast. We are
3 very different populations. My family is very
4 proud of their rural heritage. My grandfather
5 was a farmer. I have a very small plot of a
6 farm, about a half-acre. That is something
7 that we take pride in. The gentlemen who are
8 farmers, they take pride in that. They don't
9 have anything in common with the people that
10 live along the beaches and want to see those
11 areas developed to their maximum potential. We
12 like to have trees in our backyard and we like
13 to have gardens, and we don't want to see
14 high-rises everywhere, and we have that because
15 we are in north Florida -- the northern part of
16 the Panhandle. My grandson, sixth generation,
17 I want him to have those same things. I don't
18 want him to be represented by someone along the
19 coast -- and, no, please understand that I have
20 something that goes way back in my family,
21 which is the ability to put my foot in my
22 mouth, so don't think that I am trying to say
23 anything against anybody's opinions, but I do
24 know there is a big difference. I like to go
25 to the beach about once a year. That is all I

1 can stand. I prefer the northern part of the
2 county, again. I say that over and over. My
3 family has been there forever. I have a
4 husband who lives at 5867 Quintet Road. He is
5 a registered Democrat. I am happy to say that
6 two of my children are registered Democrats.
7 So we don't have a lot of say in the political
8 process, but we do have say in that little bit
9 of land that we own, and we like to know that
10 we are represented by somebody who has the same
11 interests.

12 And something I have heard, even though
13 people talk north/south, like north of I-10,
14 north of 98, nobody has said community of
15 interest today, and I believe that is in the
16 amendments as well. And the rural community of
17 interest in the Panhandle is nothing like the
18 southern community of interest in the
19 Panhandle. So those are my comments.

20 SENATOR GAETZ: Thank you very much,
21 Ms. Garrett.

22 Comments or questions for Ms. Garrett? If
23 not, we really appreciate your testimony.
24 Thank you for being here.

25 Chris Moore. Mr. Moore represents the

1 Leon County Supervisor of Elections Office, and
2 is here for information. Do you have some for
3 us?

4 MR. MOORE: Good afternoon, Mr. Chairman,
5 thank you for having me.

6 I would like to say, first of all, I am a
7 professional cartographer. I guess I am lucky
8 enough that I get paid to do this. I look at
9 these districts every day, all the time, the
10 precincts and the districts. And I first want
11 to congratulate the technical team and
12 Mr. Guthrie with the software that you've put
13 together. It is extraordinary, it is a very
14 good piece of software and it is very easy to
15 use.

16 Our mission at the Leon County Elections
17 Office is to clean up after this party. When
18 we get all the districts from all the different
19 bodies, we have to make a precinct plan and we
20 have to educate the voters on where they are
21 supposed to go and what these district lines
22 are.

23 One thing that would make that a lot
24 easier is by using what the census calls
25 visible landmarks. I think there was some

1 discussion about using geographic boundaries as
2 opposed to, you know, political boundaries, and
3 the census defines visible landmarks, you know,
4 as something like a railroad or a river or
5 something you could describe to a person. I
6 would probably shy away from trying to use city
7 boundaries, because cities change, they annex
8 property frequently, and some of the city
9 boundaries in Tallahassee in the south part of
10 town are some of the very hardest to describe.

11 So, you know, the ability to do that and
12 to use the visible features when you are
13 drawing these districts, I don't think it is
14 mutually exclusive between what you are hearing
15 from the discussion of the beach communities
16 versus the rural communities. When I look at
17 it, I look at Leon County amongst another
18 district, and there are opportunities to really
19 clean up the line work in the local area.

20 I looked at plan number 67, a House plan,
21 and I took that and, you know, was able to make
22 some adjustments to it and submitted a plan. I
23 think I was the one that submitted one earlier
24 this morning that wasn't quite ready, but there
25 are lots of opportunities to make that a better

1 plan for, you know, a micro-geography of Leon
2 County within a district. And from someone
3 like me who can look at this and knows what we
4 can do with it, you can get to the deviations
5 in the House and the Senate plan. The
6 congressional plan, you may be, you know, bound
7 by the deviations, have to do what you have to
8 do, but on those other two, I think you do have
9 the leeway to make some of those adjustments so
10 that you can have landmarks that are visible,
11 easy to describe and still fall within your
12 deviation and meet the social criteria that
13 other people are talking about. I think it is
14 achievable. You just have to find the right
15 people.

16 And so one of my questions is, how does
17 someone like me get that information to you
18 across all the plans? There's a lot of plans
19 that do the same thing. What is my best avenue
20 of communication to get information to you?

21 SENATOR GAETZ: Your best avenue is any of
22 the four people who are sitting at the table
23 next to you. If you have the time, we've got
24 the time to sit down with you and have you show
25 us where you believe some of those issues can

1 be best addressed and the lines can best be
2 drawn, and we would welcome your expert advice,
3 particularly given your position working with
4 the Supervisor of Elections.

5 MR. MOORE: Right. I know that you have
6 heard from many different representatives from
7 elections offices on your tour, and I think we
8 as a group are looking for some of the same
9 things. We are in part of a smaller district
10 and what we are looking at most of the times,
11 but you can submit partial plans, you can go in
12 and edit full plans, but there are so many of
13 them, you know, we need to kind of focus our
14 time on what is the most productive way to
15 communicate what some of these things are. And
16 I've found mostly they are by using major
17 roadways, that is the easiest thing you can do,
18 easy to describe and still, you know, fit your
19 needs. So --

20 SENATOR GAETZ: We would welcome your
21 expert advice. Please make an appointment with
22 our professional staff. We would welcome your
23 help.

24 MR. MOORE: All right. Thank you very
25 much.

1 SENATOR GAETZ: Thank you.

2 Any questions for this gentleman? If not,
3 thank you very much for your testimony.

4 Joe Bourassa. Bourassa?

5 MR. BOURASSA: Bourassa.

6 SENATOR GAETZ: Bourassa.

7 MR. BOURASSA: I --

8 SENATOR GAETZ: From Daytona Beach, from
9 Daytona Beach, all the way from Daytona Beach,
10 Senator Lynn.

11 MR. BOURASSA: Of course, I didn't come
12 here for this meeting. My primary interest
13 historically has been water, and, you know,
14 I've branched out --

15 SENATOR GAETZ: We are not the most
16 important thing on your plate today?

17 MR. BOURASSA: Pardon?

18 SENATOR GAETZ: You didn't come here just
19 to talk to us?

20 MR. BOURASSA: No, I don't want to talk
21 water. I said our primary case --

22 SENATOR GAETZ: Well, you are recognized.

23 MR. BOURASSA: Historically.

24 SENATOR GAETZ: If you have anything to
25 say about these districts in northwest Florida,

1 fire away.

2 MR. BOURASSA: The one thing I want to say
3 is first I want to meet after the meeting John
4 Guthrie, but I put together an interesting
5 subject that has population as its base, okay.
6 Typically, you know, you are dealing with the,
7 you know, U.S. Census numbers here, but
8 important to all of you people here are what
9 are the projections relative to the, you know,
10 potential historical growth of the population,
11 right.

12 Anyway, I put together some material here,
13 I want to see if you people might want to see
14 it, you know, at some other time. I am not
15 prepared to, you know, to really address the
16 issue here. All I want to bring up, though, is
17 BEBA, who is the official state-approved
18 population source, historically and growth wise
19 here, really has to depend upon the FDEC, the,
20 you know, Florida Demographic Estimating
21 Commission here, and somehow that is a
22 Legislature body here, you know, BEBA has a
23 seat on it, the Governor has a member on it,
24 the House and Legislature have members on it
25 here. And you know what, they've really gone

1 astray, okay, that I want to show, if you
2 people eventually are interested, going to show
3 that this afternoon.

4 I just wanted to bring the subject up that
5 the population growth rate that people keep
6 talking about, we are going to go way back to
7 where we are, has had no validity in what's
8 happened the last three years, okay. And with
9 the economic conditions the way they are and
10 appearing to deteriorate worldwide, okay, I
11 don't think we're going to see much population
12 growth in Florida in the next ten years, okay.

13 Thank you very much for your indulgence
14 for my --

15 SENATOR GAETZ: No, thank you, sir, for
16 being here and for your testimony.

17 Is there anyone else who came today who
18 would like to offer public testimony who has
19 not had the opportunity to testify? If so, we
20 would welcome your testimony. We would invite
21 you to fill out an appearance card. Is there
22 anyone else who would like to testify?

23 Yes, sir, Mr. Lux. Paul Lux is the
24 Supervisor of Elections from Okaloosa County,
25 and, Mr. Lux, if you will fill out an

1 appearance card, we would be delighted to hear
2 from you.

3 You are recognized, sir. And you can fill
4 out the card later. Thanks for being here,
5 Paul.

6 MR. LUX: Thank you, Mr. Chairman. My
7 Senator, Mr. Evers, is up here on the Board as
8 well, as is, from my county, Senator Gaetz.
9 And I just wanted to echo from a supervisor's
10 standpoint the comments made by the gentleman
11 from the Leon County office, and that is, when
12 you are drawing these lines, when you are
13 looking at these maps, make sure that you are
14 using boundaries that we can point to people,
15 because anyone who has seen where the
16 Congressional District 2 line jumps over into
17 the -- when it goes across Choctawhatchee Bay
18 and goes up into the Niceville area, it is
19 really hard to explain to people why the guy on
20 the other side of the street, or actually not
21 even on the other side of the street, is not in
22 Congressional District 2, and he is, because
23 the -- as soon as it crosses -- I was going to
24 say I hope that is not the current map, because
25 that doesn't even show it crossing the bay.

1 There we go. So it is really hard to explain
2 to somebody why that got picked the way it did.
3 If we can point to highways, roads,
4 railroads -- we have some district lines that
5 seem to follow, you know, power lines, and that
6 is not a good thing to have to point to
7 somebody to say, "Well, you know, you live on
8 the wrong side of the power line, that is why."

9 And so it is just very important that as
10 the person who has to explain to these
11 people -- well, there's two groups of people I
12 have to explain this to. First are your
13 constituents when they don't understand why
14 they are or aren't in your district, and the
15 second group of people we have to explain how
16 the lines ended up where they are are
17 candidates for those offices who say, "Well,
18 what do you mean I don't live in that district,
19 I have to run over in this district? Now I
20 don't want to run in that district."

21 So, again, just please make sure that you
22 do as a consideration follow no -- you know,
23 geographic features like Chris described,
24 because it really does make our job a lot
25 easier. I understand it is going to mean that

1 the skew, plus or minus five percent, is going
2 to -- is going to make things maybe not quite
3 as even as we might like them to be, but just
4 -- and thank you for your time today.

5 SENATOR GAETZ: Yes, sir, Mr. Lux. Before
6 you leave, any questions for Paul Lux?

7 Mr. Lux, I apologize if I am catching you
8 unawares here, but you've sat patiently and
9 listened to the testimony today, I know you
10 have been at others of our hearings. As you
11 have looked at the maps that have been
12 submitted, assuming you have looked at them,
13 are there maps for northwest Florida, either as
14 to congressional, Senate or House districts,
15 that you believe are troublesome given the
16 important point that you've just made, or you
17 believe are remedial in terms of the points
18 you've made?

19 MR. LUX: Thank you, Senator, and I don't
20 have a specific number to point to, but what I
21 can say feature wise, I see as very important
22 congressional maps that follow county lines,
23 that sort of political boundary, if you will.
24 I understand that occasionally it may have to
25 creep over one side or the other, but as long

1 as the -- those boundary lines for
2 congressional maps are following -- you know,
3 most everyone knows what county they live in.
4 Maybe when you get into some of the larger
5 municipal areas like in Orange County where
6 people can cross over into other counties
7 without, you know, moving from one apartment
8 complex to another and not realize it, but for
9 the most part, people know what counties they
10 live in. And so I prefer congressional maps
11 follow those type of boundaries where possible.

12 I understand the argument for, you know,
13 north/south, but I think that the argument for
14 east/west -- or, sorry. I understand the
15 argument for districts that are divided
16 horizontally, but I think the -- or vertically,
17 but I think the horizontal divide keeps the
18 rural interests well-represented, and Senator
19 Evers, former House member Evers, is a product
20 of that. I think that that is important when
21 considering Senate and House maps, that the
22 ones that have the district lines drawn
23 vertically I think are less preferred than the
24 ones that are drawn horizontally, just to keep
25 those community -- and someone else said

1 communities of interest, and I am not even
2 talking about it from that perspective, but
3 just the socioeconomic commonality of the
4 people who live north of Eglin Reservation and
5 the people who live south of Eglin Reservation
6 is important, and that representation, knowing
7 that, you know, you don't have the potential
8 for all of the Representatives to come from the
9 south who represent the entire north/south
10 corridor. So I think those are important
11 features.

12 SENATOR GAETZ: Thank you very much, sir.

13 Senator Braynon, did you wish recognition,
14 sir? Other Senators? If not, thank you very
15 much, Mr. Lux.

16 We -- I apologize to members for the
17 length of the meetings that we are having, but
18 these are meaty issues, and, therefore, we
19 really do need to have thorough debate and
20 discussion. And we are now at that point in
21 our session today where we are in order for
22 debate and discussion on congressional, Senate
23 and district boundaries for northwest Florida,
24 and we are at the place where we want to give
25 guidance to our professional staff as they

1 begin to develop a proposed committee bill.

2 Senator Latvala, you are recognized, sir.

3 SENATOR LATVALA: Thank you, Mr. Chairman.

4 I thought maybe I'd just try to lead off here
5 since I am a long way from the northwest
6 Florida, and therefore don't have any really
7 personal stake in it, and that is obviously
8 what the people wanted --

9 SENATOR GAETZ: Not according to the map
10 that I have drawn, no.

11 SENATOR LATVALA: Right. My district --
12 my district does not go up there.

13 You know, we have had a very compelling
14 series of testimony today on, you know,
15 continuing the pattern of representation that
16 we have had for the last at least 20 years in
17 the Panhandle of a coastal district and an
18 interior district, and, you know, to me, you
19 know, I think we need to listen to that
20 testimony, but it is a little bit of a
21 conundrum, because we have all this testimony
22 that really sort of in some respects
23 contradicts the compactness and county
24 boundaries and some of that sort of thing that
25 we have been talking about before, and I am

1 wondering if our attorney can give us any
2 guidance on that. I mean, you know, I would be
3 ready to do what these people want to do, and I
4 think a lot of us would. You know, what kind
5 of path are we on if we do that?

6 SENATOR GAETZ: Mr. Bardos, now you will
7 justify your salary.

8 MR. BARDOS: Or not. I think that the
9 Constitution says what it says, and we really
10 have no case law here in Florida interpreting
11 it, and I think it is for this body to
12 interpret it in as reasonable a way as it can,
13 in good faith, and to apply those words to
14 every factual situation it comes across, but we
15 really don't have case law in this state as to
16 what those terms mean.

17 We have some case law in other states as
18 to what "compact" means, and those states tend
19 to differ from one another. There are
20 different schools of thought. And so -- and it
21 would take probably more time than we have
22 remaining to go through those schools of
23 thought.

24 But I think we are writing on a clean
25 slate, we have to apply the terms in a way that

1 this body believes is reasonable and makes
2 sense according to their -- to their clear and
3 sort of common-sense interpretation, and beyond
4 that, I can't really justify my salary.

5 SENATOR GAETZ: You may just have.
6 Senator Latvala.

7 SENATOR LATVALA: To continue that just a
8 little bit, then, Mr. Chairman, I mean, from a
9 compactness standpoint, you know, these two
10 districts, or these three districts in the
11 Panhandle aren't going to be compact no matter
12 how we really try to do it, because they are
13 huge districts, there's a lot of counties
14 involved. But what we have had here today is
15 we've had Republicans, Democrats and a
16 Supervisor of Elections, who is generally very
17 knowledged to be kind of non-partisan, even
18 though they are elected as partisan officers,
19 but most of them take very seriously the
20 non-partisan nature of their job and try to do
21 things to the best of their ability, and the
22 response has been overwhelming from all those
23 people that we have heard of to have the
24 interior and have the coastal district. So for
25 what it is worth, which is very little, I

1 guess, but for what it is worth, I say let's do
2 what the people want to do.

3 SENATOR GAETZ: I'm sorry, other comments
4 or questions? Senator Lynn, and then Senator
5 Hays and then President Margolis.

6 SENATOR LYNN: I asked a question just to
7 the attorney here by my side earlier. As we
8 look at this, I guess in my mind we need to
9 look at the whole map in terms of what is our
10 philosophy approaching the map, and it is,
11 number one, fair districts. And I agree, I
12 think there is a very important issue here in
13 terms of the interests of the coastal as
14 opposed to the interests of the northern areas,
15 the agricultural. And while we are dealing
16 with that here, and I certainly approve that
17 and support that, we have a lot of other
18 districts as we get down further into the state
19 where I would like to do the same thing, and it
20 may not be possible and it may not be easy.
21 And I just wanted to establish -- I hope that
22 we can establish that we can treat one area in
23 one way, and it may not be the way we treat
24 other areas in other areas of the state. And I
25 just wonder -- there are some rural areas that

1 are close to city areas, very different kinds
2 of interests, and I wonder how we will be able
3 to accommodate those people when we get down
4 further into the intricacies of the map. That
5 is one concern that I have, although up here, I
6 like the fact that we would protect that, and
7 certainly the maps that show that we can
8 protect the minority interests, according to
9 one map, and that seemed a feeling as well.

10 I also think that we have to be very
11 careful that we are not protecting seats. I
12 think as we approach this, it's a whole new
13 ball game, and though everybody likes to have
14 the same seats, or the people would like to
15 have their same people representing them, that
16 may not be the best interest of drawing up a
17 map for fair districts.

18 So while I want to do exactly what Senator
19 Latvala suggested, in this area, I think it is
20 the way to go, but I also hope that we will
21 find a way to address the fact that we are not
22 doing it to protect something that exists and
23 something that the people have been quite
24 unsatisfied with.

25 SENATOR GAETZ: Thank you, Senator Lynn.

1 Senator Hays?

2 SENATOR HAYS: Thank you, Mr. Chairman. I
3 think we have, not only today, but in our
4 meetings across the Panhandle earlier this
5 summer, heard very clearly and very distinctly
6 from the people of northwest Florida that we
7 have two distinct communities of interest out
8 there: The coastal areas and the inland areas.
9 I think it is our responsibility to do
10 everything we can to respond to the wishes of
11 these people and draw the district lines
12 horizontally, taking into effect the various
13 highways and reservations, et cetera, that have
14 been noted today. But I just feel like that in
15 our representative form of government, it is
16 our obligation to give the people what they
17 want when they so clearly asked for it, and at
18 the same time, try to stay within the
19 boundaries that statutes may impose on us, and,
20 of course, the Constitution, but it is hard for
21 me to understand how anybody would challenge in
22 a proceeding, the wishes of the people. I know
23 there are people out there that might do it,
24 but at the same time, I think that our
25 obligation is to go ahead and draw the lines

1 the way the people have asked for us to.

2 SENATOR GAETZ: Thank your, Senator Hays.
3 Madam President.

4 SENATOR MARGOLIS: Yeah, the issue seems
5 to be communities of interest, and I think that
6 there is a lot of case law dealing with
7 communities of interest. I don't know about
8 how the Constitution fits with the case law,
9 and that is something that I really want to ask
10 our attorneys to comment on.

11 SENATOR GAETZ: Thank you, Madam
12 President. And Mr. Bardos stops me from
13 practicing law just about every day, but let me
14 just say that whatever plan we come up with for
15 whatever part of the state, whether it is
16 congressional, Senate or House plan, has to be
17 legally defensible. We have to have a reason
18 why we are doing what we are doing, and that
19 reason must draw from the testimony that we
20 have received, the maps that have been
21 presented, but also from the -- from the laws
22 that we have to abide by.

23 Yes, sir, Senator Montford.

24 SENATOR MONTFORD: Thank you, Mr. Chair.

25 First of all, I guess, an observation. I

1 didn't understand anything our attorney said,
2 so I guess he's earned his salary. So -- but
3 maybe -- I would like just what -- maybe what
4 the definition, when you are talking about
5 "compact." What is -- I've got my definition,
6 but I want to hear what his is before I get too
7 far out there on a limb.

8 SENATOR GAETZ: Mr. Bardos, back in the
9 Senate ring.

10 MR. BARDOS: I apologize, I was in a
11 conversation and I --

12 SENATOR GAETZ: Senator Montford wants to
13 know -- he has his definition of "compactness."
14 He wants to know what yours might be.

15 MR. BARDOS: Well, we don't have one in
16 Florida, and we have -- there are a number of
17 states that have compactness standards, and
18 their courts have interpreted it in different
19 ways. Some of them are pretty similar in their
20 definition. Some of them describe compactness
21 as a closely united territory. Others focus on
22 the regularity of their shape. There is a
23 different school of thought that describes
24 compactness as mandating effective
25 representational units, so those would be

1 districts in which travel and communication and
2 transportation are easy.

3 So there are different schools as to what
4 one focuses on territory and shape, another on
5 functionality. And there are some states which
6 tend to blend those a little bit and say that
7 they will allow a little more discretion as to
8 shape if it makes the district more functional,
9 others that emphasize functionality and then to
10 a lesser degree limit that by looking at the
11 shape or the territory of the district.

12 So there are different interpretations,
13 and I don't have one yet, because the Florida
14 courts don't have one yet, and that's in part
15 the responsibility of this body to begin to
16 develop what it believes it means in the
17 context of this Constitution and in the context
18 of the facts.

19 SENATOR MONTFORD: Thank you, Mr. Chair.
20 He deserves a raise, because I --

21 SENATOR GAETZ: Yes, sir.

22 SENATOR MONTFORD: -- I am totally
23 confused now.

24 SENATOR GAETZ: All my life I have prayed
25 for a one-handed lawyer.

1 SENATOR MONTFORD: He's good.

2 SENATOR GAETZ: Senator Sachs, did you
3 wish recognition, ma'am?

4 SENATOR SACHS: I always like recognition,
5 Mr. Chairman, but I don't have a --

6 SENATOR GAETZ: I'm sorry, I misunderstood
7 you. I thought you were seeking recognition.

8 SENATOR SACHS: I will take your
9 recognition anytime. Thank you very much.

10 SENATOR GAETZ: Senator Montford, had you
11 concluded, sir?

12 SENATOR MONTFORD: Let me -- and I am
13 certainly not an attorney, far, far from it,
14 but when you talk about -- couldn't you
15 consider this whole argument today as being one
16 that would support compactness? I mean, if
17 you've got a -- if you've got an entire
18 community that is alike and similar, whether it
19 is north and south, could you not consider
20 that, not compact in terms of tightness, but at
21 least compact in terms of similar interest?

22 SENATOR GAETZ: I gather that was a
23 question for Mr. Bardos, or is that --

24 SENATOR MONTFORD: I guess it's more of a
25 statement.

1 SENATOR GAETZ: A statement, okay. Yes,
2 sir, Senator Diaz de la Portilla.

3 SENATOR DE LA PORTILLA: It seems to me
4 that given the various definitions of
5 "compactness," that we can reconcile the
6 testimony with a number of those definitions,
7 because the fact of the matter is that if you
8 draw horizontal lines, that creates a uniform
9 shape, if you will, or close to uniformity in
10 shape, and, therefore, I could argue that that
11 is compact.

12 The other part is that compactness is just
13 one of the things that we look at, one
14 criterion, it is not the only, and then all
15 these things, you have to balance competing
16 criteria. You have to balance them out against
17 each other and come to a fair conclusion based
18 on the testimony that we have received, and it
19 seems that the testimony has been consistent,
20 at least as far as the Panhandle is concerned,
21 that, you know, folks do believe and think that
22 they are best represented when you have a --
23 boundaries that divide among social economic
24 interests and activities, agriculture versus
25 the more urban setting.

1 So I think the testimony fully supports,
2 to quote Senator Latvala, giving the people
3 what they want, because it does fall in the
4 definition of "compactness," at least one or
5 two of the definitions of "compactness" that
6 Mr. Bardos discussed. So that would be --
7 that's my observation based on what I have seen
8 and heard, not just here today, but also in
9 reviewing the transcripts of meetings that I
10 didn't go to in the Panhandle.

11 SENATOR GAETZ: Other comments or
12 questions? Senator Braynon.

13 SENATOR BRAYNON: Earlier I was talking
14 about geographic lines, and I just wanted to
15 get an opinion from our attorney about -- about
16 geo- -- is a bay considered a geographic line,
17 is a river considered a geographic line, a
18 geographic boundary? Are those considered
19 that?

20 SENATOR GAETZ: Mr. Bardos.

21 MR. BARDOS: And I will have to give
22 probably an equally imprecise answer to that as
23 I gave to the last one, and for the reason that
24 the Florida courts have not interpreted it. We
25 know as to political boundaries, that the

1 ballot language for the Fair Districts
2 amendments said cities and counties, and so
3 political boundaries probably begins with
4 cities and counties. Geographical boundaries,
5 we didn't have a similar explanation of. So I
6 think, again, at this point, it is something
7 that the committee just needs to look at and
8 apply common sense to it, and so probably
9 rivers and lakes and bays might be good
10 examples, but there might be others as well.

11 SENATOR BRAYNON: Can I --

12 SENATOR GAETZ: Senator Braynon.

13 SENATOR BRAYNON: So on map seven, I don't
14 know if you can pull that up --

15 SENATOR GAETZ: Would you -- which,
16 congressional or --

17 SENATOR BRAYNON: Senate.

18 SENATOR GAETZ: Senate map seven, please.
19 Is that the one you are looking for?

20 SENATOR BRAYNON: Yeah, one of the
21 gentlemen that came up and spoke said that this
22 map -- or maybe it was the person that drew
23 this map said it was along rivers, bays and the
24 edge of a park. Is that correct?

25 SENATOR GAETZ: My notes say that was

1 Mr. Sessions, yeah.

2 SENATOR BRAYNON: Would that -- could that
3 be considered a geographic boundary?

4 SENATOR GAETZ: Mr. Bardos, do you have --
5 do you believe that's -- let's put it this way:
6 In the questions that you are getting from
7 committee, and I know everyone wants you to be
8 the judge as opposed to being our counsel, but
9 let's file the question this way: Do you
10 believe that the elements in Senator Braynon's
11 question are legally defensible?

12 MR. BARDOS: I think it is an argument
13 that an attorney could make, and in that sense,
14 it would be legally defensible, yes.

15 SENATOR BRAYNON: Mr. Chair, may I ask
16 where we are in process as far as what we
17 are -- what we -- what we should be doing right
18 now in process?

19 SENATOR GAETZ: Well, we wanted to take
20 comments that were inspired by the testimony
21 and by the staff's presentation. Before we
22 conclude today, what I would like to be able to
23 do, if we can, if we can, I don't want to rush
24 anybody, I don't want to cut off debate, but if
25 we are able to, I would like the committee to

1 give our professional staff guidance as to the
2 congressional districts in northwest Florida,
3 how you want -- how you want the proposed
4 committee bill to be developed, Senate
5 districts and House districts. If we are ready
6 to do all of that, if we -- if there is a point
7 of view that most of the committee members
8 have, then the professional staff can take that
9 and use it as a building block as we go
10 forward, recognizing that what Mr. Kelley said
11 is true, if you drop a pebble in Choctawhatchee
12 Bay, you know, there is some effect, you know,
13 in Hobe Sound.

14 SENATOR BRAYNON: The -- so if we've
15 gotten testimony from people that are saying
16 that they wanted something specific, and I
17 am -- and if I am not mistaken, we have had
18 people talk about east/west, north/south lines,
19 and we are trying to find definitions for
20 "compactness" and "geographic," because it said
21 "compactness" and "geographic," I think that
22 was on one -- that was on one -- one tier, and
23 we found one that has compactness and
24 geographic, so the next step would be to say
25 something similar to this would be what we as a

1 committee want, is that where we are heading
2 towards?

3 SENATOR GAETZ: Yes, sir.

4 SENATOR BRAYNON: And we have had people
5 talk about it, and this has geographic lines,
6 not implying anything, but I -- whenever we are
7 ready.

8 SENATOR GAETZ: Well, we are ready.
9 Again, I don't want to cut off any questions or
10 any discussion or debate that any member of the
11 committee might have, but, you know, if anybody
12 would like to advance a statement that could be
13 termed guidance for the professional staff and
14 then we will see what folks think. We are not
15 going to take roll call votes, but we want to
16 find out what people think.

17 SENATOR BRAYNON: I think that was my next
18 question. We are not going to do a vote, we
19 are just saying, hey, what do you think about
20 this?

21 SENATOR GAETZ: Well, yeah, I mean, we
22 haven't scheduled on the agenda any roll call
23 votes, but we developed procedures, which were
24 rather ground-breaking procedures for this
25 committee by consensus, and I would like to be

1 able to do that. I would like this to be
2 bipartisan.

3 SENATOR BRAYNON: And what do you think
4 about this -- Chair, hey, what do you think
5 about this, all right, that is what I am
6 asking.

7 SENATOR GAETZ: Yes, sir.

8 SENATOR BRAYNON: That is what -- I said
9 that was the next step, so I am asking you,
10 hey, what do you think about this.

11 SENATOR GAETZ: What do I think?

12 SENATOR BRAYNON: To the body.

13 SENATOR GAETZ: What do we think about
14 what? I apologize, Senator.

15 SENATOR BRAYNON: Well, I just made a
16 point that people talked about it, this has
17 geographical lines. What do we think about
18 this configuration for northwest Florida?

19 SENATOR DE LA PORTILLA: Mr. Chairman?

20 SENATOR GAETZ: And now we have some
21 takers, Senator Lynn and then Senator Diaz de
22 la Portilla, then Senator Hays.

23 SENATOR LYNN: I have a question first.
24 What appeared to be the one priority that stood
25 out is separating north/south, the ag from the

1 coastal. That seemed to be what stood out for
2 me as the most important to the people who
3 spoke. We also mentioned the numbers and the
4 priorities for minorities. Would that be -- if
5 we decided that we would like to make sure that
6 those people were accommodated, would we be
7 able to do that constitutionally? Would that
8 be one of the reasons that we can use as a
9 constitutional backup? Would it be
10 constitutionally correct to have that as our
11 priority?

12 SENATOR GAETZ: Mr. Bardos, would you like
13 to opine on that?

14 MR. BARDOS: I'm sorry, I didn't quite
15 understand the questions.

16 SENATOR LYNN: Okay.

17 SENATOR GAETZ: Senator Lynn, would you
18 please restate your question?

19 SENATOR LYNN: Yes. Basically Senator
20 Latvala, several of the people have said, you
21 know, everybody seems to be looking so hard at
22 the northern part, which is more agricultural,
23 from the southern part, which is more coastal,
24 they are very different, and that would be
25 communities of interest, and I am saying if

1 we -- several of us seem to be thinking that
2 that is really important to people in this
3 area, would we be constitutionally supported by
4 making that kind of a decision or
5 recommendation?

6 MR. BARDOS: Well, I think one thing to
7 keep in mind is that communities of interest is
8 not in the Constitution, it was not one of the
9 mandates in Amendments 5 and 6. It was in
10 Amendment 7, which the Legislature proposed,
11 but that was not -- didn't make it to the
12 ballot. So communities of interest cannot in
13 its own right be used as a constitutional
14 justification, and so if this committee wants
15 to form districts that protect communities of
16 interest, it still is obligated to ensure that
17 the district is compact and follows political
18 and geographic boundaries. And that is the
19 judgment which the committee is really called
20 upon to make, whether that -- whether the
21 districts that it is looking at are compact and
22 follow political and geographic boundaries.

23 SENATOR LYNN: Well --

24 SENATOR GAETZ: Senator Lynn to follow up,
25 please.

1 SENATOR LYNN: Then I would like to have
2 us recommend, and I can only suggest if it's
3 what I believe, we should look at this
4 communities of interest, which seems to be such
5 a high priority, while taking into
6 consideration how you would do that, looking at
7 the requirements of the Constitution, which is
8 compactness and boundaries.

9 SENATOR GAETZ: Thank you, Senator Lynn.
10 Senator Diaz de la Portilla.

11 SENATOR DE LA PORTILLA: Mr. Chairman, in
12 terms of responding to Senator Braynon's
13 question and to give some guidance, at least
14 one Senator's guidance to staff on this issue,
15 it seems to me that given the testimony that we
16 heard here today and the testimony that was
17 received by the traveling committee that you so
18 ably presided over, Mr. Chairman, when you were
19 up here in the Panhandle, it seems to me that
20 we can guide staff and instruct staff to try to
21 draw districts in the Panhandle that are
22 divided along the lines that you can most
23 closely use to have agricultural areas in one
24 part and the coastal areas in another, and do
25 so in a way that is compact, defined as, of a

1 regular shape, as regular a shape as feasible,
2 and that is in the Constitution. I would just
3 like, you know, to point out that Article III,
4 Sections 20 and 21, guiding us in drawing these
5 district boundaries, part b, when it talks
6 about compactness, it says, "Unless compliance
7 with the standards of this subsection conflicts
8 with the standards in subsection a" -- which is
9 the one of not favoring party, an individual,
10 so on and so forth -- it says, "or with federal
11 law, districts shall be as nearly equal in
12 population as practicable, districts shall be
13 compact, and districts shall, where feasible,
14 utilize existing political and geographical
15 boundaries."

16 So in reading b, the language there allows
17 for interpretation. We have heard that you can
18 define "compact" as being of similar shape. I
19 think that testimony is right on line with what
20 b allows us to do, or Article -- subsection b
21 of Article III, Sections 20 and 21 of the
22 Constitution.

23 And so my guidance, if I were to give any
24 to staff, and I am not from the Panhandle,
25 would be to try to accommodate what the people

1 requested, and it is easily supported by the
2 testimony, in my opinion.

3 SENATOR GAETZ: Senator Hays.

4 SENATOR HAYS: Thank you, Mr. Chairman,
5 and basically I want to echo what my colleague
6 here just said, and I am reading a paragraph
7 here under the district help, labeled
8 "Districts are compact," and it refers to
9 those -- the Article III of the Constitution,
10 and it says, "while functional" -- well,
11 "Geometric compactness looks exclusively at the
12 shapes of particular districts, while
13 functional compactness looks to commerce,
14 transportation, communication and other
15 practical measures that unite communities and
16 promote the integrity and cohesiveness of each
17 district for representational purposes. A
18 district need not be compact if its compactness
19 would cause a conflict with any of the
20 standards outlined above."

21 I think that right there tells us to ask
22 the staff, very capable, professional staff
23 that's been here today, heard the whole
24 discussion, "Guys, go do what you do best, draw
25 the lines horizontally, keeping the

1 agricultural interests and the beach interests
2 in their separate communities."

3 SENATOR GAETZ: Senator Montford, and then
4 Senator Gibson.

5 SENATOR MONTFORD: Thank you, Mr. Chair.

6 If I may take discussion back to a former
7 life I had, and that was being involved in
8 rezoning of school districts. And if you think
9 this is -- may be contentious, you start moving
10 children around from one school to another, you
11 get the mamas' and daddies' attention real
12 quick. And I understand the need to follow
13 geographical boundaries, if you will, rivers,
14 creeks, railroads, lakes, whatever, but I also
15 know how important it is to keep those
16 communities whole and not split them up.

17 And I think what I heard today, the
18 testimony today, is in line with my -- with my
19 thinking, and that is, whether it is horizontal
20 or vertical, in this case, it is horizontal,
21 that that is important. To me, being compact
22 means keeping those communities together,
23 whether they are on one side of a railroad
24 track or another, or one whatever, whatever
25 that boundary might be. And I think it is

1 critically important, and I think what we heard
2 today was don't split our communities. To me,
3 that is what being compact is.

4 And so what I would suggest to staff, to
5 take -- at least my preference is to take a
6 look at, where you can, follow those
7 geographical boundaries, but not at the expense
8 of splitting up communities. And then you get
9 into the definition of what's a community. I
10 would suggest to you that the beach is a
11 community along, the rural areas is a
12 community. There are different definitions of
13 "community," but, to me, that is what's most
14 important, people that have a common interest
15 and, you know -- and just look for the same
16 type of representation, whomever that person
17 might be, to best represent them in this body.

18 SENATOR GAETZ: Thank you, Senator
19 Montford.

20 Senator Gibson, you are recognized, ma'am.

21 SENATOR GIBSON: Thank you, Mr. Chair, and
22 first I hope we won't vote on anything until
23 after the 19th, so I can have an opportunity to
24 officially weigh in, and secondly, I am trying
25 to understand a little bit more of the process.

1 I hear you're saying that you are looking for
2 recommendations today only on the northwest
3 Florida districts. So my question has to do
4 with then -- and I know it is a very large
5 state, so this committee is going to take each
6 region, if you will, and give recommendations
7 on specifically how to draw that region
8 independent of any other decisions there are to
9 use rivers, lakes and lines and counties and
10 cities in the other areas that are drawn, is
11 that what I am hearing?

12 SENATOR GAETZ: Excellent question,
13 Senator Gibson, and we have the disadvantage of
14 not having had your guidance at our preceding
15 meeting where we developed by consensus a way
16 forward for this committee's operation, and it
17 is enshrined in a memo that I hope by now our
18 professional staff has provided to you, but in
19 answer to your question specifically, the
20 answer is yes. What we decided was that we
21 would ask the professional staff to make
22 presentations to us and we would hear testimony
23 that would try to synthesize what we had heard
24 at public hearings around the state, but first
25 in the northwest Florida area, that if we felt

1 that there was a direction we could give to the
2 staff, that they -- they have to begin drawing
3 lines somewhere, and for a proposed committee
4 bill. If we could provide that guidance to
5 them today for northwest Florida, then at our
6 next meeting, we will discuss scenarios for
7 northeast and central Florida, your area, as
8 well as central Florida, and work our way in
9 the meetings of October 31st and November 14th,
10 respectively, to the southeast and southwest
11 portions of the state. And then, Senator
12 Gibson, our plan is that then prior to
13 Thanksgiving, we would have provided direction
14 to the professional staff on all areas of the
15 state.

16 Now, you are absolutely right that at some
17 point this has to be then knitted together, and
18 when it is knitted together, there may be
19 changes that we might have to make. In other
20 words, we might offer guidance about a
21 particular area of the state and say, "Please
22 go do this, this seems to be what we want to
23 do, it derives from the testimony we have
24 heard," but then the professional staff may
25 come back to us at the end, on or about

1 December 5th and say, "Well, we could do -- we
2 could do what you guided us to do, except in
3 these areas, it didn't fit. Now please help us
4 reconcile that." And then ultimately there
5 would be a proposed committee bill, and that
6 proposed committee bill would be -- would be
7 advertised well in advance so that you can
8 offer amendments to it, any Senator can offer
9 amendments to it, and then we would vote --
10 according to the discussion we had at the last
11 committee meeting, we would vote following the
12 Hanukkah/Christmas recess on a proposed
13 committee bill so that our presiding officer
14 and our rules Chair would have that bill to
15 schedule early in the legislative session,
16 which begins, as you know, in January.

17 So in answer to your other question, no,
18 ma'am, it would not be our intention to cast
19 any votes until after November, I think you
20 said 16th -- October 19th. There are no
21 committee votes -- no formal committee votes
22 scheduled until then, but until then, you have
23 a voice here, and your voice is just as
24 important as anybody else's voice in forming
25 the consensus of this committee, if there is a

1 consensus on any particular issue.

2 Does that help, Senator Gibson, or did
3 I -- I apologize if I have confused you or led
4 you astray.

5 SENATOR GIBSON: No, thank you very much,
6 that is helpful.

7 SENATOR GAETZ: Okay. Thank you, ma'am.

8 And now our minority leader, Senator Rich.

9 SENATOR RICH: Thank you, Mr. Chair. I
10 think I want to incorporate what I want to say
11 and connect it back to the -- to the memo that
12 you sent out that we didn't have before,
13 because I have reread the memo, and it does
14 reflect what I would consider to be a
15 procedural consensus on the operation of the --
16 you know, of the committee, and I think we did
17 have a consensus on those aspects, but I have
18 to say the discussion here right now about
19 compactness would lead me to believe we don't
20 have a consensus on what defines compactness.

21 I think, you know, one thing we can say
22 for sure, is, you know, that clearly there are
23 different measures and people can look at it in
24 very different -- in very different ways. The
25 one thing that I would like to say is that, to

1 me, if something is what you would consider to
2 be -- and it is partially in that same
3 paragraph, I believe, that Senator Hays quoted
4 from, that even though there are differences in
5 compactness, low compactness is considered to
6 be a sign of potential gerrymandering.

7 So whether we do it with the geographical
8 boundaries or political boundaries or whatever,
9 all the things we have been discussing today,
10 the one thing, you know, I think we need to
11 really focus on to be in line with Amendments 5
12 and 6 is, you know, not to have low
13 compactness. So I just wanted to say that.

14 And the other part is that I certainly do
15 agree with much of what has been said here,
16 that we have heard a lot of testimony about how
17 the people from all walks of life in northwest
18 Florida would like to see their districts
19 drawn, and clearly they have made a
20 recommendation to us reflecting the difference
21 in the coastal and rural communities and the
22 preference for east/west. So I would say
23 that -- you know, that is the direction we
24 should give to our staff, and I think the
25 compactness, somewhere else I read that you

1 know it when you see it, and I happen to think
2 that is probably what is going to happen here.

3 SENATOR GAETZ: Thank you very much. You
4 have heard the minority leader's suggestion as
5 to how we might go forward. I gather you were
6 talking about House and Senate districts, or
7 were you talking about congressional districts
8 as well, or would you reserve comment on that,
9 ma'am?

10 SENATOR RICH: I personally was referring
11 more to the Senate, but I assume that the
12 House, you know, could be done in the same
13 manner, you know, the reflection of what the
14 people said when they came here.

15 The congressional districts, it doesn't
16 appear to be that much of an issue from the
17 maps that we have here, they are much larger,
18 and I don't think there's that much of a kind
19 of a -- when you look at the Senate map, the
20 difference is in the way districts are drawn in
21 the coastal areas. That doesn't appear to be
22 as much of a factor, I think, in the
23 congressional district, but, you know, maybe
24 some people from north Florida would weigh in
25 differently on that as well.

1 SENATOR GAETZ: You have heard the
2 minority leader's suggestion. Is there anybody
3 on the committee who would disagree with the
4 comments of the minority leader at this point
5 as to how we might go forward? Yes, sir,
6 Senator Siplin.

7 SENATOR SIPLIN: I apologize, I didn't get
8 the gist of her recommendation.

9 SENATOR GAETZ: Leader, would you --
10 Senator Siplin would like you to restate your
11 views.

12 SENATOR RICH: Basically I was listening
13 to all the people that came before us, and I
14 know that Senator Gaetz held -- and the
15 committee held the testimony up in the
16 northwest, and it seems fairly clear that
17 the -- there was a big issue with urban versus
18 rural, coastal versus rural, and that there was
19 a common theme that the lines be drawn
20 east/west rather than north/south, and I think,
21 you know, we go out and we ask people what they
22 think, and they have come and told us what they
23 think, so -- and if I -- you know, if I had
24 heard a lot from the other -- from another way,
25 then, you know, maybe I would feel differently,

1 but right now, the people from whom we have
2 heard are pretty united in the ideas that they
3 have about how they would like their districts
4 to look.

5 SENATOR GAETZ: Thank you, Leader, and
6 again, when the Leader and I were -- I was
7 attempting to clarify my understanding of her
8 remarks, I believe, and she will correct me if
9 I am wrong, that her remarks in a sense related
10 to the State Senate and State House district,
11 not to the congressional district, which might
12 be a separate conversation. Does that satisfy
13 your question, sir?

14 SENATOR SIPLIN: Yes, Mr. Chairman, and if
15 I would --

16 SENATOR GAETZ: Please.

17 SENATOR SIPLIN: -- I think she is
18 absolutely right, you know. We have gone
19 across the state of Florida and taken testimony
20 from our constituents, and northeast area is no
21 different than the southeast area. They've
22 come here today and they have voiced their
23 opinions. And I think the courts will take a
24 look at what was testified and what was
25 recommended by the constituents that appeared

1 before our committees, and if we look at the
2 previous maps that were approved by the federal
3 courts, even though the State of Florida may
4 not have a concrete definition of
5 "compactness," the federal courts do look at
6 other definitions from other states, and if we
7 look back on the maps that were devised in 2000
8 that were constitutional by the Federal courts,
9 they were east and west, and they did take into
10 consideration rural areas and urban areas. So
11 I think we are going along the right lines at
12 this time.

13 SENATOR GAETZ: Any other comments? Yes,
14 Senator Lynn, and then Senator Diaz de la
15 Portilla.

16 SENATOR LYNN: Thank you, Mr. Chairman. I
17 didn't understand Senator Rich's comment about
18 low compactness. She seemed to express some
19 concern about the compactness issue, and she
20 referred to low compactness, and I would like
21 some clarification on what she meant.

22 SENATOR GAETZ: Leader, did you hear the
23 question? Would you respond, please, ma'am?

24 SENATOR RICH: Yes, certainly, Mr. Chair.
25 What I was referring to is that we have

1 been talking about all different kinds of
2 compactness, using different boundaries and --
3 as a measure for compactness. And the one
4 thing that I want us to be sure to do is not
5 have low compactness where you have, you know,
6 the opportunity for gerrymandering, because
7 that is a sign of gerrymandering when you have
8 low compactness and your districts, you know,
9 meander all over the place.

10 So whatever standards we use or whatever
11 we come up with, I just believe whether -- you
12 know, whatever the different measures are of
13 compactness, that we need to be sure that the
14 districts are compact in order to be in
15 accordance with the amendments in our
16 Constitution.

17 SENATOR GAETZ: Senator Lynn, did you have
18 a follow-up, ma'am?

19 SENATOR LYNN: It seems to me that is what
20 Fair Districts is all about, and it's -- you
21 have been constantly referring to the fact that
22 we are following the Fair District amendments,
23 so if they really are what they are supposed to
24 be and we are following those guidelines, I
25 don't know how we are going to end up with

1 gerrymandering.

2 It is not just low compact -- we are not
3 dealing only with a compactness issue. I think
4 there are a bunch of issues we will be dealing
5 with. So while we are talking a lot about
6 something that we see as being areas of
7 interest and perhaps a very wise way to divide
8 up, I don't quite get how that fits in with,
9 oh, we will end up with gerrymandering, because
10 I guess I am not seeing it that way.

11 SENATOR GAETZ: Leader, did you have any
12 further comments?

13 SENATOR RICH: Yes. I don't believe I
14 said we would end up with gerrymandering. What
15 I am saying is that low compactness is an
16 indication of gerrymandering. So whatever
17 measures we use for compactness, we have -- we
18 want to make sure, whether it is the
19 geographical, political, the county lines, city
20 lines, that we focus on having true compactness
21 as much as we possibly can, because that is
22 what Amendments 5 and 6 call for. And I don't
23 know whether we are following Amendments 5 and
24 6 right now, because, I mean, we haven't gotten
25 there yet. My hope is that these maps will

1 come out following Amendments 5 and 6 and the
2 Voting Rights Act.

3 SENATOR GAETZ: And, Leader, if I
4 mischaracterize, please stop me, but what I
5 take from the Leader's comments is that we need
6 to make sure whatever we do is legally
7 defensible. Compactness is in the
8 Constitution. So as our counsel has advised
9 us, and as the Leader reminded us, I think of
10 that old -- that terrible old joke where the
11 little boy is drawing and someone says, "What
12 are you drawing," and he says, "I am drawing a
13 picture of God." "Well, no one knows what he
14 looks like." "Well, they will when I am done."
15 You know, we have to make sure that what we are
16 doing is legally defensible.

17 SENATOR LYNN: Mr. Chairman --

18 SENATOR GAETZ: Yes, Senator Lynn.

19 SENATOR LYNN: -- is it not possible that
20 the compact issue would be described -- defined
21 in one way for this area of the state, as we
22 get into the central area of the state or the
23 southern area of state, we might still have
24 compactness, not low, but normal, high
25 compactness, but it might be based on something

1 else other than what we are talking about, the
2 north and the south, southern interest?

3 SENATOR GAETZ: It could be, and we will
4 certainly open that up for other people's
5 discussion. I sat through every single bit of
6 testimony from 1,700 people, and I can tell you
7 that compactness, as Leader Rich has indicated,
8 tends to be different in different people's
9 minds. And in some people's minds, it is keep
10 our community together. In other people's
11 minds, it is whatever you do, never, never,
12 never, never cross that county line, because it
13 is like the Berlin wall used to be. So -- and
14 as Mr. Bardos has said, and I know he will
15 correct me if I am wrong, we really won't know
16 what the courts think until there is a court
17 test. But, Leader, did I -- have I fallen off
18 the lines here or -- Senator Diaz de la
19 Portilla.

20 SENATOR DE LA PORTILLA: Just one more
21 shot at this compactness discussion, if I may.

22 One of the definitions of "compactness"
23 the courts have used has to do with
24 functionality, the focusing on functionality.
25 And the functionality aspect is analyzed by

1 looking at, well, does it facilitate commerce,
2 does it facilitate travel within the district,
3 or is it easy to travel, is it easy to engage
4 in commerce and similar activities, is it
5 easier to communicate.

6 And so based on the testimony that I have
7 heard, it seems to me from all that testimony
8 that clearly it is easier for folks in this
9 region to travel east to west, it would
10 facilitate commerce, it would facilitate
11 travel, it would facilitate communication with
12 their elected officials, whether they be in the
13 House, Senate or in Congress.

14 And so focusing on a -- on the
15 functionality definition of "compactness," I
16 think the testimony would support a direction
17 to the staff to draw these horizontal
18 districts, because they would be functional
19 districts, they would facilitate commerce, they
20 would facilitate travel and communication from
21 the folks who live here with whoever their
22 elected officials are or may end up being.

23 SENATOR GAETZ: Senator Storms -- I'm
24 sorry, did I cut you off, sir?

25 SENATOR DE LA PORTILLA: No, no, no, in

1 this area I was kind of responding to.

2 SENATOR GAETZ: Senator Storms, you are
3 recognized, ma'am.

4 SENATOR STORMS: Thank you, Mr. Chair.
5 And I -- in the issue of compactness, I mean, I
6 think that there are a couple of conversations
7 that are happening, but the first thing that I
8 would like to say at the outset and that I
9 would like to have the attorney hear me on this
10 is that we would do well not to have a fluid
11 definition of "compactness" that is not clearly
12 articulated. I think that it would not be --
13 it would not be offensive to a court to look at
14 the application of compactness and its outcome
15 being different in different geographical
16 areas, so long as the initial definition
17 included all of the terms of compactness. So
18 in any court case, in any statutory defini- --
19 in any statutory enactment, anything, we start
20 with the definitions. The court is going to
21 look at definitions.

22 And so whereas the outcome of the
23 utilization of compactness here might allow you
24 to have horizontal districts that might still
25 satisfy the definition of "compactness," in

1 another area of the state using the same terms,
2 it might -- it might -- the appearance might be
3 different. And I would think -- I don't know
4 what the court will do, but I would think so
5 long as we determined what the definition was
6 at the outset and we applied it just completely
7 without distinction according to the definition
8 that we said, the outcomes and the appearance
9 might be different.

10 I think that -- I think that we cannot
11 look at -- for the benefit of the members now
12 and not just talking to the attorney, but I
13 think that we cannot look at compactness as
14 having only to deal with land mass.

15 When I started driving -- when I started
16 this process and I started in the Panhandle
17 drawing it, without any benefit of the public
18 testimony, I started in the Panhandle and I
19 just did -- my lines were not east to west,
20 they were north to south, and so it created the
21 very divisions that -- exacerbated the very
22 divisions that we heard in public comment
23 today. I didn't know that. I just did it
24 based on population.

25 In this particular area of the state, it

1 is unique. Because the population is not
2 dense, you cannot rely on -- solely on land
3 mass to be compact. Your land mass is going to
4 be bigger. You have to achieve the population
5 results for the district. And so that will be
6 true, so what compactness will look like here
7 will be bigger than what compactness will look
8 like in Miami-Dade, because Miami-Dade has the
9 population density.

10 So I think that you have to have a
11 combination of land mass -- the definition has
12 to have a combination of land mass, it has to
13 have a combination of population in it, but I
14 think -- and, frankly, I think it has to have
15 something to do with straight lines. I mean,
16 you cannot have something that looks like we
17 have created an enclave of anything, or
18 something that makes it look like it is
19 bizarre. So maybe straight lines is not the
20 exact -- you know, exact term that you use, but
21 there has to be some sort of disinclination to
22 create something that looks like an enclave is
23 the best that I know how to describe it, and I
24 use enclaves from an incorporation perspective.
25 When we are talking about a city incorporating

1 part of the unincorporated county, you have
2 these issues of enclaves that occur. Courts
3 recognize what an enclave is, they already know
4 what that is, and there is a definition for it,
5 and we ought to avoid that in redistricting.

6 So I don't know if that helps or not, but
7 I just wanted to see us at the outset come up
8 with a definition. I really would like to see
9 us come up with a definition.

10 SENATOR GAETZ: We will recognize Mr.
11 Bardos, and then we will recognize Mr. Guthrie
12 to comment on this matter, and then we will go
13 to Senator Latvala.

14 MR. BARDOS: I agree, Senator Storms, that
15 we need to develop a consistent and apply a
16 consistent theory of compactness. I also agree
17 that it involves a number of elements. I think
18 that Senator Diaz de la Portilla's points are
19 right on target, and that, as you say, applying
20 that consistent theory to the facts on the
21 ground might result in different districts in
22 different parts of the state based on the
23 nature of the demographics and transportation
24 and other factors. So I think that is a very
25 good point.

1 SENATOR GAETZ: Mr. Guthrie, any comments
2 on this matter?

3 MR. GUTHRIE: And these standards do raise
4 very intriguing questions. It's -- I think the
5 committee is off to a great start today. It is
6 not your job to try to settle all these matters
7 today. We intentionally broke up the
8 discussion where we are going to move
9 sequentially through regions of the state, and
10 the kind of guidance that you are providing to
11 the staff all will be melded together. And
12 this committee, when you meet in December, will
13 have gone through all 26 of the public hearings
14 and all four of these regional focuses and will
15 have an opportunity to come up with a
16 consistent theory with what the standards mean
17 as applied in this diverse state in a way that
18 it will provide for the best representation for
19 all.

20 SENATOR GAETZ: Thank you, Mr. Guthrie.
21 Senator Latvala, and then I think there
22 was someone else. Senator Latvala.

23 SENATOR LATVALA: Thank you, Mr. Chairman.
24 First of all, I want to say what a
25 wonderful process you have set up here. You

1 know, as someone who was in this process ten
2 years ago and saw how it was done ten years
3 ago, I can look -- even though I was one of the
4 culprits, I can look at the difference here and
5 see night and day in terms of the transparency
6 that you are bringing to it and letting
7 everybody just physically be involved in
8 building these districts rather than bringing
9 them out of a back room one day and putting
10 them in front of us, and I appreciate that.

11 But also, as a little historical anecdote,
12 I remember one of the -- and this is a small
13 point on this map, but it is a point that I
14 want to make since I think we are zeroing in on
15 a final landing here. One of the flash points
16 in the state last time, ten years ago, on a
17 county being split up into multiple pieces was
18 Bay County. And I remember Bay County was a
19 difficult one, Marion County was a difficult
20 one, that they felt like they were split up too
21 many different ways. And I do notice that
22 there is a little -- there is a little piece of
23 Bay County left in the -- in the green district
24 in Mr. Kelley's map, and --

25 SENATOR GAETZ: May we put up Mr. Kelley's

1 map just so that we can --

2 SENATOR LATVALA: Or I guess in the blue.

3 SENATOR GAETZ: -- so we can see what
4 Senator Latvala is discussing here?

5 SENATOR LATVALA: There, right there. You
6 see there on the side right there, I don't know
7 how many people are there, but if -- you know,
8 if -- you just might want to consider seeing if
9 one of those small counties would equal that or
10 something like that, because I remember that
11 the people in Bay County were really exercised
12 ten years ago about the county getting split up
13 in so many different directions, and having
14 visited your beautiful new home in Bay County,
15 I wouldn't want to see eggs on the porch or
16 anything like that, so just pass that on for
17 what it is worth.

18 SENATOR GAETZ: Our majority leader,
19 Senator Gardiner.

20 SENATOR GARDINER: Thank you,
21 Mr. Chairman, and it is really a follow-up to
22 Leader Rich. I want to make sure, because this
23 low compactness term that has been thrown
24 around, that -- and Senator Storms alluded to
25 it, too. I want to make sure that when it

1 comes back, we are all on the same page,
2 because what I wouldn't want to see is we have
3 an idea based on the testimony that has come
4 before us today, and then at some point,
5 somebody changes the definition or attempts to
6 change the definition of "compactness" when we
7 are moving forward on what we believe
8 compactness to be. So it is more of a
9 statement, maybe a question to Leader Rich as
10 to what her definition of "low compactness"
11 would be so that we are not going in a
12 direction that ultimately may come back,
13 somebody may say, "Well, that is not what we
14 meant, you know, compactness should have been
15 something different, now we believe this to be
16 low compactness." So I just throw that out.

17 I think we are heading in the right
18 direction, I think we are all on the same page
19 of how this should go, but I sure would hate to
20 see the ball moved later when we are getting
21 ready to kick a field goal.

22 SENATOR GAETZ: Leader, did you wish to
23 comment on Senator Gardiner's remarks?

24 SENATOR RICH: No, but I will.

25 SENATOR GAETZ: I apologize, ma'am, I

1 simply wanted to give you a chance.

2 SENATOR RICH: You know, I think everyone
3 here will agree we have many gerrymandered
4 districts in our -- in our apportionment now,
5 and the goal is to abide by Amendments 5 and 6
6 and the Voting Rights Act.

7 We don't have a definition specifically,
8 as the attorney has said, of "compactness." A
9 lot of us have different ideas about it, and we
10 will see when we get the maps if we think that
11 that is compact or not based on what our ideas
12 are about compactness. But I find it kind of
13 interesting that the word "low compactness" has
14 created this kind of a stir. It is simply
15 another way of saying gerrymandering, and we
16 just want to make sure that we are not going to
17 be doing that, and whatever we do, we'll abide
18 by what is in our Constitution.

19 SENATOR GAETZ: Thank you, Leader, and I
20 think it is healthy that we -- that we -- that
21 we kick the tires, every time we step forward
22 into a -- into a prospective decision, that we
23 really do kick the tires and we have the
24 debate. And if there is a fear of illegal
25 gerrymandering -- and that might be a -- I

1 might be repeating myself there -- if there is
2 a fear of gerrymandering, we need to raise that
3 fear. I think that's well-spoken.

4 Other comments or questions? Yes, Senator
5 Sachs.

6 SENATOR SACHS: Thank you very much,
7 Mr. Chairman. I think that a comment that was
8 made some time ago by this -- a member of this
9 committee that we need to listen to the will of
10 the people, subject to constitutional
11 provisions, and that is what we are here for.
12 Everyone has their opinions on how it should
13 look or what the definitions of "compactness."
14 That is why we have a judicial branch. But I
15 think the will of the people, which is what has
16 been indicated in the maps, indicated by
17 testimony, I have been with you, Mr. Chairman,
18 on many of the various committee meetings
19 throughout this state, and we need to listen to
20 the folks who live there and talk about your
21 front porch and other things that I have never
22 seen before, but I think it is a matter of
23 record that -- that we listen to them, as we
24 are doing, and then we leave it up to the
25 courts to define "compactness" and some of

1 these other various definitions. So whether it
2 is kicking the tire or kicking the can, I think
3 we are on the right track. Thank you.

4 SENATOR GAETZ: Thank you, Senator Sachs.

5 I would like to get back to Senator
6 Latvala's point. And, again, I apologize to
7 Senators, I know there are other things we have
8 to do today, but we -- you know, we are noticed
9 until five o'clock, and this is important
10 stuff. Let's get back to Senator Latvala's
11 point.

12 Bay County is trifecta'd. You know,
13 currently Bay County is cursed by having three
14 Senators. And under what we will call the
15 Kelley plan, which is also -- I guess there is
16 a derivation of that that is the session's
17 plan, we see that Bay County again has three
18 Senators, and I am one of them, so this is a
19 little bit close to home, but I think that
20 Senator Latvala makes an excellent point.

21 So the question I would like to ask is
22 this: If we -- I see professional staff have
23 made good notes of Senator Rich's comments and
24 her recommendation. Is there -- is there any
25 objection to our taking Senator Latvala's

1 comments seriously and instructing professional
2 staff to find a way to ensure that Bay
3 County -- that that sliver of Bay County that
4 is in a third Senate district is removed from a
5 third Senate district, is made part of the
6 Senate district that it is closest to, whatever
7 that is, and that we then square out the
8 districts so that we have equity and maintain
9 the political and natural boundaries?

10 I don't know, Senator Latvala, if you want
11 to say anymore about your point in order to
12 make it, but I think you make a good point, and
13 notwithstanding the fact that it affects me,
14 and because it affects me, I think it is an
15 important point to make.

16 Is there any disagreement with what
17 Senator Latvala has suggested by anybody? If
18 not then, you have heard Leader Rich's
19 recommendation, which we will take as a
20 statement of consensus, you have heard the
21 other comments that have been made subsequent
22 to Leader Rich's comments, and you have heard
23 Senator Latvala's comment, to which there is no
24 objection, and so, therefore, as to the Senate
25 districts in northwest Florida, I think the

1 professional staff has clear direction from the
2 committee. Is that -- do you believe you do?
3 All right. And as to the House districts, you
4 believe you have clear direction as well. That
5 was taken into account, I believe, in the
6 Leader's comments.

7 Now let's go back to the congressional
8 districts, please, because we -- let's not pass
9 that up. Can you put up -- and, again, for --
10 we will blame Mr. Kelley. Will you put up the
11 Kelley -- put up the Kelley map for
12 congressional districts in northwest Florida?
13 All right. Is that it? Is that it?

14 All right. Again, Mr. Guthrie, would you
15 briefly characterize this map as to -- as to
16 what boundaries it follows, bearing in mind
17 Leader Rich's caution to us about
18 gerrymandering and low compactness or however
19 it may be styled? Do you believe -- and, Mr.
20 Bardos, be ready -- do you believe that there
21 is a defensible position for the committee were
22 we to adopt a map similar to this, and an
23 appropriate response to any suggestion of
24 gerrymandering or low compactness?
25 Mr. Guthrie.

1 MR. GUTHRIE: Thank you, Mr. Chairman,
2 and, of course, another requirement in the --
3 of the equal protection clause and in Tier II
4 of the Florida Constitutional Standards is that
5 districts be equal in population. This
6 particular plan, as Mr. Kelley conceded during
7 his testimony, is -- has not been zeroed out
8 yet, so there are deviations greater than what
9 you would want in the final plan. But as to
10 the point of --

11 SENATOR GAETZ: And excuse me,
12 Mr. Guthrie, just again, because we have it in
13 front of us here and it is a useful guide,
14 where -- how would -- how could one -- if one
15 chose to use this as a take-off point, how
16 would one cure, or how could one cure those
17 deviations, keeping in mind, again, the
18 requirements of Amendments 5 and 6?

19 MR. GUTHRIE: Yeah, and all the testimony
20 that we heard, including that from Supervisor
21 Lux earlier today. The committee might want to
22 keep the counties whole that are whole
23 presently.

24 In this particular plan, I believe there
25 are two counties in the Panhandle that are --

1 that are split, so what you would do is use
2 those counties, try to follow geographic
3 boundaries in a way that you could equalize the
4 population of the districts.

5 SENATOR GAETZ: And, Mr. Guthrie, would
6 that then move -- and under the plan that is in
7 front of us, the most western -- the most
8 northwestern district is labeled as District
9 26. Would that mean moving the District 26
10 line further to the east in order to achieve
11 that equity? You can't move it north, because
12 even though I don't know where Alabama is, you
13 know, some people do. You can't move it south
14 unless you want to get feet wet. So would you
15 move it east?

16 MR. GUTHRIE: It would be moving to the
17 west, that boundary would be -- because the
18 district has too many people right now.

19 SENATOR GAETZ: Okay.

20 MR. GUTHRIE: Bo by about 13,000, so you
21 would move the district to the west to take
22 out --

23 SENATOR GAETZ: You would move the line
24 that now separates 26 and 27 to the west by
25 about 13,000 people?

1 MR. GUTHRIE: Yes.

2 SENATOR GAETZ: Is there a way to do that
3 -- well, there are a lot of ways to do it, but
4 based on the professional staff's study of
5 these maps, what is -- what are the ways to do
6 that that would be most faithful to Amendments
7 5 and 6 and to the Voting Rights Act and the
8 other laws that we have to comply with?

9 MR. GUTHRIE: I believe what attorneys
10 would advise us is to do it in a manner that is
11 compact and does follow political and
12 geographic boundaries where feasible. So we
13 would, as was suggested earlier, seek out clear
14 geographic boundaries that created sensible and
15 identifiable demarcations between District 26
16 on the left and District 27 on the right.

17 SENATOR GAETZ: Okay. And, I'm sorry,
18 Leader, did you -- Leader Rich, were you
19 seeking recognition, ma'am? I apologize if
20 anybody else has anything to add.

21 Does the Kelley map, or this map as it is
22 now before us, and as you might mature that map
23 to fix the equity issue, does it cure the
24 problem that Supervisor Lux addressed as to the
25 invasion of, you know, part of a community by

1 the lines that are currently drawn for
2 Congressional District 2? Does it cure --

3 MR. GUTHRIE: Oh, yeah --

4 SENATOR GAETZ: -- the problem that Mr.
5 Lux --

6 MR. GUTHRIE: -- that particular problem
7 is obviously fixed, yes. All of Okaloosa
8 County is in a single district.

9 SENATOR GAETZ: Okay. Other comments or
10 questions? Is -- yes, sir, Senator Montford.

11 SENATOR MONTFORD: Thank you, Mr. Chair.
12 I am going to have to -- I don't understand
13 something. You have got -- you got 24 here.

14 SENATOR GAETZ: Would you pull your mike
15 up, Senator Montford?

16 SENATOR MONTFORD: You got 24 here and --
17 but how do you get -- I mean, you got St. Johns
18 listed here. Tell me how that --

19 MR. GUTHRIE: In the comments I made
20 earlier about this plan, Senator Montford,
21 there is a discontinuity. So District 24 in
22 yellow in the Big Bend also is paired with some
23 First Coast counties on the west, and that is
24 discontinuous. So that is another defect --

25 SENATOR MONTFORD: So we are not even

1 worrying about --

2 MR. GUTHRIE: -- that we would need to
3 correct, yes.

4 SENATOR MONTFORD: We're not worrying
5 about that right now, right?

6 SENATOR GAETZ: No, sir, we are not there
7 right now.

8 SENATOR MONTFORD: Thank you.

9 SENATOR GAETZ: Now, what about -- let's
10 go back to the young gentlemen who Senator Rich
11 knew who had some comments about the -- what I
12 will call the third, not the third district,
13 but a third district in northwest Florida which
14 achieved a 30 percent minority population. Do
15 you recall that? I think it was the first map
16 that we looked at today.

17 MR. GUTHRIE: Yes, sir, I believe that was
18 a Senate map.

19 SENATOR GAETZ: I'm sorry, that was not a
20 congressional map?

21 MR. GUTHRIE: That is correct.

22 SENATOR GAETZ: I withdraw the comment,
23 I'm sorry.

24 All right, Senator Rich.

25 SENATOR RICH: Just one question. I want

1 to make sure, for the purposes of what you are
2 directing staff to do, you are focusing just on
3 26 and 27, is that correct, not on --

4 SENATOR GAETZ: At the moment, yes, ma'am.

5 SENATOR RICH: Okay. Thank you.

6 SENATOR GAETZ: Are there other comments
7 as to the congressional districts?

8 Is there an objection to giving committee
9 staff the direction to follow this map, which
10 is the Kelley map, for what is now stated as
11 Districts 26 and 27, they might be renumbered
12 as Districts 1 and 1, or Districts 12 and 13,
13 but as to those districts, and then remedying
14 the equity issue of the, what was it, 13,000
15 voters?

16 MR. GUTHRIE: Correct.

17 SENATOR GAETZ: 13,000 population, I'm
18 sorry, 13,000 people, the dis-equity that is
19 existing there. Is there objection to using
20 this as a stepping stone by any member of the
21 committee?

22 All right, then. You have your guidance
23 as to northwest Florida. What other guidance
24 do you seek from the committee today?

25 In that case, Senator Margolis moves we

1 rise.

2 (Whereupon, the proceedings were concluded

3 at 4:38 p.m.)

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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 173 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 28th day of October, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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SENATE COMMITTEE ON REAPPORTIONMENT

OCTOBER 18, 2011

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 SENATOR GAETZ: If the Senators who are
3 members of the Reapportionment Committee would
4 please take their seats, members of the
5 professional staff, please be seated, and those
6 of us who are here to observe and testify,
7 please find a seat, we can get started.

8 The Senate Committee on Reapportionment is
9 called to order, and I would like to ask the
10 administrative assistant to call the roll.

11 THE CLERK: Senator Gaetz.

12 SENATOR GAETZ: Here.

13 THE CLERK: Senator Margolis.
14 Senator Altman.

15 SENATOR ALTMAN: Here.

16 THE CLERK: Senator Benacquisto.

17 SENATOR BENACQUISTO: Here.

18 THE CLERK: Senator Braynon.

19 SENATOR BRAYNON: Here.

20 THE CLERK: Senator Bullard.

21 SENATOR BULLARD: Here.

22 THE CLERK: Senator Dean.

23 SENATOR DEAN: Here.

24 THE CLERK: Senator Detert.

25 Senator Diaz de la Portilla.

1 Senator Evers.
2 SENATOR EVERS: Here.
3 REPRESENTATIVE CLARK: Senator Flores.
4 Senator Garcia.
5 Senator Gardiner.
6 SENATIR GARDINER: Here.
7 THE CLERK: Senator Hays.
8 SENATOR HAYS: Here.
9 THE CLERK: Senator Joyner.
10 SENATOR JOYNER: Here.
11 THE CLERK: Senator Latvala.
12 SENATOR LATVALA: Here.
13 THE CLERK: Senator Lynn.
14 SENATOR LYNN: Here.
15 THE CLERK: Senator Montford.
16 SENATOR MONTFORD: Here.
17 THE CLERK: Senator Negrón.
18 SENATOR NEGRON: Here.
19 THE CLERK: Senator Rich.
20 SENATOR RICH: Here.
21 THE CLERK: Senator Sachs.
22 SENATOR SACHS: Here.
23 THE CLERK: Senator Simmons.
24 SENATOR SIMMONS: Here.
25 THE CLERK: Senator Siplin.

1 SENATOR SIPLIN: Here.

2 THE CLERK: Senator Sobel.

3 Senator Storms.

4 Senator Thrasher.

5 SENATOR THRASHER: Here.

6 THE CLERK: Quorum is present.

7 SENATOR GAETZ: Thank you very much.

8 Let me begin with a couple of housekeeping
9 details, which are very important to those that
10 these details pertain to, and that is, first of
11 all, Senator Flores, who is a member of our
12 committee, has become a mother again. I
13 believe that the birth was yesterday, unless
14 somebody can correct me, and she is -- she has
15 a second baby boy. So somebody for Maximo to
16 lord over. We don't know the name of the new
17 addition to the family, unless someone does.

18 A VOICE: Lucas.

19 SENATOR GAETZ: Who is it, Lucas? Lucas
20 Ignacio (phonetic).

21 A VOICE: Ignacio.

22 SENATOR GAETZ: Lucas Ignacio will now
23 take the heat from Maximo. And we wish Senator
24 Flores and her family well and can't wait to
25 see her back.

1 Secondly, we have an excused absence from
2 our colleague, Senator Bullard. And also I
3 would like to announce to the Committee that
4 our Vice-Chair, President Margolis, will soon
5 be undergoing orthopedic surgery. She is
6 preparing for that surgery right now, so please
7 keep President Margolis in your thoughts and
8 prayers.

9 And today we would like to welcome a new
10 member to our committee. Apparently the
11 interest in this committee continues to be
12 high, and our President, President Haridopolos,
13 has appointed Senator Simmons. Are you here,
14 Senator Simmons? Senator Simmons is now a
15 member of the Committee as of today. So please
16 add him to the roll.

17 And are there any other announcements of a
18 housekeeping nature to make?

19 If not, today we will continue the process
20 that we began at our last meeting, which is to
21 look at specific areas of the state and to look
22 at Senate, House and congressional district
23 scenarios that have been presented by the
24 public in those regions of the state.

25 As the Senators will recall, at the last

1 meeting we discussed and came to consensus as
2 to northwest Florida. At this meeting, we will
3 discuss northeast and central Florida, and in
4 our following two meetings, we will discuss
5 southeast Florida and southwest Florida. The
6 next time we meet, specifically we will look at
7 southeast Florida, the region from the Space
8 Coast south through the Florida Keys and as far
9 west as Lake Okeechobee. And then, Senators,
10 at our meeting in mid-November, we will
11 consider southwest Florida.

12 Now, I would like to recall to your minds
13 that November 1st is the deadline which this
14 committee adopted by consensus for public
15 interest groups and Senators and individuals to
16 submit maps for consideration in preparation
17 for our draft proposed committee bills, and
18 that deadline was agreed to by members of the
19 Committee.

20 Our goal is for professional staff to
21 publish draft proposed committee bills,
22 including all maps, statistics and downloads,
23 before the end of November, and for this
24 committee to consider a motion to introduce
25 those proposed committee bills during the week

1 of committee meetings that starts December 5th.
2 Whether we will be able to maintain that
3 deliberative, but I think with all due speed
4 schedule depends on our work today and in the
5 next two committee meetings.

6 Let me stop there and ask if there are any
7 questions or comments as to our proposed
8 schedule. Leader Rich.

9 SENATOR RICH: Thank you, Mr. Chair. I
10 just am wondering if there is -- is there a way
11 for organizations or individuals who submit
12 maps to us by November 1st, is there anyway
13 that a person would be given an opportunity to
14 modify their map at all? In other words, if
15 they came in and, you know, said, "I wanted to
16 do something to change my map," is there any
17 mechanism for that to happen?

18 SENATOR GAETZ: Yes, Leader, I would say
19 so. In fact, I think we will see today that
20 the scenarios, which our professional staff
21 have divined from the public submissions that
22 have been made, include submissions from
23 individuals who, having once submitted their
24 proposal, have now gone back and suggested some
25 alterations. And I think until we act, we

1 always are looking for ways to improve and
2 refine our work product, down to and including
3 our work on the floor, so long as we stay with
4 the understanding that there aren't going to be
5 any midnight surprises, any late-filed
6 amendments, that sort of thing.

7 But unless there is any member of the
8 Committee who recalls things differently or who
9 would object, I think that Leader Rich's
10 characterization is exactly correct.

11 Leader Rich.

12 SENATOR RICH: Thank you, just a
13 follow-up.

14 So even after November 1st, say, if we are
15 having a meeting, someone would be able to come
16 and have an opportunity to make a submission
17 that would adjust their map that they had
18 already turned in, is that --

19 SENATOR GAETZ: Yes, Leader, I would say
20 so, and now, obviously, we will want to apply a
21 little bit of common sense. If somebody had
22 proposed a map that only dealt with Pasco
23 County House races, and then they came in after
24 November 1st and said "Now we have a statewide
25 map for Congress," I think we would have to

1 construe that as a new submission. But if it
2 is -- if it is a refinement of a prior
3 submission, then I think we ought to accept
4 that, unless there are members of the Committee
5 who would disagree with the Leader's request.

6 If not, let the record show that Leader
7 Rich's question was answered in the
8 affirmative, that, yes, we would accept
9 refinements of prior proposals.

10 Senator Gibson, you are recognized.

11 SENATOR GIBSON: Thank you, Mr. Chair.

12 And so as a follow-up to Leader Rich's
13 question, since last week we did northwest
14 Florida, and I believe the instruction to staff
15 was to begin to craft something based on those
16 maps, so if someone submits -- let's say they
17 submit the maps up to the November 1st deadline
18 and they include a revisit of northwest
19 Florida, is then staff going to be directed to
20 go back over northwest to see if this new
21 northwest map is usable?

22 SENATOR GAETZ: Well, I think that maybe I
23 can help answer that question by discussing the
24 practical application of our seven-day rule
25 that we agreed to by consensus, and let's look

1 at the way that that rule would be applied to
2 the next meeting, and I think it will help
3 answer your very good question.

4 If you, Senator, or any member of the
5 public or any interest group has a new plan for
6 southeast Florida, which is what we are going
7 to discuss at the next meeting, for inclusion
8 on the agenda for the week of October 31st,
9 then make sure that you submit it no later than
10 the first thing next Monday morning, which is
11 October 24th, so it can be included in the
12 meeting notice that is due before noon that
13 day.

14 I think -- I think it becomes -- it
15 becomes a little bit -- a little bit unfaithful
16 to consensus if we do come to consensus on any
17 points, it becomes a little unfaithful if
18 somebody comes in in the middle of November and
19 says, "Well, I never was interested in
20 northwest Florida before, but now I have a
21 sudden interest, and I would like to -- I would
22 like to reopen the whole issue."

23 Any member of the Senate can reopen any of
24 those issues by amendment at any time, but I
25 think we want to be somewhat faithful, Senator

1 Gibson, when we come to consensus.

2 So unless the group would want to operate
3 differently, I would say this: If someone
4 wants to come in and revisit a prior consensus,
5 then we would need to get the Committee's
6 agreement to revisit that prior consensus.

7 We always, as I mentioned before, want to
8 make a product better and better and better, up
9 until the time that we present it on the floor,
10 and even then accept amendments from our fellow
11 Senators to make products better. But I think
12 that if we are to work in good faith and as
13 gentle persons, once we come to an agreement,
14 then there ought to be a dog-gone good reason
15 why we would upend that agreement. If there is
16 a good reason, then I am sure this committee by
17 consensus would say let's go back and revisit.

18 Other comments or questions? If not,
19 today we will consider scenarios for northeast
20 and central Florida. We will begin with a
21 professional staff presentation summarizing
22 some of the scenarios and themes we received
23 from the public for drawing districts in this
24 part of the state, and then as we did in our
25 last hearing, our last meeting, we will take

1 testimony from anybody who would like to speak
2 to the scenarios that we are discussing today,
3 and afterwards we will go into discussion here
4 on the Committee, hear what committee members
5 have to say, what kind of direction we might
6 provide to professional staff about the various
7 presenters -- scenarios that are presented.

8 So let's turn, if we would, Senators, to
9 tabs one through three, and let me begin with
10 the standard questions that we will begin all
11 of our meetings with.

12 Are there any Senators wishing to offer a
13 plan for the Committee's consideration today?
14 Any Senators wishing to present a plan?

15 Are there any representatives of any civil
16 rights organizations who are here today wishing
17 to offer a plan or to comment? If you wish to
18 comment on the staff presentation that you are
19 about to hear, we would love to hear from you,
20 and please know that if you would turn in a
21 Committee Appearance Record, one of these
22 cards, we will call on you so that we can get
23 your reactions to -- or your criticisms or
24 support or anything else that you would like to
25 offer for any plans or scenarios that you hear

1 as we go through the public plans.

2 And if there are members of the public --
3 and this gets back to Leader Rich's question.
4 If there are members of the public who would
5 like to comment on any plan that is presented
6 today, or if there are members of the public
7 who have submitted a plan and who would now,
8 subsequent to their submission, like to say,
9 "Gosh, I've got a way to make this a little bit
10 better," we would love to hear your testimony
11 today as well as pertains to the northeast and
12 central regions of the state of Florida.

13 We will continue to reserve time for
14 discussion of statewide plans submitted by
15 Senators, civil rights organizations and the
16 public at each of our meetings, and I would
17 recall to the Committee's attention that the
18 Speaker Designate and I have jointly written to
19 civil rights organizations, asking them to
20 submit their comments, their criticisms, their
21 plans, their maps, and to keep in front of them
22 the November 1st deadline that this committee
23 has agreed to.

24 As with amendments, it will be helpful to
25 the Committee if anybody wanting to make a

1 presentation could let us know their intention
2 and submit their plan or plans at least 48
3 hours prior to a meeting, that way we can get
4 the plans and the stats on our redistricting
5 website and include the materials in the
6 meeting packet. That falls under the category
7 of not surprising anybody with a plan that no
8 one has had an opportunity to look at before
9 they walked into a committee meeting.

10 This week we will start with staff
11 presentations, as I indicated, for scenarios in
12 northeast and central Florida, and we will
13 start, if it is okay, Mr. Guthrie, with
14 scenarios for drawing Senate districts. So
15 please turn to tab five. We will recognize
16 John Guthrie.

17 SENATOR LATVALA: Mr. Chairman?

18 SENATOR GAETZ: Yes, sir, Senator Latvala.

19 SENATOR LATVALA: Could I ask a
20 question --

21 SENATOR GAETZ: Yes, sir.

22 SENATOR LATVALA: -- about what you just
23 said? What is the criteria that is used by the
24 staff in determining -- well, first of all, I
25 guess the question is, are all the maps

1 submitted by the public on the computer that
2 were submitted in a timely fashion included in
3 the package that we have today?

4 SENATOR GAETZ: Mr. Guthrie.

5 MR. GUTHRIE: No, they are not.

6 SENATOR LATVALA: Okay. Then the second
7 question is, what is the criteria for the staff
8 determining which plans that they let us see in
9 the package?

10 MR. GUTHRIE: That is a choice --
11 Mr. Chairman?

12 SENATOR GAETZ: Of course.

13 MR. GUTHRIE: That is a choice, Senator
14 Latvala, that I, working with the professional
15 staff of the Committee, come to based on really
16 a desire to provide a number of examples that
17 show the Committee variations of approaches for
18 how to draw districts in a particular area.

19 So the number of Senate plans that are
20 included in the meeting packet today is five,
21 and if we go to District Builder and we look
22 for the types of -- or the total number of
23 Senate plans that have been submitted so far,
24 that number is -- let's see how fast I can get
25 this up -- that number is 27. So we have pared

1 down the list of 27 plans that have been
2 submitted so far to five that we are
3 recommending to the Committee as samples or
4 examples of different approaches to drawing
5 Senate districts in northeast and central
6 Florida.

7 SENATOR GAETZ: Senator Latvala.

8 SENATOR LATVALA: Mr. Chairman, I -- you
9 know, some of us are more sophisticated than
10 others, and, granted, this District Builder
11 program has been out there for a while, but I
12 am a little slower than some other people are
13 on the computer, and, you know, a lot of times
14 I like to see things printed out and, you know,
15 I did see a map on the computer that, in my
16 opinion, is a lot different than the ones
17 selected by staff for this area of the state,
18 and I am just wondering if maybe we can either
19 have a policy where they are going to show us
20 everything, or -- in a hard copy form, or
21 whether we can have maybe a little more variety
22 of the plans that would make it to the
23 Committee for our eyeballs as far as in a hard
24 copy form in the committee packet.

25 SENATOR GAETZ: Senator Latvala, I think

1 that is a very good comment, and Mr. Guthrie,
2 correct me if I am wrong, I know you will, my
3 understanding is that the professional staff
4 has attempted to select plans which -- which
5 draw from the testimony that we heard at our 26
6 hearings, and there might be -- there might be
7 20 plans, but there might be four or five
8 themes and there might be 20 variations on
9 those four or five themes.

10 But Senator Latvala makes an excellent
11 point, and that is why I began by saying are
12 there plans that any Senator would like to
13 present or have discussed today that are not on
14 the agenda. And if -- Senator Latvala, if you
15 would prefer to have all of the Senate plans
16 presented in hard copy to all the Senators at
17 every meeting, we can make sure that that
18 happens. That is not an unreasonable request.

19 And if there is a particular plan -- as
20 you go through the plans in advance of the
21 meeting, if there is a particular plan that you
22 want to make sure is discussed, regardless of
23 whether it is a -- it is an echo of an existing
24 plan or different from a plan that professional
25 staff intends to present as a synopsis plan,

1 we will take that request from any Senator,
2 from you, sir, or any Senator at any time.

3 SENATOR LATVALA: Well, I did make a
4 request yesterday, because there was a map that
5 I saw that was different, and I did ask John
6 yesterday to prepare that overhead, but maybe I
7 am the only one that feels that way, that we
8 shouldn't have the staff, you know, editing
9 what we look at on these, you know, and that we
10 should instead have the time to go through all
11 the maps on computer ourselves, but I just
12 raise that point for --

13 SENATOR GAETZ: And I think it is a good
14 point, and Senator Latvala, certainly there's
15 not any intention on my part or I think
16 Mr. Guthrie's part to edit consideration. All
17 the plans are there in public view. But if you
18 would like the plans to be also in hard copy
19 every time we meet, we can arrange that, and
20 just as you contacted professional staff and
21 said there's a plan that has some features in
22 it that you think has some value, you would
23 like it to have discussed, it will be discussed
24 today.

25 SENATOR LATVALA: Okay. Thank you.

1 SENATOR GAETZ: Absolutely. And, John,
2 please make sure that we have a looseleaf
3 binder for all members of the Committee that
4 has in hard copy every single plan that is
5 submitted that has anything to do -- any Senate
6 plan. And, Senator Lynn, would you like to add
7 to that? Sure. Senator Lynn, you are
8 recognized.

9 SENATOR LYNN: Perhaps some members want
10 all of that, and some members may not. It was
11 my understanding that we would always be able
12 to go and look at all the maps at anytime we
13 wanted to, they would be available to us, or
14 perhaps if I desired to have, such as Senator
15 Latvala is mentioning, all of the maps, that
16 maybe that could be printed out for me.

17 But personally, and I will speak for
18 myself, I don't want to see all the maps. I
19 think -- I believe staff is trying really hard
20 to come up with maps that indicate they are in
21 reaction to the comments that were made at all
22 of the meetings in each of the areas, that also
23 they were the maps that perhaps could meet
24 closest to -- in addition to that, a
25 combination of, what people asked for, but also

1 how they met the numbers that were needed for
2 each of the districts that were formed, perhaps
3 met some of the other Constitutional
4 requirements.

5 And so I would assume, and maybe you tell
6 me if I am wrong, that the maps that we are
7 presented are those that are presented because
8 they reflect the Constitutional requirements
9 and also reflect what people have requested.
10 Now, if that is not true, then maybe, you know,
11 we would have to look at all of the maps, but I
12 can tell you I am not skilled enough to
13 determine all of those issues with every one of
14 those maps. And so I am suggesting that for
15 those people who would like to see all the
16 maps, they might request those of the staff,
17 and leave it up to the individual rather than
18 having all of us get all of that material that
19 might or might not be useful to --

20 SENATOR GAETZ: Thank you, Senator Lynn.
21 Senator Sachs.

22 SENATOR SACHS: Thank you very much,
23 Mr. Chairman.

24 I think that since we are the Committee
25 that looks at these maps, and that there are

1 citizens who have gone to the great, great work
2 to put them together, I think the onus should
3 be on us to have them here. If Senator Latvala
4 wants to refer to a map that is not one of the
5 five that have been chosen, then that should be
6 a matter of our record here before us during
7 this committee meeting.

8 So I think that it is -- it is incumbent
9 upon us as committee members to have those maps
10 in our possession during the committee
11 meetings, not just on-line, but also as a
12 matter of our record. Rather than putting the
13 onus on the staff, that should be on us. That
14 is our burden. People went to the length to
15 prepare them. We should at least give them the
16 respect that is due to them by having them as
17 matter of a record that we keep here during our
18 committee meeting. So I would go along with
19 having them provided to us, Mr. Chairman.

20 SENATOR GAETZ: Well, let's synthesize it
21 this way just a moment, and see if we can bring
22 it to closure. Let's synthesize it this way.
23 Mr. Guthrie, would you please poll the
24 Committee after the committee meeting off line,
25 using whatever method you use to poll the

1 Committee, contact each committee member and
2 ask them if they want hard copies of all maps
3 in a looseleaf binder available for them, you
4 know, at or in between or whenever we meet, and
5 then at the same time, there may be some
6 Senators like Senator Lynn and myself who carry
7 around -- I loose paper, so I am delighted to
8 have them on-line, but why don't we do this,
9 let's have four or five copies of the looseleaf
10 binder that Senator Latvala has very
11 appropriately requested, let's have four or
12 five copies available at the committee meeting,
13 so that that way everybody -- you know, if we
14 need to, we can have members refer to it, if
15 they choose not to refer to it, using their
16 laptops that are right here in front of us, and
17 maybe that would resolve the problem that way.
18 Everyone who wants all 20 maps in front of them
19 -- and by tomorrow there could be 25 -- that is
20 fine, they can have them in front of them in
21 hard copy, they've already got them in front of
22 them on-line, but have four or five extra
23 copies of the looseleaf binder at the committee
24 meeting. Can you do that?

25 MR. GUTHRIE: Yes, sir. Yes, sir,

1 Mr. Chairman.

2 SENATOR GAETZ: Okay. Senator Storms?
3 Good, I did one thing right. Have we -- yes,
4 sir, Senator Siplin.

5 SENATOR SIPLIN: Thank you, Mr. Chair, and
6 I appreciate the latitude that you have given
7 the staff in presenting these maps to us.
8 However, I think we ought to be mindful of the
9 constitutional basis that we must stand on in
10 terms of reviewing these maps.

11 You know, when I was Chair of the black
12 caucus, my goal was to maintain the six black
13 Senate seats and the 19 black Rep seats, and,
14 of course, there are three Hispanic Senators
15 and there are at least four or five Hispanic
16 Reps. I think that we ought not to look at any
17 map that digress or eliminates the six black
18 seats sitting in the Senate, the three black --
19 the three Hispanic Senate seats and the House
20 member seats, because when you begin to do
21 that, you violate the Constitution and the
22 Florida Constitution and the case law.

23 So I would hope, Mr. Chairman, that we
24 would only look at those maps that by and large
25 maintain the African-American representation,

1 as well as the Hispanic representation that
2 exists right now, because we can't draw any
3 maps that's going to eliminate those current
4 seats, because it would be an unconstitutional
5 and it would be discriminatory.

6 SENATOR GAETZ: Thank you.

7 Leader Rich, were you requesting
8 recognition, ma'am? I'm sorry.

9 Well, that probably, Senator Siplin, will
10 be in the eyes of the beholder, and what I
11 would like to do, with the Committee's
12 concurrence, is to dive into the very topic
13 that Senator Siplin just raised, and that is
14 the Senate maps for northeast and north central
15 Florida. So if you would turn to tab five,
16 please. And, Mr. Guthrie, if you would please
17 go through the scenarios there, and when we get
18 to -- when we get to the portion that includes
19 the map that Senator Latvala referenced, let's
20 make sure that we put that up on the screen so
21 we can have a full conversation about that map
22 anyway.

23 MR. GUTHRIE: Okay.

24 SENATOR GAETZ: You are recognized.

25 MR. GUTHRIE: Thank you, Mr. Chairman, and

1 let me take just a moment to show you that each
2 of you have a meeting packet for this meeting.
3 We have included in the meeting packet
4 bookmarks which take you to each of the tabs,
5 first congressional, then Senate, finally
6 House, and within the tabs, we've got sub-tabs
7 for each of the plans that are included in that
8 group. If we pick one of the plans, the packet
9 zooms to the page where that map is presented
10 and discussed.

11 And two interesting features if you are
12 using the on-line electronic version of this
13 meeting packet is that if you click on the
14 heading for the plan name, it will take you to
15 the map page for the particular plan that you
16 clicked on, and from there, you can get
17 statistics, you can get spreadsheets, you can
18 get maps and you also can launch District
19 Builder or District Explorer for the map that
20 you happen to be looking at in the meeting
21 packet. If you click on the map itself, that
22 provides you a direct link to the District
23 Explorer application.

24 District Explorer, I think, is a fabulous
25 tool for giving Senators and the public an

1 opportunity to see not only the gross outlines
2 of districts, but actually street-by-street
3 detail. So working inside of District
4 Explorer -- and I will click on the map here,
5 it will launch a session of District Explorer
6 for me with -- let's see -- with that plan
7 selected. Let me try that again. Click on
8 that. We will get there another way.

9 SENATOR GAETZ: Excuse me, John. Senator
10 Lynn.

11 SENATOR LYNN: Last time at our meeting,
12 John was the one that brought things up on our
13 screen. Are we going to be doing the same
14 thing today, or are we going to actually be
15 doing it ourselves? Because we have run into
16 some problems at the very beginning of the
17 meeting with getting our maps there, and I am
18 afraid to start playing with it lest I lose it.

19 SENATOR GAETZ: John, what advice do you
20 give us, to watch the big screen?

21 MR. GUTHRIE: That is an option, Senator
22 Gaetz. Also, technical support is here from
23 Senate IT and are making the rounds, so they
24 will get to --

25 SENATOR LYNN: So you are not going to be

1 guiding the cursor as you did last time?

2 MR. GUTHRIE: I will be controlling what
3 appears on the overhead.

4 SENATOR LYNN: Okay.

5 MR. GUTHRIE: If you go into the meeting
6 place connection, you also will be able to see
7 the same material on your computer screen.

8 SENATOR LYNN: Thank you.

9 SENATOR GAETZ: And any member who is
10 having any IT problems, as always with any
11 committee meeting, just let us know, we have IT
12 support here and we will help you out.

13 John, you are recognized.

14 MR. GUTHRIE: So once I get into the
15 District Explorer application, it is actually a
16 much easier application to use than District
17 Builder. Everything is controlled by the
18 layers manager over on the left side where you
19 choose which geographic features you want to
20 see or don't want to see, and the 11 buttons
21 across the top.

22 If I go to pan view, and that is the most
23 common view, I can move the map just as I would
24 Google map or Bing maps, and if I -- if I turn
25 my wheel mouse in, it zooms in closer and

1 closer. If I take my wheel mouse the other
2 way, it zooms out. So it is very, very easy to
3 navigate all around and see as much detail as
4 you like about any of the maps.

5 This is really something new, something
6 that is not available anywhere else in the
7 nation and provides a level of detail into the
8 specifics of how proposed lines are drawn that
9 all the members have access to. It would be
10 literally impossible for us to provide you all
11 of that content in paper -- in paper form.

12 So the other point I wanted to make is
13 that from the "Submitted Plans" folder, we have
14 a listing of all the plans that have been
15 submitted either to the Florida House of
16 Representatives or to the Florida Senate thus
17 far. Actually, Alex Kelly, the staff director
18 of the House Committee, informed me last night
19 that five more plans have been e-mailed to him
20 that he has not yet had a chance to process
21 them to the Web, but the point there is that we
22 very soon will be over 100 maps submitted by
23 the public. That, too, is an unprecedented
24 level of public participation in redistricting,
25 and I think the Senate and the House, you can

1 be very proud of what you have accomplished
2 here.

3 That number, I expect, as Senator Rich was
4 speaking to, will continue to grow in the
5 months ahead, and we very well might find
6 ourselves with literally hundreds of proposals
7 being submitted by the public before we get to
8 the end of this process.

9 The easiest way to find content about any
10 of those 94 or 99, or if it becomes hundreds of
11 plans, is to go to the "Submitted Plans" link
12 on the Senate redistricting website, and what
13 you will see is the ten most recent submissions
14 that we have received, but you can search here
15 for any of the plans that have been submitted.
16 So if you know the name of the person that
17 submitted the plan -- for instance, if we
18 wanted to know plans that were submitted by
19 anybody that had King as part of their name, I
20 type "King" as submitted by, and say "search,"
21 and there are the two plans that meet that
22 criteria. If I -- if what I want to see is all
23 of the congressional plans that have been
24 submitted so far, I can choose "congressional"
25 as plan type and say "search," and it will give

1 me a listing of all the congressional plans,
2 which, again, exceeds this -- what shows on the
3 screen, but if I choose -- and this is what I
4 -- this is a trick I used a little bit earlier
5 to get a count for Senator Latvala, if I choose
6 export the results to Excel, not only the
7 listings that are shown on the screen, the top
8 ten, but also the entire database for plans
9 that meet the criteria will show up in an Excel
10 sheet on your screen.

11 Later in the process, we -- currently, we
12 only have plans that have been submitted by the
13 public. Later in the process, we also will see
14 on this site plans submitted by members of the
15 House of Representatives and plans that are
16 submitted by you and your fellow Senators. So
17 you will be able to search for just those plans
18 submitted by Senators or just those plans
19 submitted by members of the House or just those
20 plans submitted by members of the public as
21 part of your search here.

22 So this is a -- the submitted plans is a
23 powerful tool. All of the materials that we
24 put into your meeting packet today came from
25 the information that is directly accessible

1 from the "Submitted Plans" page, plus, as
2 Senator Gaetz said, we went back and reviewed
3 the public record of the 26 public hearings
4 that we held, and some of the staff comments --
5 the professional staff comments that are
6 included in your meeting packet reflect input
7 that we got from the public at those 26
8 meetings. So that is a quick overview of some
9 of the resources we have.

10 Let's turn now to the Senate plan, and we
11 are looking today in northeast and central
12 Florida. What is showing on your screen right
13 now is the current Senate districts. Two
14 districts that are of particular interest is
15 District 1 in northeast Florida, represented by
16 Senator Gibson. It extends from Jacksonville
17 to Daytona Beach, and that district is 46.9
18 percent African-American voting age population.
19 It also is 9.7 percent below the ideal district
20 size based on the 2010 census. So all
21 districts are going to need to grow to be
22 470,000 people. District 1 currently is at
23 424,000 people. So it needs to add more
24 population.

25 District 19 in the Orlando area is

1 represented by Senator Gary Siplin. That
2 district is 33.1 percent black voting age
3 population, and it is 35.5 percent Hispanic
4 voting age population. District 19 is
5 currently slightly over the target population,
6 so it has -- the current population of District
7 19 is 477,000 people, so it needs it lose about
8 7,000 people to reach the ideal district size.

9 What we are going to be focusing on as we
10 move through the alternative maps today follows
11 along the lines of what Senator Siplin was
12 suggesting earlier. So we will be
13 concentrating on the Tier 1 requirement in
14 Section 20 and 21 of the Florida Constitution
15 that districts shall not diminish opportunities
16 of minority voters to elect candidates of their
17 own choice. So here -- this is the current
18 district. It, of course, was put in place
19 before Amendments 5 and 6 were added to the
20 State Constitution.

21 The first plan in -- alternative plan in
22 the packet that staff selected as a
23 representative sample for the Committee to
24 consider is plan number 64 by Mr. John Libby,
25 and at the time that we prepared the meeting

1 notice last Monday, this was the plan that had
2 the highest African-American voting age
3 population for the Jacksonville district. It
4 has a 41.4 percent African-American district
5 that is mostly in Duval County, and that is
6 kind of the chief example we chose for this
7 plan.

8 In the Orlando area, what they are doing
9 is they've got District 13 -- essentially the
10 current District 19 is split into pieces.
11 District 13 is 27.5 percent black voting age
12 population, compared to the over 30 percent in
13 the existing District 19, and District 12 is --
14 no, 13 is -- that's all we had to say. There
15 was no Hispanic majority or high Hispanic
16 percentage in Mr. Kelly's -- or excuse me, Mr.
17 Libby's submission here. So mainly we chose it
18 for the district in northeast Florida.

19 Plan 72 by Matthew Boyle is an example of
20 a plan which tries to hold counties together
21 somewhat. He also has in the Orlando/Kissimmee
22 area a District 12, which is 50.3 percent
23 Hispanic voting age population. So this is an
24 example of sort of a -- the possibility that a
25 Hispanic majority -- a bare Hispanic majority

1 district perhaps could be created in the
2 Orlando area.

3 SENATOR BRAYNON: Mr. Chair?

4 SENATOR GAETZ: Yes, sir.

5 SENATOR BRAYNON: I just have a question.
6 We are doing northeast and central Florida
7 today, or are we just --

8 SENATOR GAETZ: Yes, sir, our agenda
9 provided that we would start in the northeast
10 and then include central Florida --

11 SENATOR BRAYNON: Got you.

12 SENATOR GAETZ: -- down to that point,
13 Senator Braynon. Thank you.

14 MR. GUTHRIE: So moving on to plan number
15 seven by Mr. Henry Kelley, this is an example
16 that we chose for keeping county boundaries, or
17 following boundaries, county boundaries, to the
18 extent possible. A consequence of following
19 county boundaries to the extent that Mr. Kelley
20 did is that the minority percentages are
21 significantly lower than they are in the
22 current district.

23 In this plan, we have District 6 in the
24 Nassau and Duval area, which is 37 percent
25 black voting age population, and District 8 in

1 the Orlando area is 31 percent black voting age
2 population. It also has in this plan District
3 15 in southeast Orange County and Osceola
4 County, which is 39.9 percent Hispanic voting
5 age population.

6 The next map we are going to look at --
7 and we looked at this offering from Mr. King at
8 our last meeting as well.

9 You might recall that Mr. King put a grid
10 on the state of Florida and then tried to
11 conform his district boundaries to that
12 rectangular grid. His objective in doing that
13 method was to try to achieve as much
14 compactness as he could. Mr. King submitted to
15 the Committee to redistrict Florida at
16 flsenate.gov a detailed explanation of the
17 methodology that he used, and his conclusion
18 was that coming up with neat, tidy, square,
19 compact districts was a lot more difficult than
20 he anticipated that it would be, partly because
21 the underlying census geography is not made up
22 of circles or squares or perfect hexagons. So
23 this is a -- an example of a map which is
24 driven by the objective of compactness and that
25 has a consequence of not doing a very good job

1 of keeping -- avoiding a reduction in the
2 percentages of your minority districts.

3 And that is the extent of the maps
4 submitted as part of the meeting packet.

5 The map that Senator Latvala called and
6 asked to be included as a part of our -- of
7 what we were looking at today is plan number 80
8 by Bonnie Sue Agner. This plan has District 6
9 in northeast Florida, which is 41.4 percent
10 African-American, less than the current
11 District 1, but similar to the percentage that
12 Mr. Kelley achieved -- I believe it was Mr.
13 Kelley -- Mr. Libby achieved in his plan, which
14 was the highest percentage at the time that we
15 put the meeting packet together.

16 In the Orlando area, this plan has three
17 districts, District 12, 13 and 14. Among those
18 three districts, District 13 at 24.5 percent is
19 the highest African-American voting age
20 population, and District 14 at 36.4 percent is
21 the highest Hispanic voting age population.

22 So that is a quick overview. I mean,
23 obviously, there is a lot more there than we
24 have touched on so far, but that is a quick
25 overview of some of the key themes in the

1 Senate plans that staff chose as our examples
2 for today.

3 SENATOR GAETZ: Thank you, Mr. Guthrie.

4 Senator Latvala, you are recognized.

5 SENATOR LATVALA: But notice that in --
6 let's just take, for instance, the northeast
7 Florida Senate district, the one that Senator
8 Gibson starting tomorrow will be officially
9 representing, that all of these plans reduce
10 the African-American voting age population in
11 that district. And what I would like to do is
12 ask the question of our counsel, do we not need
13 to do better on that? In other words, can we
14 not -- can we live with those, or do we not
15 need to try to do better to bring it up closer
16 to the percentage that it currently has, which
17 is 46 or 47?

18 SENATOR GAETZ: And before -- and, please,
19 Mr. Bardos, be ready to comment, but
20 Mr. Guthrie, just so that you can -- we can be
21 specific as to Senator Latvala -- the
22 implications of Senator Latvala's question, my
23 notes show that the current District 1 has
24 49 percent and change minority population, and
25 as to the plans that have been presented here

1 today as representative of those plans
2 submitted by the public, could you indicate as
3 to District 1, the district that Senator Gibson
4 currently serves, what the minority numbers are
5 for each of those plans, just verbally? My
6 notes say currently 49 percent, and then if you
7 would just run through the plans so that we
8 will have a fine point on Senator Latvala's
9 question, and then after you do that, and I
10 apologize for asking you to do this, then go
11 through the District 19 as well, because my
12 notes show that District 19 currently has a
13 33.1 African-American population, 33.5 percent
14 Hispanic population, and if you could just
15 speak to what the representative plans that you
16 have just illustrated do arithmetically to
17 those percentages, and then we will ask Mr.
18 Bardos to respond to Senator Latvala's
19 question.

20 MR. GUTHRIE: Thank you, Mr. Chairman.

21 The numbers that show in the meeting
22 packet and that I have here are that the
23 current District 1 is 46.9 percent
24 African-American VAP and 6.1 Hispanic, but
25 let's say 46.9 percent African-American VAP.

1 In comparison with that, plan 64 by
2 Mr. Libby was -- had District 6 at 41.4 percent
3 African-American VAP; plan number 90 -- excuse
4 me, plan number 72 by Matthew Boyle had 29.5
5 percent for -- as the highest African-American
6 percentage in the Jacksonville area, plan
7 number seven by Mr. Kelley had a District 6
8 that was 36.9 percent African-American voting
9 age population, plan number 66 by Mr. King had
10 a black voting age population in Jacksonville
11 in District 6 at 44.8 percent, and as I
12 mentioned, the plan submitted by Ms. Agner,
13 plan 80, had a black African-American -- or an
14 African-American percentage wholly in
15 Jacksonville of 41.4 percent.

16 SENATOR LATVALA: Could I ask Mr. Guthrie
17 a question about that?

18 SENATOR GAETZ: Of course you may.

19 SENATOR LATVALA: Is there a map that has
20 been submitted by anybody in the public that
21 gets more than these maps -- more in
22 African-American voting population for those
23 districts than the maps you just went over?

24 SENATOR GAETZ: Mr. Guthrie.

25 MR. GUTHRIE: Thank you, Mr. Chairman.

1 We have received several recent new plans,
2 for instance, plan number 91 --

3 SENATOR GAETZ: I apologize, Mr. Guthrie,
4 just so we understand each other, because we
5 did have an understanding here as to deadlines
6 and things, when you say "recently submitted,"
7 do you mean submitted after the notice for this
8 meeting went out, or prior to the notice?

9 MR. GUTHRIE: After the notice to this
10 meeting, yes.

11 SENATOR GAETZ: Okay. Go ahead, please
12 answer Senator Latvala's question.

13 MR. GUTHRIE: And several of those
14 achieved higher percentages of minority voting
15 age population than the ones we had seen
16 previously. For example, plan number 91 by
17 Mr. Libby, the same Mr. Libby who submitted
18 plan 64 that we looked at just a moment ago, he
19 had a district in the Jacksonville to Lake City
20 to Gainesville area which was 46.7 percent
21 African-American voting age population, and a
22 Mr. -- let's see, a group of students from
23 Florida Gulf Coast University submitted plan
24 number 89, which has -- no, that is -- that
25 doesn't get it in Jacksonville, they are 39.6

1 percent in Jacksonville. A plan 84 by
2 Mr. Micah Ketchel had a district in
3 Jacksonville, Palatka, St. Augustine and
4 Gainesville which achieved 46.9 percent
5 African-American voting age population. So we
6 had two, 46.7 and 46.9, that are very close to
7 the current numbers for District 1, which are
8 46.9.

9 SENATOR GAETZ: And this gets back to
10 Leader Rich's question about can somebody who
11 has submitted a plan come back and offer an
12 amended plan to try to improve or change the
13 picture, and the answer here is that Mr. Libby
14 is an example of someone who submitted a plan,
15 who by the information we have just received,
16 his first plan would have a reduction in the
17 current Senate District 1 of African-American
18 voting age population of five percent, but yet
19 his subsequent submission, which was an amended
20 plan, would provide a -- two percent or
21 something like that?

22 MR. GUTHRIE: It is even, basically even.

23 SENATOR GAETZ: Basically even.

24 MR. GUTHRIE: Two-tenths of a percent.

25 SENATOR GAETZ: Okay. Now, Mr. Bardos.

1 MR. BARDOS: Thank you.

2 I think the answer has to begin with the
3 same caveat which -- with which we answered the
4 questions two weeks ago, which is that we don't
5 have an interpretation of these provisions from
6 the Florida Supreme Court, and so any answer
7 really is a best guess. But I think we have to
8 begin with the language of the amendments, and
9 the amendments say that districts shall not be
10 drawn to diminish the ability of racial
11 minorities to elect the candidates of their
12 choice. And that language is very similar to
13 language which has been in Section 5 of the
14 Voting Rights Act since 2006, and so we can
15 probably infer that some of the same principles
16 will apply.

17 The Department of Justice has
18 traditionally applied a facts and circumstances
19 analysis to every district rather than simply
20 looking at any numerical threshold, but I do
21 think that the best estimate of minority voting
22 strength -- the best indicator of minority
23 voting strength is probably the voting age
24 population of the district. And so I would be
25 very cautious to recommend any -- I would be

1 very cautious about any decrease in a minority
2 voting age population in districts that
3 currently do perform for minority voters. In
4 some circumstances, it might be unavoidable.
5 We have a number of minority districts that are
6 substantially underpopulated, and we don't know
7 whether the additional population that they
8 will take in will allow it to maintain the same
9 minority voting age population. There might
10 also be circumstances where some decrease in
11 the number can be offset by other circumstances
12 that actually enhance minority voting strength
13 in that district, but I think I would be very
14 careful in how the Committee proceeds if it
15 were to decrease the voting age population in
16 what is a performing district for minority
17 voters.

18 SENATOR GAETZ: Senator Latvala.

19 SENATOR LATVALA: Mr. Chairman, I think
20 what I hear here is that if -- you know, that
21 this probably ought to be one of the first
22 decisions we make in crafting the Senate map is
23 how we do these districts. And as I understand
24 it, if we stay in Duval County with what is now
25 District 1, and just be in Duval County, we are

1 going to be reducing the African-American
2 voting age population by five or six points,
3 and that in order to keep that to where it is
4 now, we are going to have to go outside of the
5 county. So it would seem to me like that is
6 one of the first decisions to make is whether
7 we are going -- which direction we are going to
8 go.

9 SENATOR GAETZ: Speaker Thrasher --
10 Senator Thrasher.

11 SENATOR THRASHER: Thank you,
12 Mr. Chairman, and this is along the lines, I
13 think, of what Senator Latvala was suggesting,
14 and also our counsel.

15 As I read the amendment -- and granted, it
16 hadn't been looked at by the Supreme Court or
17 it hadn't been looked at by other courts, et
18 cetera, et cetera, but I think the clear
19 reading of the amendment is all we can go on
20 right now. In my reading of the amendment, if
21 it were me and I were trying to defend this or
22 whatever actions we take in a court later on,
23 to me, the number one criteria that I believe
24 the amendments together written -- read
25 together require that we protect racial

1 minorities. I think that clearly is what the
2 amendments suggest as the number one priority,
3 that we not weaken minority voting strength in
4 the existing districts.

5 The second thing in terms of the hierarchy
6 as I read the amendments, to me anyway, is that
7 we can't favor or disfavor an incumbent or a
8 political party.

9 The third criteria, in my opinion again,
10 reading the amendments I think clearly as
11 anybody can read them, is compactness. I think
12 that would be the third criteria.

13 And the fourth -- the fourth criteria
14 would be, where feasible, use existing
15 political geographic boundaries, and that could
16 be -- frankly, that could be county, municipal
17 or existing district boundaries.

18 But it seems to me if -- to get to Senator
19 Latvala's point, those are the -- that is the
20 hierarchy of principles that come out of
21 Amendments 5 and 6, at least for me, and I
22 would suggest that we take some time to
23 consider that list of criteria and see what --
24 see what other folks think, but, for me, I
25 would strongly recommend that we strive not to

1 weaken the minority voting strength in the
2 existing -- in the existing districts.

3 SENATOR GAETZ: Thank you, Senator
4 Thrasher.

5 Senator Braynon, and then Senator
6 Benacquisto.

7 SENATOR BRAYNON: Yes, Mr. Chair.

8 The attorney mentioned performance and
9 voting age population. Are those two things
10 distinguished when we talk about minority
11 communities, their voting performance and their
12 voting age population, or are we only using
13 voting age population?

14 SENATOR GAETZ: Mr. Bardos, could you
15 comment on that, please?

16 MR. BARDOS: Sure. By performance, I mean
17 a district that, in the words of the amendment,
18 has the ability to -- in which minority voters
19 have the ability to elect representatives of
20 their choice. So that is the district that --
21 in which we cannot diminish that ability. So a
22 district -- as I was using the term, it would
23 be a district which currently elects a
24 candidate -- the candidate that is preferred by
25 minority voters.

1 SENATOR GAETZ: Senator Braynon to follow
2 up.

3 SENATOR BRAYNON: Yes. So does that mean
4 we won't be using any information that talks
5 about the actual performance, voting
6 performance, of that district as far as turnout
7 and things of that nature?

8 SENATOR GAETZ: Mr. Bardos and
9 Mr. Guthrie, if you wish to comment on that.

10 MR. BARDOS: Well, I think those data are
11 relevant, and I think at some point we will
12 have to conduct a statistical analyses to
13 determine whether the minority voting strength
14 has been decreased. So I would not exclude
15 those from our consideration.

16 SENATOR GAETZ: Senator Braynon.

17 SENATOR BRAYNON: One more follow-up.

18 So if we will be using that, wouldn't that
19 be used in the equation of preserving minority
20 seats as -- or, you know, in that hierarchy,
21 that we need to have that information in order
22 to make that correct analyses?

23 SENATOR GAETZ: Mr. Guthrie, any -- I'm
24 sorry, Mr. Bardos and Mr. Guthrie, either one
25 of you?

1 MR. BARDOS: Again, I agree that that
2 could be a factor. I think that -- that those
3 statistical analyses usually are performed in
4 voting rights determinations, and so it is
5 something for the Committee to take into
6 account.

7 SENATOR GAETZ: And, Mr. Guthrie, would
8 you please place, if you can, up on the screen
9 for everyone to see the language of Amendments
10 5 and 6 so that we can follow along with
11 Speaker Thrasher's analysis here and the
12 discussion we are having? And did you wish to
13 comment on Senator Braynon's question before we
14 go to Senator Benacquisto?

15 MR. GUTHRIE: On the question of election
16 data, I think it is important for the Committee
17 to realize that we chose not to include
18 registration or election results data as part
19 of the District Builder or District Explorer
20 software. The reason that we made that choice
21 was because of the language in Amendments 5 and
22 6 that says that districts shall not be drawn
23 with the intent to favor or disfavor a
24 political party or incumbent. And in an
25 abundance of caution, the Chairman and --

1 directed the staff that those data didn't
2 really fit in with the software we were using
3 for modeling districts. However, we are in the
4 process of putting together precinct-level
5 election results from key elections that are
6 useful for determining racial black voting, and
7 we will provide those data to our attorney and
8 through him to a statistician for purposes of
9 making the appropriate conclusions about what
10 voting behaviors exist.

11 SENATOR GAETZ: And, Senator Braynon, if I
12 might -- and if you will please put the
13 language of Amendments 5 and 6 up -- upon
14 advice of counsel and my own deliberations and
15 consultation with our Vice-Chair, President
16 Margolis, I made the determination that our
17 software should not include how many Democrats
18 or Republicans live in a particular area, but
19 because we should be guided by the language of
20 Amendments 5 and 6, which tell us that we
21 should not be drawing lines with reference to
22 party affiliation. So if you want to know
23 party affiliation data, I am sure that the
24 Democratic party or the Republican party can
25 provide that information, but I did not believe

1 that that ought to be a litmus test for what
2 constitutes a good or a bad district as to how
3 many Democrats or Republicans are there.

4 SENATOR BRAYNON: I'm sorry, Mr. Chair,
5 maybe you misunderstood or didn't hear what I
6 was talking about.

7 SENATOR GAETZ: I apologize.

8 SENATOR BRAYNON: I was talking about the
9 performance as it related to rac- -- to the
10 minorities in the district and their actual
11 voting, not who they voted for or anything like
12 that, the actual voting, not just voting age
13 population. So I said performance --

14 SENATOR GAETZ: Right.

15 SENATOR BRAYNON: -- not who they voted
16 for, which party they belonged to or anything
17 like that, just turnout. And that is what I
18 think Mr. Guthrie was referring to when he said
19 that he was going to get that information.

20 SENATOR GAETZ: Right. And is that answer
21 satisfactory to you, sir?

22 SENATOR BRAYNON: Yes.

23 SENATOR GAETZ: Okay. Senator
24 Benacquisto, at long last.

25 SENATOR BENACQUISTO: Thank you,

1 Mr. Chairman.

2 Just to touch on the point that Senator
3 Thrasher made about the three levels of
4 criteria that we will be -- four levels of
5 criteria, sorry, that we will be utilizing to
6 determine the boundary lines of districts, I
7 think there is a very compelling state interest
8 to put minority representation first and to
9 make sure that in the pursuit of our -- in the
10 pursuit of compactness, to -- as best we can on
11 our Amendments 5 and 6, that we do nothing that
12 would diminish the percentages and the
13 representation of minorities in the state of
14 Florida. I think it is a strong voice that we
15 have an obligation to protect.

16 SENATOR GAETZ: Other comments or
17 questions at this moment? Yes, Senator Sobel,
18 you are recognized.

19 SENATOR SOBEL: Thank you. So at this
20 committee meeting, we are combining northern
21 Florida and central Florida, correct?

22 SENATOR GAETZ: At this committee meeting,
23 based on the published Notice and our agreement
24 previously, we are discussing northeast Florida
25 and central Florida, yes, ma'am.

1 SENATOR SOBEL: Thank you. So we all know
2 that there are a number of prisons in north
3 Florida, and my question is, how are we
4 addressing that population? Are we counting
5 prisoners at the prisons, or where they come
6 from?

7 SENATOR GAETZ: Great question. It is one
8 that we brought up several months ago in
9 dealing with -- with other states and trying to
10 get a good handle on this.

11 Mr. Guthrie, would you answer that
12 question, please?

13 MR. GUTHRIE: The 2010 census counts
14 prisoners at the location where they reside on
15 April 1st of 2010. So they are counted at the
16 correctional facility where they were residents
17 at that time.

18 SENATOR GAETZ: And, Senator Sobel, our
19 understanding is that that is not a matter of
20 our discretion. That is a matter of where they
21 were counted by the census. Senator Sobel.
22 Senator Sobel, I think your mike may not be on.

23 SENATOR SOBEL: Thank you, Mr. Chair.

24 Some states have looked at addressing this
25 issue, whether it is Massachusetts, New York,

1 California, and have passed laws, and they have
2 been recognized, adjusting the deviation to the
3 negative, because in some of these rural areas
4 they're counting them in the redistricting
5 process rather than where they actually live,
6 which is usually from an urban area. Is that
7 something that we could contemplate doing to
8 reflect the true place where these prisoners
9 vote? I mean --

10 SENATOR GAETZ: Mr. Guthrie, and then we
11 will go to Senator Altman.

12 MR. GUTHRIE: Mr. Chairman, we do know
13 where those persons resided on April 1st, 2010.
14 It would be very difficult, and the State of
15 New York as part of its exercise found that it
16 was very, very difficult to ascertain where it
17 was those persons came from, and in the case of
18 felons, until their rights are restored, they
19 are not voting.

20 But the method -- what we do in
21 redistricting is we readjust the population of
22 districts based on whole persons, whether they
23 are children or middle-age people or folks in
24 nursing homes or folks who happen to reside in
25 other group facilities, like correctional

1 institutions. Redistricting is based on where
2 people reside, not on the -- any statistics
3 having to do with voting or registered voters.
4 So it is a snapshot of where the people in
5 Florida resided on April 1st, and trying to
6 equalize districts so that each of those
7 persons is represented by the same number of
8 members of the State Senate, the State House
9 and the U.S. Congress.

10 SENATOR GAETZ: Senator Altman. Turn on
11 your mike, sir.

12 SENATOR ALTMAN: Sorry about that.

13 He answered my question to a point. These
14 are -- if they are convicted felons, they don't
15 have civil rights, they cannot vote until those
16 are restored, and I wonder, if we are counting
17 them in a particular district and they do not
18 have the ability to vote, are we not sort of
19 creating a false positive or false negatives in
20 terms of minority representation or otherwise,
21 or even equalization of representation like in
22 congressional districts? And if they are
23 not -- if they don't have the ability to vote,
24 how can we use them in meeting those
25 constitutional and legal standards?

1 SENATOR GAETZ: Mr. Guthrie.

2 MR. GUTHRIE: The Attorney General has
3 written, and not so much on state redistricting
4 as on county redistricting, an Attorney
5 General's Opinion on this subject, and I would
6 like to take a chance to refresh my mind on
7 exactly what that says, but I believe the
8 Attorney General's general recommendation at
9 the time that that was written was that -- that
10 prisoners would count at the location where
11 they resided for purposes of equalizing the
12 population of county commission districts.

13 Now, whether the -- this committee might
14 want to choose as a matter of policy to
15 overpopulate districts that happen to have
16 higher numbers of persons in correctional
17 facilities as, you know, a justification for
18 not having spot-on population equality, that
19 would be a policy choice for this committee to
20 make.

21 SENATOR GAETZ: Other comments or
22 questions at this point? Senator Gibson.

23 SENATOR GIBSON: Thank you, Mr. Chair, and
24 I am kind of piggy-backing on the previous
25 comments. If -- if there is a district -- if

1 census is strictly whole persons by where they
2 reside, and in previous response to Senator
3 Braynon where it was discussed that we use
4 turnout as a criteria, and obviously the people
5 in the prison can't turn out, because they
6 can't vote, so how then do you factor turnout
7 in when you have a population of people who
8 can't vote, but they may be of a particular
9 race and they are whole persons and they are
10 counted in the number in the district?

11 SENATOR GAETZ: And, Senator Gibson, I --
12 we apologize if the prior answer was not on
13 point, that turnout is not the driver, but
14 Mr. Guthrie, would you please respond, and then
15 we will ask Mr. Bardos if he has any additional
16 response?

17 MR. GUTHRIE: Yes, the answer is that for
18 purposes of equalizing the population of
19 districts, what we go by is the total
20 population. For purposes of conducting voting
21 studies, what statisticians are going to look
22 at is the people who actually showed up at the
23 polls and how they voted. So they don't go by
24 total population or even voting age population.
25 They are -- in the elections studies, they are

1 looking at who showed up at the polls and how
2 those persons voted when they went to the poll.
3 And the question there is the extent to which
4 racial bloc voting is occurring in areas of the
5 state.

6 SENATOR GAETZ: Any other questions or
7 comments at this point?

8 Mr. Guthrie, you have presented the Senate
9 maps, which you tell the Committee are
10 representative of the Senate maps that have
11 been -- that have been turned in by the members
12 of the public. We have also seen the map which
13 Senator Latvala asked be considered. Are there
14 any other questions or comments as to Senate
15 maps in northeast or central Florida? Any
16 other comments? Doesn't mean you can't talk
17 later, but I am just giving you a chance now.

18 Yes, sir, Senator Simmons, and welcome to
19 the Committee, Senator.

20 SENATOR SIMMONS: Thank you, Mr. Chair.

21 I was listening to this, and, of course,
22 have been interested about the proper
23 interpretation of the Constitutional Amendments
24 5 and 6 and would like to give my thoughts on
25 it.

1 And the amendments, I believe, provide for
2 a two-tier analysis, and I think -- I think
3 everyone now acknowledges that there is a
4 two-tier analysis in the application of these
5 constitutional amendments.

6 And the first tier analysis says that
7 "districts shall not be drawn with the intent
8 or result," and I think it is important right
9 there to look at the language. It says "intent
10 or result." It is irrespective -- I mean, this
11 is in the disjunctive, that we can't have the
12 result of denying or abridging the equal
13 opportunity of racial or language minorities to
14 participate in the political process, but then
15 there is another requirement, and it says we
16 cannot diminish their ability to elect
17 representatives of their choice. And I do
18 point out to each one of us that in looking at
19 the language, it doesn't say we shall not
20 substantially or moderately diminish their
21 ability to elect representatives of their
22 choice. It says, "we shall not diminish." So
23 there is no qualifier in front of the word
24 "diminish." It just says, "we shall not
25 diminish," and it says, "we shall not abridge."

1 And so for those who might suggest that the
2 word "diminish" is some kind of variable word
3 or a flexible word, I think that any judge is
4 going to look at the definition in the
5 dictionary, and that means lessen, we shall not
6 lessen the ability of minorities to elect
7 representatives of their choice. And I think
8 that we should look very closely before we
9 start diminishing the -- and I mean moderately
10 diminishing or somewhat diminishing. The
11 answer is we shall not diminish, and I think
12 that is a guiding point for us in -- in looking
13 at these -- these district maps.

14 The second tier analysis is to the extent
15 that these following things do not conflict
16 with the standards in subsection 1, which, of
17 course, is the requirement of non-diminution of
18 the ability of minority or racial minorities --
19 language minorities to represent those of their
20 choice. Then we have the standard of
21 compactness, we have the standard of, where
22 feasible, utilizing existing political and
23 geographic boundaries. And when someone looks
24 at this and says how do you allocate these or
25 weigh these particular factors that we've just

1 discussed, subsection 3 of the amendments
2 provide that "The order in which the standards
3 within subsection 1 and 2 of this section are
4 set shall not be read to establish any priority
5 of one standard over the other within that
6 section -- subsection." So the issue
7 apparently is within subsection 2, which is
8 subordinate to subsection 1, we're not supposed
9 to put priority of compactness over using
10 existing political and geographic boundaries.
11 But the interesting thing is, it is made very
12 clear by these constitutional amendments, is
13 that we shall not in the first order diminish
14 the rights of racial or language minorities to
15 elect representatives of their choice. And I
16 think that is a guiding -- guiding point for us
17 as we go through this process.

18 I do throw out a couple of questions that
19 I think we are going to have to answer and need
20 to be analyzed, is when we talk about
21 diminution, what is the date that we use for
22 determining diminution? Is it going to be the
23 2002 census? Is it going to be last year or
24 two years ago? And my own suggestion is that
25 the safe thing for us to do is look at all of

1 those factors, whether it is the 2002 census or
2 last year's census, and we make sure that we
3 are not diminishing the rights of racial or
4 language minorities.

5 And with respect to how we do this, once
6 we look at the question of diminution, I
7 suggest that there is more than just one
8 standard for diminution. I believe that the
9 voting age population is the probably number
10 one criterion that we should be looking at, but
11 there are other criteria, and that would be
12 practical application of all of this.

13 And I will give you an example. If you go
14 ahead and cut a racial minority from 46 or
15 47 percent down to 30 percent, and we take into
16 consideration that African-Americans typically
17 register to vote or show up at the polls in a
18 manner that is less than others, so that the
19 practical result of cutting a racial minority
20 down to 30 percent is in effect cutting them
21 down to 20 percent because of the performance
22 at the polls, we have -- we have essentially
23 gone a long way in depriving racial minorities
24 of their access to -- to being able to
25 participate in the political process.

1 These are the things that we've got to
2 look at in -- in applying these constitutional
3 amendments, but I think it is real clear that
4 the first thing we have to draw are those two
5 districts that Mr. Guthrie showed and
6 discussed, and then after we have drawn those
7 two districts, then we can draw the rest of the
8 districts in accordance with the standards such
9 as compactness. And I am not saying that
10 compactness is irrelevant to drawing a racial
11 minority district. I am saying that it is
12 subordinate. And sometimes it will be nearly
13 -- maybe not too -- of great consideration, but
14 if it could be done, then certainly there would
15 be the attempt to do it, to draw it compact.
16 But we must as a number one goal meet our
17 obligation, our constitutional obligation, to
18 not diminish, and that means not only by actual
19 numbers, but by performance. And so those are
20 the thoughts I have on this as we -- as we draw
21 these districts. Thanks.

22 SENATOR GAETZ: Thank you very much,
23 Senator Simmons. Senator Braynon, and then we
24 will move to an exposition of the examples of
25 House districts and congressional districts,

1 and then to public testimony. Senator Braynon.

2 SENATOR BRAYNON: I guess my question is I
3 heard I think it was Senator Latvala talk about
4 we may need to go outside of Duval County in
5 order to continue the minority -- to keep a
6 minority seat. And when I asked about
7 performance, have we looked at past
8 performance, because I look at the Appendix A
9 in tab five, and I also think -- I also --
10 harking back to that we -- they have -- they
11 just elected an African-American mayor in
12 Duval, so, I mean, it's -- when I say
13 performance about, you know, electing minority
14 candidates or allowing minority candidates to
15 be -- to choose the person of their choice, is
16 it not possible for Duval County to -- for a
17 seat to be all-encompassed in Duval County and
18 still be able to elect a minority of their
19 choice if we're looking at past performance,
20 which was the recent mayor's election where a
21 minority was elected?

22 SENATOR GAETZ: Therein lies the good
23 question.

24 Senator Altman.

25 SENATOR ALTMAN: Thank you, Mr. Chairman,

1 just a quick -- you mentioned any comments on
2 the Senate maps. I know in the Senate map 64
3 by Mr. Libby, he's done a good job, although
4 the one question in the Orange/Brevard County
5 area, he's actually drawn two districts, 11 and
6 12, where it is physically impossible to drive
7 from one side of the district to the other side
8 of the district without driving through -- for
9 example, if you are in District 11, the
10 south -- southern portion, you are forced to
11 drive through 12. It is the only way you can
12 get to the northern section. And in my
13 definition, that would not meet compactness.
14 And I don't know if we are working from a
15 specific compactness definition or we are going
16 to be looking at case law as it relates to what
17 is compact or not. And so, in my eyes, it is
18 not compact when you are forced to go from one
19 -- through another district to get to another
20 part of your district.

21 SENATOR GAETZ: And, Senator Altman, if I
22 could just stop you so that we could all follow
23 along. Mr. Guthrie, would you please put that
24 section of the map -- it is the Libby map, and
25 is it Libby one or Libby two?

1 SENATOR ALTMAN: It has a 64 on it at the
2 end.

3 SENATOR GAETZ: Sixty-four? Okay. Would
4 you take Senate map 64, bring it up, please,
5 sir, and then that will help illustrate Senator
6 Altman's point.

7 And I didn't mean to cut you off, Senator
8 Altman. I just thought we could all understand
9 it better if we saw it.

10 A VOICE: This one?

11 SENATOR GAETZ: Yes, ma'am.

12 SENATOR STORMS: While he is getting to
13 that map, may I just ask a question on the
14 status of the definition of compactness? We
15 had quite some discussion on it last time, and
16 I do think that I agree -- I haven't heard
17 anything that I disagreed with from the two
18 Senators that outlined the hierarchy, Senator
19 Thrasher and Senator Simmons, and I agree with
20 that, but I do think that we would do well to
21 adopt a definition of what we are talking about
22 so we know what we are talking about with what
23 compactness means. And I just -- I really
24 think that we would do well to do that. Is
25 there -- what are we doing with that?

1 SENATOR GAETZ: We are waiting for you to
2 offer us a definition of compactness. And we
3 will get back to you.

4 Senator -- Mr. Guthrie, would you bring
5 the map up that Senator Altman was talking
6 about, please?

7 SENATOR ALTMAN: If I may, Mr. Chairman,
8 real quick?

9 SENATOR GAETZ: Please, and then we will
10 get back to Senator Storms.

11 SENATOR ALTMAN: The reason you can't
12 drive through is because of the Kennedy Space
13 Center. It is -- where you have actually a
14 naval base, an Air Force base and the Kennedy
15 Space Center, NASA facility, so that divides
16 that district. It may look compact, it may
17 look like it is geographically connected, but
18 it is not because of those federal
19 installations.

20 SENATOR GAETZ: And the district number
21 you are looking at there for all of our
22 benefits is?

23 SENATOR ALTMAN: Eleven, District 11.

24 SENATOR GAETZ: District 11, okay. Thank
25 you very much.

1 And, Senator Storms, I didn't mean to cut
2 you off, ma'am. I think that Leader Rich led
3 us in a discussion of compactness from her
4 perspective, I think there were other comments
5 made, and I don't want to put words in Mr.
6 Bardos' mouth, he will correct me if I am
7 wrong, but I think, in essence, in simple
8 terms, we have said that compactness will
9 probably be defined by the courts because there
10 is no standard definition that we can rely
11 upon. This is a new set of criteria when you
12 take all the criteria together. But if you
13 would like to suggest a definition, or if any
14 Senator would like to suggest a definition of
15 terms, that is certainly in order at any point
16 during these conversations.

17 SENATOR RICH: Thank you.

18 THE COURT: I'm sorry, Leader. Leader
19 Rich.

20 SENATOR RICH: Thank you, Mr. Chair. I
21 just kind of have a question of Mr. Guthrie,
22 because you said you --

23 SENATOR GAETZ: Leader, could I ask you to
24 bring your mike a little closer?

25 SENATOR RICH: Here.

1 SENATOR GAETZ: Thank you.

2 SENATOR RICH: You said you used -- you
3 looked at the maps you presented or you chose
4 to present represented certain aspects, and you
5 mentioned, you know, counties, compactness. So
6 I guess my question to you is, how are you
7 measuring compactness? I mean, do you have a
8 definition you are using when you look at maps
9 and say to us that they represent an aspect of
10 compactness or following geographic lines or
11 whatever it is that you are using?

12 SENATOR GAETZ: Mr. Guthrie.

13 MR. GUTHRIE: The best example I've got
14 for that is in the help manual for District
15 Explorer and District Builder. If we go to the
16 section called "Standards for Drawing
17 Districts," we've got some short, little
18 paragraphs explaining some -- in hopefully
19 layman's terms, some of the concepts that the
20 Senate will be wrestling with in coming up with
21 new districts.

22 And on the question of compactness, we
23 talked about this a bit last week, there is a
24 notion among some people and some statisticians
25 and geographers that compactness has to do with

1 how circular a district is, or how box-like or
2 circular or hexagonal it is. More recent
3 definitions of compactness have focused more on
4 the functional aspects of how constituents
5 relate to one another and to their elected
6 representatives, so looking at things like
7 transportation and commerce patterns, and not
8 focusing so much on whether or not the district
9 is circular.

10 SENATOR GAETZ: Leader Rich, is that
11 responsive?

12 SENATOR RICH: Thank you, sir.

13 MR. GUTHRIE: So the guidance that I
14 believe that -- that your professional staff
15 will use in coming up with a proposed committee
16 bill, unless we get other direction from the
17 Committee, will be to try to compose districts
18 that look neat and tidy, but also are
19 respectful of the comments we heard at the
20 public hearings about communities that fit
21 together and make sense to hold together as a
22 logical representational unit.

23 SENATOR GAETZ: Did someone else over here
24 seek recognition? I apologize. Senator Lynn.

25 Have we finished the conversation --

1 Senator Storms and then Senator Lynn.

2 SENATOR STORMS: Thank you, Mr. Chair.

3 Well, while I understand the rationale
4 behind using a definition on shape so people
5 can look at a map and say, "Well, one of the
6 experts came and said this is a map that looks
7 like a bunny or some" -- you remember that? It
8 was some sort of shape that they thought was
9 offensive, and so it shouldn't be any --

10 SENATOR GAETZ: That was the anti-bunny
11 coalition. I remember them well.

12 SENATOR STORMS: Anyway, so people would
13 prefer to see it in a square or a circle or
14 something that is a recognizable shape.

15 My objection to using the recognizable
16 shape as a definition for compactness is that
17 it doesn't take into -- into consideration the
18 functionality of the district. So you -- so,
19 for instance, when we had all the testimony of
20 people who said -- when I asked the question
21 about the northwest part of the Florida, people
22 said, well, but if you do that, then you
23 necessarily -- if you do what you are trying to
24 do, Senator, then you necessarily create the
25 power -- the political power in the whole

1 Panhandle in the coastal areas, and the rural
2 areas don't get a voice. We heard that also in
3 different districts where people said,
4 particularly in south Florida, if you -- please
5 use the dividing line as I-75 and try and keep
6 these kind of communities together, this river
7 seems to make -- so I guess I would argue more
8 for a functionality definition, because we want
9 the districts to work. We want the districts
10 to be able to -- for people with like interests
11 to be together, and so -- and for communities
12 of interest, for political boundaries to work.
13 If you just keep it in a square, you might have
14 a square, but you might include half of a city
15 in it, and that doesn't address the
16 functionality. So I am just one member, but I
17 would argue for the functionality definition
18 rather than sticking closely to some geometry
19 101.

20 SENATOR GAETZ: Thank you, Senator Storms,
21 and I think that Mr. Guthrie, when you had to
22 step away for a moment, I think Mr. Guthrie
23 referred back to a definition that is on the
24 website that conforms pretty much with what you
25 just said, and that is that, well, geographers

1 and others would say that a circle is probably
2 the tightest and most compact geometric
3 pattern, that those definitions of compactness
4 which take into account commerce,
5 transportation and communication are more
6 commonly used, although I think it is fair to
7 say -- and, Mr. Bardos, correct me if I am
8 wrong -- that there's not a standard definition
9 of compactness that cuts across all
10 jurisdictions in the country. Did you -- is
11 that a fair statement? Okay.

12 Yes, sir, and now Senator Lynn.

13 SENATOR LYNN: Thank you, Mr. Chairman.

14 Two points. Getting back to the driving
15 to an area that is not part of your district, I
16 have such an area now. And while we can be
17 compact, we can be contiguous, sometimes there
18 is not a roadway that is direct all the way
19 through your district, and so you may have to
20 go through a portion of something that is not
21 in the district, and is that something that we
22 are going to be concerned about? Because it
23 seems to me there may be a need to follow all
24 the other requirements constitutionally, and it
25 may mean that you are on a road going through

1 some other area or there's forests in the way,
2 whatever it happens to be. So I would hope
3 that we would not make that as a requirement
4 that some -- you know, if it has to be that you
5 drive through a little portion of somebody
6 else's district, so be it. So that is one
7 comment.

8 But the other, I want to get back to the
9 minority representation, which certainly I
10 understand we don't want to diminish, but it
11 has to do with Senator Simmons' comments about
12 low voter turnout and, well, if it is -- we
13 expected 40 percent, but it is only 30 percent,
14 and maybe you have to somehow make up for that
15 in some way, and I -- I want a clarification on
16 that. It may be in an agricultural area -- and
17 I don't know this to be true, I am just giving
18 an example -- it may be in an agricultural area
19 where people are very spread out and so forth,
20 that they -- their voter turnout is less than
21 perhaps something in the big cities. And does
22 that mean that we would be taking into account
23 all of that voter turnout as well, or are we
24 doing -- or is that comment made simply in
25 terms of the minority representation? As I

1 said, I want to protect minorities in terms of
2 making sure they have their adequate
3 representation, but I would -- I don't want to
4 make it so that it is unfair to the extent that
5 others where there is low voter turnout would
6 not be recognized for that need as well.

7 SENATOR GAETZ: Mr. Guthrie, would you
8 respond to that, then we are going to take
9 Senator Montford, and then in order that we can
10 fairly provide time for public input before we
11 give any guidance that we can to the Committee,
12 we are going to move on to the House maps.
13 Mr. Guthrie.

14 MR. GUTHRIE: And your point -- your point
15 is well taken, Senator Lynn. The basis for
16 equalizing districts is total population. Has
17 nothing to do with who is registered to vote,
18 who is citizens or who shows up at the polls to
19 vote. So merely by being counted in the 2010
20 census, you will get your fair share of
21 representation.

22 SENATOR GAETZ: Senator Montford.

23 SENATOR MONTFORD: Thank you, Mr. Chair.
24 I will be brief.

25 The question I have goes back to what

1 Senator Thrasher suggested earlier. That seems
2 like to be a very reasonable, precise way to
3 approach it.

4 My question, Mr. Chair, to the staff is
5 that when you were selecting the maps of
6 however many we got out there, did you use any
7 kind of criteria that -- similar to or
8 identical to what Senator Thrasher suggested in
9 selecting these maps? And then the question
10 is, did the -- the discussion we had last week
11 on northeast -- northwest Florida, would our
12 comments fit into the criteria that Senator
13 Thrasher suggested earlier?

14 SENATOR GAETZ: Mr. Guthrie, did you get
15 the question?

16 MR. GUTHRIE: I believe I did. The
17 criteria that staff used in selecting the maps
18 was to come up with examples of maps that
19 provided for minority voting opportunities, and
20 as I said, the public submissions that we had
21 so far were not -- did not do as great a job as
22 some of the ones that have come in later in
23 terms of that criterion.

24 We also tried to provide you some examples
25 of maps that set out to follow county

1 boundaries, set out to follow city boundaries
2 where county maps -- or county boundaries had
3 to be split, or counties had to be split, and
4 examples of districts that were intentionally
5 compact.

6 So we tried to provide a variety of
7 different approaches or scenarios that were
8 used by the authors of plans. And I think what
9 you will find, if you look at the 27 Senate
10 submissions, is that what we've got is
11 something of a representative sample of what
12 those maps were. But, obviously, as Senator
13 Latvala rightly pointed out earlier, there are
14 nuances in every redistricting map that this
15 committee very well ought to consider.

16 SENATOR GAETZ: Any other comments or
17 questions? If not -- yes, Senator Simmons,
18 briefly.

19 SENATOR SIMMONS: Very briefly. The point
20 about compactness, I submit to all of you, is
21 somewhat defined by the constitutional
22 amendments themselves, because within each
23 subsection, we are supposed to weigh them
24 evenly, and in the subsection 2, which is
25 subordinate to the minority access section, it

1 says that districts shall be compact, and then
2 it says, "Districts shall, where feasible,
3 utilize existing political and geographic
4 boundaries."

5 So the definition is not going to be a
6 circle, it is not going to be a square, it is
7 going to be using existing political and
8 geographic boundaries. And to the extent that
9 you can meet both of those requirements
10 together, then that's what you are going to
11 see. And I think that is the reason that you
12 will see a lot of districts that are going to
13 follow county lines, or in some instances,
14 because of population requirements, they are
15 going to follow city lines, but they won't be
16 splitting cities and they won't be splitting
17 counties. And so that is my own suggestion.

18 SENATOR GAETZ: Okay. Mr. Guthrie, would
19 you please go to -- Senators, go to tab six,
20 and, Mr. Guthrie, would you take a brief look
21 at scenarios for drawing House districts, and
22 then let's go to tab four, and, Mr. Guthrie,
23 look at the overview of scenarios drawn from
24 the public testimony and public submissions for
25 drawing congressional districts in northeast

1 and north central Florida. Then we will take
2 public testimony and then we will have
3 additional Committee discussion. You are
4 recognized.

5 MR. GUTHRIE: With Florida House
6 districts, members of the Committee, the first
7 thing you notice is there are a lot more of
8 them than there are of Senate districts. So we
9 have a lot more to consider.

10 In the current House plan, we have two
11 African-American majority districts in
12 Jacksonville. One of those is 59.6, almost
13 60 percent African-American voting age
14 population, and one is 55.7, or almost
15 56 percent African-American voting age
16 population.

17 In addition to that, in the Orlando area,
18 we have one district that is 68 percent
19 African-American voting age population, and we
20 also have a district, District 49, which is
21 56.1 percent Hispanic voting age population.
22 So we've got a majority-minority
23 African-American district and a
24 majority-minority Hispanic district in the
25 Orlando area. In both cases, you have a

1 Representative of that racial group or ethnic
2 group serving in those seats.

3 We also have in the current House map a
4 district in the Gainesville area -- actually,
5 it extends from Gainesville to Ocala -- that is
6 30.9, or almost 31 percent African-American,
7 and that district has an African-American
8 incumbent as well. So that is sort of the key
9 Tier 1 considerations for the current House
10 map.

11 The two alternatives that we put in your
12 meeting pack, like all of the -- or most of the
13 alternatives that were submitted to the
14 Committee prior to when we put together the
15 meeting pack, do not do a good job retaining
16 the current levels of minority opportunity.
17 District 79 by Mr. Laytham has two Jacksonville
18 districts that are -- one that is less than a
19 majority, 47.5 percent, one which is a bare
20 majority, 50.6 percent. His Gainesville
21 district goes from 31 percent in the current
22 map to 19.4. And in the Orlando area, his
23 African-American district is 50 percent instead
24 of 68 percent, and his Hispanic district is
25 47 percent instead of 56 percent. So Mr.

1 Laytham in his map sought to achieve a higher
2 level of compactness and following city and
3 county boundaries, but it had the result of
4 diminishing in this case African-American and
5 Hispanic voting percentages, or voting age
6 percentages.

7 And with plan number 48 by Mr. Graham
8 Stacy, who presented at the Tampa hearing --
9 incidentally, he was a young student, a
10 13-year-old student, who submitted this map to
11 the Committee. He loses a -- one of the two
12 majority-minority districts in the Jacksonville
13 area. His Gainesville district has a lesser
14 African-American percentage than the current
15 district. And in the Orlando area, he loses
16 both the African-American and the Hispanic
17 majority-minority district.

18 So those are two House alternatives from
19 the proposals that we have seen so far. There
20 are not a lot of maps that keep up the current
21 levels of minority representation that we have
22 in the current map.

23 SENATOR GAETZ: Questions as to the House
24 districts that were drawn from the testimony
25 and the public submissions? Comments?

1 If not, would you please move on to tab
2 four, members. And, Mr. Guthrie, you are
3 recognized for an overview of scenarios for
4 drawing congressional districts in northeast
5 and central Florida.

6 MR. GUTHRIE: In northeast and central
7 Florida, the district that is most significant
8 for purposes of our Tier 1 analysis is
9 Congressional District 3, which extends from
10 Jacksonville through Gainesville and down to
11 Orlando. The origin of that district was a
12 district that initially was adopted by the
13 Federal District Court for the Northern
14 District of Florida. It later was modified by
15 the Legislature and preserved by the
16 Legislature in the redistricting that occurred
17 in 2002.

18 Congressional District 3, as it stands
19 today, is 49.9 percent black voting age
20 population. The district is 5.4 percent
21 underpopulated, so it needs to add
22 approximately 40,000 additional people in order
23 to come up to equal population.

24 And we remember with congressional
25 districts, the level of population equality

1 that we strive for is near exactitude. So we
2 want all of our districts to be very close to
3 the same total -- total population. So that is
4 District 3 in the current map.

5 Plan number 62 by John Libby preserves a
6 district that is very similar to the existing
7 District 3. It again goes from Jacksonville to
8 Gainesville and down to Orlando. Mr. Libby
9 achieves a black voting age population of 48.2
10 percent, which is less than two percent less
11 than the current district, and the highest
12 among the plans that were submitted to the
13 Committee at the time that we were putting
14 together the meeting notice for this meeting.

15 And what Mr. Libby's proposal does as well
16 is that the districts surrounding Congressional
17 District 3 are more compact or tidy than the
18 districts that were -- that are currently in
19 place. For instance, the current District 4 in
20 Jacksonville and Nassau Counties extends west
21 to Leon County, almost to Tallahassee, whereas
22 in this proposal, a district is kept in the
23 Duval/Nassau/St. Johns area. And sort of the
24 same model for the other districts in this
25 plan.

1 The second plan we want to look at is plan
2 number 75 by Mr. Leuchs. What he did is took a
3 different approach for achieving a minority
4 district in northeast Florida. He took -- he
5 tied downtown Jacksonville together with some
6 of the counties to the west of Jacksonville,
7 and, in fact, has a district extending through
8 Tallahassee to include all of Gadsden County.
9 That district is 42.3 percent black
10 African-American. And here is an example in --
11 with -- by including all of Jefferson County,
12 which goes from the Georgia line down to the
13 Gulf of Mexico, in this district, he made it
14 impossible for his other district, District 3,
15 to get -- to get through. So this is not only
16 a functional discontinuity of the sort that
17 Senator Altman was talking about earlier, but,
18 in fact, a geometric discontinuity, which the
19 Supreme Court has determined would make this
20 plan invalid. But it is a change that could be
21 made by just including an area along the -- the
22 coast in District 3. So that's the second map
23 we wanted to look at.

24 The third map is from Emilio Perez and the
25 Puerto Rican Legal Defense Fund and other

1 Hispanic interest groups in the Orlando area.
2 It is only a single district plan, but we
3 wanted to highlight it for the Committee to
4 show you that if your intention was to create a
5 Hispanic-influenced district in the
6 Polk/Osceola/Orange County area, that could be
7 done, and in this case, Mr. Perez ended up with
8 a Hispanic voting age population of 43.4
9 percent, so less than majority. It would be an
10 open question how that district would perform,
11 but it is an example that was provided to the
12 Committee at our Orlando public hearing.

13 The next map that we wanted to look at is
14 plan number 69 --

15 SENATOR GAETZ: Excuse me, Mr. Guthrie,
16 Senator Lynn has a question.

17 SENATOR LYNN: Yes, thank you, sir.

18 I just wondered, are there any other maps
19 that protect the Hispanic population such as
20 that? That is the first I have heard you
21 mention that.

22 MR. GUTHRIE: Do you know the numbers? I
23 am not recalling any --

24 SENATOR LYNN: I think the Hispanic
25 numbers are larger than the African-American.

1 MR. GUTHRIE: -- congressional maps,
2 Senator Lynn, that have a 40 percent plus
3 Hispanic voting age population in the
4 Orange/Osceola area.

5 SENATOR GAETZ: And, Senator Lynn, if I
6 may, recall that we get two new congressional
7 districts in Florida as a consequence of the
8 2010 census, and at several of our hearings,
9 there was a presentation made on behalf of
10 Hispanic interest groups and individuals in
11 central Florida that one of those new districts
12 perhaps ought to be a Hispanic district, and
13 what Mr. Guthrie has just presented is a
14 representative sample of those presentations
15 that we received. So that would be a new
16 district, not a district that one is trying to
17 avoid a diminution of.

18 SENATOR LYNN: No, and I am supporting
19 that. That is what -- this is the first that I
20 have heard any of the maps really being
21 representative of the Hispanic community.

22 SENATOR GAETZ: Thank you, ma'am.

23 Senator Braynon.

24 SENATOR BRAYNON: Thank you, Mr. Chair.

25 Mr. Guthrie, is District 3 -- the

1 Congressional District 3 currently protected
2 under the Federal Voting Rights Act, and if so,
3 how?

4 SENATOR GAETZ: Mr. Guthrie.

5 MR. GUTHRIE: The Jacksonville to Orlando
6 area is not included under Section 5
7 pre-clearance requirements, so the
8 applicability of the Voting Rights Act, I
9 believe, speaking as a non-lawyer here, would
10 be if you had a majority of -- a majority
11 population living in a geographically compact
12 area, they might be able to state a claim under
13 Section 2 of the Voting Rights Act in terms of
14 federal requirements.

15 SENATOR GAETZ: Leader Rich.

16 SENATOR RICH: Thank you, Mr. Chair.

17 I think that Mr. Guthrie just clarified
18 it, so we are not required to draw a minority
19 district in central Florida, Hispanic seat, but
20 we could --

21 SENATOR GAETZ: Yes, ma'am, and I believe,
22 Leader, that Mr. Guthrie was responding as to
23 Congressional District 3. That was Senator
24 Braynon's question.

25 SENATOR RICH: Sorry, I thought he was

1 also responding to a Hispanic district.

2 SENATOR GAETZ: Mr. Guthrie, could you
3 help clarify, please?

4 MR. GUTHRIE: I was responding to Senator
5 Braynon's question about Congressional District
6 3 and limited my answer to the applicability of
7 federal law, which was -- is a question. As
8 Senator Simmons and Mr. Bardos had told us
9 previously, we also have the requirements in
10 the new amendments to the State Constitution.

11 SENATOR GAETZ: Leader, did you wish to
12 pursue that?

13 Senator Joyner, were you seeking
14 recognition, ma'am?

15 Okay. Anyone else at this point?

16 Please go ahead, Mr. Guthrie.

17 MR. GUTHRIE: So the next congressional
18 map we are going to look at is plan number 69,
19 which was presented by Mr. Boyle, and this is
20 an example -- this was the map, in fact, that
21 came the closest in terms of -- to the PRLDEF
22 30 of proposal 4-A, an Hispanic district in the
23 central Florida area. District 9 in this case
24 is 37.2 Hispanic voting age population, but
25 there is nothing like the level of opportunity

1 for African-American voters as is provided in
2 the current District 3. District 3 in
3 Mr. Boyle's proposal is 26.5 percent
4 African-American voting age population, and
5 District 4 is 18.3 percent African-American.
6 Down in the Orlando area, District 8 is 16 and
7 a half percent African-American voting age
8 population, and District 9, which had your
9 Hispanic plurality, is 21 percent
10 African-American voting age population.

11 So the -- this is an example of a map that
12 tries to achieve what Mr. Boyle saw as a level
13 of compactness and following political
14 subdivisions, but it -- by elevating those
15 standards above retaining Congressional
16 District 3, you don't have the same level of
17 opportunity for African-American citizens to
18 elect candidates of their own choosing.

19 And the final map that we are going to
20 look at for congressional --

21 SENATOR GAETZ: Senator Montford.

22 SENATOR MONTFORD: Thank you, Mr. Chair.

23 Just for clarity, are we -- legally, are
24 we required to consider a district for
25 Hispanics, or is that just something that we do

1 on our own? I mean, is there a requirement to
2 do that?

3 SENATOR GAETZ: I think I will turn to
4 counsel on that one.

5 MR. BARDOS: I think in the central
6 Florida area, we know Section 5 of the Voting
7 Rights Act does not apply in central Florida,
8 and Section 2 would apply only where there is a
9 relatively concentrated minority population
10 that exceeds 50 percent, and the proposals that
11 I have seen don't show a 50 percent plus
12 Hispanic district in central Florida.

13 I think under the amendments we have the
14 provision about not diminishing the ability to
15 elect. There is not currently a performing
16 Hispanic district in central Florida, and so if
17 that provision is interpreted in the same
18 manner as Section 5 of the Voting Rights Act,
19 then probably there would be no claim there.

20 We also have the language though that
21 "districts shall not be drawn to deny racial or
22 language minorities the equal opportunity to
23 participate in the political process," and that
24 is a phrase which has appeared in a number of
25 U.S. Supreme Court decisions. It appears,

1 together with some other language, in Section 2
2 of the Voting Rights Act, but here it stands on
3 its own, and it is a phrase which really has
4 not been well-defined. The courts have said
5 that -- the U.S. Supreme Court has said that it
6 relates to something other than simply winning
7 elections, so it would be the ability to
8 participate in primary elections and the
9 nomination process, something beyond ordinarily
10 performing districts.

11 So it is not clear at all what that means.
12 It is possible that someone would assert that
13 that language requires us to create a Hispanic
14 district, but there is no -- there is no
15 definitive answer to that.

16 SENATOR GAETZ: Sorry, Senator Montford,
17 we are making history here. I wish we could
18 give you -- I wish we could give you a yes/no
19 answer to that question. I think, to put it in
20 plain language, there is a case that can be
21 made both ways.

22 SENATOR MONTFORD: Very good answer.
23 Thank you.

24 SENATOR GAETZ: Senator Lynn and --

25 SENATOR LYNN: I just wondered, what is

1 the Hispanic population in the state of Florida
2 now, percentage wise?

3 SENATOR GAETZ: Mr. Guthrie, do we have
4 that?

5 MR. GUTHRIE: I don't have that at my
6 fingertips.

7 SENATOR GAETZ: We can provide that to
8 you, Senator Lynn.

9 SENATOR LYNN: I just think it is --

10 MR. GUTHRIE: Twenty-two --

11 SENATOR LYNN: I think it is a very --

12 SENATOR GAETZ: Yes, ma'am, of course.

13 SENATOR LYNN: I think it is something
14 important to look at if we are protecting
15 minority rights. I think we've got to look at
16 the Hispanic -- it is a growing population, it
17 is getting very, very large in our schools, so
18 they are there somewhere.

19 SENATOR GAETZ: Yes, ma'am.

20 SENATOR LYNN: And maybe they are not in a
21 compact area, and that may be the case.

22 SENATOR GAETZ: Yes, ma'am, thank you.

23 Senator Storms.

24 SENATOR STORMS: So if I understand your
25 rationale correctly, counsel, what you are

1 saying is just -- I am trying to understand
2 this. So let's just -- let's all agree that --
3 or maybe we can't all agree even on this, but
4 on minority populations, that diminution that
5 Senator Simmons talked about would result in
6 any fewer seat of minority -- minority
7 districts, minority access seats or even
8 minority seats that are not minority access
9 seats. That would be a diminution.

10 So a starting point would just say that we
11 should allow for at least the same number of
12 minority access seats, which would be primarily
13 African-American minority access seats and
14 African-American minority seats that may not be
15 minority access seats, anything less would be a
16 diminution. But if the population is not
17 there, wherever that is, wherever that existing
18 minority seat is demographically, if the
19 population is not there, then -- then under
20 Simmons' rationale, and maybe the rationale of
21 this committee, we have to have the same
22 amount, so we would have to draw another
23 minority access seat.

24 Your perspective, according to the
25 rationale that you just stated, as I understand

1 it, and I am not trying to be combative, I am
2 just trying to understand, would be that we
3 would have to create -- draw another minority
4 -- African-American minority seat to avoid
5 diminution, but not language minority, as in a
6 Hispanic seat, that our preference would be for
7 African-American minority seats, is that -- is
8 that the bottom line for what you said?

9 MR. BARDOS: No, I didn't mean to suggest
10 that at all. I think that the non-diminishment
11 provision, if it is interpreted the way that it
12 is interpreted under Section 5, requires us to
13 identify those districts which are actually
14 performing for minority voters, whether they
15 are access seats or whether they are
16 majority-minority seats, and then to protect
17 those districts and preserve their -- the
18 minority voting strength in those districts.

19 SENATOR GAETZ: Briefly, Senator Storms,
20 because we do have people who have traveled a
21 long ways and would like to testify.

22 SENATOR STORMS: So that -- on that point,
23 we agree, which is that starting -- you start
24 with no diminution of African-American minority
25 seats for -- or at least the status quo for the

1 number, is that what you are saying?

2 SENATOR GAETZ: Mr. Bardos.

3 MR. BARDOS: African-American Hispanic
4 seats, districts that presently perform for
5 minority voters.

6 SENATOR STORMS: Status quo. So not an
7 addition of another -- of language, a
8 different -- if the population has shifted, in
9 other words, and it changes somewhere so that
10 you cannot -- that district or that general
11 vicinity can no longer support a minority
12 access seat or a majority-minority seat,
13 then -- and you want to draw another seat, we
14 would not give preference to a majority --
15 language minority or African-American, or is
16 your argument we would --

17 SENATOR GAETZ: Mr. Bardos.

18 SENATOR STORMS: -- you don't either way?

19 MR. BARDOS: Is the question whether if
20 there is a district that is performing for a
21 particular racial minority that cannot be
22 recreated because of population changes, what
23 we are required to do?

24 SENATOR STORMS: Yes.

25 MR. BARDOS: I think that is an open

1 question.

2 SENATOR STORMS: Less words, but, yes,
3 that is what I was trying to say.

4 MR. BARDOS: That is an open question.

5 SENATOR STORMS: Okay.

6 SENATOR GAETZ: Okay, useful conversation.

7 Mr. Bardos, does that conclude the
8 representative samples of the congressional
9 districts -- Mr. Guthrie, I'm sorry?

10 MR. GUTHRIE: Just one more remaining,
11 Senator.

12 SENATOR GAETZ: Okay. Let's get through
13 it.

14 MR. GUTHRIE: Touching on it real briefly,
15 plan number 49 submitted by Ms. Virginia
16 Hitchcock is another example of a plan that
17 sought to keep compact districts following
18 county boundaries where feasible.

19 Also, Ms. Hitchcock gave a great
20 consideration to following VTD boundaries where
21 she was needing to subdivide counties. So
22 these are the districts she came up with in her
23 proposal.

24 The impact on minority voters is that the
25 highest percentage African-American district is

1 District 4, which is 28.3 percent black VAP.
2 District 14 in the Orlando area is 23.4 percent
3 black VAP and 24.5 percent Hispanic VAP. So
4 another example of a choice to put compactness
5 above retaining the existing configuration of
6 Congressional District 3.

7 SENATOR GAETZ: Comments or questions on
8 this representative map? If not, thank you
9 very much, Mr. Guthrie, and members of your
10 staff.

11 We would like to take public comment now,
12 and then after public comment, go back to
13 committee discussion and see if we can provide
14 any guidance to our professional staff.

15 We would like to hear from everyone who
16 traveled here today, and we are delighted that
17 you came. We do have a rule that requires us
18 to adjourn at a time certain, so I am going to
19 ask members of the public who are here to
20 testify if you would please keep your comments
21 to three to four minutes, and we will enforce
22 that respectfully, but firmly.

23 We will start with -- we will take these
24 public testimony in the order in which they
25 were handed to me. Mr. Pete Brathwaite will be

1 first and Glenel Bowden will be second and Evan
2 Sullivan will be third.

3 Mr. Brathwaite, if you are here, we are
4 happy to have your testimony. If you would
5 come forward, please, sir, so we can have your
6 comments heard by everyone, and then Glenel
7 Bowden, if you would be on deck and ready to
8 testify.

9 Mr. Brathwaite comes all the way from
10 Gainesville, and we are delighted that you are
11 here with us today, sir. You are recognized.

12 MR. BRATHWAITE: I just wanted first and
13 foremost to thank this committee for what I
14 think is an excellent session, very, very
15 informative. You have obviously done your
16 homework, and I, for one, appreciate it.

17 Just a couple of comments, if I might.
18 First of all, going back to one -- your
19 predecessors went through this process back in
20 1992. They discovered that there could be, not
21 just two or three, but four African-American
22 districts, minority districts, created, in
23 addition to the Hispanic districts that were
24 created by the Legislature and subsequently the
25 courts, as you all described. In addition to

1 that, you do have the Hispanic -- growth in
2 Hispanic population now. You have roughly
3 22 percent of all Floridians are Hispanic,
4 almost 20 percent are African-American, total
5 minority population, and the state is now up to
6 47 percent, we are a growing, diverse state,
7 all of which suggests that what you may need to
8 be looking at is not just the current set-up
9 where you have three African-American and two
10 Hispanic majority-minority districts and plus a
11 minority access district, but even more, you
12 may even need to be looking at going to four of
13 each.

14 And, again, thank you for the opportunity
15 to comment and for your good work here,
16 appreciate it.

17 SENATOR GAETZ: Thank you very much, sir,
18 for your testimony and your insights.

19 Next is Glenel Bowden, then Evan Sullivan
20 and then Don Curtis.

21 Mr. Bowden, you are recognized. Come all
22 the way from Lake City, and we are delighted to
23 have you here today, sir.

24 MR. BOWDEN: Thank you, Mr. Chairman. It
25 was quite a trip in that weather, too, I must

1 tell you. I-10 is something else when it is
2 raining.

3 For full disclosure, let me declare now
4 that I work for Congresswoman Corrine Brown's
5 office, and I have been working for her the
6 entire 19 years that she's been in Congress.

7 As you heard from your staff person, that
8 the Third Congressional District now represents
9 about 50 percent black VAP. I am here today to
10 tell you that the Boyle and the Hitchcock maps
11 as proposed -- as proposed lead to a splitting
12 of the African-American community, and
13 effectively end the ability of the
14 African-American community in northeast Florida
15 and central Florida from electing the
16 representative of their choice. And I say that
17 with some -- some reality that in every
18 election we have had since I have been working
19 for her, the African-American community in
20 Orlando voted for her the same as the
21 African-American community in Jacksonville. So
22 there was two communities that voted for a
23 representative of their choice, though they may
24 be a few miles apart.

25 Since I would be coming to all the

1 hearings, I would like to specifically know
2 whether our party leaders, Senator Rich and
3 Gardiner, will support any map that would --
4 would end the ability of African-Americans from
5 being able to elect a representative of their
6 choice. During the other hearings when I
7 attended one in Jacksonville, the one in
8 Gainesville, the one in Orlando and two here in
9 Tallahassee, I remember that you would not
10 accept any questions, so I was just curious as
11 on this evening, would I be able to get an
12 answer to that question, would our leaders be
13 in support of any maps, these two I just
14 mentioned, or any other map that would diminish
15 the opportunity for African-Americans to elect
16 a representative of their choice?

17 SENATOR GAETZ: Well, Mr. Bowden, let me
18 tell you that at every -- I was present at
19 every hearing, I listened to 1,700 people
20 testify, and we never said that Senators or
21 Representatives couldn't answer questions.
22 What we said was wait until the end of the
23 hearing and make sure members of the public had
24 a chance to testify first, but then we gave
25 members of the House and Senate the opportunity

1 to answer questions, make statements at every
2 single hearing. So if you would -- if you have
3 a question, you are welcome to restate it, and
4 if we have an opportunity, we will certainly
5 invite those individuals that you would like to
6 have speak, speak to your question. Could you
7 restate it, please?

8 MR. BOWDEN: Okay. Well, the question
9 would be, the two maps that I referenced
10 earlier, the one by Hitchcock and the one by
11 Boyle, would our leaders be in support of those
12 two maps? That would tell us something right
13 there.

14 SENATOR GAETZ: Would the leaders be in
15 support of those two, is that what you are
16 asking?

17 MR. BOWDEN: Right, Leader Rich and Leader
18 Gardiner.

19 SENATOR GAETZ: Okay. We will ask them,
20 time permitting at the end, to comment.

21 MR. BOWDEN: The only other comment I
22 would make, in driving from Lake City here, and
23 I work in Jacksonville, but I take I-10 in
24 coming to Tallahassee, when you think about the
25 prison population that was mentioned earlier,

1 between Jacksonville and Tallahassee, there
2 must be at least 20 prisons. And so to use
3 those -- that population for the benefit of --
4 for numbers wise, African-American numbers in
5 particular, it would kind of distort what is
6 really real, because I know in Madison County,
7 you probably got three, I know there are at
8 least four prisons in Columbia County,
9 Jefferson County has a prison and heavily
10 population with African-American citizens. So
11 if you use that and say, well, this district's
12 got 36 percent African-American population,
13 VAP, that would not be true, because they would
14 not be able to vote, number one, because they
15 are locked up as someone said earlier.

16 So that's my comments, and I thank you for
17 this opportunity.

18 SENATOR GAETZ: Thank you very much, sir.

19 SENATOR GARDINER: Mr. Chairman, since I
20 was referenced in his comments, can --

21 SENATOR GAETZ: Mr. Bowden, do you want to
22 stay up here?

23 Leader Gardiner, you are recognized.

24 SENATOR GARDINER: I want to make sure
25 that I am on the record, and I am sure Leader

1 Rich would want to do this as well, I don't
2 mean to go out of order, but I think it has
3 been pretty clear from myself and my colleagues
4 that we cannot diminish -- cannot diminish the
5 minority access seats. I mean, it is very
6 important. So when I look at these, whether it
7 is Congressional District 3 or what we may do
8 in other areas, I won't be diminishing. And I
9 think that is very important, because I think
10 what you are referencing is some maps that
11 potentially cut a district. Obviously that
12 makes it very difficult if you go in believing
13 that you cannot diminish in any way the
14 minority access. That is my personal opinion.
15 Maybe Leader Rich would want to add hers.

16 MR. BOWDEN: Thank you.

17 SENATOR GAETZ: Leader, did you wish
18 recognition, or do you wish to withhold any
19 comments to the end?

20 Senator Joyner, Senator Joyner, just a
21 second, I had a question.

22 Leader Rich, did you have any comment in
23 answer to the question, or did you wish to
24 defer?

25 SENATOR RICH: I'm sorry, I left the room

1 for a moment, I didn't hear the entire
2 conversation, but I certainly just would
3 obviously support everything that is a
4 constitutional measure. I mean, that is what
5 we are here to do. So I don't know if there's
6 any other issue here. If so, please let me
7 know, and I'll be happy to comment on it, but,
8 I mean, we are all looking to do what is
9 constitutional here, and so I think, you know,
10 we've had a lot of discussions and I think
11 there's a lot of things still to clarify.

12 MR. BOWDEN: Thank you, Senator.

13 SENATOR GAETZ: Yes, Senator Sobel.

14 SENATOR SOBEL: Did this gentleman say
15 that people are being counted but -- for these
16 minority districts, but they actually cannot
17 vote? Is that -- I am not really sure what
18 your point --

19 MR. BOWDEN: I was talking about the
20 inmate pop- -- if I may, Mr. Chairman?

21 SENATOR GAETZ: Please.

22 MR. BOWDEN: I was talking about the
23 inmate population that would exist in a
24 congressional district that would go from
25 Jacksonville west towards Tallahassee. If you

1 get in Columbia County, I know for a fact
2 there's four there, Suwannee County's got three
3 or four, Madison's got three or four. So once
4 you count those as a part of your VAP, that is
5 a distorted number, because those people would
6 not be able to vote and couldn't have an impact
7 on whether an African-American is elected or
8 not.

9 SENATOR GAETZ: Okay. Yes, very briefly.

10 SENATOR SOBEL: That was exactly the point
11 that I was making previously. Thank you. I
12 wanted some clarity.

13 SENATOR GAETZ: Mr. Evan Sullivan is next,
14 and following Mr. Sullivan, Don Curtis and then
15 Ryan Terrell.

16 Mr. Sullivan, thank you for coming all the
17 way from Inglis, Florida.

18 MR. SULLIVAN: Thank you, Mr. Chairman.
19 My name is Evan Sullivan. I am employed with
20 the Levy County Sheriff's Office as a Major. I
21 am fourth-generation law enforcement in Levy
22 County, and I have a prepared statement, if I
23 could read it.

24 SENATOR GAETZ: If you can keep it within
25 three or four minutes, and if not, you can

1 certainly give it to the Committee for our
2 records.

3 MR. SULLIVAN: Thank you, Mr. Chair. It
4 will be 45 seconds probably.

5 SENATOR GAETZ: Go for it. We love those.

6 MR. SULLIVAN: It will be real brief.

7 SENATOR GAETZ: We love them.

8 MR. SULLIVAN: I think it is very
9 imperative that the Nature Coast be kept whole.
10 It appears that the maps presented so far split
11 the coastal counties, and that is not the best
12 interest of the citizens of Nature Coast.

13 Citrus, Levy, Dixie, Taylor County are a
14 unique -- and they represent the real Florida
15 coast. Coastline is not developed like the
16 rest of the state.

17 Unlike some regions where we can split a
18 county with two different perspectives, you
19 cannot split these four counties, because they
20 have the same or similar cultures and issues.
21 They are truly a region that works together,
22 and having two Senators with competing
23 interests would be somewhat of a problem.

24 In closing, when you travel down U.S.
25 Highway 19 and you see all the communities are

1 easily accessible by this highway, and they are
2 not only communities of interest, but counties
3 of interest.

4 Mr. Chair, thank you for your time, and
5 God bless.

6 SENATOR GAETZ: Thank you, Major, and
7 thank you for your service to the people of
8 Florida.

9 Mr. Curtis, you are next, and then Ryan
10 Terrell and then Vic Story.

11 Mr. Curtis from Perry, Florida.

12 MR. CURTIS: Thank you, Mr. Chairman, and
13 committee members. I am Don Curtis from Taylor
14 County, Perry. That is a little over an hour
15 from here.

16 I was here at your first public workshop
17 where I spoke to many of you and your
18 colleagues and tried to describe what it is
19 like to be a voter in a rural area as compared
20 to urban areas. We are pretty conservative, a
21 little over an hour from Tallahassee, and I
22 shared with you three things about life in
23 Taylor County if you are a voter.

24 First, our state House district, we have
25 had one-party elections since reconstruction,

1 over a hundred years of one-party elections.

2 Our congressional district in 2002 was
3 drawn with a little more balance, and in 2010,
4 we elected the first conservative that was of a
5 different political party since reconstruction;
6 again, over a hundred years.

7 We are very patient people in rural north
8 Florida. Just saying a hundred years is a long
9 time.

10 In our Senate dis- -- state Senate
11 district, we -- in 2002, it was drawn with a
12 bit more balance, and we have had two-party
13 elections since then, and we think that is a
14 good thing. And when I looked at many of the
15 maps that have been prepared and submitted to
16 you, I kept seeing our county, Taylor County,
17 thrown in with Leon County, and I have a lot of
18 friends in Leon County. However, when a rural
19 area gets thrown in with a Leon County, our
20 vote is overshadowed. We just almost might as
21 well stay at home.

22 And so when I saw this district map, I
23 think it is map number 80, that shows the
24 Nature Coast as a Senate district, I like that.

25 If you consider the Nature Coast -- and that is

1 what we call our area, like the previous
2 gentleman, we are a salt marsh all the way from
3 the Aucilla River down into Hernando County, we
4 are not sandy beaches, very rural, we have a
5 lot of aquaculture, a lot of agriculture and a
6 lot of forestry, and I am a forester, I am in
7 the timber business. That is what we do.

8 We have U.S. 19 as the main transportation
9 artery running north-south. Most of this
10 district is in the Suwannee River Water
11 Management District, and our water is important
12 to us. We feel like we are rural and we have
13 to be on the defensive, and I am a former
14 governing board member for the Suwannee River
15 Water Management District and represented the
16 Coastal Rivers Basin.

17 So we see this and we see that it is
18 somewhat compact, and transportation, water,
19 all factors I have already mentioned, the type
20 of lifestyle we have with agriculture and
21 forestry, it makes a good Senate district.

22 And I just want to close by saying the
23 most effective way to represent the people of
24 the Nature Coast is to keep us in a compact
25 Senate district that will do just that.

1 Thank you.

2 SENATOR GAETZ: Thank you very much, sir,
3 for coming all this way.

4 Ryan Terrell is next from Weston.

5 Mr. Terrell, good to see you back. And we
6 learned from Leader Rich that while you are
7 from Weston, that you are here at FSU as well?

8 MR. TERRELL: I go to TCC, but --

9 SENATOR GAETZ: TCC, I'm sorry, I made a
10 mistake. Mr. Terrell, it is good to see you
11 again, and you are recognized.

12 MR. TERRELL: Thank you, and I just wanted
13 to clear up some information that was presented
14 during the course of this meeting in relation
15 to minority drawn districts and court -- and
16 case law that's been presented in the past 20
17 years in relation to how you draw those
18 minority districts.

19 One of the things that you need to
20 understand is, yes, you do have
21 majority-minority districts, which are a
22 certain either racial minority or language
23 minority has over 50 percent of that population
24 in voting age, and that is what the U.S.
25 Supreme Court uses. It has to be voting age

1 over 50 percent. The bare minimum is usually
2 50.1 percent. So even if you got an exact half
3 with 50 percent, the Supreme Court wouldn't
4 accept it. What you need to understand is
5 that, yes, those seats are majority districts,
6 but they are also coalition districts.

7 And what Senator Siplin -- what I wanted
8 to address when you were talking about the
9 black caucus and how there are six
10 African-American Senators, one of the things
11 that needs to be understood is that under the
12 2002 Senate redistricting plan, all of those
13 six African-American Senators do not represent
14 50.1 or higher African-American population
15 districts. Three of the Senators represent
16 coalition districts, meaning that more than one
17 minority makes up over 50 percent of that
18 district. In your case, in your Senate
19 district, the African-American population is
20 something like thirty something percent, and
21 then the Hispanic -- the Hispanic population is
22 also in the 30s. So it needs to be understood
23 when we are redrawing these districts in that
24 area is that, yes, the Hispanic population does
25 support in the Orlando area a drawing of a 50.1

1 percent bare majority Hispanic Senate district,
2 while still providing an opportunity for an
3 African-American Senate seat to be drawn that
4 would allow an African-American to be elected
5 from their population.

6 As far as the Jacksonville area goes, you
7 can actually stay within the Duval County area
8 and keep a minority-majority district, because
9 the current district isn't over 50 percent
10 African-American. What can be done is by
11 shifting some precincts around between the area
12 in Nassau and Duval County and the district
13 that would be based in downtown Jacksonville,
14 you can end up creating a district that is
15 about 45 percent white voting age population
16 and 42 percent African-American population.

17 The reason why this is important is
18 because when you are drawing a district like
19 that, that minority group will still have the
20 ability to elect a Senator of their own,
21 because most of those white voting age
22 population are not in the same party as them,
23 which would allow them to vote in the primary
24 to elect a candidate of their choice and would
25 likely, in most cases, to be electing the

1 Senator of their choice in that area. Because
2 you are still including a district that is over
3 40 percent black voting age population, you
4 would still have that ability in ninety-nine
5 point something percent of the time to be
6 electing a candidate of your choice from that
7 African-American community.

8 So that is what I wanted to bring to the
9 attention of the Committee is that in a
10 majority of these cases, what needs to happen
11 is there can be more minority districts that
12 are created while still following the existing
13 coalition districts. And you will see that in
14 two weeks when I present my southeast Florida
15 map, we end up creating about two more Hispanic
16 seats in south Florida than under the current
17 plan. So that is what I wanted to bring to the
18 attention --

19 SENATOR GAETZ: Thank you very much,
20 Mr. Terrell. Thank you for hanging with us
21 through this process.

22 Vic Story, and then Michael O'Steen and
23 then Cherron Newby.

24 Mr. Story, thank you for being here from
25 Lake Wales.

1 MR. STORY: Thank you, sir. I appreciate
2 the invitation.

3 I am here primarily today to speak to the
4 agricultural community. You have a lot of
5 competing interests that you've got to deal
6 with, I can see that. I am worn out sitting
7 out there listening to what you are going to
8 have to do. And so I would just like you to
9 keep us in mind as you deliberate and try to
10 make up these districts.

11 I guess the primary thing, I have looked
12 at a number of maps, is try not to group us
13 with coastal urban areas. You know, the center
14 of the state is primarily agricultural. We
15 have a community of interest that pretty well
16 goes down through the center of the state.
17 We've got a few urban areas, like Lakeland, but
18 primarily, if you can keep us grouped together,
19 we would -- that would serve us well. And I
20 would be happy to answer any questions, I would
21 be happy to give the Committee any input that
22 we could, and thank you for being here, sir.

23 SENATOR GAETZ: Thank you very much,
24 Mr. Story. Any questions for this gentleman?
25 And we would welcome any input that you have

1 between now and the 1st of November, any maps
2 you would like to submit, if you haven't
3 submitted one, or any criticisms or comments
4 about any existing maps. Happy to have you.

5 MR. STORY: I have garnered a great deal
6 of information today, and we will do that.

7 SENATOR GAETZ: Great, thank you, sir.

8 Michael O'Steen is next and then Cherron
9 Newby. Mr. O'Steen from Cross City.

10 MR. O'STEEN: Yes, sir. Thank you,
11 Mr. Chairman. My name is Michael O'Steen. I
12 traveled up from Dixie County today, my wife,
13 Bria O'Steen.

14 As residents of Florida's Nature Coast, we
15 would like our -- think of our community as
16 part of the last frontier of Florida, and we --
17 my county has four red lights, total, the
18 entire county. I served as one of two
19 attorneys in the entire county. That is a lot
20 different from most of the larger, more
21 populized areas. So we would like, when you
22 consider this redistricting plan, to keep that
23 in mind.

24 The industries and tourism which drive our
25 small economies are what unite us as a

1 community. I ask that you respect this as you
2 proceed forward with your redistricting
3 process.

4 I am here today because, more often than
5 not, the areas I am from are often forgotten,
6 the rural areas, the rural way of life. If you
7 put us in a district with Alachua County, as
8 Mr. Curtis said earlier, Alachua County votes
9 are going to overshadow Dixie, Taylor, Levy
10 Counties. No need in going to the voting
11 booths. Keep that in mind.

12 Too many of the plans that we have went
13 over today do not keep the Nature Coast intact.
14 I believe this does a disservice to the
15 residents of these communities.

16 When I speak of the Nature Coast, let me
17 be clear, I'm referring to Dixie, Taylor, Levy
18 and Citrus Counties is all small coastal
19 communities. Most of you drive down 19 when
20 you leave Tallahassee, or a lot of you do.
21 Just as soon as you hit Taylor County, all the
22 way till you pass through Citrus, once you get
23 through Citrus County, you are looking at a
24 totally different world at that point. I
25 believe we can all concur with that. So let's

1 keep that in mind.

2 All of these counties are easily
3 accessible along U.S. 19. They all join
4 together. They all have the common problems of
5 a rural lifestyle versus our problems are
6 nowhere similar to what Alachua County's are.
7 So when you all are doing this, keep those four
8 counties in mind, and I would ask that you keep
9 those intact when you are doing your
10 redistricting plan. Thank you for having me
11 here today.

12 SENATOR GAETZ: Yes, sir. Thank you,
13 Mr. O'Steen, for traveling to Tallahassee.

14 And our final public comment, at least we
15 have in hand, is from Cherron Newby from
16 Jacksonville.

17 Ms. Newby, thank you for coming all this
18 way, and we are excited to have your testimony.
19 You are recognized.

20 MS. NEWBY: Good afternoon -- good
21 evening, and thank you for having me. I am
22 here representing the grass root working
23 individual, and I wanted to know, with the memo
24 that I received, the congressional -- the
25 districts that I was able -- the maps that I

1 was able to pull up, will these maps abide by
2 the constitutional requirements so that
3 representation is fair to everyone in the
4 district, and how will the -- all minorities
5 fair with the new districting, not just blacks,
6 but Hispanics, Asians and Filipinos, et cetera?

7 SENATOR GAETZ: That is what we are
8 struggling with, and we appreciate any insights
9 that you have about that.

10 MS. NEWBY: Okay. I will write them up
11 and send them to you, because I've been taking
12 notes, but thank you for having me.

13 SENATOR GAETZ: Thank you very much,
14 ma'am, for coming all this way.

15 We have reached the point in our meeting
16 where we have about 30 minutes left, and I
17 realize that today we have had a much meatier
18 discussion about minority voting rights than we
19 have had to have before, although we certainly
20 have had substantial discussions at the 26
21 field hearings that we have had across the
22 state.

23 And, Senator Thrasher, earlier today -- I
24 am just going to put you on the spot -- earlier
25 today you articulated four principles or four

1 points, and for purposes of discussion, I would
2 like to ask you if you would re-articulate
3 them, and then I am going to ask if we have any
4 departure from those principles, any debate on
5 those principles, or any restatement of them,
6 and we are going to make sure that all members
7 have an opportunity, Democrats and Republicans,
8 to speak before we attempt to give direction to
9 our professional staff.

10 Mr. Speaker, you are recognized.

11 SENATOR THRASHER: Thank you,
12 Mr. Chairman, and I also would defer to Senator
13 Simmons who always has a way of putting things
14 a lot more eloquently than I can, but, again,
15 my reading of the amendments -- and I know
16 Senator Simmons talked about two tiers, and I
17 agree, there probably are two tiers. He also
18 talked about, I think in respect to the
19 minority districts, that the -- I think the
20 amendment is very clear, that districts shall
21 not be drawn to diminish the ability of racial
22 minorities to elect their representatives of
23 their choice. I think that is first and
24 foremost in the criteria that I would apply
25 when looking at the districts and redrawing

1 them.

2 The second one would be whether or not we
3 favor or disfavor incumbents and the
4 prohibition that the amendment says in that
5 regard, or political party.

6 A third for me is compactness. I think
7 it -- the other two trump compactness. I think
8 where you have to go out and perhaps to get the
9 racial issue resolved, the compactness probably
10 is a lesser importance.

11 And then, lastly, the -- where feasible,
12 utilizing the existing political and geographic
13 boundaries. I think that, to me, is the fourth
14 thing in the criteria.

15 So I look at it -- I know it is two tiers
16 from Senator Simmons' perspective, and I
17 certainly don't disagree with that, but if I
18 were doing it, these were the four principles
19 that I would use, and that would be the order,
20 Mr. Chairman, that I would rank them.

21 SENATOR GAETZ: Let's take some committee
22 discussion and see if we can arrive at some
23 general guidance for our professional staff as
24 they dig into this complex area.

25 Any comments? Yes, sir, Senator Hays.

1 SENATOR HAYS: Thank you, Mr. Chairman.

2 I am fully supportive of the principles of
3 the amendments as just recently spoken by
4 Senator Thrasher, but I think we need to direct
5 the staff, and we ourselves need to consider
6 very, very cautiously before we design a
7 district anywhere in the state of Florida for
8 Hispanic voters, we need to ascertain that they
9 are citizens of the United States. We all know
10 there are many Hispanic-speaking people in
11 Florida that are not legal, and I just don't
12 think that it is right that we try to draw a
13 district that encompasses people that really
14 have no business voting anyhow.

15 Now, if we know registered voters are
16 people who have proven their citizenship, then
17 that is a completely different story, but I am
18 not aware of any proof of citizenship necessary
19 before you register to vote.

20 SENATOR GAETZ: Let's stop and take a
21 moment on this, because this is something I
22 know that Mr. Guthrie and I were able to get
23 some guidance on when -- when we went to
24 Washington to listen to experts from around the
25 country on this issue. And, Mr. Guthrie, I am

1 going to put you on the spot. Could you
2 respond to that? Are we looking at voting age
3 population as determined by the Bureau of the
4 Census, or is there another screen for
5 citizenship that we ought to -- or that we are
6 allowed legally to provide?

7 MR. GUTHRIE: From the 2010 census, we
8 have a precise count at the bloc level, VTD
9 level, county level, of the numbers of persons
10 who indicated -- it is a self-identification
11 process -- that they were of Hispanic origin.
12 So we know -- that is the exact number that we
13 know.

14 In terms of citizenship, there is no
15 question on the 2010 census relating to an
16 individual's citizenship, or whether or not
17 they are a citizen of the United States. The
18 only information we have on citizenship from
19 the Census Bureau comes from the American
20 Community Survey. That is a sample of a small,
21 small portion of the population in the United
22 States that is done yearly and then calculated
23 on a five-year rolling average. And from the
24 American Community Survey, you can get an
25 estimate based on sampling techniques of the

1 number of citizens per census track and larger
2 areas of geography.

3 Trying to apply citizenship data to
4 redistricting though, other states -- and what
5 Senator Gaetz is referring to is we heard at a
6 NCSL meeting in the Washington area that there
7 are statistical problems with trying to utilize
8 citizen voting age population for purposes of
9 putting together your redistricting database,
10 and so far we have not done that in Florida.

11 The other thing you referred to was
12 whether citizenship is required to vote.
13 Again, I am not a lawyer, but my understanding
14 is that citizenship is a requirement for
15 registering to vote in Florida.

16 SENATOR GAETZ: Okay. Several Senators
17 want to comment on this, and we will start with
18 Leader Gardiner.

19 SENATOR GARDINER: Thank you,
20 Mr. Chairman, and just to follow up to Senator
21 Thrasher's point, I completely agree with the
22 points that Senator Thrasher has put forward,
23 the four points, and I know Senator Simmons has
24 mentioned this as well, but I would ask that
25 when staff is taking everybody's comments and

1 the different maps, the ones that have been
2 presented, the ones that haven't been
3 presented, to take into consideration the
4 public testimony. I know we have been very
5 focused on what the amendments say, and it is
6 very important and we will have the tiers that
7 we will follow, but when you look at some of
8 the comments in central Florida, you briefly
9 touched on a congressional map that I believe a
10 group out of Washington brought forward, the
11 Hispanic Foundation, something to that effect,
12 I am not advocating one or the other, but I
13 would ask that staff look at that. I believe
14 there are also some Senate maps that take into
15 consideration a Hispanic access Senate seat in
16 that area as well. I think that those are all
17 open to discussion, especially when we start
18 looking at the different points. But Senator
19 Thrasher's point, I think that that is
20 absolutely the most important thing moving
21 forward. Thank you, Mr. Chairman.

22 SENATOR GAETZ: Thank you. Senator
23 Simmons, you are recognized.

24 SENATOR SIMMONS: Thank you, Mr. Chair. I
25 will give my personal view on this to the

1 extent that staff would like to hear it, and as
2 the Chair has suggested.

3 I believe that there are two tiers in this
4 analysis, and within each tier, subsection 3
5 says that they shall not be treated with
6 different priorities. So we have two tiers,
7 and within those two tiers, each has its own
8 set that neither has -- neither one of the
9 subsets has priority.

10 So when you look at the first tier, the
11 first rule is that no plan that we draw shall
12 be drawn with the intent to favor or disfavor a
13 political party or an incumbent. Now, how do
14 you determine that? Well, one of the
15 interesting things is that the constitutional
16 amendment says -- uses the word "intent." It
17 doesn't say "the intent or result," it says
18 "the intent." And I can tell you that there
19 are various ways to determine our intent, but I
20 can tell you it will all be done if we follow
21 the rules with respect to the rest of it. In
22 other words, you are going to find that we are
23 not going to be favoring or disfavoring
24 political parties or incumbents if we follow
25 the rest of the rules.

1 Well, what are the rest of the rules?
2 Under Tier 1, "Districts shall not be drawn
3 with the intent or result of denying or
4 abridging the equal opportunity of racial or
5 language minorities to participate, or diminish
6 their ability," and that is clear. It says we
7 "shall not diminish their ability to elect
8 representatives of their choice, and districts
9 shall consist of contiguous territory." Those
10 are Tier 1 requirements. We know that they are
11 going to be contiguous. The issue is, are we
12 going to make sure that we do not diminish the
13 ability of minorities to elect representatives
14 of their choice.

15 The Tier 2 analysis says that "Unless
16 compliance with standards in this subsection
17 conflicts with the standards in subsection 1,
18 or with federal law, districts shall be nearly
19 equal in population." We know that, we are
20 going to do that. "Districts shall be compact,
21 and districts shall, where feasible, utilize
22 existing political and geographic boundaries."

23 So within subsection 2, we are supposed to
24 have an equal weighing to these standards that
25 we are going to do these things as compact

1 districts, and we are going to make sure, to
2 the extent feasible, that we utilize existing
3 political or geographic boundaries.

4 So if we follow the analysis that there
5 are two tiers, that Tier 1 is the priority
6 tier, that we make sure that we -- well, and I
7 say that the question number one or issue
8 number one will take care of itself, and that
9 is intent to favor or disfavor political
10 parties or incumbents if we follow the rest of
11 the rules, and that is that we follow the rule
12 of not drawing any district with the result or
13 the intent of diminishing access, and obviously
14 we are going to do the contiguousness. But
15 when we get down to Tier No. 2, we are going to
16 place equal weight to the requirements that we
17 have compact districts, and that to the extent
18 feasible, we are going to use political or
19 geographic boundaries.

20 Interesting question is, when you are
21 talking about geographic boundaries, does that
22 mean natural geographic boundaries, or does it
23 mean man-made geographic boundaries? I would
24 suggest to us that the geographic boundaries
25 that's safe for us to rely upon would be

1 natural geographic boundaries versus man-made
2 geographic boundaries, and if we are going to
3 use man-made geographic boundaries, they would
4 probably be big things like interstate highways
5 and turnpikes and things like that, but that is
6 an interesting question that hasn't been
7 defined by this.

8 But those are just my personal thoughts on
9 how this is interpreted, and I do believe,
10 however, some of these things that I have
11 suggested are very, very clear and are
12 indisputable, such as the Tier 1, Tier 2
13 analysis, that Tier 1 is going to control to
14 the extent that we have this standard of
15 meeting with respect to non-diminution of the
16 abilities of language or racial minorities to
17 elect representatives of their choice, and then
18 once we have done that, then we will, to the
19 extent feasible, have compact districts that
20 are according to existing political or
21 geographic boundaries.

22 SENATOR GAETZ: Thank you, Senator
23 Simmons.

24 Senator Diaz de la Portilla.

25 SENATOR DIAZ DE LA PORTILLA: I basically

1 agree with what Senator Simmons says, but I
2 think I would like to take a crack at trying to
3 see if at least I have a full conceptual
4 understanding of everything that we discussed
5 here.

6 I don't think we need to or should have a
7 strict hierarchy of what comes first, what
8 comes next, instead of each one criterion that
9 falls into the whole, you know, set of criteria
10 that we need to consider, because that is not
11 what Article III, Sections 20 and 21, say.

12 I think that what Senator Simmons said is
13 exactly right, and it really is -- a lot of it
14 is a judgment call that we make as we try to
15 balance all these things or criteria that seem
16 to compete.

17 You know, under the first category, which
18 are the Section A categories, you can't favor a
19 party or incumbent, you can't abridge the
20 opportunities for racial or language minorities
21 and you have to have contiguity, when you read
22 that together with Section C, you can't place
23 each one of these on top of the other, you have
24 to kind of look at all of them together. And
25 then if you look at Section B, it says, "Unless

1 it conflicts with Section A or federal law,"
2 then you have to, A, have population that is as
3 close to equal as practicable and you have to
4 have compactness, and we discussed the
5 different definitions of compactness, the most
6 functional one being one that focuses on
7 functionality rather than strict geographic
8 shape, although looking at geographic shape is
9 a consideration when you look at compactness.
10 I think the best working definition is the one
11 we discussed at the last committee, which looks
12 at transportation, commerce and other
13 considerations that make a district functional.

14 And then when you go into the third
15 criterion under subsection B, you talk about if
16 it is feasible, you use existing and
17 geographical boundaries -- if feasible, you
18 look at political -- existing political and
19 geographical boundaries. I think we have seen
20 in the discussion today and the presentation
21 that staff has made that when you go with a
22 strict interpretation of these political
23 boundaries, meaning city boundaries and county
24 boundaries, a lot of times, as a practical
25 matter and when you get to more populous areas,

1 you run into problems in terms of the Section A
2 criteria, as far as favoring an incumbent or a
3 political party, abridging racial or language
4 minorities opportunities to elect candidates of
5 their choice, and contiguity.

6 So, you know, even though you can't really
7 put them all in an equal box, or a hierarchy
8 rather, I think that we just kind of have to
9 take these things as they come and weigh them
10 against the other and do it on a case-by-case
11 basis, use the testimony that is presented
12 before us, make sure that we are just cognizant
13 of all these things, all the requirements, and
14 it is a balancing act. I mean, you can -- we
15 have seen it. You can have perfectly shaped
16 boxes, if you will, and you can argue using the
17 shape definition of compactness that those may
18 be the most compact districts, but then you run
19 afoul of all the other requirements that we
20 have to meet with.

21 So I think what Senator Simmons is saying,
22 or at least the way I interpret it, and I think
23 I agree with what he is saying, is that we just
24 kind of have to look at everything at the same
25 time and weigh it with the testimony and

1 evidence that comes, you know, before us. And
2 it also gives us some degree of flexibility as
3 we move into the harder areas to deal with,
4 because there's -- they are just not as --
5 there are more people and less land, and so
6 that gives you less material really to work
7 with in terms of shapes on a map, if you will,
8 and you are going to have more irregular shapes
9 by definition as you get to more populous
10 areas.

11 So, you know, the -- I -- in summing it
12 all up, I would say that, you know,
13 unfortunately, there is no easy, you know,
14 cut-and-paste type solution to this thing. We
15 just kind of have to go through the tough
16 exercise of grinding it out hearing by hearing,
17 area by area, and just try to balance all these
18 competing principles at the same time. So to
19 sum up, I would not recommend that we adopt or
20 give any specific direction that we have a
21 hierarchy that we are going to put -- I
22 respectfully would disagree with Senator
23 Thrasher that we put, as he said, and I think I
24 wrote it down here, the hierarchy that deals
25 specifically with minorities first, can't favor

1 an incumbent second, compactness third, and use
2 existing political and geographical boundaries
3 fourth. I think a strict, you know, hierarchy
4 would not serve us well and really isn't what
5 the constitutional amendments or the case law
6 as explained to us by Mr. Bardos asks us to do.
7 I mean, I wish it were that easy, but I don't
8 think it is, and I don't think we can do that.
9 I just think we need to move forward and apply
10 these concepts to the individual facts as they
11 come up.

12 SENATOR GAETZ: Imagine you were a member
13 of the Senate Reapportionment Committee -- you
14 are, as it turns out -- and imagine you were
15 now at a place where you have four members of a
16 professional staff who have heard the problem
17 described several different times by several
18 different people, but now they are going to go
19 back to their bat caves and they are going to
20 try to follow the direction or guidance or
21 themes that we provide. What would you have
22 them do? And let's not redescribe the problem.
23 Senator Latvala.

24 SENATOR LATVALA: Could I ask a quick
25 question and then answer that question?

1 SENATOR GAETZ: Yes, sir, of course.

2 SENATOR LATVALA: We have -- you know, we
3 did very well in our first meeting, and we
4 basically came to a general consensus on your
5 region of the state that you live in.

6 SENATOR GAETZ: That was T-ball, this is
7 speed ball.

8 SENATOR LATVALA: Then now we are in the
9 next region of the state and we are right at
10 the end of the meeting and we really haven't
11 talked about anything but principles. Is it
12 your intention to bring this region of the
13 state back for further conversation before we
14 go to the next region, or is the idea we are
15 going to talk about these principles, and then
16 the next time we are going to see this map is
17 when we see a PCB?

18 SENATOR GAETZ: Well, Senator Latvala, we
19 agreed on a schedule that would have a thorough
20 going conversation today, which many of us -- I
21 think all of us by consensus hoped would result
22 in some direction to our professional staff.
23 If we don't have any direction for our
24 professional staff as to these areas, then it
25 would be my intention that this would be first

1 item on the agenda at the next meeting. I
2 don't think it is fair to our professional
3 staff, to the public who is engaged now in
4 nearly -- providing nearly 100 proposals to us,
5 fair to this committee, to send the
6 professional staff off with a restatement of
7 the problem.

8 SENATOR LATVALA: Then let me give you a
9 suggestion to put on the table for what we have
10 our professional staff do.

11 In the region that we are considering here
12 now, we have -- as far as the state Senate
13 districts are concerned, we have two minority
14 based districts we have that have -- currently
15 have a -- are served by African-American
16 members, and served very well. Could we --
17 could we instruct the staff to start out this
18 phase of the map by drawing districts, or
19 showing us districts that will at least
20 maintain the ability to continue having those
21 districts as minority-represented districts?

22 SENATOR GAETZ: And you are speaking,
23 Senator Latvala, of all the minority districts,
24 or the Senate districts now?

25 SENATOR LATVALA: All the minority

1 districts.

2 SENATOR GAETZ: Is there any comment on
3 that? Senator Lynn.

4 SENATOR LYNN: I have a bit of discomfort
5 going along with something like that, because,
6 to me, it sounds like we are protecting
7 incumbents, and that may be the result, but I
8 don't think we should be making a statement to
9 that effect because of what might be
10 interpreted as the intent. So I would hope
11 that what would come out of today's meeting
12 would be understanding from staff that we are
13 out to protect minority districts, whether they
14 be African-American, Hispanic or both or mixed,
15 but that they have to do what is best in terms
16 of following all the guidelines from the
17 Constitution, those that actually -- as Senator
18 Thrasher outlined. So I would feel more
19 comfortable if we ended up with that kind of
20 guidance rather than let's leave everything the
21 way it is.

22 SENATOR GAETZ: Yeah, and to be fair to
23 Senator Latvala, I don't think he was talking
24 about protecting incumbents, but Senator
25 Latvala, you are recognized.

1 SENATOR LATVALA: I think it is important
2 to recognize that as we sit here today, the
3 incumbent Senator in one of those seats is term
4 limited, and I don't believe there is an
5 incumbent in the other Senate district. I
6 mean, you know, we are talking about the rights
7 of these people to not have -- or the right to
8 not be diminished in their ability to elect
9 people of their choice in their districts.
10 And, I mean, we have heard testimony and we
11 have heard the staff discuss what the voting
12 age population in these districts is currently,
13 and what it -- the best of the maps that we
14 have been given allow us to do, and they
15 weren't really up to what they ought to be. So
16 my suggestion is let's see what it takes to get
17 them up to what they want to be, and then we
18 shape the rest of the map around those seats.

19 SENATOR GAETZ: So let's be sure we
20 understand Senator Latvala's suggestion, and
21 then Senator Detert, and that is as to the
22 Senate districts that are currently minority
23 Senate districts, that those be drawn first
24 with the idea of protecting and not diminishing
25 minority voting rights, and that the other

1 districts be drawn around them with due
2 deference to the principles which were
3 explained by Senators Simmons and Thrasher. Is
4 that your suggestion, sir?

5 SENATOR LATVALA: Yes, sir.

6 SENATOR GAETZ: And now Senator Detert.

7 SENATOR DETERT: Thank you, Chair, and we
8 only have a few minutes left, so, quickly, what
9 instructions and marching orders do we give the
10 staff? Well, I think, number one is to follow
11 the amendments that were passed by the voters,
12 that would be the instruction to the staff,
13 rather than to think up our own criteria and
14 our own Tier 1, Tier 2, tier whatever, and I
15 think you start at the Panhandle and work down,
16 using that as your criterion and see how it
17 comes out.

18 SENATOR THRASHER: Mr. Chairman?

19 SENATOR GAETZ: Yes, Senator Thrasher, and
20 then Senator Storms, Senator Dean.

21 SENATOR THRASHER: I just want to be
22 clear, Senator Detert, that my understanding,
23 what I suggested was from the reading of
24 Amendments 5 and 6. I -- clearly, these are
25 not my criteria. I believe these are the

1 criteria that exist in the existing 5 and 6.
2 And I appreciate there may be differences and
3 nuances, but I do believe that racial
4 protection is clearly paramount. I believe
5 that favoring or disqualifying someone because
6 of incumbency or political party, I think that
7 is another one. Compactness is there, as well
8 as the feasibility of using political
9 boundaries. But those are in the existing
10 Constitution, and I am not trying to give the
11 staff, from my perspective, anything other than
12 what I read in the Constitution.

13 SENATOR DETERT: No, but --

14 SENATOR GAETZ: Senator Storms.

15 SENATOR STORMS: It just seems to me that
16 when you are starting with drawing the map,
17 then you would ask yourself the question: In
18 the past what has more likely resulted in court
19 intervention, which issue has more likely
20 resulted in court intervention? Has it been
21 contiguity, has it been compactness or has it
22 been minority access?

23 So if you are more likely to result in
24 court intervention with minority access, and I
25 would say even today, even with this -- with

1 this constitutional amendment, even though it
2 is 2011, you are more likely to result in court
3 intervention on the issue of minority access
4 than any other issue, on the issue of
5 compactness and on the issue of contiguity,
6 then I am in agreement that we should start
7 with the minority access issue as it relates to
8 the constitutional amendment. So start with
9 that principle, draw those principles, try to
10 make them as compact as possible, try to make
11 them as contiguous as possible, start there,
12 and then after that issue is done, then draw
13 the other seats, whatever is left over from the
14 leftovers, try and make them as compact and
15 contiguous as possible, and then -- then the
16 issue of taking -- of dealing with the
17 incumbents, favoring or disfavoring incumbents,
18 will take care of itself if you take it, in my
19 opinion, in that order.

20 SENATOR GAETZ: Thank you, Senator Storms.
21 Senator Dean.

22 SENATOR DEAN: I have listened so many
23 weeks, so many weeks to the public. I don't
24 disagree with every attorney that is on this
25 Board today on this question. It is right on

1 the money, they are trying to fulfill those
2 obligations of Article V and Article VI. But
3 somewhere I want to trust the direction and the
4 choice of professional staff to not forget the
5 public input and the ballots. I think that is
6 the most important thing that the court or our
7 constituents will look to us about, being
8 balanced, being fair and doing the right thing.

9 SENATOR GAETZ: Thank you, Senator Dean.

10 We will go to Senator Diaz de la Portilla,
11 then Leader Gardiner, then Leader Rich.

12 SENATOR DIAZ DE LA PORTILLA: Mr.
13 Chairman, to your suggestion that we provide
14 solutions or potential direction and answers
15 and not a restating of the problem, I think the
16 best direction that we can give staff in light
17 of everything is that, yes, as our attorney
18 told us, be cautious about diminishing minority
19 numbers, if you will, in these districts, but
20 we also can't throw out traditional
21 redistricting principles, meaning that these
22 districts can't be solely guided by racial or
23 language or minority considerations alone, we
24 have to take a look at everything else.

25 So what I would say is, yes, let's take a

1 look at not diminishing those percentages,
2 staff, while we try to balance that out with
3 the other competing requirements that we have
4 in traditional redistricting principles, which
5 we have discussed ad nauseam for two weeks.

6 SENATOR GAETZ: And we can run the clock
7 out here, and that is fine, we will just go
8 back at this at the next meeting, but let me
9 just ask Senator -- Leader Gardiner, any
10 comments?

11 SENATOR GARDINER: Mr. Chairman, I will
12 waive my time.

13 SENATOR GAETZ: Leader Rich.

14 SENATOR RICH: Thank you, Mr. Chair.

15 I would like to just go back to the public
16 testimony issue because Senator Dean brought
17 that up. I think public testimony is
18 incredibly important. We have shown that by
19 traveling the state, getting input from
20 hundreds and hundreds of people. But, you
21 know, sometimes the input from the public --
22 and I look at some of the maps that Mr. Guthrie
23 showed us -- actually does not follow the
24 amendments. So my -- my sense is that, yes, we
25 have to listen to public testimony, but we also

1 have to follow the law and the amendments, and
2 that is our number one priority, as far as I am
3 concerned.

4 The other thing quickly I would like to
5 say is I want to make sure that when you go
6 back, Mr. Guthrie, and your staff, that you
7 check what was said by citizens at the public
8 hearings in addition to what was said here.
9 And I use the last meeting as an example. When
10 I went back, it appeared that everybody was on
11 target with coastal/rural. When we went back
12 and looked at some of the testimony from the
13 hearing there, it was a little bit different.
14 So I want to make sure that just one public --
15 one set of testimony here doesn't color what
16 happened in the public hearings as well, that
17 we need to make sure that we go back and listen
18 to that.

19 And those would be just two suggestions,
20 and also to just obviously not use the maps
21 that have been submitted that don't abide by
22 Amendments 5 and 6 and do not take into
23 consideration the retrogression issue.

24 SENATOR GAETZ: Thank you very much,
25 Leader.

1 Let me try to see if I can summarize, and
2 if there is consensus or agreement, then that
3 is fine. Senator Latvala offered a suggestion,
4 and that is that we direct professional staff
5 to go back and use as a Tier 1 first mandate
6 requirement that we maintain -- and with
7 Senator Lynn's caveat, that we maintain
8 minority performing districts, minority voting
9 rights as a first building block on all of
10 these maps in northeast and north central
11 Florida, and that the other maps be developed
12 for the PCB with due deference to the other
13 aspects of Amendments 5 and 6.

14 Is there anyone who disagrees with that,
15 that we ought to start with that premise first,
16 to preserve minority voting rights, and then go
17 forward on that basis? Anybody disagree?

18 If not, that is direction of professional
19 staff. Senator Sachs moves we rise.

20 (Whereupon, the proceedings were
21 concluded.)

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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 144 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 14th day of November, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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SENATE REAPPORTIONMENT COMMITTEE

ROOM KN 412

NOVEMBER 2, 2011

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 SENATOR GAETZ: This is the Senate
3 Committee on Reapportionment, and if you are in
4 the right place, we would encourage you to sit
5 down and join us. If you are a member of the
6 Committee, please take your place at the
7 committee table. If you are a member of the
8 audience, we would invite you to find a chair.
9 If you came for the agriculture committee field
10 trip, that was earlier, you missed it.

11 And so the Senate Committee on
12 Reapportionment is called to order.

13 Will the administrative assistant please
14 call the roll?

15 THE CLERK: Senator Gaetz?

16 SENATOR GAETZ: Here.

17 THE CLERK: Senator Margolis? Senator
18 Altman?

19 SENATOR ALTMAN: Here.

20 THE CLERK: Senator Benacquisto?

21 SENATOR BENACQUISTO: Here.

22 THE CLERK: Senator Braynon? Senator
23 Bullard?

24 SENATOR BULLARD: Here.

25 THE CLERK: Senator Dean?

1 SENATOR DEAN: Here.

2 THE CLERK: Senator Detert?

3 SENATOR DETERT: Here.

4 THE CLERK: Senator Diaz de la Portilla?

5 SENATOR DIAZ DE LA PORTILLA: Here.

6 THE CLERK: Senator Evers?

7 SENATOR EVERS: Here.

8 THE CLERK: Senator Florez? Senator

9 Garcia?

10 SENATOR GARCIA: Here.

11 THE CLERK: Senator Gardiner?

12 SENATOR GARDINER: Here.

13 THE CLERK: Senator Gibson?

14 SENATOR GIBSON: Here.

15 THE CLERK: Senator Hays?

16 SENATOR HAYS: Here.

17 THE CLERK: Senator Joyner?

18 SENATOR JOYNER: Here.

19 THE CLERK: Senator Latvala?

20 SENATOR LATVALA: Here.

21 THE CLERK: Senator Lynn?

22 SENATOR LYNN: Here.

23 THE CLERK: Senator Montford?

24 SENATOR MONTFORD: Here.

25 THE CLERK: Senator Negron?

1 SENATOR NEGRON: Here.

2 THE CLERK: Senator Rich?

3 SENATOR RICH: Here.

4 THE CLERK: Senator Sachs? Senator
5 Simmons?

6 SENATOR SIMMONS: Here.

7 THE CLERK: Senator Siplin?

8 SENATOR SIPLIN: Here.

9 THE CLERK: Senator Sobel?

10 SENATOR SOBEL: Here.

11 THE CLERK: Senator Storms?

12 SENATOR STORMS: Here.

13 THE CLERK: Senator Thrasher?

14 SENATOR THRASHER: Here.

15 THE CLERK: Quorum present.

16 SENATOR GAETZ: Quorum being present for
17 the conduct of business, the Committee will
18 come to order.

19 Good afternoon, members. We have four
20 members of the Committee who have excused
21 absences today. For the record, those are
22 Senators Sachs, Braynon and Florez and
23 President Margolis.

24 President Margolis is recovering from
25 orthopedic surgery. Please keep her in your

1 thoughts and prayers. And our other three
2 Senators have excused absences for today.

3 Today, Senators, we will continue moving
4 through the state, region by region, discussing
5 scenarios for drawing congressional and
6 legislative maps based on suggestions and
7 district parameters submitted by the public.
8 And today, as our schedule provides, a schedule
9 we agreed to unanimously, we will focus on
10 southeast Florida.

11 Next time we meet, previews of coming
12 attractions, next time we meet on November 15,
13 we will consider southwest Florida, and
14 specifically at that meeting we will be
15 discussing the region from Tampa Bay all the
16 way through Naples and as far east as Lake
17 Okeechobee.

18 Yesterday, November 1st, was the deadline
19 which this Committee established in a unanimous
20 bipartisan agreement for the public, interest
21 groups and Senators to submit maps for
22 consideration in preparation of draft proposed
23 committee bills.

24 Twenty-seven plans were submitted on the
25 last day. Sort of like I used to do my college

1 term papers, the last hour, the last day, they
2 are stamped in. We now have 148 submissions
3 posted on the Senate redistricting website.

4 Five additional plans that arrived at the
5 very end of the day yesterday are still being
6 processed and bringing the total number of maps
7 we have received from the very beginning of
8 this process until the deadline yesterday to
9 153 maps and proposals from members of the
10 public across the state of Florida.

11 We are on schedule -- unless we find
12 ourselves bogged down today or on the 15th of
13 November, we are on schedule for professional
14 staff to be directed by this Committee to
15 develop and publish draft proposed Committee
16 Bills, including maps, statistics and downloads
17 before the end of November, and for this
18 Committee to consider a motion to introduce
19 proposed Committee Bills during the week of
20 Committee meetings that starts December 5th.

21 This maintains the very timely schedule
22 that we agreed to at the beginning of our
23 deliberations, and I think would respond to the
24 concerns of those who believe that somehow
25 there might be a protracted or elongated

1 process that would be harmful.

2 That same week, the week of December 5, we
3 would like to offer the public another bite at
4 the apple, as we discussed previously in this
5 Committee, and we would provide an opportunity
6 for feedback on the proposed Committee Bills.

7 So once we consider a proposed Committee
8 Bill or Bills, assuming those Bill or Bills are
9 approved by this Committee, then before we do a
10 dispositive vote and take PCBs to our presiding
11 officers and our Rules Chair, we would give the
12 public an opportunity to see the summative work
13 of this Committee drawn from the maps and
14 proposals we have received from the public from
15 the 5,000 people who came to our 26 public
16 hearings and from the 1,700 individuals who
17 testified and provided their insights to the
18 Committee.

19 Our staff has evaluated a number of
20 options for how we might give the public a
21 second bite at the apple; in other words, how
22 the public might be able to respond to the PCB.

23 And we have determined -- our professional
24 staff has determined that the best method for
25 gathering this additional public testimony is

1 to take comments not in one media, but in
2 several different media.

3 So as soon as the PCB becomes available,
4 as soon as it becomes available, but before we
5 vote to introduce it, we would begin gathering
6 input, comments and testimony via YouTube,
7 Twitter, the telephone, Facebook and e-mail,
8 and The Florida Channel has agreed to develop
9 an extended presentation of all the input we
10 would receive from all of those media.

11 Then, of course, we will also hear
12 testimony that week from those who choose to be
13 here in person and are able to attend our
14 meeting in December, but our goal is to make
15 sure that if you are anywhere in Florida and if
16 you have access to a postage stamp, to a
17 telephone, to YouTube, to Twitter, to Facebook
18 or any of the media that we have described,
19 that you would have a way for us to get the
20 benefit of your input.

21 Then with The Florida Channel developing
22 that extended presentation, we would play or
23 share that -- those comments at our meeting
24 prior to any vote, or at a workshop prior to
25 any vote.

1 It may be the case that if we get a lot of
2 comments, which we hope we will, and if some of
3 those comments are repetitive, that in the
4 interest of time, we wouldn't be able to hear
5 every single one of the repetitive comments,
6 but what we will do is we will make those
7 comments all -- regardless of how we've
8 received them, available to all members of the
9 Committee, so that everyone who has any input
10 whatsoever on the PCB will have the opportunity
11 to be heard, and their comments, criticisms or
12 suggestions will come before this Committee.

13 This will maximize the number of people
14 able to participate and increases the window of
15 opportunity for input. Instead of having
16 individuals having to go to a location and wait
17 in line to provide their input, they can send
18 it to us at their convenience and can begin
19 submitting their testimony at the end of
20 November when the proposed PCB would be
21 available.

22 And Committee members will recall that by
23 our unanimous agreement, there will be no PCB
24 that is not publicly advertised, that is not
25 publicly available, and that not only members

1 of the Committee, but also members of the media
2 and the public would have an opportunity to
3 view well in advance.

4 I think, Mr. Guthrie, did we not say seven
5 days, at least seven days in advance? Seven
6 calendar days, which gives a substantial
7 opportunity for feedback.

8 In all likelihood, we will be holding our
9 meeting on Tuesday of that first week in
10 December in order to accommodate some of our
11 members who have other commitments that week,
12 but also to allow as much time as possible for
13 public review of the PCB, also to keep from
14 having to return to Tallahassee during the
15 holidays.

16 I would suspect that we might begin to get
17 a little bit of push-back from some of our
18 Senators if we interfered with your plans in
19 your district, with your families and your
20 constituents for the holidays, so we will do
21 everything we can to avoid that.

22 Now, before we go any further, are there
23 any questions about the schedule or about the
24 policies and procedures, timelines that we have
25 established for the Committee? Any questions?

1 Senator Latvala.

2 SENATOR LATVALA: Thank you, Mr. Chairman.
3 Just a point of clarification. You know,
4 the -- at our first meeting, we did the
5 northwest Florida region, and we came to sort
6 of a consensus on what we would like to see
7 with that region.

8 Then at our second meeting, we spent a
9 couple of hours discussing northeast Florida
10 all the way down to the Orlando area, but the
11 only consensus we reached was to have the staff
12 look at maximizing the minority access seats in
13 that region, and I asked the question about
14 when would we have an opportunity for further
15 discussion on that region, and if I recall
16 correctly, you said at the beginning of this
17 meeting.

18 Now, it doesn't have to be at the
19 beginning of this meeting, but I was just
20 wondering whether, before we see PCBs
21 published, we were going to go back and see the
22 staff's work on that and what potential
23 alignments that might necessitate in that
24 region and be able to have some open discussion
25 about that before we get all the way to a bill.

1 SENATOR GAETZ: Yes, sir, Senator Latvala,
2 that is an excellent point and that is exactly
3 our plan. The staff has -- in the absence of
4 any specific guidance from the Committee, the
5 staff has only begun to act or to consider
6 options based on those directions that the
7 Committee gave, which were to maintain minority
8 voting rights, minority access districts in the
9 northeast and central regions, but it is
10 entirely in order that we might begin this
11 meeting with any additional direction or
12 guidance that any committee members may wish to
13 articulate as to northeast Florida or north
14 central Florida because of the additional
15 information that we were able to share with the
16 Committee at the last meeting.

17 Senator Latvala.

18 SENATOR LATVALA: Well, the -- we did have
19 extensive testimony at the last meeting, as I
20 recall, and I guess that is why I sort of
21 wanted to bring it up now while we could still
22 remember that, regarding the Nature Coast area
23 of the Gulf Coast, which is the area, you know,
24 immediately southeast of Tallahassee, going all
25 the way down to Citrus County. And as I

1 recall, we had three or four or five members of
2 the public here making testimony with regard to
3 the fact that they felt a great deal of kinship
4 in that region, sort of like what some of the
5 folks in the Panhandle had said about -- about
6 their region and splitting that region up
7 between the rural areas and the coastal areas,
8 and I am -- I guess I am just wondering if,
9 based on that testimony, we could sort of move
10 in the direction of doing what the people asked
11 us to on the Nature Coast area.

12 SENATOR GAETZ: Thank you, Senator
13 Latvala. Let's take some discussion on that
14 issue. Senator Bullard.

15 SENATOR BULLARD: Thank you, Mr. Chairman.
16 I have a question regarding --

17 SENATOR GAETZ: Of course.

18 SENATOR BULLARD: -- the communication
19 process that you mentioned. You had indicated
20 that we would be -- we'd have access to
21 information via Facebook, YouTube and some
22 others. What type of information again did you
23 say would be available to us, and who will be
24 placing on those sites?

25 SENATOR GAETZ: Thank you, Senator

1 Bullard. What the Committee wanted to do was
2 to make sure that when we had a proposed
3 committee bill that would be presented to this
4 Committee for a vote, that before a vote were
5 taken, that the proposed committee bill would
6 be publicly available and that we would be able
7 to give the members of the public who wished to
8 comment, so to speak, a second bite at the
9 apple.

10 We've already had 26 public hearings,
11 we've had hearings and meetings in this
12 building where we've had additional comment,
13 but the idea was making sure that if there was
14 comment on a specific PCB, that there was an
15 opportunity for it.

16 And if I can properly characterize, and I
17 know members will correct me if I am wrong,
18 there was concern that there are some people
19 who might not be able to come to Tallahassee.
20 And so, therefore, Senator Bullard, the idea
21 was that our staff considered several different
22 things, including remote site teleconferencing,
23 but we find ourselves here, because of the
24 schedule we had agreed upon, in the holiday
25 time when some of our community colleges and

1 other places that have teleconferencing
2 capabilities, you know, may be shut down for
3 the holidays.

4 So then the question became what could we
5 do? And so we went to our friends at The
6 Florida Channel, and they said, "Look, here's
7 what we can do. We can put together for the
8 Committee a video that would -- that would
9 feature any Floridian who wanted to call us,
10 write us, who would want to send us testimony
11 via YouTube or Twitter or Facebook or e-mail
12 about the PCB, about the proposed committee
13 bill, prior to any vote."

14 So it would be, in answer to your
15 question, any citizen of Florida, we would
16 provide an opportunity for them to have access
17 to the Committee via this method, and then The
18 Florida Channel would put together a
19 presentation for us --

20 SENATOR BULLARD: Okay.

21 SENATOR GAETZ: -- as well as live
22 testimony. Does that answer your question,
23 ma'am?

24 SENATOR BULLARD: It does, and thanks to
25 The Florida Channel.

1 SENATOR GAETZ: Yes, ma'am, yes, ma'am.

2 Senator Gibson.

3 SENATOR GIBSON: Thank you, Mr. Chair.

4 This goes back to a question that I had, I
5 think it was at our last meeting or the meeting
6 before that one, concerning the maps that
7 were -- I think you said there were 27 given
8 like at the deadline yesterday?

9 SENATOR GAETZ: There were 27 maps
10 submitted yesterday, yes, ma'am.

11 SENATOR GIBSON: And since the public and
12 others had until yesterday to submit maps, yet
13 we have gone forward as far as at least
14 northeast Florida, plus Orlando, with some
15 consensus direction, what happens to the maps
16 that were submitted that are relevant to areas
17 that we have already covered?

18 SENATOR GAETZ: Those maps are available
19 for the Committee to review, and should you
20 find information or suggestions in those maps
21 that you think that you -- that have merit, you
22 have the opportunity as a member of this
23 Committee to offer an amendment to the PCB, or
24 to provide, prior to the PCB, your comments to
25 the Committee to see if we can get consensus on

1 the Committee, that may or may not agree with
2 your comments, to give direction to the staff.

3 But even if you can't get consensus on the
4 Committee now, if you have a particular idea --
5 and we would welcome your idea, welcome your
6 map -- you certainly would have the
7 opportunity, as a member of the Committee, as a
8 member of the Senate, to offer an amendment to
9 the PCB.

10 SENATOR GIBSON: And can I have one more?

11 SENATOR GAETZ: Yes, of course, ma'am.

12 SENATOR GIBSON: The maps that came in by
13 the deadline, are they posted already, or do we
14 have a number -- do we have any relative number
15 as to how many of them go to the areas that we
16 have already covered? Are ten of them we have
17 already gone over, are there seven that we have
18 yet to get to those areas, how does that break
19 out, if you know?

20 SENATOR GAETZ: Well, ma'am, there are 148
21 maps that have been posted, 153 total maps by
22 the time of the deadline, because I think there
23 were about five maps that came in at the end
24 that are still being processed so that they can
25 be posted, but what we have requested, not

1 always gotten, but what we have requested is
2 that anyone who develops a map for, say,
3 southwest Florida, give us a statewide map if
4 they can which would include all regions of the
5 state, because we can't just redistrict for one
6 part of Florida, because of the consequences
7 and the ripple effects on the rest of the
8 state.

9 So in answer to your question, one would
10 hope that most of the maps that we have
11 received -- and Mr. Guthrie might want to
12 comment on that -- most or almost all of the
13 maps we have received have been statewide maps.
14 Although the intent of a particular mapmaker or
15 proposer might be just to look at her or his
16 own area, you know, we really can't do it in a
17 vacuum, we have to understand what the
18 consequences are for the rest of the state. So
19 one would hope that there would be statewide
20 maps by all, or nearly all.

21 But Mr. Guthrie, I know we have had some
22 folks who have submitted just regional maps.
23 Could you answer Senator Gibson's question? Of
24 those maps that have come in just recently, how
25 many of them were statewide maps as opposed to

1 just regional maps?

2 MR. GUTHRIE: The resource I used for
3 plans submitted by the public, and plans that
4 later will be submitted by Senators and
5 Representatives, is the Senate redistricting
6 web page. On the web page, we have a link to
7 "Submitted Plans." If you click on that link,
8 you will see all of the plans that have been
9 submitted to the Senate so far. Now, we are
10 showing on this site not only the plans that
11 are submitted to our Committee, but also the
12 plans that are submitted to the House
13 Committee.

14 So what we know -- and actually, Senator
15 Gaetz, since I provided the numbers to you
16 earlier this morning, they have changed. We
17 are actually up to 156 plans. I checked my
18 inbox, and there were some plans that came in
19 yesterday afternoon, three additional ones.

20 So plan number 156 is going to be last one
21 received as of November 1, 2011. We have 156,
22 155 and 154. Those were put on the website
23 just this morning. Then we have, as Senator
24 Gaetz said, plans 1 through 148, which -- many
25 of which have come in during the last several

1 days.

2 And if we look at the plan details column
3 of the grid here, we can see for each plan how
4 many districts it includes. So this House plan
5 with 120 districts is a complete House plan.
6 The Senate plan with 40 districts is a complete
7 Senate plan.

8 The congressional plan with 27 districts
9 is a complete congressional plan. But then
10 this next plan by Mr. Spooney of Orlando has
11 six Senate districts, so it is not a complete
12 Senate plan.

13 We also show, so that you will see it
14 before you even get started looking at a plan,
15 what the overall deviation is for that plan,
16 and whether the districts within that plan are
17 complete and contiguous. So you've got a lot
18 of detail.

19 And what we are seeing, just scrolling
20 down the list, is of the first ten plans, all
21 of them are complete except three. We can go
22 to the next page, and we see complete,
23 complete, incomplete, incomplete, complete,
24 incomplete, complete. So it is a mix of
25 complete and incomplete plans. But you can

1 scroll that list just as I am doing and see
2 exactly what plans have been submitted.

3 If there is one you would like to take a
4 quick -- a closer look at, you simply click on
5 the plan name, and it opens a page which shows
6 you who submitted it, where they are from, the
7 vital statistics of the plan. Down below you
8 can access reports, statistics or downloads
9 that you can take to another redistricting
10 system or to Google Earth. And we have a real
11 handy application which I have been using at
12 our committee meetings called District
13 Explorer, where if you click on that, the plan
14 will open up in your browser.

15 It is an interactive map, so as you zoom
16 in closer and closer, you see more and more
17 detail about the exact location of the
18 districts and how they relate to Florida's
19 many, many communities.

20 SENATOR GAETZ: And before we go on, Mr.
21 Guthrie, if there are -- are there any other
22 questions as to schedule or process or
23 procedure before we go back to Senator
24 Latvala's point? Senator Detert.

25 SENATOR DETERT: Thank you, Mr. Chair. It

1 was my understanding, correct me if I am wrong,
2 that we were going to do what I -- my
3 interpretation was we were going to have like a
4 blank map of Florida and do the minority plans
5 as an overlay first just to see what it looked
6 like, and then blend in with that. Was that
7 incorrect?

8 SENATOR GAETZ: Senator Detert, I think
9 you are right. The consensus, to which no one
10 on this Committee objected at the last meeting,
11 was that as to -- as to northeast Florida and
12 central Florida, which is the first place that
13 we ran into the issue of minority access
14 districts, that our direction to professional
15 staff was that when they began to develop a
16 PCB, that they have to start with the minority
17 districts --

18 SENATOR DETERT: Oh, okay.

19 SENATOR GAETZ: -- and then, as Senator
20 Latvala has indicated, we may have further
21 guidance for professional staff as to how they
22 might fill in around those minority districts.
23 But, yes, ma'am, in general, you are right.

24 SENATOR DETERT: And if I could follow
25 that up?

1 SENATOR GAETZ: Of course, ma'am.

2 SENATOR DETERT: I really think that would
3 be helpful to people that criticize us for
4 gerrymandering if they saw just what the state
5 of Florida looks like blank, then you overlay
6 just the minority districts and nothing else,
7 and then you see how we have to blend in with
8 those districts and that is how we are going to
9 get other districts that may look oddly shaped.

10 SENATOR GAETZ: If you have a -- if you
11 have a piece of geometry that is
12 necessitated -- a piece of oddly-shaped
13 geometry that is necessitated by the protection
14 of minority voting rights, then, obviously, the
15 geometry that is right next to it has at least
16 one border that is oddly shaped, you know. So
17 you are exactly right.

18 Any other questions or comments as to
19 procedure or schedule?

20 Let me just remind you before we go back
21 to Senator Latvala's point that if any Senator
22 would like a particular plan for southwest
23 Florida -- now we are looking ahead to our
24 November 15th meeting -- if any Senator would
25 like a particular plan for southwest Florida to

1 be included on the agenda for November 15th,
2 please make sure to notify the staff before
3 Monday, November 7, so it can be included in
4 the meeting notice that is due before noon that
5 day.

6 What we have instructed our professional
7 staff to do is to look at the testimony that we
8 have received, look at the public submissions,
9 and give us scenarios that are representative
10 of the input we have received. But if there is
11 a particular plan that you want to make sure is
12 on our discussion agenda for the 15th of
13 November for southwest Florida, all you have to
14 do is tell us, and it will be there.

15 And so let's go back to Senator Latvala's
16 point. Is there any discussion that would be
17 in response to the Senator's request for I
18 would say additional guidance to the staff as
19 to northeast and central Florida?

20 Senator Latvala.

21 SENATOR LATVALA: Do you want me to repeat
22 that since it's been a while ago?

23 SENATOR GAETZ: Yes.

24 SENATOR LATVALA: My suggestion was that
25 we had significant testimony from people that

1 live along the Nature Coast in Taylor, Dixie
2 and Levy Counties, I think, particularly at the
3 last meeting about the uniqueness of that area,
4 the fact that that is an area of the coast that
5 doesn't have beaches, that area is all
6 connected by U.S. Highway 19 as an artery, and
7 a lot of similarities in the population of
8 those areas, that we would try to do the same
9 kind of thing that we did in northwest Florida
10 in keeping those like counties together along
11 the Nature Coast to form the basis of a Senate
12 district there as much as possible.

13 SENATOR GAETZ: Comments or questions?
14 Observations?

15 Mr. Guthrie, is there a chance that you
16 might be able to take us back to the scenarios
17 that we had for the Nature Coast area of the
18 state from our last meeting and let's see how
19 close or not close we come to Senator Latvala's
20 point? Can we do that? Is that doable?

21 MR. GUTHRIE: Let's pick one of the plans.
22 Ben, what would you suggest as a good one to
23 start with? Would it be maybe --

24 SENATOR LATVALA: Mr. Chairman?

25 SENATOR GAETZ: Yes, sir, Senator Latvala.

1 SENATOR LATVALA: There was a map that had
2 like a double name, one of those southern
3 names, like Molly Sue or Bonnie Sue or
4 something like that. That is one of -- that's
5 one of those Taylor County names, I think.

6 A VOICE: All right. So we are looking
7 for the Molly Sue map here.

8 SENATOR GAETZ: Ben, what have we got
9 here, buddy?

10 A VOICE: Yes, it is taking just a second.

11 SENATOR GAETZ: Bonnie Sue, Bonnie Sue.
12 Senator Latvala, you remembered the "Sue," that
13 is good. Why don't we have a look at that,
14 then, if we may, please, Mr. Guthrie? And this
15 may spark some conversation.

16 MR. GUTHRIE: My Internet connection is
17 running a bit slow here this morning -- or this
18 afternoon.

19 SENATOR GAETZ: It is number HPUBS0080,
20 which would be submitted map number 80.

21 MR. GUTHRIE: Okay. So as Senator Latvala
22 suggested, this particular map holds together
23 the counties of Taylor, Dixie, Levy, Citrus and
24 a part of Hernando County, plus pieces of -- a
25 piece of Marion, all of Gilchrist, all of

1 Lafayette and Gilchrist Counties, and a portion
2 of Columbia County.

3 SENATOR GAETZ: Mr. Guthrie, let me just
4 ask you this, and, Ben, if you had some
5 analysis on this map, feel free to chime in,
6 could you characterize this map in terms of,
7 first of all, equity, statistical variation,
8 and then secondly, compactness, natural
9 boundaries, any minority access issues? Could
10 you sort of help us get our arms around are
11 there any inherent issues here with respect to
12 this map?

13 MR. GUTHRIE: Well, the one bit of tension
14 that you have here with having a district
15 include -- a Nature Coast district include all
16 of Taylor Counties is that is going to force
17 the districts coming out of the Panhandle to
18 extend further to the east. So rather than
19 ending in, say, Madison County, the district
20 that includes the capital area extends in this
21 scenario east to include all of Hamilton County
22 and a portion of Columbia County.

23 So a consequence is that the capital area
24 district gets pushed further to the east by
25 virtue of having a Nature Coast district

1 include all of Taylor County.

2 SENATOR GAETZ: Are there any other -- are
3 there any other remarkable comments that you
4 would make about this particular proposal in
5 terms of its compliance with legal
6 requirements?

7 MR. GUTHRIE: That is, I believe, the most
8 salient -- salient point.

9 SENATOR GAETZ: Senator Latvala, did you
10 wish to offer some comments about this map?

11 SENATOR EVERS: Mr. Chairman?

12 SENATOR GAETZ: I'm sorry, he was --

13 SENATOR EVERS: Mr. Chairman?

14 SENATOR GAETZ: Sure, Senator Evers and
15 then Senator Latvala.

16 SENATOR EVERS: I had a question. Looking
17 at the map, are those whole counties -- that
18 blue area, isn't that pretty much all whole
19 counties up there?

20 MR. GUTHRIE: This map has a portion of
21 Bay County --

22 SENATOR EVERS: Okay.

23 MR. GUTHRIE: -- all of Calhoun, Gulf,
24 Liberty, Gadsden, Franklin, Wakulla, Leon,
25 Jefferson, Madison, Hamilton and a part of

1 Columbia County.

2 SENATOR EVERS: Okay. And then that in
3 the yellow coming down, are those pretty well
4 whole counties also?

5 MR. GUTHRIE: Partial counties are
6 Columbia, Marion and Hernando. Whole counties
7 are Citrus, Levy, Dixie, Taylor, Lafayette and
8 Gilchrist --

9 SENATOR EVERS: But --

10 MR. GUTHRIE: -- and Suwannee.

11 SENATOR EVERS: But, for the most part, I
12 mean, it is pretty well whole counties, and
13 those folks have a common interest and -- on
14 the Nature Coast there.

15 SENATOR GAETZ: Senator Latvala, did you
16 wish to comment, sir?

17 SENATOR LATVALA: My memory doesn't work
18 quite as well as it used to, but I believe that
19 all the counties, except the portion of
20 Columbia, were in the map that we came to
21 consensus on for District 3 before. I think
22 it -- I think the District 3 map that we looked
23 at in that committee meeting came all the way
24 over and included Hamilton County.

25 And so really the only -- it is a question

1 of you split Taylor County or you split
2 Columbia County, I guess, and that would just
3 be -- I mean, that would be a matter for
4 someone to decide, but I don't think your -- I
5 think Hamilton was included in that District 3
6 before that this map was obviously modeled
7 after.

8 SENATOR GAETZ: Any other comments?
9 Senator Dean.

10 SENATOR DEAN: I believe I can answer that
11 part. Hamilton County is in the old district.
12 That part of Columbia County is just reversed.
13 The old district, the upper part of Columbia
14 was in the district, the south part of Columbia
15 was not. So that has been changed on this map.
16 And then, of course, the admissions then would
17 be the Jefferson, Leon and Madison County and
18 that area, then Hamilton. But the reverse role
19 is in Columbia County.

20 SENATOR GAETZ: Other comments or
21 questions? Observations?

22 Senator Latvala, would you like to
23 articulate a proposed direction to committee
24 staff, please?

25 SENATOR LATVALA: Yes, Mr. Chairman, thank

1 you. I just think while the -- obviously, you
2 know, the edges of the map are going to have to
3 be modified into -- to make them work with
4 other districts and perhaps the minority
5 districts that might come out of Jacksonville
6 based on the staff input, I think this would be
7 the basis for following the requests of
8 numerous citizens that came to our hearing the
9 last time of keeping the Nature Coast together.

10 SENATOR GAETZ: Other comments?

11 Senator Dean.

12 SENATOR DEAN: Again, another alternative
13 that could be considered, if you looked at the
14 difference in Columbia County and then take all
15 of that into another district, say towards
16 five, that then the addition of below Highway
17 44 into Sumter County might be an addition to
18 there and compared to the upper piece of
19 Hernando County and the numbers that you would
20 exchange, but therein the numbers are very
21 close, around four hundred seventy some
22 thousand people in that district.

23 SENATOR GAETZ: Any other comments? You
24 have heard Senator Latvala and Senator Dean's
25 comments, Senators. I -- correct me if I am

1 wrong -- I'm sorry, Senator Storms.

2 SENATOR STORMS: Mr. Chair, I am trying to
3 look at what Senator Dean is saying by way of
4 understanding, and I don't know if there is a
5 way for someone to point, or is there a cursor,
6 Mr. Guthrie, that you can show as he says that
7 so I can see exactly what he is talking about?

8 SENATOR GAETZ: Why don't you illustrate
9 what you understand Senator Dean's point to be.

10 MR. GUTHRIE: I believe what Senator Dean
11 was suggesting is that District 5 could include
12 the lower portion of Columbia County, which
13 would reduce the -- or under-populate District
14 4 in this scenario. In order to make up
15 additional population in District 4, what
16 Senator Dean was suggesting is you might travel
17 into Sumter County and include a northern
18 portion of Sumter County in with District 4 --

19 SENATOR DEAN: Southern portion.

20 MR. GUTHRIE: The southern portion of --

21 SENATOR DEAN: From 44 east.

22 MR. GUTHRIE: Okay.

23 SENATOR DEAN: Which is the north/south
24 corridor -- east/west corridor, south.

25 MR. GUTHRIE: Okay.

1 SENATOR STORMS: Mr. Chair, if I could
2 just --

3 SENATOR GAETZ: Sure, Senator Storms, then
4 Senator Hays.

5 SENATOR STORMS: So as I understand what
6 we are talking about, what the effect of that
7 would be, Mr. Guthrie, would really be to kind
8 of square it up. I mean, because you would lop
9 off the top -- I can't see it now, but it looks
10 like what he is saying is lop off the top
11 protrusion right there --

12 MR. GUTHRIE: And then --

13 SENATOR STORMS: -- and then add it,
14 square it up on the bottom, cut that off and
15 square it off on the --

16 MR. GUTHRIE: Yes, take this territory,
17 Lake City and south in Columbia County, and
18 then add territory south of State Road 44 in
19 Sumter County. And I won't make a
20 characterization --

21 SENATOR STORMS: I believe the way he said
22 it was Sumter.

23 MR. GUTHRIE: Sumter County, that is it.

24 SENATOR GAETZ: Senator Hays.

25 SENATOR HAYS: Thank you, Mr. Chairman.

1 With that same map there, Mr. Guthrie, if
2 we could, I would like to suggest that we --
3 since we already have the northern part of
4 Hernando County, and Sumter County is intact
5 completely, do you think it would be more in
6 keeping with the intent of Amendment 5 if we
7 leave Sumter County intact and then just go
8 further down into Hernando County there in
9 District 11?

10 MR. GUTHRIE: That would -- I think you
11 are beginning to get a feel here of the huge
12 variety of opportunities that are available to
13 this Committee for solving these puzzles.

14 SENATOR GAETZ: Senator Montford.

15 SENATOR MONTFORD: Thank you, Mr. Chair,
16 and if -- I am not sure what the process
17 requires. If we are going to get down to
18 sitting here today, start drawing, I would
19 suggest let's go back and start over again in
20 northwest Florida, because I believe -- in the
21 maps, I believe if you go -- go west.

22 MR. GUTHRIE: Go west?

23 SENATOR MONTFORD: Yeah. I believe in the
24 maps we had before. For example, I believe
25 that part of Bay -- where are we? I believe

1 that was in -- I don't even recognize that one.

2 I guess --

3 MR. GUTHRIE: Yes, having -- Mr. Chairman?

4 SENATOR GAETZ: Of course.

5 MR. GUTHRIE: Having District 3 extend
6 into Panama City is not a common concept among
7 the plans we have seen submitted from the
8 public.

9 SENATOR MONTFORD: Well, it was up there a
10 minute ago.

11 MR. GUTHRIE: Well, it is here now, yes.
12 This is --

13 SENATOR MONTFORD: That is --

14 MR. GUTHRIE: This is the Bonnie Sue Abner
15 plan.

16 SENATOR MONTFORD: But if we are really
17 going to -- I mean, obviously, this has a
18 domino effect. So if we are going to start
19 changing, then let's go back and start over in
20 Pensacola. Or at what point do we say, you
21 know, we are moving on? I am not saying I
22 would necessarily object to what is being
23 proposed. It is just I find it difficult to
24 sit here today and talk about areas and roads
25 and streets that I don't even know about.

1 SENATOR GAETZ: Sure. Well, what we want
2 to have is an open discussion. We have had a
3 very open discussion. Every agreement that we
4 have come to so far has been without any
5 objection by any member of the minority or
6 majority parties.

7 If Senator Latvala wants to offer a
8 precise suggestion as to where a particular
9 district might start or stop in terms of
10 streets or boundaries, he is welcome to do so,
11 but unless this Committee decides otherwise, I
12 will then ask, is there objection to that, or
13 is there a feeling that, you know, that we
14 are -- that we are getting too deep in the
15 weeds. And if so, then, you know, we won't
16 take that suggestion.

17 But I think Senator Latvala's point is in
18 order, and that is that we did hear testimony
19 about the Nature Coast -- and I don't mean to
20 speak for Senator Latvala, I don't know that he
21 is particularly in love with one map or
22 another, but I think he is trying to make a
23 general point, and we may have kind of gotten
24 away from ourselves, you know, as we have
25 gotten more specific, but you are welcome at

1 any point or later to offer an amendment to any
2 PCB that goes back or forward or sideways
3 anywhere in the plan, Senator.

4 SENATOR MONTFORD: I'm aware of that. I
5 remember, I believe too that when we talked --
6 when we were in northwest Florida, we agreed
7 and we talked and we supported and we came to
8 consensus about a -- the coast area, and now
9 the Nature Coast area, but I don't believe we
10 got -- when we were discussing northwest
11 Florida, I don't think we got down into the
12 streets and the roads --

13 SENATOR GAETZ: Yes, sir, you are right.

14 SENATOR MONTFORD: We did not do that.

15 SENATOR GAETZ: You are right.

16 SENATOR MONTFORD: And if we are going to
17 do that, then I need to be prepared to at least
18 familiarize myself with what we are talking
19 about.

20 SENATOR GAETZ: Well, we would encourage
21 all members of the Committee to study in detail
22 all of the maps that are on the agenda for each
23 committee meeting so that you can discuss at
24 whatever level of detail you wish to discuss.

25 But, Senator Latvala, you are recognized if you

1 want to help us out of the woods here.

2 SENATOR LATVALA: Thank you, Senator
3 Gaetz.

4 My -- my suggestion, not a motion, but a
5 suggestion was that we respect the concept of
6 trying to keep the Nature Coast area together
7 based on the testimony that we heard at our
8 hearing. And I did not get into, you know,
9 exactly which map or exactly which parts of
10 which counties. It was the concept. And that
11 is what I am suggesting is we ask our staff as
12 they are formulating the map to respect keeping
13 the concept of the Nature Coast together, and
14 then as they formulate the PCB, they can work
15 around the edges to make the numbers come out
16 right. That is my suggestion. It is a
17 concept, not a specific map.

18 SENATOR GAETZ: Senator Dean.

19 SENATOR DEAN: I, too, support that
20 concept. I was just trying to clarify where
21 the various differences in the population
22 centers are since I serve that area. I am
23 agreeable. It should be kept in concept.

24 SENATOR GAETZ: Other comments or
25 questions? Senator Lynn.

1 SENATOR LYNN: When we were in the
2 northern part, we talked about the geographic
3 separation, we talked about possible road
4 separation north and south, and then we talked
5 about the coastal area having more in common
6 and the northern area having something in
7 common, so we seem to have a philosophy there.
8 And when I hear the comment about the Nature
9 Coast, are we speaking again about the fact
10 that the coastal areas have something in
11 common, for which reason we would keep them
12 together?

13 And then I would go to the next question,
14 is that generally going to be our position in
15 terms of coastal areas, that coastal areas have
16 a great deal of interests in common,
17 similarities in a variety of ways, geographic
18 as well as other ways, and we work our way
19 around the state that way?

20 And I just want to have a reason for why
21 we are just -- I understand the people talked
22 about the Nature Coast and the other coastal
23 areas, so is that basically a philosophy that
24 we are extending?

25 SENATOR GAETZ: Well, let me -- I will

1 take a crack at the second part of the
2 question. I am going to yield -- recognize
3 Senator Latvala to characterize his answer on
4 the first part of the question.

5 I think that Leader Rich probably laid it
6 out best for us, and if I -- if I misstate, I
7 know she will correct me, and that is that
8 decisions that we make are made for that part
9 of the state and the conditions and the legal
10 strictures that we face in a particular part of
11 the state, but that we are not hamstringing
12 ourselves -- my word, not yours, Leader -- to a
13 particular point of view that then obliges us
14 to deal with every issue in exactly the same
15 manner, regardless of local conditions. Is
16 that a fair characterization, Leader? Please,
17 you are recognized.

18 SENATOR RICH: Thank you, Mr. Chair.

19 I just wanted -- as I was listening to the
20 conversation, I just wanted to clarify the fact
21 that I had said that following the discussion
22 we had on the northwest Florida coast --
23 coastal issue, it was brought to my attention
24 that the information that we were basing our
25 decision on that day was kind of based on

1 people who came that particular day to talk to
2 us here, and that there were many people back
3 home who had come to the public hearing who had
4 a different opinion, or at least there was a
5 difference of opinion, and that I wanted us to
6 make sure that we did not make a decision based
7 on just the few people that might come here and
8 voice, you know, their positions that day
9 without really going back and looking at --
10 assuming that everything was constitutional and
11 abided by Amendments 5 and 6, you know, that we
12 would -- you know, that we would take certainly
13 into consideration the people's point of view,
14 but make sure that we go back and look at and
15 remember what people had said in the public
16 hearings, because there were a lot more people
17 there than came here that day. So that was
18 really my --

19 SENATOR GAETZ: And I would agree with the
20 Leader. I think that all of us now, I mean, we
21 are down -- we are down to the short strokes,
22 we need to go back and review the public
23 testimony that was taken at these hearings, we
24 need to take a look at the maps that have been
25 presented by the public, so that we operate, as

1 the Leader has indicated, from a full spectrum
2 of input and information as we -- as we give
3 direction to our professional staff.

4 Senator Latvala and then Senator Thrasher.

5 SENATOR LATVALA: You know, Senator
6 Thrasher, at our earlier meeting -- you know,
7 when we talk about the concepts and we talk
8 about, you know, how we are building this whole
9 bill, you know, we got to remember
10 constitutional amendment and the order in which
11 things are laid out, you know, respecting our
12 minority populations, not drawing a map for any
13 incumbents or any political parties,
14 compactness and respecting the county
15 boundaries. I mean, I think that this map that
16 we had up there and we're able to do all of
17 those things and still respect the people who
18 came and testified.

19 We are elected by the people to try to do
20 what the people want us to do, and I don't
21 think there is any conflict with the concept of
22 keeping the Nature Coast together and those
23 four principles that this Committee set up. So
24 that is the reason I made the suggestion.

25 Now, we haven't had that kind of comment,

1 that kind of local input, into all the
2 districts. So then when we don't have the
3 local input, then we can fall back on our four
4 principles and the constitutional amendments
5 that the people adopted.

6 SENATOR GAETZ: Speaker Thrasher.

7 SENATOR THRASHER: Mr. Chairman, and
8 again, thank you, I think I agree with Senator
9 Latvala. What we are doing, as I understand
10 it, is we are building a PCB as best we can, a
11 proposed committee bill, by giving the staff
12 instructions based upon testimony we have
13 heard, maps that have been presented, the
14 principles in which Jack -- or Senator Latvala
15 just outlined that we had talked about last
16 meeting, and at some point in time, based on
17 your schedule, that PCB is going to be put
18 together, just like any other bill we construct
19 in a committee.

20 And then, as I understand it, that bill
21 will come back to us and we are going to have a
22 chance, as all members of the Committee, and
23 probably anybody else who has input, to make
24 adjustments to that PCB.

25 But what we are doing right now is

1 basically dealing in broad concepts within the
2 framework of the principles that we have
3 adopted, and that we are going to do the best
4 we can to adjust those down the road based upon
5 testimony and the impact of one district
6 against another.

7 And at some point in time, we are going to
8 call balls and strikes, and the Chairman is
9 going to come through with a committee bill
10 that we are going to dissect and look at and
11 have an opportunity to make adjustments to
12 before that bill is actually presented to the
13 full Senate.

14 I think we are on the right direction, but
15 I think if we get off in the weeds,
16 Mr. Chairman, and talking -- and I am not
17 suggesting anybody was, but if we get too far
18 into the weeds in terms of the individual, you
19 know, districts and borders and things like
20 that, we're probably not going to have time to
21 get it done. So we need to move ahead, in my
22 opinion.

23 SENATOR GAETZ: Thank you very much,
24 Senator Thrasher.

25 Senator Latvala has articulated a

1 conceptual direction to our professional staff.
2 I think you all heard him articulate it. It
3 was the concept of maintaining the Nature Coast
4 together as not necessarily exactly as
5 indicated on this map, but in general following
6 the notion that these counties that share
7 common cultures, boundaries and interests
8 would, in conformance with Amendments 5 and 6,
9 be taken together.

10 Is there any comment on Senator Latvala's
11 conceptual direction to staff? Senator
12 Simmons.

13 SENATOR SIMMONS: Thank you, Mr. Chair.

14 I would just like to point out that I
15 think that this makes sense. I do point out in
16 reading constitutional Amendment 5, it does not
17 contain any provision for communities of
18 interest, interestingly enough, but it does
19 contain the requirements of political or
20 geographic boundaries, obviously compactness.
21 This appears to do that, but interestingly
22 enough, the constitutional amendments don't
23 preclude us from considering the communities of
24 interest, and the case law that I am aware of
25 actually uses communities of interest -- cases

1 so far have used communities of interest as an
2 important ingredient in crafting one of
3 these -- one of these districts.

4 And so, therefore, it seems the
5 appropriate thing to do, for us to not only
6 make sure that we comply with the
7 constitutional amendments, you know, by their
8 word and by their spirit, but also we are
9 entitled to take into consideration the
10 communities of interest that have been
11 discussed here in this committee meeting.

12 SENATOR GAETZ: Thank you very much.
13 Other comments or questions on Senator
14 Latvala's proposed conceptual direction to
15 committee staff? Are there any -- I'm sorry.
16 Senator Storms.

17 SENATOR STORMS: Mr. Chair, I just -- I
18 think that we would do well to start -- as you
19 might in drawing any subject, and that is to
20 draft first the general outline, and then to --
21 after you have the general working draft, then
22 to go in for the details and straighten out the
23 edges. If you start with the detail first,
24 then the whole general big picture is not as
25 successful and can be completely out of skew.

1 So I just think that if we start with broad
2 strokes at first, and that's -- this strikes me
3 as a broad stroke in general, we want to keep
4 this together and this will give us our big
5 picture, putting together our big picture.
6 Later we can come in and fill in the details
7 and straighten out the borders that need to be
8 straightened out and work out the details.

9 SENATOR GAETZ: Other comments or
10 questions from any member? Are there any
11 objections? Are there any objections to
12 Senator Latvala's proposed direction to
13 committee staff?

14 Then let the record show that Senator
15 Latvala's direction is adopted by unanimous
16 consent without any objection from any member
17 of the Committee.

18 Senator Latvala, did you have anything
19 else from the last meeting that you wished to
20 carry forward, sir?

21 SENATOR LATVALA: No, I think I will quit
22 while I am ahead.

23 SENATOR GAETZ: Does any other Senator --
24 Leader Rich.

25 SENATOR RICH: Thank you, Mr. Chair.

1 You know, I understand that you want to
2 have a consensus for the direction for the
3 staff, but I have some discomfort about
4 agreeing -- you know, some of us don't know the
5 areas as well, because they are not the areas
6 in which we live, and so I think, you know, in
7 general, I understand what you are trying to do
8 and what certainly Senator Latvala is trying to
9 do, but, you know, again, I don't know what all
10 the people think in that area.

11 Maybe they like it, maybe they don't like
12 it. I have some discomfort with the idea that
13 we are all just saying, okay, this is the way
14 it should be. And, you know, I just, again,
15 don't know what the impact is and I don't know
16 the district well enough to know if this is the
17 best way to do it or not.

18 So I just wanted to say that on the
19 record, because I think it is a little -- as I
20 said, there's a little discomfort there when --
21 you know, when you don't know the geographics,
22 the demographics, of the district.

23 SENATOR GAETZ: Well -- and I understand
24 that, Leader Rich, that is a good point, and we
25 are about to get into your backyard where you

1 will know every backwater and street and eddy,
2 and I won't, and where we need to listen to
3 your guidance.

4 But also I would point out that the
5 comments that you made previously have to be
6 taken seriously. Before we come to these
7 committee meetings and we begin to give general
8 or conceptual or specific direction to
9 professional staff, we have to do our homework.
10 Five thousand people came to tell us their
11 views or show us support for someone else's
12 views, 1,700 people testified, 71 hours of
13 testimony were taken just on our 26 hearings
14 around the state, and plus all of the other
15 input that we have received, the one hundred
16 and now what, fifty-six, fifty-eight maps.

17 So this is an immense amount of
18 information, and we can't expect to have it all
19 in our heads, but that is why we have the
20 District Builder software, that is why we have
21 access electronically to go back to any hearing
22 and review any part of any testimony.

23 Of course, all of us don't know every
24 detail of every part of the state, but we are
25 the ones who get paid to call the balls and

1 strikes, and so, therefore, we have to be as
2 prepared as possible.

3 If there is objection, if you have an
4 objection to a direction that we are taking,
5 please feel free to articulate that objection.

6 I would like to proceed as we have up
7 until this point with our direction being a
8 consensual direction. If we have to get down
9 to taking committee votes, that is fine, but I
10 think so far this has been a very bipartisan,
11 open process, and I would like to keep it that
12 way.

13 Yes, Senator Detert.

14 SENATOR DETERT: Thank you, and just a
15 quick comment.

16 I felt the same discomfort as Senator
17 Rich, it is not our area, but the people -- the
18 irony of it is that the Senators who do
19 represent that area, we can't draw a district
20 to either adversely impact or protect them, but
21 we do have to kind of look to their expertise
22 as the experts in the area, as the people who
23 do know the area, and I think Senator Latvala's
24 proposal there took into consideration what the
25 people who live there, including the elected

1 representatives, felt about it, and the public
2 input, so I feel comfortable with going with
3 that plan.

4 SENATOR GAETZ: Senator Lynn.

5 SENATOR LYNN: I just wondered if Senator
6 Latvala could tell us where the Nature Coast
7 starts, it looks like it is up at Taylor, and
8 how far down it goes, to what county, and then
9 how far west that would extend -- I mean, east
10 it would extend.

11 SENATOR GAETZ: Senator Latvala.

12 SENATOR LATVALA: Well, I think when I was
13 here in Senate in 1996 we voted on the naming
14 U.S. 19 from the Hernando/Pasco County line
15 north to the Taylor/Leon County line, the
16 Nature Coast Highway.

17 So that would be closest description I
18 could give you would be everything from
19 Hernando through Taylor County, which is what
20 is incorporated pretty much in that map there
21 to the extent that the population allows it.

22 SENATOR GAETZ: Other comments? Other
23 questions? Senator Gibson.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 And just going back to your point of consensus,

1 I think consensus in moving forward is good. I
2 am just wondering about the process
3 application, for lack of a better term.

4 So when we were doing the northwest -- the
5 Panhandle, rather, we talked about keeping the
6 coastal people separate from the rural, and
7 then as we move along now, we're talking about
8 keeping the nature people together, and I don't
9 know, maybe farther we will keep the orange
10 groves or whatever. So what happens when we
11 get to the areas where there's no nature, there
12 are no oranges, there are no rural, what
13 criteria are we going to use to keep those
14 constituents together?

15 SENATOR GAETZ: Well, we will use
16 Amendments 5 and 6, we will use the Voting
17 Rights Act, the Federal Voting Rights Act, and
18 we will use the case law that is instructive in
19 this matter and we will use the testimony
20 provided by 1,700 people.

21 We will have -- use the input that is
22 expressed in 158 maps and the testimony that we
23 receive today and the best -- the best wisdom
24 and best lights that we as committee members
25 can bring to bear on the issue. But in just a

1 few moments, we will find out, because we will
2 move to southeast Florida, and, again, we will
3 have the opportunity to hear from -- from our
4 professional staff, we will take into account
5 all the testimony that we heard, the maps that
6 we received and the discussion that we will get
7 at this committee table.

8 But the answer to the question is that we
9 do not operate without a compass. Our compass
10 is the laws and constitutional provisions that
11 govern redistricting.

12 Any other comments? If not, Mr. Guthrie
13 and professional staff, you have heard the
14 direction that you have been given as
15 articulated by Senator Latvala and as accepted
16 without objection by the Committee.

17 And now this week we had on our agenda
18 staff presentations of scenarios for drawing
19 Senate districts in southeast Florida. I would
20 invite Senators to turn to tab four. Mr.
21 Guthrie is recognized to present scenarios
22 which are drawn from the testimony and the maps
23 and the input we've received from the public
24 for, first, congressional districts in
25 southeast Florida. Mr. Guthrie.

1 MR. GUTHRIE: Thank you, Chairman Gaetz,
2 and before we get into taking a look at the
3 particular plans that have been submitted by
4 the public for southeast Florida, I thought it
5 would be useful for the Committee to take a
6 quick look at the -- some of the overall
7 currents that have been going on with
8 demography in southeast Florida.

9 You might remember from months ago we took
10 a look at a slide of how the population of
11 Florida has changed over the years and how that
12 has affected the number of constituents per
13 district.

14 Currently, or with the new census, 2010
15 census, and the 18.9 million people we have in
16 Florida, each congressional district will be
17 696,345 people, Senate districts will be
18 approximately 470,000 people and House
19 districts will be 157,000 people.

20 What does that mean for the area in
21 southeast Florida? And let me grab this chart
22 that we used at the public hearings as we
23 traveled around the state. What this chart
24 shows you for the State House, State Senate and
25 State congressional districts is which areas

1 have grown and need more people in the district
2 in order to come up to equal population, those
3 areas are shown in red, and which areas are too
4 large at the present time, so they need to
5 contract in order to come to equal population,
6 and those areas are in blue.

7 And for congressional districts, we see
8 that the overwhelming color is blue, because
9 Florida was blessed by getting two additional
10 congressional seats by the 2010 census. For
11 House districts and Senate districts, it's more
12 of a zero-sum game, so we have equal amounts of
13 blue and red on the map.

14 The point of that is that for southeast
15 Florida, there is a lot of red. And so what
16 this means, and this is going to be a
17 significant consequence for the Committee to
18 deal with, is that for congressional districts,
19 again, where we got the two additional seats,
20 we actually get more representation in
21 Miami-Dade, Broward and Palm Beach Counties.
22 Currently, if you take the population of those
23 three counties, it would work out to be 7.8
24 congressional districts. With the new census
25 and the 27 districts in Florida, those three

1 counties will be getting eight districts, eight
2 whole districts, or portions -- you know,
3 portions to add up to eight whole districts.

4 For State Senate districts, though, we get
5 a different picture. We aren't able
6 constitutionally to increase the size of the
7 Senate to more than 40 members. So with a
8 40-member Senate, based on the 2000 census,
9 Miami-Dade, Broward and Palm Beach Counties --
10 and they are shown -- they are stacked upon one
11 another here. So Miami-Dade gets five and a
12 half Senate districts, Broward gets another
13 one, two, three -- another four, and Palm Beach
14 gets another three. So all told, 12 and a half
15 districts in southeast Florida for -- based on
16 the 2000 census.

17 Based on the 2010 census, where growth in
18 the state as a whole proceeded at 18 percent,
19 Miami-Dade, Broward and Palm Beach Counties did
20 not keep up with that rate of growth, and as a
21 result, the area will be getting 11.8
22 districts, or seven-tenths of a district less
23 than what was provided based on the 2000
24 census.

25 And with State House districts, you get

1 the same picture.

2 SENATOR GAETZ: Mr. Guthrie, just a
3 moment, please. Senator Bullard, you are
4 recognized.

5 SENATOR BULLARD: Thank you, Mr. Chairman.

6 Mr. Guthrie, I -- can you explain to me
7 the reduction, I guess? You have in the 2000
8 census, 12.5 districts, and then it is reduced,
9 although the population has increased? Is that
10 -- will you explain to me what happens --

11 SENATOR GAETZ: Mr. Guthrie.

12 MR. GUTHRIE: Thank you, Mr. Chairman.

13 Yes, the way that this calculation made is
14 we simply take the statewide population, which
15 in 2000 was about 16 million people --

16 SENATOR BULLARD: Uh-huh.

17 MR. GUTHRIE: -- in 2010, the state
18 population grew to almost 19 million people, so
19 both of those numbers we divide by 40, and that
20 determines how many people you have per Senate
21 district. And then I added together the
22 population of Miami-Dade, Broward and Palm
23 Beach Counties, and divided that by 470,000
24 people, and that's where I got the 11.8
25 district number.

1 For 2000, the population per district was
2 400,000, quite a bit less than the 470,000 that
3 are required based on the 2010 census. And so
4 if your population just stayed even, you are
5 going to need to gain 70,000 people in order to
6 constitute a Senate district of equal
7 population under the new census.

8 SENATOR GAETZ: Or stated another way,
9 Senator Bullard --

10 SENATOR BULLARD: Uh-huh.

11 SENATOR GAETZ: -- south Florida grew, but
12 not as much as the whole state grew.

13 SENATOR BULLARD: I understand. So he is
14 using the, Mr. Chairman --

15 SENATOR GAETZ: Yes, ma'am.

16 SENATOR BULLARD: -- the state formula, he
17 is using it by statewide --

18 SENATOR GAETZ: Yes, ma'am.

19 SENATOR BULLARD: -- and then -- now, I
20 will recall, I go back to the slide before, the
21 numbers now are increasing per district, is
22 that correct?

23 MR. GUTHRIE: That is correct, yes.

24 SENATOR BULLARD: Thank you.

25 SENATOR GAETZ: I'm sorry, Leader, did you

1 wish recognition?

2 Please, Mr. Guthrie, you are recognized.

3 MR. GUTHRIE: And House districts are very
4 similar to Senate districts. There, instead of
5 a .7 district decline, we have a 2.1 district
6 decline in Broward, Palm Beach and Miami-Dade
7 Counties based on the 2010 census.

8 So one of our take-a-ways or big picture,
9 broad-stroke conclusions here is that
10 Miami-Dade, Broward and Palm Beach Counties
11 will get less representation after the 2010
12 census than they have in the current districts.

13 I also wanted to take a look at the racial
14 breakdown of the state population and how that
15 has changed over the ten-year period. So on
16 these pie charts, the -- I wish I had made
17 these colors more distinguishable. The light
18 blue color is the non-Hispanic, white
19 population, the purplish color is the
20 non-Hispanic, black population, the light blue
21 is the Hispanic population and white is the
22 other population.

23 So based on what we see, the conclusion
24 from these two pie charts is going from 2000 to
25 2010, the African-American percentage of the

1 state population increased from 12.8 to 14.2
2 percent, the Hispanic population increased from
3 16.1 to 21.1 percent, and the population of
4 whites declined accordingly. Okay. So that is
5 looking at the state as a whole.

6 If we now flip to Miami-Dade, Broward and
7 Palm Beach Counties, we see a bit of a
8 different picture, or a more extreme example of
9 that increase in minority populations. Based
10 on the 2000 census, in Miami-Dade, Broward and
11 Palm Beach Counties, African-Americans made up
12 16.5 percent of the population. Based on the
13 2010 census, African-Americans make up 18.5
14 percent of the population, a two percent
15 increase. And for Hispanics, based on the 2000
16 census, in those three counties, Hispanics made
17 up 34.2 percent of the voting age population.
18 Based on the 2010 census, Hispanics make up
19 41.3 percent of the voting age population, and
20 the share of the white population has declined
21 accordingly.

22 If we look at Miami-Dade County alone, the
23 black share of population declined from 17.5
24 percent to 16.2 percent, the Hispanic
25 population increased from 59.8 percent of the

1 population to 66.4 percent of the voting age
2 population and the white population declined by
3 five percent from 20.5 to 15.3 percent.

4 So in Miami-Dade, your African-American
5 percentage declined a bit, your Hispanic
6 population grew appreciably and your white
7 population declined.

8 Broward County, again, it started out
9 being less Hispanic than Miami-Dade, but you
10 saw -- you see a substantial change, an eight
11 and a half percent change, in the Hispanic
12 population from 15.8 percent of the population
13 to 24.1, the African-American population in
14 Broward County grows from 18 and a half to 24.3
15 percent of the population and the white share
16 of the population declines from 62.1 percent to
17 47.1 percent.

18 And Broward -- and Palm Beach County,
19 which has the smallest numbers of minority
20 population both before and after the 2010
21 census, you see the same trend, although the
22 numbers, as we flip from one to the other, are
23 tilted more toward -- you have a higher white
24 share of the population in Palm Beach County.

25 So what we are seeing in all of southeast

1 Florida is significant increases in the
2 minority populations, and I believe that will
3 have a consequence on how the Senate,
4 congressional and House maps are drawn.

5 SENATOR GAETZ: Questions? Comments? If
6 not, Mr. Guthrie, please proceed.

7 MR. GUTHRIE: So what we are going to do
8 is start by looking at some lines on the map
9 for congressional districts. What we see here
10 is the current congressional map. It has three
11 Hispanic majority districts and two
12 African-American majority districts in
13 southeast Florida. The African-American
14 districts are District 17 in downtown Miami and
15 surrounding areas and Congressional District
16 23, which includes parts of Broward, Palm
17 Beach, Martin, St. Lucie and Hendry Counties.
18 The Hispanic districts all are anchored in
19 Miami-Dade County. Districts 18 and 25 include
20 parts of Monroe County, 25 also goes into
21 Collier County, and District 21 extends into
22 Broward County. So that is our existing
23 congressional map.

24 The first scenario that we wanted to look
25 at for -- or share with the Committee's

1 attention is plan number one. This is the very
2 first of 156 public plans that were submitted
3 to the Committee. This came from Nicholas
4 Ortiz, a Columbia University Law School student
5 who hails from Florida.

6 One thing he did that is kind of
7 interesting and unique is he started numbering
8 at the bottom of the state, whereas tradition
9 has started numbering in the northwestern part
10 of the state, but there is no requirement that
11 that be done.

12 Mr. Ortiz in his map retained the three
13 Hispanic majority seats and retained the two
14 African-American majority seats. So that is --
15 and I think you see that he squared off his
16 districts, other than the minority districts,
17 as best as he was able. And, again, this was a
18 very, very early proposal.

19 SENATOR GAETZ: And, Mr. Guthrie, let me
20 ask you this: As to this proposal, since we
21 know that congressional districts have to be,
22 not proximately equal, but truly equal, are
23 there problems with this scenario as to equity?

24 MR. GUTHRIE: In terms of the equality of
25 the population, I will click on the plan name

1 and go to the District Summary Population
2 Report, and what we see on deviation is that
3 Mr. Ortiz got his deviations to within one
4 person.

5 SENATOR GAETZ: Wow. Are there any
6 legal -- any other legal criteria that you have
7 applied to this particular proposal, which
8 represents proposals like it, any other legal
9 criteria that you have applied that you believe
10 are remarkable?

11 MR. GUTHRIE: Yes. This one we selected
12 primarily -- well, because it was a very early
13 submission, because it respects the Tier 1
14 focus on not diminishing opportunities for
15 racial minorities to elect candidates of their
16 own choice, and it does a pretty good job of
17 holding counties and ci- -- following county
18 and city lines.

19 SENATOR GAETZ: Are there comments or
20 questions? This is where we really do need now
21 the input of our friends from southeast
22 Florida. We've had substantial testimony,
23 please keep that in mind, we've had substantial
24 submissions from the public, but it would be
25 very helpful for those of us who live in the

1 other part of the state to get the perspective
2 of those who live in the neighborhoods and
3 communities of southeast Florida.

4 Senator Bullard.

5 SENATOR BULLARD: Yes, thank you,
6 Mr. Chairman.

7 The frame before me, that frame, is that
8 the description or the depiction of what we --
9 the Florida Senate seats?

10 SENATOR GAETZ: These are congressional
11 seats, ma'am.

12 SENATOR BULLARD: They are congressional?
13 Okay, congressional, thank you.

14 SENATOR GAETZ: Senator Detert.

15 SENATOR DETERT: Since it is
16 congressional, we probably all need to probably
17 comment on it. The part that would affect my
18 current congressional district, and it is hard
19 to get the numbers right since he renumbered
20 starting at bottom, but I am in Congressional
21 Seat 13, which currently covers Sarasota,
22 Manatee, Charlotte, DeSoto and Hardee. They
23 have to lose some numbers, as I understand, and
24 the public testimony we took over and over, you
25 will probably remember it we heard it so often,

1 was keep Sarasota and Manatee County together.
2 Under this map, it does not keep Sarasota and
3 Manatee together. It splits -- it takes
4 Charlotte out of that district, it does a whole
5 lot of things that would be a surprise to my
6 community and the residents. It isn't what we
7 heard in public testimony.

8 SENATOR GAETZ: Other comments or
9 questions? And, obviously, we welcome comments
10 or questions, observations on any part of these
11 congressional maps, but particularly as to
12 southeast Florida, we would be extremely
13 interested in your comments and your
14 discussion.

15 Senator Bullard.

16 SENATOR BULLARD: Does it show that we are
17 picking up any additional seats?

18 SENATOR GAETZ: Mr. Guthrie.

19 MR. GUTHRIE: What all of these plans that
20 are equal population will be doing is resulting
21 in a two-tenths of a seat, from 7.8 to eight
22 seats, congressional seats, in the three
23 southeast Florida counties.

24 SENATOR GAETZ: But, Mr. Guthrie, the map
25 that we are looking at and the other scenarios

1 that you will present all include the two
2 additional congressional seats that Florida
3 gets.

4 MR. GUTHRIE: That is correct, yes. I'm
5 sorry, I misunderstood the question.

6 SENATOR BULLARD: But we don't know where
7 that -- Mr. Chairman?

8 SENATOR GAETZ: Yes, ma'am.

9 SENATOR BULLARD: Does that mean that we
10 -- we know where those seats -- or we've not
11 determined where they are yet?

12 SENATOR GAETZ: Yes, ma'am. Each of the
13 plans that were submitted that articulate all
14 of the congressional seats in the state show
15 where the two additional congressional seats
16 would be. Yes, ma'am.

17 And, Mr. Guthrie, maybe for the
18 Committee's benefit you might indicate where
19 the two additional congressional seats tend to
20 pop up on this map, please.

21 MR. GUTHRIE: That -- only in cases where
22 districts kind of -- by -- in the main keep the
23 cores of existing districts are you able to say
24 that. I mean, we have -- we are going from 25
25 districts to 27, so it is -- and different

1 areas of the states grew at different rates.

2 SENATOR GAETZ: But, in general, Mr.
3 Guthrie, help us, in general, the additional
4 population was disproportionately where?

5 MR. GUTHRIE: Disproportionately we saw
6 population growth, and it shows -- it shows on
7 this chart. For congressional districts,
8 disproportionately you had population growth in
9 the areas north of Tampa and in southwest
10 Florida.

11 SENATOR GAETZ: There you have it.

12 SENATOR BULLARD: Okay. So there isn't --
13 there aren't any in the southeastern region --

14 SENATOR GAETZ: No, ma'am.

15 SENATOR BULLARD: -- so I can run for
16 Congress?

17 SENATOR GAETZ: You can run for Congress
18 anytime you want, but there's not a new
19 congressional district there.

20 Other comments or questions as to
21 southeast Florida, as to this map? If not, Mr.
22 Guthrie, what's the second scenario that you
23 wish to present to us today? I'm sorry, Leader
24 Rich.

25 SENATOR RICH: Thank you. Mr. Guthrie,

1 could you just -- since the numbering and
2 everything is -- and the shapes of everything
3 are so different, could you give some kind of
4 just a scenario of how -- you know, before you
5 gave the way in which certain people drew the
6 maps, keeping counties together, you know, what
7 would you -- what would your analysis be of
8 this map?

9 MR. GUTHRIE: I believe that the
10 overriding theme that Mr. Ortiz tried to
11 follow -- and he wrote a legal memorandum, by
12 the way, to -- in support of his plan, which we
13 have among our public records for the
14 Committee, but he said that he was trying to
15 comply with the provisions of Amendments 5 and
16 6, he got the population deviation down to one
17 person, he avoid -- he tried to avoid
18 diminishing opportunities for racial minorities
19 to elect candidates of choice, and he tried to
20 follow county and particularly city boundaries
21 where feasible.

22 So if we wanted to evaluate how good a job
23 Mr. Ortiz did in doing that, District Explorer
24 provides a tool for helping you with that. You
25 can click the city's background, and let's turn

1 off roads and turn off road labels, and so now
2 we see the city boundaries of districts
3 indicated in color and how the districts
4 interplay with those counties. So Pembroke
5 Pines is split, but Cooper City, Southwest
6 Ranches, Davie -- our fellow here, he's tracing
7 the border of Weston and Sunrise for this
8 district, the border of Tamarac and North
9 Lauderdale for this district.

10 So it is -- it takes a lot of analysis to
11 sort of sort it out in detail what these
12 districts are doing, but as I said, District
13 Explorer provides you a clever visualization
14 that will help you make your evaluation of the
15 extent to which district boundaries do follow
16 county and city boundaries.

17 SENATOR DIAZ DE LA PORTILLA: Mr.
18 Chairman?

19 SENATOR GAETZ: Leader, is that responsive
20 to your question?

21 SENATOR RICH: Yes, thank you.

22 SENATOR GAETZ: I'm sorry, someone --
23 Senator Diaz de la Portilla.

24 SENATOR DIAZ DE LA PORTILLA: Thank you,
25 Mr. Chairman.

1 Mr. Guthrie, is there a way to -- with the
2 program, to get the -- these maps, these
3 submittals, and put them side by side with
4 existing congressional boundaries so that you
5 could compare them with the other?

6 MR. GUTHRIE: Sure. Would you like me to
7 show you, Chairman, how to do that?

8 SENATOR GAETZ: Please do.

9 MR. GUTHRIE: Yes, let's -- let's get rid
10 of city labels in order to make the map a
11 little less busy, and then we can turn on --
12 let's color the existing map, color the
13 districts, and we will take away the reference
14 line for districts, that is the black line that
15 surrounds the district, and we will put on the
16 map the district lines for the existing
17 districts. So this is now showing you the
18 overlay of -- whoops, I said Senate. We want
19 the existing congressional districts. So this
20 is showing you now the overlay of existing
21 congressional districts outlined in green, and
22 the proposed new districts colored in various
23 colors. So that is a visualization of how the
24 districts compare.

25 SENATOR GAETZ: Senator Diaz de la

1 Portilla.

2 SENATOR DE LA PORTILLA: If I may, since I
3 can't control my map here, can you move down a
4 little bit and take a closer look at current
5 Congressional District 25 and what the Ortiz
6 map does to it?

7 MR. GUTHRIE: Okay. So the current
8 Congressional District 25 is -- in Miami-Dade
9 County is the area west of this green line,
10 okay. And what this proposed map is doing is
11 putting some of that territory into District 18
12 and most of the rest of that territory into --
13 well, let me get his numbers up, let's see. I
14 said 18. It is his District -- his District 1.
15 So the area -- the area currently in District
16 25 west of the green line and east of the black
17 line would be in District 1. The area west of
18 the black line would be put in what Mr. Ortiz
19 is calling District 5.

20 SENATOR DIAZ DE LA PORTILLA: Okay.

21 SENATOR GAETZ: Is that responsive,
22 Senator?

23 SENATOR DE LA PORTILLA: Yes,
24 Mr. Chairman, thank you.

25 SENATOR GAETZ: Other comments or

1 questions? Yes. Go ahead, please, Senator.

2 SENATOR GIBSON: Thank you, Mr. Chair.

3 Now, can you go up -- there seemed to be
4 something that wasn't quite compact. There was
5 a little -- what is that right there? No. Go
6 back to the -- no. The previous screen, not
7 the --

8 MR. GUTHRIE: Oh, you want to see the
9 current districts?

10 SENATOR GIBSON: Oh, that is current --

11 MR. GUTHRIE: Yes, ma'am.

12 SENATOR GIBSON: -- where the 6 is, where
13 the line goes like over and a little zigzag?

14 MR. GUTHRIE: Right. The easiest --

15 SENATOR GIBSON: Am I going towards
16 Broward there? Okay. So what does that look
17 like -- do you see what I am saying? Go up to
18 6. Uh-huh.

19 MR. GUTHRIE: This area right here?

20 SENATOR GIBSON: Yes, that little --
21 whatever that is. So what does that look like
22 on the map we are looking at? I think that is
23 Mr. Ortiz' map?

24 MR. GUTHRIE: Right. I think you can see
25 that the black lines in this proposed new map

1 are less circuitous than the green lines in the
2 current map, okay. So the perimeter of the
3 districts and -- is -- would be less in the
4 proposed new map than they are in the map that
5 it is replacing.

6 SENATOR GIBSON: Uh-huh.

7 MR. GUTHRIE: Or proposed to replace.

8 SENATOR DIAZ DE LA PORTILLA: Mr.
9 Chairman?

10 SENATOR GAETZ: Is that responsive, ma'am?

11 SENATOR GIBSON: Yes.

12 SENATOR GAETZ: Senator Diaz de la
13 Portilla.

14 SENATOR DE LA PORTILLA: Just a quick
15 question. I didn't really notice when you
16 first brought it up. Is the Ortiz map a
17 complete map for the whole state? I think you
18 said it was.

19 MR. GUTHRIE: It is, yes.

20 SENATOR DE LA PORTILLA: What does it do
21 to what we were -- what we've talked about in
22 the last few meetings as far as the Panhandle,
23 the northwest coast of Florida and the
24 northeast? What does the Ortiz map -- how does
25 it impact those congressional districts?

1 MR. GUTHRIE: Through the Panhandle, it is
2 very similar to many of the proposals that the
3 committee looked at for northwest Florida. In
4 the northeast and central Florida area, it
5 retains the outline of the existing
6 Congressional District 3. It is being numbered
7 Congressional District 26 in this proposal, but
8 it follows the same general outline of the
9 existing District 3.

10 SENATOR GAETZ: Other comments or
11 questions?

12 MR. GUTHRIE: The other districts
13 surrounding District 3 in northeast Florida are
14 more compact than I believe most people would
15 conclude the districts in the existing
16 congressional map are.

17 SENATOR GAETZ: Senator Detert.

18 SENATOR DETERT: Thank you, Mr. Chair. I
19 am just curious as to why we are spending the
20 amount of time we are spending on a map
21 submitted by a guy I don't know. I mean, don't
22 we have a staff map to react to rather than --
23 I mean, we are giving this some pretty serious
24 consideration, it seems.

25 SENATOR GAETZ: Well, Senator Detert, what

1 this map is is one of I believe three
2 scenarios. Is it three?

3 MR. GUTHRIE: I think it is six that we
4 had for --

5 SENATOR GAETZ: Okay. One of several
6 scenarios that this map -- the professional
7 staff was asked to look at all of the maps that
8 we have received for Congress, for State Senate
9 and State House for southeast Florida, and to
10 try to show us some maps that represent what
11 are common themes. So there might be 20 other
12 maps like this map. It isn't that the Ortiz
13 map has some special significance or
14 insignificance, but, rather, that it is like a
15 lot of other maps that were presented to us
16 that do approximately the same thing. So we
17 are not going to go through 156 maps in this
18 regard, although we can.

19 SENATOR DETERT: No.

20 SENATOR GAETZ: We are going through maps
21 that are representative of groups of maps that
22 say or depict about the same thing.

23 SENATOR DETERT: And to -- the other part
24 of the question is, do we have maps that our
25 own staff drew up that they consider a fair

1 map?

2 SENATOR GAETZ: No. And the reason is
3 because we have -- our direction to
4 professional staff was to show us maps that --
5 that were scenarios that were drawn off of the
6 testimony and the submissions that we've
7 received from the public, from interest groups,
8 from others, and then we are giving direction
9 now to our staff as to how to draw a PCB that
10 we will see --

11 SENATOR DETERT: Okay.

12 SENATOR GAETZ: -- and vote on prior to --
13 prior to our going away for the
14 Hanukkah/Christmas recess.

15 If there are no other -- Leader, did you
16 have something?

17 SENATOR RICH: Thank you, Mr. Chair. I
18 wonder as we go along -- you mentioned about --
19 I think that was the Jacksonville district, the
20 one that goes all the way down?

21 MR. GUTHRIE: Yes.

22 SENATOR RICH: And then is another
23 District 22, current 22, and I am just
24 interested as we move along to know whether you
25 think that those two, for instance, would

1 comply with the new criteria in the maps that
2 you are showing us.

3 SENATOR GAETZ: Mr. Guthrie, any comment?

4 SENATOR RICH: In other words, you know,
5 would the new standards apply to the old
6 districts and the new ones that you are showing
7 us?

8 SENATOR GAETZ: Please, sir.

9 MR. GUTHRIE: That is sounding more like a
10 legal question to me, and I never went to law
11 school.

12 SENATOR GAETZ: We will punt to Mr.
13 Bardos.

14 MR. BARDOS: Looking at the minority
15 districts, I think it would require a little
16 more analysis than what we can see -- can see
17 on the screen. I think we can -- I think we
18 need to look a little deeper than simply the
19 shape of the district and the numbers. It's --
20 it can at times be a pretty complex analysis,
21 so that is -- that is something that I wouldn't
22 feel comfortable doing immediately in the
23 context of a committee meeting like this, but
24 we can certainly analyze them over -- if you
25 have specific requests as to districts, and we

1 can analyze those and review the statistics in
2 greater detail and provide you with an opinion.

3 SENATOR GAETZ: And perhaps you might meet
4 with Leader Rich as to that question.

5 MR. BARDOS: Certainly.

6 SENATOR GAETZ: Was there something else?
7 If not, that is one scenario. Take us to the
8 next scenario for Congress. Yes, Senator
9 Storms.

10 SENATOR STORMS: So, Mr. Chair, as part of
11 my due diligence and since we were just on the
12 Ortiz -- I stepped out for a minute, so I don't
13 know if we are on a different plan, but when I
14 left, we were on the Ortiz plan.

15 SENATOR GAETZ: We have just moved.

16 SENATOR STORMS: Okay. So I just have one
17 quick question. As part of my due diligence, I
18 went through all the maps. I looked and -- and
19 I looked down at the checks that we have, and
20 it says, "all geography assigned, true," "all
21 districts contiguous," and that is either true
22 of false or it is blank. So how can I tell
23 when I am looking at these maps if the
24 geography is -- if it has a "false" there by
25 "all geography assigned," where do I find that

1 they left off a piece of dirt in their map, and
2 then how can I tell which district is not
3 contiguous? By -- is there an easy way to do
4 that?

5 SENATOR GAETZ: Mr. Guthrie.

6 MR. GUTHRIE: What you would do, Senator
7 Storms, is in order to determine if there was a
8 discontiguity, is simply look at the plan
9 details page for that map. We are now on
10 Mr. Libby's map, and it says, as you said,
11 right at the top that the plan is complete.
12 That means that every piece of geography in
13 Florida, every block, is assigned to some
14 district, and it is contiguous, which means
15 that with the exception of the Dry Tortugas,
16 Fort Jefferson, every part of the state is
17 physically connected to -- or every part of a
18 district is physically connected to the other
19 parts.

20 SENATOR STORMS: Mr. Chair, I understood
21 that. I just wanted to know, in looking at the
22 individual maps -- because I put -- what I did
23 was I am figuring out some way to sort, yes
24 this map, not that map, yes this map. But one
25 of the disqualifiers is did they assign

1 everything -- just for me, you know, one of the
2 disqualifiers is did they assign everything and
3 is everything contiguous. And then I want to
4 see where is their contiguity problem --

5 MR. GUTHRIE: Yes.

6 SENATOR STORMS: -- so I know. Did they
7 -- how bad is it is what I would like to know,
8 because maybe that is fixable if we fiddle
9 around with it in some other way.

10 MR. GUTHRIE: And answering that question
11 is a bit -- a bit more of a challenge than --
12 what -- the true way to do it would be to
13 download the DOJ file from the Senate website
14 and then to go into District Builder, sign on
15 to your account, upload that plan, and we have
16 a contiguity checker and a completeness checker
17 within District Builder.

18 SENATOR STORMS: Thank you.

19 MR. GUTHRIE: An easy solution, Senator
20 Storms, would be for you to tell staff that you
21 like the general framework of a district, but
22 you see that the plan has contiguity problems,
23 and ask us to address the contiguity issues for
24 you.

25 SENATOR GAETZ: Is that responsive,

1 Senator? What we would like to do, Mr.
2 Guthrie, is let's take two additional scenarios
3 for Congress too, and then we will move to
4 State Senate, because we want to have time at
5 the end of our session today, ample time, for
6 members of the public who have traveled here
7 from afar to have an opportunity to provide
8 public testimony.

9 So why don't you move to two additional
10 scenarios for Congress, then we will go to
11 State Senate. And, Senator Thrasher, would you
12 please take the Chair for a moment?

13 SENATOR THRASHER: Mr. Guthrie, do you
14 want to go to the next plan?

15 MR. GUTHRIE: Thank you, Mr. Chairman.
16 What I am going to do is flip to plan 103,
17 which is two down in your meeting packet by
18 Emilio Perez and Anthony Suarez on behalf of
19 the Puerto Rican Legal Defense Fund.

20 This map does exactly what Senator Detert
21 was suggesting the Committee might want to
22 consider doing. It focuses on minority
23 districts in southeast Florida. This plan
24 keeps the two Hispanic majority districts --
25 excuse me, the three Hispanic majority

1 districts and the two African-American majority
2 districts in southeast Florida, but does not
3 propose a solution to how the surrounding
4 districts would be constituted.

5 The proposed replacement for Congressional
6 District 23 in this case includes just Ft.
7 Lauderdale and Palm Beach, it does not extend
8 into Hendry or Collier Counties, and the
9 proposed district is 54.4 percent black voting
10 age population. So this is one we could look
11 at.

12 The other example I would like to turn to
13 real quickly is two more down, which is plan 31
14 by Sean Phillippi. That plan is an example of
15 what the consequences are likely to be if you
16 try to strictly follow county and city lines
17 and you -- and the criterion of making
18 districts look circular. Mr. Phillippi's map
19 has no districts that are majority black voting
20 age population, and the Hispanic percentages
21 are considerably less as well than the
22 percentages in the current map. So -- and
23 there is an example of Tier 1 focus from the
24 Puerto Rican Legal Defense Fund, and here --
25 and then Mr. Phillippi's submission, which

1 focuses more on Tier 2 criteria and what the
2 consequences of that would be. So that is a
3 quick run-through of some scenarios for
4 congressional plans.

5 SENATOR THRASHER: Any comments or
6 questions on either of those maps? If not,
7 then, Mr. Guthrie, move ahead, then, I think,
8 to the Senate maps.

9 MR. GUTHRIE: Okay. So let's look at our
10 current Senate districts. We are all familiar
11 with the existing Senate districts. In
12 southeast Florida, we have three
13 African-American -- well, two African-American
14 majority districts, one African-American access
15 district in Miami-Dade, Monroe, Collier and
16 Hendry Counties. That district currently is
17 about 29 percent African-American voting age
18 population and 43 percent Hispanic voting age
19 population. And the other significant -- we
20 have three Hispanic majority districts in
21 Miami-Dade County.

22 The first scenario we chose to highlight
23 for the Committee is plan 84 by Micah Ketchel.
24 What he does is keeps the three minority access
25 seats for African-Americans and -- well, I

1 think that is kind of -- the key point for
2 Mr. Ketchel's plan is that he does a good job,
3 better than some of the other public
4 submissions, of keeping the percentages up for
5 the existing minority districts.

6 I will note here that some of the plans
7 that I was -- forgive me for being a little bit
8 discombobulated. I was up late last night
9 processing into the website all those new plans
10 that were coming in. As I was looking at some
11 of those, some of the later plans do a better
12 job than the examples that we had earlier in
13 terms of focus on the Tier 1 -- Tier 1
14 requirements. The next map we wanted to --

15 SENATOR THRASHER: Before we move to --
16 let's see if there's any comments on that
17 particular map. Do you have a comment, Senator
18 Lynn?

19 SENATOR LYNN: I think it is generally as
20 we are looking at maps and protection of the
21 minority seats, do the maps that we are looking
22 at tend to protect the Hispanics in one area
23 and the African-American others, or are they
24 mixed in some cases? Or do they have to be
25 separate?

1 MR. GUTHRIE: I believe that the
2 requirements -- the Tier 1 requirements relate
3 to all minority groups in the state.

4 SENATOR LYNN: So they could be mixed?

5 MR. GUTHRIE: Well, the -- Mr. Chair, I
6 wonder if that is a question of Mr. Bardos.

7 SENATOR THRASHER: We will see. Andy.

8 MR. BARDOS: I think it really depends on
9 the voting preferences of the different groups.
10 I think there are some places where -- where
11 minority voters of different races could
12 support the same candidates, and then we find
13 that they have similar preferences, and in that
14 case, for at least some of our legal
15 requirements, we could view them collectively.
16 In other cases, we would find that -- or we
17 might find that they would support different
18 candidates. And so it really depends on a
19 district-by-district analysis and a very
20 fact-intensive analysis based on voting
21 histories and election performance.

22 SENATOR THRASHER: Senator Lynn for
23 follow-up.

24 SENATOR LYNN: And that is past -- based
25 on past performance, but things have changed a

1 great deal in the political world, and, you
2 know, you find people voting for candidates who
3 are not necessarily like them exactly, and so
4 how do you make sure you are following the
5 guidelines correctly?

6 SENATOR THRASHER: Mr. Bardos.

7 MR. BARDOS: One thing that experts often
8 look at is performance from even fairly recent
9 elections. They look at elections since the
10 last redistricting plan was drawn, so they'll
11 look at the last five general elections, for
12 example, and analyze it even on a precinct
13 level -- at the precinct level. So there are
14 some pretty strong inferences that can be drawn
15 from that sort of statistical analysis as to
16 whether -- who the candidate of choice would be
17 for particular minority groups in particular
18 areas of the state.

19 SENATOR LYNN: So a final question?

20 SENATOR THRASHER: Final question, Senator
21 Lynn.

22 SENATOR LYNN: Thank you.

23 So in some areas of the state, it might be
24 that the groups -- they are grouped together,
25 each of the separate minority groups are

1 grouped together, and others, based on history,
2 it could be that they would be separate?

3 MR. BARDOS: That is correct.

4 SENATOR LYNN: Thank you.

5 SENATOR THRASHER: Senator Latvala, you
6 had a question.

7 SENATOR LATVALA: Thank you, Senator
8 Thrasher.

9 John, you made a comment there right near
10 the end of your remarks that there were some of
11 the later maps that had just come in that did a
12 better job of the Tier 1 -- meeting the Tier 1
13 requirements. Is it possible for you to
14 elaborate on that any? In other words, I
15 noticed that this map, for instance, basically
16 still has three Hispanic majority seats, a
17 fourth one is real close, but I am wondering is
18 -- do you mean that you have seen some maps
19 perhaps that got to four reliably Hispanic
20 seats?

21 SENATOR THRASHER: Mr. Guthrie.

22 MR. GUTHRIE: Mr. Chairman, there are a
23 number -- we are going to look at some
24 proposals here this afternoon that include four
25 and even five, although the one with five, they

1 are bare majority, some of the districts are
2 bare majority districts. But we will see
3 examples of greater than three Hispanic
4 districts in Miami-Dade County.

5 SENATOR THRASHER: Any further questions
6 on that? Senator Bullard.

7 SENATOR BULLARD: Thank you, Mr. Chairman.

8 Mr. Guthrie, I see 39 here, but I am not
9 certain because of the closeness of the drawing
10 of the map -- 39 is in here. Is there anyway
11 to kind of show me where 39 runs on this
12 particular map? Because the map prior to this
13 shows that 29 percent of black population --
14 according to what you said, right, is that
15 correct? The one prior -- the frame prior to
16 this one.

17 MR. GUTHRIE: Yes.

18 SENATOR BULLARD: And this is -- this is
19 an issue that has been an issue, but I wanted
20 to know, in terms of this particular 39, it is
21 now going to take in what areas? Because I see
22 it looks like it is going out into the ocean,
23 but it is out --

24 SENATOR THRASHER: Let's -- can you get on
25 39, Mr. Guthrie, and kind of go through it for

1 Senator Bullard?

2 SENATOR BULLARD: Excuse me, Mr. Guthrie?

3 SENATOR THRASHER: That was me, Senator
4 Bullard.

5 SENATOR BULLARD: I'm sorry, Mr. Chairman.

6 SENATOR THRASHER: That was me. You
7 remember me?

8 SENATOR BULLARD: I know you very well.

9 SENATOR THRASHER: All right. He is going
10 to get on -- right, you are going to get on 39,
11 John, and let's look at it more closely?

12 MR. GUTHRIE: So the proposed plan here,
13 Senator Bullard, does -- takes a different
14 course for the district that includes Monroe
15 County. The district in Monroe County,
16 District 40 --

17 SENATOR BULLARD: Uh-huh.

18 MR. GUTHRIE: -- is now a 70 percent
19 Hispanic district --

20 SENATOR BULLARD: Okay.

21 MR. GUTHRIE: -- but the Perrine/Cutler
22 Bay area, which is currently in District 39, is
23 put together with Ft. Lauderdale and the
24 Everglades agricultural area and Palm Beach
25 County and Hendry and Collier. So some

1 portions of 39 are going into this District 38,
2 which is thirty -- excuse me, is 48.9 percent
3 African-American.

4 SENATOR BULLARD: Okay. Mr. Chair?

5 SENATOR THRASHER: Senator Bullard, you
6 had a follow-up?

7 SENATOR BULLARD: Yes.

8 SENATOR THRASHER: Okay.

9 SENATOR BULLARD: Thank you, Mr. Chairman.
10 So on this particular map that we see, 40
11 now takes in all of Monroe County?

12 MR. GUTHRIE: Not all of Monroe County.

13 SENATOR BULLARD: The majority?

14 MR. GUTHRIE: The Everglades portion of
15 Monroe County in this proposal is in District
16 26.

17 SENATOR THRASHER: All right. Senator
18 Sobel, you had a question?

19 SENATOR SOBEL: Yes.

20 SENATOR THRASHER: We are going to go to
21 some other maps, Senator Bullard. This is just
22 one scenario of a potential map, but we will go
23 to some others.

24 Senator Sobel.

25 SENATOR SOBEL: I have a question about

1 the yellow Senate 34 on Micah Ketchel's map.

2 Is that contiguous?

3 SENATOR THRASHER: Did you hear the
4 question?

5 SENATOR SOBEL: No.

6 MR. GUTHRIE: It looks like you got to
7 zoom in very closely, but if you do, you will
8 find that by the definition of "contiguous"
9 that has been implemented by the Florida
10 Supreme Court, that is indeed contiguous,
11 because it constitutes a single polygon.

12 SENATOR THRASHER: Okay. Are there other
13 questions?

14 Are you going to go to another map, now,
15 John, another Senate map?

16 MR. GUTHRIE: Sure.

17 SENATOR THRASHER: How many more do you
18 have, Senate maps?

19 MR. GUTHRIE: For Senate, we have one,
20 two, three -- four more, and I think we can
21 move through those relatively quickly.

22 SENATOR THRASHER: Okay.

23 MR. GUTHRIE: We will take a quick look at
24 map 71 by John Libby. We chose this plan
25 because it provides an example of following

1 county boundaries except as required to meet
2 Tier 1 requirements.

3 This, too, is an example of a plan that
4 creates a fourth Hispanic majority seat,
5 although it is not a high majority. It is 53.7
6 percent Hispanic.

7 Plan number 72 --

8 SENATOR THRASHER: Senator Lynn, do you
9 have a question on that, ma'am?

10 SENATOR LYNN: Well, you know, the map
11 that we -- I know we are considering a lot of
12 different maps, but the map that was just shown
13 to us that is contiguous, if you really want to
14 stretch the point, which it is stretched, it is
15 really stretched up there, and I thought that
16 that was something that everything we heard
17 from the people was do not give us those kinds
18 of districts again, we want them to be as
19 compact, we want them to be as squared off or
20 whatever, but that is the kind of thing that we
21 have now in some cases that speaks to, you
22 know, the nasty word that begins with a G, and
23 I thought that that was something we were in
24 every case going to try to avoid, and I would
25 hope that we would not consider that.

1 SENATOR THRASHER: Do you want to answer
2 that, John, or do you want Andy to help?
3 Either way. I think it starts with the
4 understanding of the constitutional amendments
5 and the understanding that minority access
6 districts are paramount in our first
7 consideration.

8 SENATOR LYNN: Yes, Chairman, I agree with
9 that and I support that. I also know that in
10 many of the maps that we have been looking at,
11 we have not seen this kind of --

12 SENATOR THRASHER: True.

13 SENATOR LYNN: -- what I would call almost
14 a distortion, and I would hope that we would
15 not do that.

16 SENATOR THRASHER: Okay. We will pass
17 that on as guidance to the staff in respect to
18 that particular one.

19 The next map, John. Have you got another
20 one?

21 SENATOR GIBSON: I've got some questions.

22 SENATOR THRASHER: Senator Gibson, do you
23 have a question? You are recognized.

24 SENATOR GIBSON: Thank you, Mr. Chair, and
25 it kind of goes back to something I mentioned

1 earlier. The shape and the length, based on
2 the things that we have been -- the maps we
3 have been looking at and the criteria we have
4 been discussing and the groupings, again, of
5 interests such as the -- what was it, the
6 Nature Coast and the coastal versus rural, and
7 if the line has to stretch to keep communities
8 or constituencies together that have something
9 in common like the Nature Coast and the fruit
10 coast and the whatever, then I am not so sure
11 that it is the -- how far the line stretches as
12 it is the commonality among the -- so I would
13 like to offer that as an advisement.

14 SENATOR THRASHER: Exactly, and I think
15 that is the point that Senator Simmons was
16 making earlier in respect to our interpretation
17 of the constitutional amendments, that
18 communities of interest, while they are not
19 specifically outlined in the constitutional
20 amendments, are certainly not prohibited
21 either, in our opinion, and I think that is
22 exactly right, and I think the staff will be
23 guided by that as they look at these individual
24 districts, particularly those that are a little
25 more problematic in the over-populated south

1 Florida area.

2 John.

3 MR. GUTHRIE: Okay. So we will move next
4 to --

5 SENATOR THRASHER: I'm sorry. Before you
6 go, Leader Rich, you had a question, and the
7 Chairman is back, thank God.

8 SENATOR RICH: I have a comment. I am not
9 quite sure how far this coastal district goes,
10 but it certainly was never anything I heard at
11 the public hearings. It is on the Libby map.
12 It would be Senate District 34.

13 MR. GUTHRIE: Right.

14 SENATOR RICH: That is obviously an
15 attempt at a coastal district. It goes up
16 through multiple counties.

17 MR. GUTHRIE: Yes, from Port Everglades to
18 the Palm Beach County line.

19 SENATOR RICH: Yeah. And, again, I don't
20 -- I would suggest that nobody recommended that
21 in any of the public hearings that I attended
22 in either county. So that is another one.

23 SENATOR GAETZ: Thank you very much,
24 Senator Thrasher. Was there someone else at
25 the -- at that end of the table who wished to

1 make a comment or ask a question? Any other
2 comments or questions?

3 If not, John, why don't you proceed,
4 please. I'm sorry, Senator Latvala.

5 SENATOR LATVALA: With regard to the
6 question that Leader Rich asked about that, I
7 couldn't tell on that map. I wonder if you
8 could blow that up a little bit more. Is --
9 you've got a coastal district there, but do you
10 have a small district right butted up against
11 it up along U.S. 1 that would be a minority
12 access seat on that? Is that the reason why
13 that coastal district is there?

14 MR. GUTHRIE: Yes, similar, Senator
15 Latvala, to the existing map, this proposal has
16 a district extending from Ft. Lauderdale to
17 West Palm Beach, and that district is -- am I
18 on the wrong plan? I am on the wrong plan.
19 That district is 58 percent African-American
20 VAP, which is one percent less than the current
21 district.

22 What we have seen is that keeping the
23 African-American percentage of that existing
24 district, which is under-populated by about
25 70,000 people, in the vicinity of where it is

1 today is going to require extending from Ft.
2 Lauderdale to West Palm Beach.

3 SENATOR GAETZ: And I think Senator
4 Latvala makes an excellent point, and we would
5 ask our colleagues who had some very
6 appropriate observations about these districts
7 if they would care to make any observations
8 about the minority access district, which, as
9 Mr. Guthrie has indicated, tends to imply the
10 coastal district, or could tend to imply the
11 coastal district, we would wonder if you had
12 any observations about that minority access
13 district or about how one would take into
14 account then the coastal area if one maintained
15 the minority access district, any thoughts?

16 Yes, Senator Bullard.

17 SENATOR BULLARD: Mr. Chairman, I -- you
18 know, since I have served in the Legislature,
19 I've always had a minority access -- an access
20 seat, and I want -- once it was 33 and a third,
21 33 and a third, 33 and a third, then
22 58 percent, and it was -- the others were
23 broken down in other areas, but --

24 SENATOR GAETZ: I'm sorry, Senator
25 Bullard, we are having a little trouble hearing

1 you. Could we have a bit of quiet in the
2 committee room, please? And, Senator Bullard,
3 would you pull your mike up so that we may hear
4 you better?

5 SENATOR BULLARD: I do --

6 SENATOR GAETZ: Thank you, ma'am.

7 SENATOR BULLARD: I am, thank you.

8 I have -- I have found that, in fairness,
9 just my experience, when you represent people
10 fairly, they tend to not even care. So I am
11 just wanting to know that in drawing these
12 maps, it is a possibility that we may have some
13 access, and if we have those access districts,
14 it would probably give us an opportunity to
15 have more districts that are fair to all of the
16 Legislature and all of those who are
17 representing people. We are all human first,
18 and the Rs and the Ds come later, far down the
19 line.

20 So I just want to ask that in moving
21 forward, some people may not want an access
22 seat, but I have never had a problem with an
23 access seat.

24 SENATOR GAETZ: Thank you very much,
25 Senator Bullard.

1 Any other comments on this -- on this
2 question? Any other thoughts? Senator
3 Latvala, I think you were seeking recognition.
4 Any other thoughts you have, sir?

5 SENATOR LATVALA: No, sir, I just didn't
6 want to let that comment go unnoted about that
7 we were creating a coastal district that did
8 not appear to have a rationale when -- or in
9 this map created a coastal district that didn't
10 have a rationale, since obviously it did have a
11 rationale from a standpoint of preserving a
12 minority seat, and you can't go through the
13 seat to attach it to an interior area. So
14 there obviously are people there that have to
15 be represented along the coast.

16 SENATOR GAETZ: Indeed. Leader Rich, yes,
17 ma'am.

18 SENATOR RICH: There are other maps that
19 do that coastal district, I believe, in other
20 ways, are there not, that don't make that
21 long -- quite as long a run through the county?

22 SENATOR GAETZ: Mr. Guthrie.

23 MR. GUTHRIE: Mr. Chairman, I think what
24 we are seeing generally is the districts -- the
25 counties that -- or the proposals that keep the

1 general outline of the existing Senate District
2 29 in place tend to have a coastal district
3 beside it. Plans that don't keep the outlines
4 of the existing 29 in place may not.

5 SENATOR GAETZ: Is there a district map,
6 Senator Rich, that you would like to recommend
7 that we look at?

8 SENATOR RICH: There -- I think that you
9 mentioned there were other maps coming in, so I
10 have not looked at all the maps as none of us,
11 I assume, have --

12 SENATOR GAETZ: Well, if there is a map
13 that you would recommend, a map that you
14 believe would solve the issues that you
15 outlined --

16 SENATOR RICH: So far I haven't seen one.

17 SENATOR GAETZ: -- better than those that
18 have been presented, we would welcome that --

19 SENATOR RICH: Thank you. So far I
20 haven't seen one.

21 SENATOR GAETZ: -- now or at the next
22 meeting.

23 Other comments or questions? Yes, Senator
24 Negrón.

25 SENATOR NEGRÓN: Thank you, Mr. Chairman.

1 I just want to make a comment on the Libby map
2 and just remind us that we heard testimony at
3 the public hearing in Stuart and also the one
4 in Palm Beach County, that the Martin, St.
5 Lucie and Indian River Counties, particularly
6 in the coastal areas of those counties, are
7 known as the Treasure Coast, and, secondly,
8 that northern Palm Beach County is -- there is
9 a nexus between northern Palm Beach County and
10 the Treasure Coast. Many people in the
11 southern part of the Treasure Coast in Martin
12 County have substantial relationships, business
13 and otherwise, with northern Palm Beach County.
14 So we had testimony also from residents and
15 business interests in northern Palm Beach
16 County saying that they supported northern Palm
17 Beach County being in the same Senate district
18 as the Treasure Coast counties of Martin, St.
19 Lucie and Indian River County. So I just
20 wanted to point that out.

21 SENATOR GAETZ: Other comments or
22 questions at this point? Any other
23 observations on the issue that we are dealing
24 with, which is the minority access district,
25 and then the geographic -- the incontestable

1 fact that the geography to the east of that
2 minority access district becomes a coastal
3 district, and any ideas about what one would do
4 with that, other than what is presented here?
5 Any comments?

6 If not, Mr. Guthrie, please go forward.

7 MR. GUTHRIE: So the next plan that staff
8 chose to present to the Committee here is plan
9 72 by Matthew Boyle. It is the -- our example
10 today of a plan that has five Hispanic majority
11 districts, although, as I intimated earlier,
12 two of those are bare majorities. One is 53.2
13 percent Hispanic VAP, and the other is 55.9
14 percent Hispanic VAP.

15 This map does not retain the same
16 orientation of districts in Broward and Palm
17 Beach Counties, so it does have a coastal
18 district though extending from North Miami
19 Beach in Miami-Dade County to Highland Beach in
20 Palm Beach County. So it is another way of --
21 and I guess it is noteworthy here that District
22 33 in this plan is six -- that is not right --
23 is 61 percent African-American. How is that?

24 SENATOR GAETZ: I'm sorry, are there
25 questions?

1 SENATOR BULLARD: Mr. Chairman?

2 SENATOR GAETZ: Senator Bullard.

3 SENATOR BULLARD: We are -- based on the
4 statement just made --

5 SENATOR GAETZ: I apologize, ma'am, I
6 can't hear you well.

7 SENATOR BULLARD: Based on the statement
8 just made, Mr. Guthrie, I just want to ask,
9 where is that district and where -- the
10 61 percent?

11 SENATOR GAETZ: For -- so that everybody
12 can follow us, we are on plan 72, and could you
13 be responsive to Senate Bullard's query,
14 please?

15 SENATOR BULLARD: What district is that?

16 MR. GUTHRIE: There is a District 33 here
17 that includes Miramar, Pembroke Pines,
18 Hollywood, Dania Beach, Ft. Lauderdale, North
19 Lauderdale, Pompano Beach, and extends up to
20 Deerfield Beach, and that district in this
21 proposal, District 33, is 61 percent
22 African-American voting age population.

23 SENATOR BULLARD: Mr. Chairman, for a
24 follow-up?

25 SENATOR GAETZ: Yes, of course, Senator

1 Bullard.

2 SENATOR BULLARD: So is this a newly
3 created district on this map? I mean, I know
4 the district was there, but it is different
5 than it was before, is that correct?

6 SENATOR GAETZ: Yes, ma'am, it is
7 different, and Mr. Guthrie, would you point out
8 the major remarkable differences between the
9 existing minority access district and what is
10 labeled here as District 33?

11 MR. GUTHRIE: Sure. So the District 33,
12 as we were saying, extends from the Miami-Dade
13 county line north to the Palm Beach County
14 line --

15 SENATOR BULLARD: Uh-huh.

16 MR. GUTHRIE: -- from Miramar/Pembroke
17 Pines all the way up to Deerfield Beach. The
18 existing Senate District 29 includes downtown
19 Ft. Lauderdale and then extends north through
20 Pompano Beach, Deerfield Beach, to West Palm
21 Beach in Palm Beach County.

22 SENATOR BULLARD: Okay. Mr. Chairman, for
23 follow-up?

24 SENATOR GAETZ: Yes, ma'am.

25 SENATOR BULLARD: So, now, District 39 is

1 now all in the Everglades. Where are the --
2 where is it? I mean, I see the number, but
3 what area is that covering? Can you tell me?

4 SENATOR GAETZ: Would you back up the map,
5 give us a wider view, so that Senator Bullard
6 can see District 39 on this map?

7 MR. GUTHRIE: So Monroe County plus --
8 Monroe County plus Collier County is in -- in
9 this proposal is in District 36.

10 SENATOR BULLARD: Uh-huh.

11 MR. GUTHRIE: District 36 is one of -- is
12 the bare majority Hispanic district, 53.7
13 percent Hispanic and 6.7 percent
14 African-American. Portion of the existing
15 District 39 is in District 37 in this scenario.
16 District 37 in this scenario is 59.9 percent
17 Hispanic and -- excuse me, 37, 55.9 percent
18 Hispanic and 18.6 percent African-American.

19 We also have portions of District 39 that
20 are in the proposed District 40 and the
21 proposed District 35, but District -- District
22 35 is the district that, by and large, includes
23 the same territories in the current Senate
24 District 33, and District 40 in this scenario
25 is a majority Hispanic district.

1 So out of Miami-Dade County, there is one
2 district proposed with a significant
3 African-American population, that being
4 District 35, which is 64.8 percent
5 African-American VAP.

6 SENATOR BULLARD: I hear you.

7 MR. GUTHRIE: Okay.

8 SENATOR BULLARD: Thank you.

9 SENATOR GAETZ: Thank you, Senator
10 Bullard.

11 Other comments or questions on this
12 scenario?

13 SENATOR JOYNER: Mr. Chair, Mr. Guthrie --

14 SENATOR GAETZ: Yes, Senator Joyner.

15 SENATOR JOYNER: -- you said something
16 about there would be 61 percent
17 African-American. Which one of those districts
18 is that?

19 MR. GUTHRIE: District 33 in Broward
20 County extending from Miramar through Hollywood
21 through Ft. Lauderdale to Deerfield Beach is
22 61 percent African-American VAP.

23 SENATOR JOYNER: Are we improperly
24 over-packing the district with minority voters
25 if we do more than what is necessary to achieve

1 a minority seat and violate other criteria?

2 SENATOR GAETZ: Excellent question, and
3 why don't you start answering that question by
4 telling us what the African-American percentage
5 is now in that district -- in the district that
6 is closely aligned to that?

7 MR. GUTHRIE: Closely aligned would be a
8 bit of an exaggeration, but the district that
9 includes Ft. Lauderdale --

10 SENATOR GAETZ: Yes.

11 MR. GUTHRIE: -- District 29, is
12 59 percent African-American VAP, and in this
13 proposal, the district is 61 percent
14 African-American VAP.

15 SENATOR GAETZ: Any other questions?
16 Comments?

17 SENATOR JOYNER: I want -- I have a
18 question.

19 SENATOR GAETZ: Senator Joyner.

20 SENATOR JOYNER: So if -- I think Senator
21 Lynn asked a question about a district with
22 minority representation, and whether minority
23 was Hispanic, black or a combination of both.
24 And I would like to know if it was all
25 African-American with 80 percent, would it

1 violate the Constitution, or if it was a
2 combination of African-American and Hispanic,
3 would it violate the Constitution?

4 SENATOR GAETZ: I think we will punt that
5 to Mr. Bardos.

6 MR. BARDOS: I think "packing" has
7 different connotations in political science and
8 in law. I think in political science, as a
9 concept, it is -- it is -- it is -- people
10 think about high numbers and they think about
11 different things than what Section 2 of the
12 Voting Rights Act considers.

13 I think in a legal context, packing claims
14 are generally brought under Section 2, and they
15 are, relatively speaking, uncommon. The -- to
16 establish a successful packing claim, one would
17 have to show the @jingles criteria and then
18 establish that under the totality of the
19 circumstances, minorities have less opportunity
20 than other members of the electorate to
21 participate in the political process and elect
22 candidates of their choice. But really the
23 analysis is aimed at whether it is possible to
24 create more majority-minority districts than
25 what the current map creates.

1 So, for example, there was a case in the
2 Dakotas not long ago where there was an Indian
3 reservation where two districts were created,
4 and one of them was 30 percent Native American
5 and the other was 90 percent Native American,
6 and the court said that the State could have
7 created two 60 percent districts instead, and
8 it ordered that that be done.

9 But in this case where there is a district
10 that is 60 percent minority, unless it can be
11 shown that there is a neighboring district
12 which could have been differently divided so
13 that a greater number of majority-minority
14 districts could be created, under Section 2, I
15 think it would be very difficult to establish a
16 packing claim. I think beyond that, there
17 might be considerations as a matter of public
18 policy for the Committee, but as a legal
19 matter, I think that threshold showing would
20 have to be made.

21 SENATOR GAETZ: And Senator Joyner will
22 correct me if I am wrong, but I think the other
23 part of her question was is packing created
24 when African-American and Hispanic voters are
25 put together, and if say there were 60 percent

1 African-American and 20 percent Hispanic,
2 creating 80 percent non-white, does that
3 definitionally create packing? Is that also
4 part of your question, ma'am?

5 MR. BARDOS: And I think that question is
6 really an open one. In Bartlett versus
7 Strickland, the United States Supreme Court
8 expressly declined to answer the question
9 whether Section 2 claims can be brought
10 collectively by different minority groups. And
11 a number of lower court decisions have held
12 that they can, there's at least one Circuit
13 Court of Appeal that has held that they cannot,
14 but the general weight of case law seems to be
15 in favor of allowing Section 2 claims to be
16 brought by -- collectively by minority voters,
17 assuming that they are politically cohesive.

18 SENATOR GAETZ: Senator Detert.

19 SENATOR DETERT: Probably another legal
20 question, but what would be the minimum
21 requirement? More than 50 percent? I mean, if
22 61 percent is considered too high, what is
23 considered the floor?

24 SENATOR GAETZ: And I think it is fair to
25 say that we did not get an opinion that

1 61 percent was too high, but -- Mr. Bardos.

2 MR. BARDOS: I wouldn't say that there is
3 a single threshold looking at a district in its
4 -- in isolation. I think you would have to
5 look at the neighboring areas, you would have
6 to look at the districts that border on the
7 district which might have the large minority
8 population, and then you would have to consider
9 can that region be divided differently so that
10 it creates a greater number of
11 majority-minority districts. So if there is a
12 district that has, say, a 70 percent minority
13 population, but there are no neighboring
14 districts that have any significant minority
15 population, then by dividing it differently,
16 you might create two 35 percent districts, but,
17 again, Section 2 of the Voting Rights Act since
18 Bartlett has required a majority-minority
19 threshold. So if you could show, for example,
20 that there is a 90 percent district next to a
21 30 percent district, that would be -- that
22 could meet one criterion at least of a Section
23 2 showing. If it were divided differently, it
24 could create two 60 percent districts. But it
25 really depends on an analysis of the region and

1 not just one district in isolation.

2 SENATOR GAETZ: Other comments or
3 questions at this point?

4 If not, Mr. Guthrie, why don't we -- if
5 you can summarize where we are at this point.
6 We want to provide additional opportunities if
7 the Committee members wish to provide proposed
8 guidance to professional staff, and then we
9 have several individuals who have traveled that
10 we want to make sure to get an opportunity to
11 speak to the Committee.

12 MR. GUTHRIE: We can take, Senator, a very
13 quick look. We will skip over for the time
14 being plan 95 and move to plan 86 by Bruce
15 King. We have looked at Mr. King's proposals
16 before. It is a good example of what the
17 consequence is if you try to strictly apply a
18 concept of applying a grid-like pattern or
19 rectangular shapes to your districts without
20 much regard to minority voting opportunities or
21 political and geographic boundaries. And so
22 the result of that is that you have a lot of
23 cities and counties that -- county boundaries
24 that are not followed, and the opportunities
25 for racial minorities in Mr. King's plans are

1 less than in some of the other proposals.

2 And I think with that, we can close the
3 book on our southeast Florida proposal --
4 Senate proposals.

5 SENATOR LATVALA: Mr. Chairman?

6 SENATOR GAETZ: Senator Latvala.

7 SENATOR LATVALA: Would not the same
8 charge that we gave to the staff at the last
9 meeting with regard to the districts in
10 northeast Florida on the maximizing the
11 minority populations of the districts as our
12 Tier 1 responsibility, would that not also
13 apply to the rest of the state? Or was that
14 just northeast Florida that we did that?

15 SENATOR GAETZ: It was in the context of
16 our northeast Florida meeting, but I took it,
17 and I stand to be corrected, as an admonition
18 to the professional staff everywhere in the
19 state.

20 SENATOR LATVALA: Okay. Well, there were
21 a couple of those maps that obviously did not
22 -- you know, did not even meet -- come anywhere
23 near that criteria, this one for one, and the
24 one that took the minority voters in Palm Beach
25 out of an existing minority district obviously

1 would be the same kind of situation. They
2 would not be given the opportunity to vote for
3 the candidate of their choice, you know, since
4 they are in that district now and they wouldn't
5 be in the future. So, I mean, I just wanted to
6 reiterate that that is what we wanted the staff
7 to do.

8 Now, if -- once we get into Miami-Dade,
9 then would that charge also include, you know,
10 maximizing, you know, both the African-American
11 and the Hispanic access seats?

12 SENATOR GAETZ: Well, that is a good
13 question that perhaps we should take some
14 committee discussion on, and we would certainly
15 look for guidance to those who know those
16 communities well. But all members who have had
17 a chance to review all of the testimony that we
18 have taken, all of the submittals that we have
19 received, is there comment or discussion on
20 that point? We either have a very tired
21 Committee or a very -- or there is Thorazine in
22 the water.

23 Senator Gibson, I knew we could count on
24 you.

25 SENATOR GIBSON: Thank you, Mr. Chairman.

1 I'm getting a little hazy here, but we are
2 speaking to the point of what, again?

3 SENATOR GAETZ: The question, Senator
4 Gibson, is as we -- and Senator Latvala will
5 correct me -- that as we move into Miami-Dade
6 and as we look generally at southeast Florida,
7 is professional staff to be guided by --
8 continue to be guided by the same direction
9 that we provided earlier, and that is that we
10 need to follow the -- follow the admonition, if
11 you will, that minority voting rights need to
12 be a Tier 1 consideration before we go to other
13 considerations in the development of a PCB for
14 this area. That is the -- that is the topic on
15 the table, and we would certainly be happy to
16 hear your opinions.

17 Senator Siplin.

18 SENATOR SIPLIN: Thank you, Mr. Chair.

19 I thank the attorney would agree with me,
20 we can't have protection of minority seats in
21 one section of the state and not do the same
22 for the other section of the state. So, I
23 mean, it is just common sense legally, as an
24 attorney, worked for a federal judge, that the
25 criteria that we establish for our staff must

1 be a consistent criteria, particularly when it
2 deals with Fair District, and Fair District
3 says that we cannot reduce or do away with
4 minority seats, as well as the U.S.
5 Constitution, as well as the Voting Rights Act.
6 So I think we got three prong requirement to
7 make sure that we -- in drafting any of these
8 seats around the state of Florida, that we take
9 care of those -- those seats first.

10 A VOICE: Mr. Chair?

11 SENATOR GAETZ: Senator Gibson, did you
12 have a comment, ma'am, before I go to the other
13 side of the table?

14 SENATOR GIBSON: Thank you, Mr. Chair, and
15 certainly I concur with some of Senator
16 Siplin's thoughts and certainly with my own
17 that I have expressed earlier, and that is we
18 can't constitutionally apply different
19 standards to different areas of the state if we
20 are going to follow the Constitution and if we
21 are going to continue putting communities of
22 interest -- again, I go back to the coastal and
23 the rural and the flowers and the trees, and
24 if --

25 SENATOR GAETZ: Well, before we chase

1 butterflies, what we are talking about here are
2 not flowers and trees and coasts.

3 SENATOR GIBSON: I understand.

4 SENATOR GAETZ: We are talking -- the
5 question on the table that Senator Latvala has
6 asked us to answer has to do with minority
7 access districts and protecting minority voting
8 rights, nothing about communities of interest.

9 SENATOR GIBSON: Well, to that point,
10 then, if it is constitutionally required, and
11 we have been talking about communities of
12 common whatever, because they are -- it is the
13 Nature Coast, and to the extent that we have
14 heard that minorities based on voting history
15 also have commonalities, then certainly it
16 should be a consideration.

17 SENATOR GAETZ: Senator Diaz de la
18 Portilla.

19 SENATOR DE LA PORTILLA: Yes, and I think
20 to that point, Mr. Chairman -- thank you, first
21 of all -- that is what the Constitution says.
22 I mean, that is part of Tier 1, and that is
23 what we have applied in every other area that
24 we have looked at, because that is what, you
25 know, Article III, Sections 20 and 21 say as

1 part of the Tier 1 analysis, that we can't
2 abridge the opportunities for racial and
3 language minorities.

4 I think -- one other observation, and by
5 way of -- what I would like to give by way of
6 direction to staff also is that when you take a
7 look at the Constitution, both the Tier 1 and
8 Tier 2, the Tier 2 aspect talks about equal as
9 practicable as possible, and population
10 districts that are as equal as practicable,
11 compactness, and where feasible, use political
12 -- existing political and geographic
13 boundaries. That Tier 2 application -- or
14 application of that Tier 2 could come in dense
15 urban areas in conflict with the Tier 1
16 analysis, because in trying to maximize
17 opportunities for racial and language
18 minorities, we may not be able, it may not be
19 feasible to follow existing political and
20 geographical boundaries. It is a lot easier to
21 do that in a more rural area.

22 So I think by way of direction to staff,
23 yes, for the sake of consistency, for the sake
24 of following what the Constitution says, the
25 same direction needs to be given as far as this

1 area of the state, with the additional
2 admonition that, of course, it is going to be
3 harder and perhaps not as feasible to follow
4 geographical and political boundaries,
5 particularly political boundaries, because you
6 have to try to maximize the Tier -- the efforts
7 to meet the Tier 1 criteria.

8 That is the direction that I would give,
9 unless there is any objection from anyone. I
10 think that is what makes sense for the urban
11 areas in order to accomplish that overriding
12 goal.

13 SENATOR GAETZ: Speaker Thrasher.

14 SENATOR THRASHER: Mr. Chairman, again, I
15 think Senator Diaz de la Portilla is right, I
16 think Senator Siplin is right and Senator
17 Gibson is right, and I think if you go back to
18 our prior discussion at the last meeting, we
19 talked about the hierarchy of how we are going
20 to look at this. Minority, racial, language,
21 folks, have the first and paramount priority in
22 developing our districts, whether it is south
23 Florida or whether it is north Florida.
24 Amendments 5 and 6 weren't adopted for one part
25 of the state. They were adopted for the entire

1 state. So we look at that, we look at ensuring
2 that we are not favoring incumbents or a
3 political party, we look at compactness, and we
4 look as feasible, as you said, Senator Diaz de
5 la Portilla, utilizing existing county and
6 municipal lines. That, I believe, was the
7 direction to the staff last time. It ought to
8 be the same direction to the staff this time,
9 in my opinion.

10 SENATOR GAETZ: Thank you, Senator. Let
11 me make an attempt, and then I stand to be
12 edited, of course, if I may make an attempt to
13 summarize then what we have heard from all of
14 those who have commented.

15 The State Constitution's Tier 1 priority
16 is to ensure that the ability of minorities,
17 Hispanic or African-American, to elect
18 candidates of their choice cannot be
19 diminished. That is Tier 1 in Amendments 5 and
20 6. We would, therefore, instruct staff to draw
21 districts in which minorities are as likely as
22 in the current Congressional Districts 17, 18,
23 21, 23 and 25 to elect the candidates of their
24 choice.

25 If at the same time -- this gets to the

1 point that Senator Thrasher was just making --
2 these districts can be made more compact, we
3 instruct staff to make them more compact, but
4 if not, the preservation of minority voting
5 opportunities should always come first. And in
6 drawing these districts, as with all districts,
7 staff is directed to take into consideration
8 traditional redistricting principles as
9 provided for under law.

10 Now, is there objection to that summation
11 of what we have heard from everyone who has
12 spoken? Is there anybody -- yes, Leader Rich.

13 SENATOR RICH: I don't -- I just want to
14 say that I think Senator de la Portilla kind of
15 hit it on the head, because we have to balance
16 a lot of things here, and it is much more
17 difficult in the urban areas of our state. So,
18 you know, as long as everything -- we are
19 looking at the Constitution and what is
20 required by our Constitution, our State
21 Constitution and the new amendments, then I
22 think that is the direction that the staff has
23 to go.

24 SENATOR GAETZ: Thank you, Leader. Thank
25 you very much for that.

1 So let me again, just so that we are all
2 on the page, you can agree or disagree, let me
3 again try to summarize the instructions for
4 professional staff with Leader Rich's excellent
5 comments.

6 The State Constitution, as Leader Rich has
7 said, the State Constitution must be abided by,
8 and the Constitution's Tier 1 priority is to
9 ensure the ability of minorities, Hispanic or
10 African-American both, to elect candidates of
11 their choice, and that that ability not be
12 diminished. Therefore, the Committee would
13 instruct professional staff to draw districts
14 in which minorities are as likely as in the
15 current districts to elect the candidates of
16 their choice. And I think here we're talking
17 about Districts 17, 18, 21, 23 and 25.

18 If at the same time these districts can be
19 made more compact, as several of us have
20 mentioned, then they need to be made more
21 compact, but if not, then the Committee
22 instructs professional staff that the
23 preservation of minority voting rights should
24 come first, and in drawing these districts, as
25 with all districts, staff would be directed to

1 take into account traditional redistricting
2 principles as found under the law.

3 Is there any improvement that anybody
4 would like to make on that? I am sure there
5 could be if anybody would like to try. Senator
6 Siplin offers his support.

7 Is there any objection? Is there any
8 objection?

9 All right. Then let the record show that
10 this was unanimously agreed to without
11 objection.

12 And, Mr. Guthrie, what else?

13 MR. GUTHRIE: That concludes our look at
14 Senate proposals. We can spend, if you would
15 like, Mr. Chairman, a minute or two looking at
16 just a couple of the House proposals that were
17 presented to the Committee.

18 SENATOR GAETZ: You are recognized for a
19 minute or two.

20 Senator Bullard for a question.

21 SENATOR BULLARD: Mr. Chairman, in all due
22 respect, you know, if you would -- really, I
23 don't know how many people came from out of
24 town, and we were going to give them an
25 opportunity to say something, so --

1 SENATOR GAETZ: Without objection, we will
2 skip over the House proposals and we will take
3 the individuals first who are citizens who came
4 from out of town, then we will take frequent
5 visitors to the committee and then we will take
6 lobbyists.

7 We will start with Mr. Robert Spooney from
8 Orlando. Mr. Spooney, please come forward if
9 you are here. We thank you for coming all of
10 the way that you have, and you are welcome to
11 provide your testimony. We would ask that you
12 keep it to three or four minutes in deference
13 to the others who would like to testify.

14 You are recognized, sir.

15 DR. SPOONEY: First of all, thank you,
16 Chairman Gaetz and honorable members of the
17 Committee for allowing me to come and make
18 these remarks specific to public congressional
19 plan 109.

20 As our state continues to grow in
21 population, I personally believe that our
22 congressional districts can serve as a
23 foundation or template for growth management.
24 That being said, the plan that I have submitted
25 before this Committee for consideration

1 exemplifies, in my opinion, the most fair and
2 compact way to maintain current congressional
3 minority representation as constitutionally
4 mandated, while increasing the possibility for
5 both African-American and Hispanic
6 representation in the halls of the Congress.

7 I believe that it is a foregone conclusion
8 that the growth of the Hispanic and black
9 voting age populations in central Florida and
10 south Florida make these areas appropriate for
11 the placement of Florida's two new
12 congressional districts, and particularly
13 appropriate for a district that will allow
14 minority candidates the opportunity to be
15 successfully elected to serve Florida in
16 Congress.

17 My congressional plan is unique from the
18 other plans that I have seen submitted in that
19 I have been able to develop and design a simple
20 majority-minority district, or as you prefer or
21 refer in your jargon, an opportunity or
22 coalition district in central Florida. This is
23 what I call the proposed Congressional District
24 26. This proposed district is comprised
25 approximately of 36 percent white voting age

1 population, 33 percent black voting age
2 population, 26 percent Hispanic voting age
3 population and five percent other, which could
4 very well yield a successful African-American
5 or Hispanic Congressperson.

6 In addition to that, I have been able to
7 develop and design a majority Hispanic district
8 in south Florida that has a 64 percent voting
9 age population, and I am calling that proposed
10 Congressional District 27. And this would
11 possibly -- this District 27 would possibly
12 increase Hispanic congressional representation
13 to four or five, depending on the results --
14 the election results of the proposed
15 Congressional District 26.

16 Moreover, this plan also has a
17 congressional district in north Florida that
18 spans from Duval County to Leon County. That
19 congressional district will expand the prospect
20 of representation for a -- what I call a
21 uniquely under-served and under-represented
22 rural minority population in that area.

23 This plan recognizes some solid
24 communities of interest, as we have heard this
25 -- that phrase used constantly today, and

1 particularly it does that in north, central and
2 south Florida, while at the same time it
3 respects the constitutional mandates of
4 Amendment 5 and 6.

5 So I just would earnestly request your
6 consideration for this simple plan that I have
7 developed so that everybody could be happy.

8 SENATOR GAETZ: Thank you very much.
9 Universal happiness is a goal to be sought
10 after.

11 Any questions for Mr. Spooney? If not,
12 next we will go to -- and I apologize,
13 Reverend -- the Reverend Dr. Jonas -- and is it
14 Jorges or Georges? All the way from my former
15 village of Miami Shores. In fact, you live not
16 to far from where I lived, sir. Welcome. And
17 could you give us the correct pronunciation of
18 your last name, with my apologies?

19 DR. GEORGES: Georges.

20 SENATOR GAETZ: Georges?

21 DR. GEORGES: Georges.

22 SENATOR GAETZ: Doctor, thank you very
23 much for being here, and, sir, you are
24 recognized for three or four minutes.

25 DR. GEORGES: Mr. Chairman, guests and

1 members of the Committee, it is indeed a
2 privilege for me to represent my community and
3 sort of make this presentation to you on behalf
4 of us all. It is on behalf of District 17,
5 which hasn't been featured here today, but
6 which is one of those minority districts in
7 south Florida in which we, the Haitian-American
8 community, have a great deal of interest. It
9 is currently being served by an
10 African-American, and we figure that this is
11 the one district, among others, that allows the
12 largest portion of our people to express
13 themselves, to vote in a very meaningful way,
14 and, therefore, we have submitted a map which
15 takes into considerations all the legal
16 considerations -- aspects of the legislation.
17 And the purpose of coming here is to reiterate
18 our interest in seeing our map given due
19 consideration.

20 SENATOR GAETZ: And, pardon me, sir,
21 pardon me, Doctor, do you -- did you submit
22 your map in such a fashion that it has a number
23 so that committee members can go to that map?

24 DR. GEORGES: 0043.

25 SENATOR GAETZ: 0043, okay --

1 DR. GEORGES: 0043.

2 SENATOR GAETZ: -- for members who want to
3 go there now or later. Thank you very much.

4 DR. GEORGES: It is our understanding --

5 SENATOR GAETZ: Say again, please? It is
6 in the packets that we have in front of us,
7 okay. Thank your, Doctor.

8 DR. GEORGES: It is our understanding that
9 up until yesterday, our map was the only one.
10 So we don't quite know what happens later on,
11 whether there were competitive maps, but if
12 that is the case, we would gladly recommend
13 that the Committee give full consideration to
14 adopting this map, because as far as our group,
15 the Haitian-American Task Force on
16 Redistricting, is concerned, it sort of allows
17 the black majority in the district to remain
18 intact, and to have a larger number of
19 Haitian-Americans to be part of that district,
20 which encourages participation and also helps
21 people feel that their vote is meaningful.

22 Thank you very much for listening to me,
23 and we will be on our way back to Miami.

24 SENATOR GAETZ: Thank you very much,
25 Doctor, and your map is part of the Committee's

1 record, it is under consideration. There are
2 156 maps, but we have your map in our packet
3 today, and I am sure committee members will
4 give it every consideration. You are welcome
5 to contact any of us to do any follow-up, or to
6 contact our professional staff. Safe drive
7 back to Miami.

8 DR. GEORGES: Thank you.

9 SENATOR GAETZ: Next we will hear from --
10 it is either Jean or Jean Lafortune, who is
11 Chairman of the Haitian-American Grass Roots
12 Coalition, all the way from Miami.

13 And you are recognized, sir, and we
14 appreciate your testimony for about three or
15 four minutes.

16 MR. LAFORTUNE: Good evening, Chairman
17 Gaetz and members of the Committee.
18 Miami-Dade, where I come from, has evolved for
19 the past 20, 25 years, and we really urge the
20 Committee to take into consideration the plan
21 that we have proposed, 0043, CPUB 0043, so that
22 in order ethnic minority can have an
23 opportunity to elect a candidate of choice.

24 Miami-Dade we know is not an easy
25 community to deal with redistricting. It is

1 very challenging. It is one of those unique
2 places in Florida. And, as Floridians, we
3 really want to call on your wisdom to carve
4 those lines in a fair way.

5 We agree with Amendment 5 and 6 because it
6 give some power to the citizens of the state,
7 and as you deliberate to finalize a fair plan
8 for our county, for Miami-Dade, we are counting
9 on you, all of you, to make what is necessary
10 for those new voices, for those imaging voices
11 in Florida, in Miami-Dade. We have waited
12 long, long, long enough.

13 Thank you very much, and may the blessed
14 one be with all of you.

15 SENATOR GAETZ: Thank you. Thank you very
16 much, sir, for coming, for being here with us
17 today.

18 Our next speaker is a familiar visitor to
19 the Committee, Ryan Terrell. Mr. Terrell,
20 welcome back. We wouldn't know how to meet
21 without you. And you are recognized, sir, for
22 three or four minutes.

23 MR. TERRELL: Thank you, Mr. Chairman, and
24 I am wondering while I am speaking if they
25 could pull up my proposal, because it was

1 originally on the discussion for today, but we
2 didn't get to go over it, plan number 95.

3 SENATOR GAETZ: We will certainly bring it
4 up, and you are welcome to speak to it.

5 MR. TERRELL: Thank you.

6 The main -- the main issues that are dealt
7 with in this proposal is that it does expand
8 the number of Hispanic majority districts in
9 the Miami-Dade area. It goes from three to
10 five. You do that -- I think under this map
11 you actually keep the number of
12 African-Americans who have majority districts
13 under the current map, which are two, and then
14 there's, of course, the access seat that is a
15 mix between African-Americans and Hispanics.
16 That seat actually does become -- when it is
17 compact, it does become a Hispanic majority
18 seat that still has a significant percentage of
19 African-Americans, which in this seat, it is
20 District 38. I did try to keep the numbers
21 very similar to the current numbers so that you
22 could kind of make the understanding of, all
23 right, how did my district lines change.

24 I am particularly -- I am from District
25 34, which under this map does become a

1 minority-majority district. It is about 38.3
2 percent Hispanic, I think, and then it is
3 another 14 percent African-American. So this
4 seat actually was a white majority seat in the
5 last decade, but based off of becoming compact
6 and staying within Broward County, it becomes a
7 minority-majority district.

8 District 33, which under the current map
9 is an African-American majority district, I did
10 not expand it into Palm Beach County, because
11 when you are retrogressing districts, it is
12 permissible under two situations. One is if
13 the district has to gain a substantial amount
14 of population and there are no minority areas
15 immediately surrounding it that you can expand
16 into. In this case, you'd have to expand all
17 of the way into West Palm Beach, which is about
18 an hour drive north of downtown Ft. Lauderdale.
19 So if you have to expand an hour away just to
20 make the district even more African-American,
21 the courts would not uphold that. But it does
22 stay over 50 percent African-American in this
23 district and stays entirely within Broward
24 County.

25 The effects of that are that the districts

1 around it, District 31, then has to expand into
2 the City of Plantation in order to -- in order
3 for one district to take that, and then
4 District 32 and 25 becomes more compact to take
5 in the areas north of that African-American
6 majority district. So these districts in Miami
7 and Broward County become compact while still
8 maintaining an equal number of minority
9 representatives and actually expanding the
10 number in Miami-Dade County by two more
11 Hispanic representatives.

12 SENATOR GAETZ: Mr. Terrell, we really
13 appreciate your submissions and your testimony.
14 May I ask you a question, please?

15 MR. TERRELL: Sure.

16 SENATOR GAETZ: As I understand it, under
17 your proposal, which would restrict the -- what
18 we will call the minority opportunity district
19 to Broward County, correct me if I am wrong,
20 but I think then that the several thousand,
21 rather large number of African-Americans who
22 would then -- who are now in the district that
23 is similar to that who live in Palm Beach
24 County would be left out of that district.
25 What would be your approach to ensuring that

1 they are able to elect a candidate of their
2 choice?

3 MR. TERRELL: Well, Mr. Chairman, there's
4 actually two ways that you can go about doing
5 that. When I was originally drawing this
6 proposal, I did make the mistake of forgetting
7 to figure out how to address that population in
8 Palm Beach County, but I have subsequently gone
9 back in my redistricting software to look at
10 it. District 30 under that map that does
11 contain that West Palm Beach area where those
12 minorities live, you -- it is technically about
13 55 percent white under that map, but you can
14 actually shift around precincts between that
15 and the other Palm Beach County districts to
16 make it minority-majority. It still wouldn't
17 be an African-American majority district, but
18 it would still contain enough population of
19 black and Hispanic voting age population to put
20 it over 50 percent minority and give those
21 people a voice.

22 So in this case, I think it is important
23 for this Committee to understand drawing a
24 district from Broward to Palm Beach is, one,
25 unnecessary, but, two, it also runs the risk of

1 being struck down in court, because you can
2 draw those minority opportunity districts in a
3 more compact way, and that is what the court
4 would require. They don't require you to
5 expand into other communities of interest if
6 you don't have to.

7 SENATOR GAETZ: Well, Mr. Terrell, that is
8 very helpful, and if you could provide the
9 professional staff of the Committee with your
10 additional iteration that resolves that
11 problem, that would be -- that would be
12 helpful, I am sure, to the Committee.

13 MR. TERRELL: Thank you.

14 SENATOR GAETZ: Any other comments or
15 questions?

16 Thank you, sir.

17 MR. TERRELL: Mr. Chairman, there was one
18 other comment that I just was reminded of.
19 When we had discussed northeast Florida two
20 weeks ago, there was a similar situation where
21 the Committee was wondering how to address a
22 minority access district in the Jacksonville
23 area, and there was a proposal that expanded
24 from Jacksonville to Gainesville. That type of
25 proposal, again -- under this map, if you

1 actually go up to the Jacksonville area, you
2 can see I drew a minority-majority district
3 that stayed entirely within Duval County that
4 is a little bit weaker on the African-American
5 population, but it is still about 42 percent
6 voting age. But it shows that you don't have
7 to expand into another community of interest in
8 order to protect the minority rights of those
9 people in that area.

10 So those are the type of considerations
11 that this Committee needs to take into account.
12 When you are drawing minority districts, a
13 court will not ask you to draw from one major
14 city to another in order to create a district,
15 at least on the Senate or House level.

16 SENATOR GAETZ: Okay. Thank you very
17 much, sir.

18 MR. TERRELL: Thank you.

19 SENATOR GAETZ: We appreciate it. And our
20 final speaker today is Todd Bonlarron, who is
21 the Legislative Affairs Director for Palm Beach
22 County.

23 Mr. Bonlarron, nice to see you again.

24 MR. BONLARRON: Thank you, Mr. Chair.

25 SENATOR GAETZ: And you've got about two

1 minutes.

2 MR. BONLARRON: Thank you, Mr. Chairman.

3 Since the 2000 census and 2010, Palm Beach
4 County continues to evolve as a unique area
5 with well-defined interests. And based on the
6 communities of interest in Palm Beach County
7 and the need to provide county residents with
8 equal representation, also to respect the
9 county geographical boundaries, our county
10 commission urges the Legislature to adopt an
11 apportionment plan that minimizes, not
12 eliminate, overlap of Senatorial and
13 Representative districts and counties adjacent
14 to Palm Beach County.

15 We believe the Legislature must adhere to
16 the constitutional provisions of following
17 political and geographical boundaries in
18 keeping districts compact, but we also ask the
19 Legislature to consider within that the
20 principle of communities of similar interest.

21 I would just emphasize the comments that
22 Senator Negron made earlier about an area of
23 similar interest in the northern end of Palm
24 Beach County as it relates to our friends in
25 Martin County to the north of us. We believe

1 that we can create a district that is compact
2 and follows boundaries and also maintains this
3 community of interest.

4 Most importantly, though, we would ask you
5 to support the adoption of apportionment plan
6 in Palm Beach County where residents comprise
7 the majority of the constituencies in
8 Senatorial and Representative districts --

9 SENATOR GAETZ: Todd, can you give us --
10 is there a plan number that you would recommend
11 to us?

12 MR. BONLARRON: I will, but this is
13 important.

14 -- such that no less than three Senate
15 districts are created with a majority of their
16 district within Palm Beach County.

17 Of the plans that were presented today,
18 two of those plans, number 84 and number 86 --
19 and I speak only to the issue of share of the
20 district numbers -- contain districts that have
21 at least three Senate districts with a majority
22 of their district within Palm Beach County.
23 Plan 84 has four districts with over
24 50 percent, and Plan 86 has three districts
25 with over 40 percent of the Senate districts

1 comprised.

2 SENATOR GAETZ: Thank you very much.

3 I would like to just reference the fact
4 that if -- looking ahead to our November 15th
5 meeting, remember, now, our deadlines, if any
6 Senator would like a particular plan for
7 southwest Florida to be included on the agenda
8 for November 15, please make sure to notify the
9 staff before Monday, November 7, so that that
10 plan can be included in the meeting notice that
11 is due before noon that day. And the Chair
12 will take the Chair's prerogative to continue
13 any discussion that members may wish to have
14 about southeast Florida at our next meeting.

15 Is there any other business? If not,
16 Leader Rich moves we rise.

17 (Whereupon, the proceedings were
18 concluded.)

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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 141 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 22nd day of November, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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SENATE REAPPORTIONMENT COMMITTEE

ROOM KN 412

NOVEMBER 15, 2011

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 SENATOR GAETZ: This is the Senate
3 Committee on Reapportionment.

4 THE CLERK: Senator Gaetz?

5 SENATOR GAETZ: Here.

6 THE CLERK: Senator Margolis? Senator
7 Altman? Senator Benacquisto?

8 SENATOR BENACQUISTO: Here.

9 THE CLERK: Senator Braynon? Senator
10 Bullard?

11 SENATOR BULLARD: Here.

12 THE CLERK: Senator Dean?

13 SENATOR DEAN: Here.

14 THE CLERK: Senator Detert?

15 SENATOR DETERT: Here.

16 THE CLERK: Senator Diaz de la Portilla?

17 SENATOR DIAZ DE LA PORTILLA: Here.

18 THE CLERK: Senator Evers?

19 SENATOR EVERS: Here.

20 THE CLERK: Senator Florez? Senator
21 Garcia?

22 SENATOR GARCIA: Here.

23 THE CLERK: Senator Gardiner? Senator
24 Gibson?

25 SENATOR GIBSON: Here.

1 THE CLERK: Senator Hays?
2 SENATOR HAYS: Here.
3 THE CLERK: Senator Joyner?
4 SENATOR JOYNER: Here.
5 THE CLERK: Senator Latvala?
6 SENATOR LATVALA: Here.
7 THE CLERK: Senator Lynn?
8 SENATOR LYNN: Here.
9 THE CLERK: Senator Montford?
10 SENATOR MONTFORD: Here.
11 THE CLERK: Senator Negron?
12 SENATOR NEGRON: Here.
13 THE CLERK: Senator Rich?
14 SENATOR RICH: Here.
15 THE CLERK: Senator Sachs?
16 SENATOR SACHS: Here.
17 THE CLERK: Senator Simmons?
18 SENATOR SIMMONS: Here.
19 THE CLERK: Senator Siplin?
20 SENATOR SIPLIN: Here.
21 THE CLERK: Senator Sobel?
22 SENATOR SOBEL: Here.
23 THE CLERK: Senator Storms? Senator
24 Thrasher?
25 SENATOR THRASHER: Here.

1 THE CLERK: Quorum present.

2 SENATOR GAETZ: Thank you very much.

3 Please show Leader Gardiner present, he just
4 walked in, Senator Altman as well, he just
5 walked in. Excused absences today are Senate
6 Florez, Senator Storms, Senator Braynon and
7 President Margolis. And I spoke with President
8 Margolis, she sends her best wishes. She is in
9 rehabilitation following successful orthopedic
10 surgery. She says she is stir crazy and
11 anxious to get back here and get to work. She
12 was in very good humor and good fettle when I
13 spoke with her, and she thanks all Senators who
14 have sent their good wishes and their prayers
15 for her recovery. She expects to be back for
16 our December meeting.

17 Today, Senators, we will continue moving
18 through the state, region by region, discussing
19 scenarios for drawing congressional and state
20 legislative districts based on the input that
21 we have received from the public. Today we
22 will focus on the southwest Florida region from
23 Tampa Bay south to Naples, and as far east as
24 Lake Okeechobee.

25 Our next meeting, Senators, will be on

1 Tuesday, December 6 -- Tuesday, December 6.
2 And I would ask you to please bear the
3 following dates in mind which conform with our
4 unanimous consent agreement. A week prior, on
5 Monday, November 28, professional staff will
6 publish the proposed committee bills that will
7 be on our agenda for December 6th. The full
8 set of maps, statistics and downloads for the
9 proposed committee bills will be posted
10 prominently on the Senate redistricting
11 website, and citizens will have several
12 innovative and convenient ways to comment on
13 the plans, first by recording video messages
14 and posting them on the Committee's YouTube
15 page, by calling 1-855-FLA-MAPS toll free and
16 recording a voice message, by sending an e-mail
17 to redistrictflorida@flsenate.gov, by sending a
18 Tweet to @redistrict2012, or by attending our
19 December 6th committee meeting in person.

20 We looked hard, our professional staff
21 did, to find a way to host another round of
22 public meetings at locations across the state,
23 and to do so, unfortunately, would have set our
24 schedule off and would have, I think, made us
25 subject appropriately to criticism by those who

1 believe that we need to move this process along
2 deliberately, but without any delays. I was
3 not willing to settle for a small sample of
4 locations. If we would have had scheduled
5 hearings in Miami and Orlando, the question
6 would have been why not Palm Beach, why not
7 Tampa, why not Ft. Myers or Jacksonville or
8 Pensacola. And it just wasn't feasible to set
9 up a round of hearings unless we wanted to lose
10 a month.

11 So, as an alternative, professional staff,
12 in consultation with members of this Committee
13 and with The Florida Channel, came up with what
14 I hope you will agree is an easier, more
15 accessible and more efficient way for
16 Floridians to comment on the proposed committee
17 bill.

18 For our December 6th meeting, The Florida
19 Channel will produce video segments composed of
20 YouTube videos, voice mail messages, e-mail and
21 Twitter. If time permits, we will listen to
22 them all, but if we get more public comment
23 than we have time to hear, which is my hope,
24 then we will listen to what we have time for,
25 and we will post the entire collection,

1 100 percent of all input, on the Senate
2 redistricting website and encourage all
3 Senators to review that website prior to taking
4 any votes on the proposed committee bill.

5 Now, Senators, our primary focus on
6 December 6th will be on getting the
7 redistricting plans into the proper posture and
8 hearing public input. There will be two
9 proposed committee bills on the agenda
10 December 6th, one for congressional districts
11 and the other for state legislative districts.
12 I would remind Senators that the two bills are,
13 by Constitution, separate bills. One is on a
14 different track than the other, although so far
15 we have been fortunate as we have moved through
16 our process to be able to maintain a similar
17 track with both the congressional and the
18 legislative discussions that we have had.

19 We will take up the proposed committee
20 bills, the congressional and the state
21 legislative, as regular agenda items, just like
22 any other committee. Professional staff will
23 introduce and explain the proposed committee
24 bills, and most of the meeting will then be
25 devoted to listening to public testimony as I

1 have described, the second bite at the apple
2 that we are inviting people around the state to
3 participate in, as well as any testimony that
4 we might be fortunate enough to hear in person.

5 Before adjourning our meeting on
6 December 6th, the Chair will entertain motions
7 to introduce the congressional and legislative
8 redistricting plans as committee bills, and
9 then the bills would be filed and we would
10 expect them to be referred by our Rules Chair
11 back to the Reapportionment Committee when we
12 return for regular session following the
13 Hanukkah/Christmas break.

14 During that break, professional staff may
15 incorporate any suggestions and feedback from
16 the public into a proposed committee
17 substitute, if that turns out to be necessary.
18 Any proposed committee substitute will be
19 published at least seven days in advance of the
20 Reapportionment Committee's January meeting.

21 All of these publishing dates, all of
22 these public notice times are done in
23 conformance with the Unanimous Consent
24 Agreement that we developed originally to make
25 sure that there are not any midnight surprises,

1 to make sure that members of this Committee and
2 members of the public know exactly what would
3 be presented for a vote on a proposed committee
4 bill.

5 That is our long-range plan for reporting
6 these bills that are our responsibility out of
7 this Committee, so they can be available for
8 our Rules Chair and our providing officer to
9 place on the calendar at their pleasure early
10 in the session.

11 Let me stop here and ask if there are any
12 questions about our process or our timeline so
13 far? Any questions? Any comments?

14 Yes, sir, Leader.

15 SENATOR GARDINER: Thank you,
16 Mr. Chairman. I believe we had discussed this,
17 but I wanted to make sure we're on the same
18 page. If there is a proposed change from a
19 legislator from the amendment process, that
20 they could not just pick out one little -- one
21 specific area or region, they have -- would
22 have to file something that would indicate
23 districts for the entire state, is that still
24 correct?

25 SENATOR GAETZ: Yes, Leader Gardiner.

1 Because -- because of the interlocking nature
2 of districts, one cannot propose a change in
3 district lines in one area without affecting
4 the district lines elsewhere. And, so,
5 therefore, as a practical matter -- and this is
6 critical, and thank you, Leader, for bringing
7 this up -- as a practical matter, any amendment
8 proposed by a member of this Committee would
9 really take the form of a strike-all, because
10 you are going to have to show the consequences.
11 This was part of our Unanimous Consent
12 Agreement, that any of us who propose an
13 amendment need to show the consequences of that
14 amendment for every other part of the state
15 determining -- depending upon what those
16 consequences are. They might be substantial
17 for neighboring districts, they might be --
18 they might be marginal for districts further
19 away. So, yes, Leader, your understanding is
20 correct.

21 Are there any other questions at this
22 point? If not, let's talk about -- about the
23 amendatory process.

24 Senators who want to file amendments to
25 the proposed committee bill -- and, remember,

1 the proposed committee bill will be published
2 on the 28th of November, the 28th of November,
3 we will take up the proposed committee bill on
4 the 6th of December, and any Senator who wishes
5 to file an amendment, which as we have
6 discussed as a practical matter takes the form
7 of a strike-all, may do so as soon as the
8 proposed committee bills are published. So
9 when the proposed committee bill comes out, if
10 you say, "I have an amendment, I believe, that
11 would make the PCB a better bill, more in
12 conformance with the legal requirements, more
13 in conformance with the public testimony that
14 we have received," you can file it that day or
15 you can file it as we go forward toward the 6th
16 of December.

17 But please keep three things in mind:
18 First, recall that this Committee's Unanimous
19 Consent Agreement was to avoid last-minute
20 surprises and to turn down -- to turn down
21 amendments filed less than 48 hours prior to
22 the noticed committee meeting time. So for
23 December 6th -- and I beg you to note this
24 down. For December 6th, the 48-hour mark will
25 fall on a Sunday afternoon. Now, the Senate

1 traditionally moves deadlines falling over the
2 weekend to the previous Friday at five o'clock
3 p.m., and unless there is objection, I would --
4 I would recommend to the Committee that we
5 follow this practice. In other words, if we
6 are going to have a true 48-hour rule and not
7 have any midnight surprises, then we can't have
8 a late Sunday afternoon surprise when nobody is
9 around, when the press may not be covering what
10 is happening around here on a Sunday afternoon
11 and when the public is not watching. So the
12 48-hour rule would take us back to the close of
13 business, five o'clock p.m., Eastern time, on
14 Friday. Is there any objection to that
15 understanding of the 48-hour rule?

16 Senator Latvala.

17 SENATOR LATVALA: Well, there's no
18 objection to that on the proposed committee
19 bill, but the question occurs as we get into
20 session, are we going to -- you know, in other
21 words, if it is a Monday meeting and you use a
22 seven-day advance for the filing of the
23 committee amendments, which is done on a
24 calendar basis, then does that mean that the
25 deadline for amendments would like then be on

1 Wednesday?

2 SENATOR GAETZ: Senator Latvala, as we
3 discussed when we arrived at our Unanimous
4 Consent Agreement, we will ask the Senate Rules
5 Chair to honor this Committee's request that a
6 48-hour no surprises rule be in effect on the
7 Senate floor as well. So it is not a seven-day
8 rule for a proposed com- -- you know, it is a
9 seven-day rule for a proposed committee bill,
10 but if you wish to offer an amendment on the
11 floor, we simply would ask that you follow a
12 48-hour rule.

13 SENATOR LATVALA: Well, once we get to the
14 session and we get into a proposed committee
15 substitute, what would the -- what would the
16 deadline be on that?

17 SENATOR GAETZ: Seven days.

18 SENATOR LATVALA: Seven calendar days?

19 SENATOR GAETZ: Yes, bearing in mind that
20 we want to avoid the Sunday afternoon surprise.

21 SENATOR LATVALA: Okay. Well, is --
22 again, in the instance of a Monday committee
23 meeting or a Monday floor vote or whatever it
24 might be, when would the deadline be?

25 SENATOR GAETZ: John, can you help us

1 unscramble this for Senator Latvala?

2 MR. GUTHRIE: Thank you, Mr. Chairman.

3 Using the same rule that the Chairman
4 proposed for the meeting on December 6th, we
5 would back up 48 hours from Monday afternoon,
6 say. That would be Saturday afternoon.
7 Because that is during a weekend, we would
8 extend the period to five o'clock p.m., the
9 close of business, on the prior Friday.

10 SENATOR LATVALA: That is great. Thank
11 you.

12 SENATOR GAETZ: Is that satisfactory, sir?

13 SENATOR LATVALA: Thank you.

14 SENATOR GAETZ: Are there further
15 questions at this point?

16 Getting amendments filed and posted on the
17 website before the close of business on the
18 Friday is important to let your fellow Senators
19 and the media and the public know what you
20 would propose.

21 The second thing I would ask you to keep
22 in mind is the process for amending
23 redistricting legislation is different -- is
24 different from what we are used to for other
25 bills. Each amendment, as noted by Leader

1 Gardiner, must refer to a complete statewide
2 plan. That is the only way that we and the
3 public can be assured that the legal
4 description, the maps, the stats, all relate to
5 the same plan. So even if you are moving one
6 neighborhood or one block with an amendment,
7 the proposed plan will have a unique name, and
8 the legal description of all districts, all
9 districts, will be incorporated in the
10 amendment.

11 So the way you do that -- you don't have
12 to be a metes and bounds expert for the whole
13 state of Florida -- the way you do that is to
14 coordinate with staff when drawing or
15 submitting or filing an amendment, and allow
16 yourself and them plenty of time to work up the
17 amendment. If it is afternoon on Friday,
18 December 2nd, and you are not engaged in a
19 two-way communication with professional
20 committee staff and you intend to file an
21 amendment, the likelihood of meeting our
22 agreed-to deadline is probably not in your
23 favor. So back yourself up a little bit, and
24 if you intend to file an amendment, understand
25 that it has to be an amendment that takes into

1 account the consequences across the state and
2 shows all the technical descriptions.

3 We have the technical descriptions. This
4 is exactly what Mr. Guthrie has been showing us
5 in meeting after meeting after meeting. Our
6 software is extraordinarily useful here.

7 Leader, did you have something, ma'am? I
8 apologize. Leader Rich? I'm sorry.

9 Okay, and third, the third thing I would
10 ask you to keep in mind as to the amendatory
11 process is for the meeting on December 6, the
12 December 6 meeting, we are only moving to
13 introduce proposed committee bills. We are
14 still at that point in the beginning of the
15 process, and there will be plenty of
16 opportunity to discuss and debate amendments
17 when the bills come back to committee. So you
18 don't have to feel obliged, you certainly can,
19 but you don't have to feel obliged as if it
20 were your last opportunity to offer an
21 amendment on December 6th. You can offer an
22 amendment at the next meeting as well.

23 Now, let me stop again and ask if there
24 are any questions about the schedule and about
25 the procedures that we have adopted by

1 unanimous consent and how the Chair is
2 interpreting our Unanimous Consent Agreement.

3 Mr. Rules Chair, do you anticipate that we
4 will have any difficulty in gaining your
5 support for these procedures when we are on the
6 Senate floor?

7 SENATOR THRASHER: No, sir.

8 SENATOR GAETZ: Do you have any comment or
9 guidance for us?

10 SENATOR THRASHER: The thing I would add,
11 Mr. Chairman, it seems to me that we ought to
12 have a formal consensus at least on the
13 procedures that you have outlined. I think
14 that would help us all. And maybe even have --
15 if the professional staff could do that, to
16 outline those procedures in writing so that
17 every member would have them available.

18 SENATOR GAETZ: Thank you very much,
19 Speaker Thrasher.

20 Is there any objection to the explanation
21 that I have given, which I believe is faithful
22 to the agreements that we have already reached?

23 If not, then, Mr. Guthrie, would you
24 please follow the Rules Chair's guidance and
25 provide on a single sheet of paper the schedule

1 and the rules of engagement for the proposed
2 committee bill process and the amendatory
3 process and the process when we have reached
4 the floor.

5 All right. Today we will consider
6 scenarios for southwest Florida, and we will
7 begin with a presentation from professional
8 staff summarizing some of the scenarios and
9 themes for drawing districts in this part of
10 the state, scenarios and themes that are drawn
11 directly from the public testimony that we have
12 received and from the now, I guess, over 150
13 maps that we have received and from the
14 guidance that this Committee has received from
15 those of you who have had the opportunity to
16 visit with committee staff.

17 Then following Mr. Guthrie's explanation
18 of those scenarios, we will take any testimony
19 from those who have come to address the
20 Committee today, and after we have heard public
21 testimony, we will go into discussion and we
22 will seek guidance from the Committee to the
23 professional staff for the various scenarios
24 that have been presented. It has been our
25 practice in each of the committee meetings that

1 we have had to reserve time for discussion of
2 statewide plans submitted by Senators, civil
3 rights organizations and the public. Now, our
4 deadline for public submissions, as you know,
5 was November 1st. That was the deadline for
6 Senators, for interest groups, for the public
7 to submit plans. And, Mr. Guthrie, how many
8 plans have we had submitted, sir?

9 MR. GUTHRIE: Thank you, Mr. Chairman.
10 The slide on the screen here shows that a total
11 of 157 plans have been submitted to the House
12 or Senate committees. Seventy-five of those
13 relate to congressional districts, 39 relate to
14 Senate districts and -- bad math there -- forty
15 -- 39 are House and Senate is 43. I apologize
16 for my bad math there.

17 SENATOR GAETZ: All right. For members
18 who have kept track of each of the plans that
19 have been submitted, I would like to announce
20 with gratitude that plans 154, 155 and 156 were
21 submitted by the National Association for the
22 Advancement of Colored People, the NAACP, the
23 Florida State Conference of the NAACP, and this
24 is in response to the formal request that this
25 Committee has made and that the House committee

1 has made to interest groups, civil rights
2 groups and others to submit maps if they want
3 their ideas considered, ideas that we have
4 earnestly solicited.

5 Is a representative of the NAACP here
6 today who would like to speak to those maps?
7 Any representative of the NAACP here?

8 Okay. The maps do speak for themselves,
9 but we certainly wanted to give any NAACP
10 representatives an opportunity, since they
11 responded to our specific request.

12 Let's turn, if we may, to -- yes, Senator
13 Gibson.

14 SENATOR GIBSON: Thank you, Mr. Chairman,
15 and that we have this packet of maps from the
16 NAACP and any other civil rights organizations
17 speaks to a question that I had last time we
18 met, I think, and that is if the maps -- if we
19 have already reviewed -- since now we are down
20 to the last area, southwest, we have already
21 reviewed all of the other areas, yet we have
22 this new plan of maps, and the way I understood
23 it is once we finished with an area, we would
24 just continue to move on regardless of what
25 other maps came in. So today we will look at

1 the maps submitted by the NAACP as it relates
2 to southwest Florida, but we will not be able
3 to go back and look at any of the areas that we
4 have already by consensus turned over to staff
5 to start to draw maps, is that correct?

6 SENATOR GAETZ: I apologize, Senator
7 Gibson, if I have in any way led you to that
8 conclusion. Instead, it is certainly in order
9 for you, during the period of Senator
10 discussion following public testimony, to raise
11 any question that you wish to raise. We have
12 by agreement gone through the state, region by
13 region, and we need to discuss southwest
14 Florida today and give some direction to
15 committee staff, but we certainly may discuss
16 the NAACP maps as they pertain to any part of
17 the state during the part of our meeting today
18 that is reserved for your comments. Yes,
19 ma'am, we certainly can do that.

20 Any other questions at this point? If
21 not, are there any Senators who wish to offer
22 any specific plans today or highlight any
23 specific plans that you have not indicated to
24 professional staff that you would like to bring
25 up? Any Senators who would like to dip into

1 the 157 plans and lift any up that were not on
2 the agenda?

3 If not, then let's turn to tab four, and
4 we will recognize Mr. Guthrie, who is our
5 professional staff director, and he will
6 present scenarios for congressional districts
7 in southwest Florida. Mr. Guthrie. Mr.
8 Guthrie, could you help us understand, are you
9 moving our screens or only your screen?

10 MR. GUTHRIE: I believe that if you are
11 signed into the meeting place event on your
12 calendar, the screen that is on the overhead
13 also appears on your laptop computer.

14 SENATOR GAETZ: And if there is any
15 Senator who wishes to have any technical
16 assistance in getting to the -- to the meeting
17 portion so that you can follow along with Mr.
18 Guthrie on your screen as well as the screen in
19 front of us, please, please let us know, and we
20 will get you any kind of technical assistance
21 you need.

22 Mr. Guthrie.

23 MR. GUTHRIE: Okay. So we are going to
24 start today with congressional scenarios in
25 southwest Florida. Before I delve into the

1 current congressional districts, let's take
2 just a brief moment to look at the overall
3 demographics of southwest Florida.

4 Last week we looked at this same chart.
5 The most interesting and salient point for
6 redistricting in southwest Florida is that your
7 urban areas of Tampa, St. Petersburg,
8 Clearwater, Bradenton, Sarasota, and a lesser
9 extent, Ft. Myers, Naples, did not keep pace
10 with the state's 18 percent population growth,
11 but the suburban areas immediately to the east
12 of those urban areas grew substantially faster
13 than the statewide growth. So what we are
14 going to see in southwest Florida is that the
15 urban districts will need to grow in order to
16 gain population, whereas the suburban districts
17 will become a little bit geographically smaller
18 to make up for that. So that is the overall
19 trend.

20 The other thing that is -- that looms very
21 large when we are talking about redistricting
22 in southwest Florida is that the counties of
23 Hillsborough, Hardee, Hendry, Collier and
24 Monroe all are covered by Section 5 of the
25 Federal Voting Rights Act as amended. What

1 that means is that any change affecting voting
2 in those counties must be approved by federal
3 authorities before the change can take effect.
4 The standard of review of such plans, whether
5 it is by the U.S. Department of Justice or a
6 Federal District Court for the District of
7 Columbia, will be does the change in voting
8 practice or does the new redistricting plan
9 have the effect of causing a retrogression or a
10 diminishment in the opportunity of minority
11 voters to elect candidates of their own
12 choosing. So Section 5 looms very large --

13 SENATOR GAETZ: Just a moment, Mr.
14 Guthrie. Senator Bullard.

15 SENATOR BULLARD: Thank you, Mr. Chairman.
16 Mr. Guthrie, I -- according to Amendment 5 and
17 6, those counties that you just named, they
18 cannot be in the planning of the drawing of any
19 district, is that what you are saying? I need
20 to understand, and maybe you can just clarify
21 it for me.

22 SENATOR GAETZ: The application of Section
23 5 to congressional districts in this part of
24 the state, and maybe while you are at it, the
25 application of Section 5 to Senate and House

1 districts.

2 MR. GUTHRIE: Right. So your question is
3 how does the new -- the changes, the recent
4 changes, Sections 20 and 21 of the Florida
5 Constitution as they relate to the diminishment
6 of opportunities of minority voters, apply to
7 the federal law requirements under Section 2
8 and Section 5 of the Voting Rights Act relating
9 to minority voting opportunities? And the
10 answer is that the redistricting plans that the
11 Legislature passed -- passes must meet all
12 federal, state -- federal, constitutional and
13 legal standards and all state constitutional
14 standards. So both apply. And the requirement
15 of not diminishing the opportunities of
16 minorities to elect candidates of their own
17 choosing by virtue of the voters of Florida
18 putting Sections 20 and 21 into the state --
19 Article III into the State Constitution is that
20 the non-diminishment requirement now applies
21 statewide and will be scrutinized legally
22 statewide.

23 SENATOR BULLARD: Mr. Chair?

24 SENATOR GAETZ: Yes, you may follow up,
25 Senator Bullard.

1 SENATOR BULLARD: So, therefore, any map
2 that is drawn, if that map shows that one of
3 the counties or any of the counties you just
4 mentioned are -- have been redrawn or people
5 are taken from that particular county to go
6 into the map changed, the drawing of the map
7 changed, that would definitely be a
8 constitutional violation, is that what I hear?

9 SENATOR GAETZ: Mr. Guthrie.

10 MR. GUTHRIE: That would be -- the answer
11 is yes, but let me -- let me explain.

12 SENATOR BULLARD: Yes.

13 MR. GUTHRIE: That would be a violation of
14 the Federal Voting Rights Act, Section 5, as it
15 applies to the covered counties: Hillsborough,
16 Hardee, Hendry, Collier and Monroe.

17 SENATOR BULLARD: Uh-huh.

18 MR. GUTHRIE: It may also be a violation
19 of the -- independently, or under the State
20 Constitution. So there are reviews that will
21 occur by the U.S. Department of Justice or a
22 Federal District Court for the District of
23 Columbia where they will look at those five
24 counties, but also a circuit court in Florida
25 may look at -- at any county in the state and

1 the effect of districting on opportunities of
2 racial minorities.

3 SENATOR BULLARD: Thank you.

4 SENATOR GAETZ: Thank you, Senator
5 Bullard.

6 Senator Detert.

7 SENATOR DETERT: Well, just to put it in
8 simplistic terms, just because you have a
9 current minority district doesn't mean you are
10 totally exempt from any changes, correct?

11 SENATOR GAETZ: Mr. Guthrie. Would you
12 repeat the question, please, Senator Detert?

13 SENATOR DETERT: The question is, just
14 because you hold a current minority -- if you
15 have a current minority district, it doesn't
16 mean you are exempt from any changes?

17 MR. GUTHRIE: I am not a lawyer. My
18 layman's review of redistricting standards
19 would lead me to believe that any dismantling
20 of an existing minority district would be
21 problematic.

22 SENATOR GAETZ: And --

23 SENATOR DETERT: But wouldn't the caveat,
24 though, Mr. Chair, wouldn't the caveat be as
25 long as the numbers remain what they were, but

1 if your numbers changed as to the composition
2 of that minority district, then the lines could
3 change, correct?

4 SENATOR GAETZ: I think the answer to that
5 question is yes, but not being an attorney, why
6 don't we turn to committee counsel, and Mr.
7 Bardos, could you take a crack at that, please,
8 sir?

9 MR. BARDOS: I think that is correct. The
10 lines can change as long as the district
11 retains undiminished ability that it previously
12 had for minority voters to elect the candidates
13 of their choice. So the districts -- the
14 district lines are not frozen and immovable,
15 but what is essential is that there be
16 districts in which the minority's voting
17 strength is not diminished.

18 Now, within the Section 5 counties, you
19 have less discretion to move those district
20 lines because -- because those are the only
21 voters that are protected within Florida under
22 Section 5 of the Voting Rights Act. So, for
23 example, if a district is within those five
24 counties today, and it were moved outside of
25 those five counties, it might satisfy our

1 constitutional provision in Florida, because
2 you still have a district with the same
3 minority voting strength, but it might fail
4 under Section 5 because you have moved it
5 outside of the five protected counties. So
6 there are limitations under Section 5 that
7 apply specifically to the performing minority
8 districts within the five protected counties
9 that restrict the choices that the Legislature
10 can make.

11 SENATOR GAETZ: Is that satisfactory,
12 Senator Detert?

13 SENATOR DETERT: Yes.

14 SENATOR GAETZ: Mr. Guthrie, why don't you
15 proceed and see if we can -- we can be
16 deliberate, but not drag our feet as we get
17 through the congressional districts in
18 southwest Florida.

19 MR. GUTHRIE: Thank you, Mr. Chairman.

20 So with that as our background, let's take
21 a look at the existing congressional map. The
22 first district that I want to focus in on is
23 this Congressional District 11 in the Tampa Bay
24 area. That includes parts of Hillsborough,
25 Pinellas and Manatee Counties. The district

1 currently is 26.8 percent black VAP and 25.8
2 percent Hispanic VAP. Because it includes
3 portions of Hillsborough County, the district
4 is subject to pre-clearance.

5 The other district -- there is another --
6 there is a majority-minority black district in
7 south Florida, District 23, which is
8 principally in Palm Beach and Broward County on
9 the east coast, but also stretches over to
10 include a portion of Hendry County, which is a
11 Section 5 jurisdiction. So Congressional
12 District 23, which is currently 54 percent
13 African-American voting age population, is
14 subject to Section 5 pre-clearance.

15 And then Congressional District 25, which
16 is in Miami-Dade and Collier Counties, is
17 72 percent Hispanic VAP, one of three Hispanic
18 voting age majority districts in the current
19 congressional map. And so that, too, because
20 it is in Collier and Monroe Counties, two
21 Section 5 jurisdictions, is worthy of special
22 attention.

23 Another point I would like to point out
24 for the Committee based on what we heard at the
25 public hearings, particularly in southwest

1 Florida, was that District 16 includes most of
2 Charlotte County and some of the counties
3 surrounding Lake Okeechobee, then it extends
4 east to include parts of St. Lucie, Martin and
5 Palm Beach County. One of the themes that we
6 heard at the public hearings was to try to
7 avoid districts -- urban districts that stretch
8 across the state, include urban areas on either
9 side of the state. So that is the main
10 take-aways from the existing map.

11 The first map that we wanted to highlight
12 for the Committee's consideration today is the
13 NAACP map, which is map number 154.

14 SENATOR GAETZ: And, Mr. Guthrie, Senator
15 Simmons will take the Chair.

16 SENATOR SIMMONS: Go ahead.

17 MR. GUTHRIE: The -- a salient point about
18 the NAACP congressional map is that it
19 preserves the cores of your minority districts.
20 In this case, District 11 is 26.7 percent black
21 VAP and 25.5 percent Hispanic VAP, very similar
22 to the benchmark district. And District 23
23 continues to extend into Hendry County. It
24 still principally is a Palm Beach/Broward
25 County district, but that district in the new

1 configuration is over 50 percent black VAP.

2 So those are the key features in southwest
3 Florida of the plan proposed by the NAACP.

4 SENATOR LATVALA: Can I ask a question?

5 SENATOR SIMMONS: Yes, Senator, you are
6 recognized.

7 SENATOR LATVALA: And this is brushing on
8 the same question that Senator Detert answered
9 -- asked, I think. In the case of a --
10 preserving a minority seat, such as the one
11 that is currently District 11 in the
12 Tampa/lower St. Petersburg area, does the --
13 does the need to preserve the district extend
14 to when there is not a minority elected to
15 represent the district? In other words, when
16 we are -- when we are -- when we are trying to
17 look at the minority districts and preserving
18 those, which the Committee has already, by
19 consensus, decided to do, does that apply to a
20 district that is not currently represented by a
21 minority?

22 SENATOR SIMMONS: Go ahead, Mr. Guthrie,
23 or would you like counsel to answer that?

24 MR. GUTHRIE: Let's defer to legal counsel
25 on this question.

1 MR. BARDOS: Under both Section 5 and our
2 amendments, what matters is whether that person
3 who has been elected is the candidate of choice
4 for the minority voters. And so, for example,
5 the Department of Justice looks back at the
6 last five general elections to see -- since the
7 last redistricting to see whether the person
8 who has been elected is the candidate of choice
9 for minority voters.

10 Now, there is an academic debate which has
11 been -- which is actually a very practical
12 question, which has been discussed frequently,
13 which is does that mean that it is -- and this,
14 I think, is your question -- does that mean
15 that the candidate who is successful must him
16 or herself be a minority. And I think the
17 better answer is probably if the successful
18 candidate is not a minority, but that person
19 was the preferred candidate of minority voters,
20 then that continues to be considered, that
21 district is considered a district in which
22 minorities have the ability to elect. But that
23 would require a close examination of whether
24 that candidate who was elected is, in fact, the
25 candidate of choice. And so you would look at

1 primary elections in that district, within each
2 party, to see whether the candidate who
3 ultimately prevailed was the minority preferred
4 candidate.

5 SENATOR LATVALA: Thank you.

6 MR. GUTHRIE: Okay. So the next map that
7 we want to look at is proposal number 104
8 submitted by Mr. John Libby. This is an
9 example of what you might get if your focus in
10 redistricting of congressional lines was on
11 minimizing the number of county and city
12 breaks, or following county boundaries to the
13 extent practicable.

14 We see that the extension of a
15 majority-minority African-American district
16 into Hendry County is not retained in this map.
17 That potentially could raise questions or
18 issues on Section 5 review. Also, Collier
19 County, which in the benchmark district is part
20 of a Hispanic majority district, is no longer
21 part of the Hispanic district, and the
22 Hillsborough districts, none of them cross the
23 bay. District 13 has the highest percentage of
24 African-American voting age population, but it
25 is at -- it is -- District 13 is at 17.6

1 percent African-American VAP versus 26 percent
2 in the benchmark. So a number of issues that
3 we would have to contend with with a map such
4 as this one, which focuses more on Tier 2 than
5 on Tier 1 requirements.

6 SENATOR SIMMONS: Senator Siplin, you are
7 recognized.

8 SENATOR SIPLIN: Thank you, Mr. Chair, and
9 I apologize, John, before you get too far down,
10 you were referring a moment ago to the NAACP
11 map. Was that map only for the southwest, or
12 was that -- did they submit a complete map?
13 Because as I look at the breakdown, I don't see
14 but maybe 15 or 20 seats.

15 MR. GUTHRIE: Thank you, Mr. Chairman.

16 The map submitted by the NAACP is zero
17 deviation for all 27 congressional districts.
18 For this meeting, we are focusing on just the
19 southwest Florida districts, but if you go to
20 the Senate -- the Senate website, and the way
21 we do this is from the Senate site, click on
22 "Redistricting," then "Submitted Plans," and we
23 will pick "submitted by NAACP" and hit
24 "Return," and we get a list of the three plans
25 that were submitted by the Florida State

1 chapters of the NAACP. If we look at the
2 congressional map here and view it in District
3 Explorer, we see the entire map, and all the
4 stats -- statistics and downloads for this plan
5 are available for everyone to take a look at at
6 the Senate website.

7 So even though we are focusing on
8 southwest Florida today, as the Chairman said,
9 the entire map is available for your review.

10 SENATOR LATVALA: Mr. Chairman?

11 SENATOR SIMMONS: Yes, Senator Latvala,
12 you are recognized.

13 SENATOR LATVALA: This is starting to
14 bring to mind some of the testimony that we had
15 at the hearing in Pinellas County, in Largo.
16 And correct me if I am wrong, but wasn't the
17 bulk of the testimony, if not the unanimous
18 testimony of the people who came, who live in
19 the -- the seat that is connected -- is that
20 currently District 11 or 13?

21 MR. GUTHRIE: Congressional District 11
22 crosses Tampa Bay.

23 SENATOR LATVALA: Tampa and south St.
24 Petersburg?

25 MR. GUTHRIE: Yes.

1 SENATOR LATVALA: Did we not have a
2 significant amount of testimony from people who
3 live in District 11, in St. Petersburg, saying
4 they did not feel they were served well by
5 being in District 11?

6 MR. GUTHRIE: It's been a while since I
7 have reviewed that transcript. The transcript
8 is available on-line and speaks for itself. I
9 don't recall that specific testimony, but it --
10 if you were there and if you heard it, then --

11 SENATOR LATVALA: I do recall that, and I
12 think that, you know, goes into the question
13 of, you know, in the interpretation of the
14 Voting Rights Act and, you know, the ability to
15 elect a candidate of their choice and so forth.
16 If I am not mistaken, virtually everyone from
17 south Pinellas that came criticized being in
18 that particular congressional district. And so
19 I just -- I just raise that point for your
20 consideration, that maybe you want to go back
21 and look at that testimony as we are doing the
22 drafting of the committee bill on that.

23 SENATOR JOYNER: I have a question,
24 Mr. Chair.

25 SENATOR GAETZ: Senator Joyner.

1 SENATOR JOYNER: My question is, are you
2 going to go back and listen, as Senator Latvala
3 suggested? Because I was there, and recalling
4 what -- you know, after going to so many, you
5 really do have to check the record, for the
6 best recollection is the written record.

7 SENATOR GAETZ: I think Leader Rich gave
8 us the answer to that question in an earlier
9 meeting, and that is that we all need to go
10 back and check the record and not be the victim
11 of the last thing we heard, but be the victim,
12 or at least the beneficiary of the bulk of
13 testimony that we heard. So I would encourage
14 us all to go back and check the record.

15 SENATOR JOYNER: Mr. Chair, and not --

16 SENATOR GAETZ: Yes, Senator Joyner.

17 SENATOR JOYNER: Notwithstanding what we
18 heard, we still have to abide by the
19 constitutional standards, is that correct?

20 SENATOR GAETZ: I hate to keep quoting
21 Leader Rich, but she also said that. I don't
22 hate to keep quoting her. She was right.

23 MR. GUTHRIE: And in preparing the
24 proposed committee bill, the professional staff
25 of your Committee and I will consult the

1 extensive public hearing record that is
2 available to all on the Senate website. I
3 brought it up on the screen here. You see that
4 for each of the hearings, we have the hearing
5 report prepared by professional staff, we have
6 handouts and displays that were presented to
7 the public at the meeting. For many of the
8 hearings, most of them at this point, we have a
9 hearing transcript. Click on that, and it
10 opens up in your browser, so a verbatim
11 transcript prepared by a court reporter of
12 exactly what was said at those -- at those
13 meetings.

14 We have a podcast. You can put it on --
15 on your device and take it with you jogging or
16 in the car, and a video that you can watch at
17 your -- at your leisure. So an extensive
18 amount of public testimony available through
19 the Senate website there.

20 SENATOR GAETZ: And also I would recommend
21 that members have a look at a House document,
22 which was developed by House professional staff
23 and which we shared with Senators, and that
24 was, my phrase, and I don't mean to be
25 pejorative, a kind of CliffsNotes version of

1 the themes that were echoed in each of the
2 hearings. So please do go back and refresh
3 yourself, particularly before we debate on a
4 proposed committee bill.

5 Mr. Guthrie.

6 MR. GUTHRIE: So we have covered the
7 current congressional districts. We looked at
8 the NAACP proposal for congressional districts.
9 This is a -- we spent a bit of time on plan 104
10 by Mr. Libby, which focuses on keeping county
11 lines intact and what the impacts of that were.

12 The next proposal that -- that staff
13 selected for focus today is plan number 77 by
14 Mr. Miller. We thought that this was a good
15 example of tracing district boundaries around
16 city lines. Again, the consequence of that was
17 to undermine the opportunities for racial
18 minorities in some of those districts. So a
19 second proposal, which in this case focused on
20 following city boundaries to the detri- -- or
21 as a higher priority than the Tier 1 standards.

22 Plan number 31 by Sean --

23 SENATOR THRASHER: Mr. Chairman? That
24 raises --

25 SENATOR GAETZ: Speaker.

1 SENATOR THRASHER: Thank you, Mr. Chair.

2 The point that I think Senator Joyner was
3 making, and I think it is important to remind
4 ourselves as we go back and look at testimony,
5 and testimony is fine, or look at any
6 individual map, that is fine, it is also good
7 to have right next to it what we think and what
8 we have agreed to are the priorities under the
9 Constitution under Amendments 5 and 6 for
10 drawing these districts. I don't think you can
11 do it in isolation, I think you have to remind
12 yourself what those priorities are. And I
13 think this map is a good example of that,
14 somebody who is obviously well-intentioned, but
15 certainly wasn't looking at Amendments 5 and 6
16 when they drew the plan.

17 SENATOR GAETZ: You are right, Speaker
18 Thrasher, and it is not just a matter of which
19 way the testimony was blowing on a particular
20 day. I believe that Speaker Thrasher
21 articulated and this Committee adopted a
22 template that allows us to look at testimony
23 and plans with a view toward faithfulness with
24 Amendments 5 and 6 and the Voting Rights Act,
25 and that is a point well taken.

1 Leader Rich.

2 SENATOR RICH: Thank you, Mr. Chair.

3 I just kind of want to follow up in that
4 line of thinking, but going back to the NAACP
5 map, because when I look at that map, that map
6 really pretty closely is drawn based on the
7 current district lines. So I guess the
8 question I would have there also goes back to,
9 you know, we then need to look, when we look at
10 those maps, were the maps that we drew ten
11 years ago when we didn't have Amendments 5 and
12 6 -- you know, they were drawn to preserve
13 incumbency and political parties and so forth.
14 So I am not sure how a map like that, you know,
15 now can comport with the amendments that we
16 have in the Constitution. That would be my
17 question about that map. Although you didn't
18 mention that, I am just curious, because, I
19 mean, these other maps don't comport, I think,
20 in ways, and I think the NAACP maps don't
21 comport either, because I don't think anyone
22 would say that the current districts that we
23 have are in line with the amendments that are
24 now -- the standards that are now in our
25 Constitution.

1 SENATOR GAETZ: Mr. Guthrie, any comment?

2 MR. GUTHRIE: The newly-inserted standard
3 relating to incumbency and political parties is
4 that districts not be drawn with that as their
5 intent. So if the Legislature were to adopt
6 districts with the intent of favoring
7 incumbents or favoring political parties, that
8 would be in violation of the Constitution.

9 SENATOR GAETZ: Or disfavoring them, I
10 think. Favoring or disfavoring?

11 MR. GUTHRIE: Favoring or disfavoring,
12 that is correct, yes.

13 SENATOR GAETZ: But Leader Rich makes a
14 very good point, and, of course, we -- in order
15 to be faithful to the -- to Amendments 5 and 6
16 and to the agreements that we have made here
17 thus far, we can't be slavish devotees to the
18 way the districts were drawn ten years ago, we
19 have to be mindful of where people live, and if
20 minorities live in certain areas, we need to be
21 mindful of that, but there is -- and I would
22 just certainly ask for any disagreement, but I
23 think Leader Rich makes an excellent point, and
24 that is the way district lines were drawn ten
25 years ago should not be -- should not bear any

1 preponderance of -- there shouldn't be any
2 preponderance of proof there or any bias there,
3 that's just the way it was, it's not the way it
4 is.

5 SENATOR RICH: Right.

6 SENATOR GAETZ: Is that a fair statement,
7 Leader?

8 SENATOR RICH: I think that is a fair
9 statement, and I just want to add also, I mean,
10 it is not only about incumbents and political
11 parties, but, I mean, if you look at the --
12 kind of the list of the standards, I mean, we
13 are talking about other things that were not
14 taken into account then either in terms of
15 compact districts or using existing geographic
16 or political boundaries. I mean, there are so
17 many things, so many standards, that were not
18 there ten years ago, that, you know, I think we
19 need to factor in if we are going to be loyal
20 to, you know, what was just said by Senator
21 Thrasher about making sure that we, you know,
22 look at the new amendments and make sure that
23 we take them into account as we draw the
24 districts.

25 SENATOR GAETZ: Thank you, Leader.

1 Senator Simmons.

2 SENATOR SIMMONS: Thank you, Mr. Chair.

3 I would like to point out that as we do
4 this -- and this is just my views on this, and
5 that is that there is a distinction between our
6 existing districts that are minority access,
7 minority districts, and creating new districts.
8 And as we go through this process, we have to
9 be mindful not only of the -- our Amendments 5
10 and 6. Amendments 5 and 6 require us not to
11 diminish the ability of minorities to in fact
12 be able to elect a candidate of their choice.
13 This follows a lot of the language that is in
14 the Voting Rights Act, and we have to be very
15 mindful about retrogression. And the reason
16 that an existing district has at least the
17 importance that it has is because we cannot
18 diminish the ability of those minorities to
19 elect the candidate of their choice.

20 And so there is a serious question, I
21 submit to you, Senator Rich, about doing a
22 retrogression. If you start trying to take one
23 of those districts and dividing it into two,
24 and if you've got a 50 percent minority access
25 district -- 50 percent district, and you try to

1 divide it into two districts that are, for
2 example, 30 percent African-American, that you
3 have a serious question about retrogression
4 under the -- our Constitution as we've got it
5 right now, under Amendments 5 and 6 and under
6 the Voting Rights Act. And the cases that have
7 dealt with this particular issue have said,
8 number one, you are not supposed to have race
9 as your dominant motive in creating a district,
10 but at the same time, you cannot retrogress
11 from an existing district, you cannot diminish
12 an existing district, and that is the reason
13 that there is a rationale for looking at the
14 existing districts right now and building upon
15 them, working from those districts, and that
16 the -- the cases that have dealt with this have
17 said that while the race, if it is going to be
18 a primary or dominant motivation with respect
19 to districting, if you are talking about the
20 kind of compelling state interest that is
21 necessary to pass constitutional muster, that
22 what constitutes a compelling governmental
23 interest to do this, one of them is remedying
24 past discrimination, another one is avoiding
25 retrogression in violation of Section 5 of the

1 Voting Rights Act and avoiding a violation of
2 Section 2 of the Voting Rights Act.

3 So we are really looking at a very, very
4 important distinction here. One of them is
5 creating new districts that are minority
6 access, and the other one is preserving
7 existing minority rights. And there is
8 apparently -- as far as I am aware, the U.S.
9 Supreme Court has assumed, without deciding,
10 that avoiding retrogression in violation of
11 Section 5 of the Voting Rights Act constitutes
12 a compelling state interest.

13 So what I am saying to you is there is a
14 rationale behind the -- you know, the
15 importance of looking at existing -- existing
16 districts, particularly minority access
17 districts. But at the same time, I concur with
18 our Chairman in that anytime that we use race
19 as a dominant factor, we've got to be very
20 careful, and the way we need to assure that we
21 are doing this the right way is that we -- in
22 addition to considering race, which is
23 appropriate, we also make sure that that is
24 tempered by looking at the traditional
25 considerations that are undertaken in

1 redistricting, such as compactness, such as
2 communities of interest and things like that.
3 So I would just point out in response to what
4 Senator Rich said, that there are
5 qualifications on her assumptions.

6 SENATOR GAETZ: Senator Bullard, and then
7 we will return to the maps.

8 SENATOR BULLARD: Thank you, Mr. Chairman.

9 Senator Simmons, you gave a great
10 presentation in terms of what you -- because
11 you are a white man, okay, let's get -- you
12 know, I know you know that, right?

13 SENATOR SIMMONS: The last time I looked.

14 SENATOR BULLARD: And if he says I don't
15 like them, don't believe him.

16 I want to say that in all -- there is a
17 time and there will be a time in this process
18 that we are going to definitely look at not
19 maybe race as a dominant factor, but the seats
20 that are as we draw -- and I know that -- I
21 don't want you to follow that process they had
22 ten years ago. It was not good. So -- but I
23 am saying that I do believe that in this state,
24 as we move in the southernmost district, you
25 will find that we are having a difficult time

1 holding onto any white or black seats. I mean,
2 you may not want to -- want to say that -- that
3 we don't use that in the -- in the state of
4 Florida, we have predominantly white, and I
5 believe that blacks are the second in terms of
6 percentage, and you can correct me if I am
7 wrong, Mr. Guthrie, but we -- something has to
8 happen to give some recognition to those
9 individuals who in some areas are losing all
10 seats. And you are sitting there and say -- we
11 say -- it is reality. How do we move this
12 thing around? How do we do this? We've got to
13 be realistic about it. If you have -- you
14 know, you have John Cosgrove, you had all those
15 -- Art Simon, all of those -- I mean, these are
16 white males once, but you don't have that
17 anymore. You have -- you had some blacks, you
18 don't have that anymore. And I am very
19 concerned about it, and I am just speaking my
20 opinion on this. And I believe it is very
21 important that we recognize that, yes, we don't
22 want to use it at this point, but at some point
23 we may need to sit down and recognize the
24 reality and not play games with the people in
25 terms of their representation and who will be

1 representing them in this legislative body.
2 And I do -- I do appreciate your -- what you
3 said, but I think that we need to be realistic.

4 SENATOR GAETZ: Thank you, Senator
5 Bullard. We are going to do what the -- what
6 they do in the United States Senate, we are
7 going to invoke cloture. We will have brief
8 comments from Senator Detert and Senator
9 Simmons, and then we will return to the regular
10 order.

11 Senator Detert.

12 SENATOR DETERT: I would just like to
13 remind us that to keep the law and to keep the
14 rules that the voters passed, we cannot favor
15 or disfavor incumbents, period. So we will
16 certainly keep minority districts, but we don't
17 have to keep the same Representatives. It is
18 where the chips -- and that is where favor or
19 disfavor comes in. So it is really not the
20 Incumbent Protection Act, it is all about the
21 people and who lives in the district. So
22 that's my only personal opinion.

23 SENATOR GAETZ: Senator Simmons for a
24 brief comment.

25 SENATOR SIMMONS: Thank you, Mr. Chair.

1 Senator Bullard, what I am pointing out is
2 that the goal that we must follow is the one
3 that I have seen our Chairman lead us through,
4 and that is that we are going to do that which
5 the Constitution and the laws of the State of
6 Florida and the United States require of us,
7 and that is what we are going to follow in
8 every way. And in doing so, it may be a
9 situation where it may violate what your
10 personal opinion is, or my personal opinion,
11 but we must follow the rules that are given to
12 us by district -- by Amendments 5 and 6, as
13 well as the federal laws that control all of
14 this. And that is what I have seen this
15 Committee doing, and that is what I think we
16 are headed towards as we prepare these. And we
17 are going to have to deal with the issue that
18 we cannot have a diminution of existing rights
19 of voters who are African-American or Hispanic.

20 At the same time, in creating new
21 districts, the point that I am making is that
22 we must assure that in creating any new
23 district, that we cannot have the dominant
24 cause or concern being race in doing that,
25 although we've got to deal with Amendments 5

1 and 6 that say we shall not abridge the rights
2 of minorities with respect to their access
3 to -- you know, to the political system.

4 So we have got to weigh these two things
5 together, but at the same time assure we do not
6 violate equal protection under the United
7 States Constitution that prohibits us from --
8 you know, if we are going to have any kind of
9 race consideration in a new district, we've got
10 to also take into consideration the traditional
11 concepts that are inherent in redistricting.

12 SENATOR GAETZ: Okay. Leader Rich, can
13 you -- Leader Rich, we are going to let you
14 bring us back to the campfire here, and then we
15 are going to proceed.

16 SENATOR RICH: I just want to make sure
17 that, you know, some people have understood
18 what I said. I believe that we have lots of
19 things to balance with the Voting Rights Act
20 and with Amendments 5 and 6. And my remarks
21 previously about the NAACP map were just simply
22 to say that, in my opinion, if we passed a map
23 that was almost the same in every district as
24 we had ten years ago, which are what those maps
25 do, we would not be able to balance the -- and

1 I admit -- competing interests with regard to
2 the amendments, the Voting Rights Act and
3 everything. But that was the point, that I
4 don't believe that 63 percent of the voters of
5 the state of Florida decided to vote for
6 Amendments 5 and 6 so that we could come back
7 with a map that was what it was ten years ago.

8 SENATOR GAETZ: Okay. Senator Siplin,
9 now, are we on point here? We -- you know, we
10 have a time certain to end, but I will
11 certainly recognize you.

12 SENATOR SIPLIN: Thank you, Mr. Chair.

13 Most respectfully, Mr. Chair and members,
14 all of our seats that we represent today were
15 approved by the court system and they were all
16 based upon the federal Voting Rights Act. And
17 we had seven black Senators and 19 black
18 Representatives, and you had three Hispanic
19 Senators and I think nine Hispanic Senators
20 based upon the federal law to allow minorities
21 to represent and to vote for people of their
22 choice, and that is the basis of the seven
23 black Senators and the 19 black Reps, and also,
24 accordingly, the three black -- three Hispanic
25 Senators and the nine black -- I mean the nine

1 Hispanic Senators.

2 So, most respectfully, all the seats that
3 exist today, they were based upon the Voting
4 Rights Act to allow minorities to elect and
5 represent people of their choice. And today we
6 have six black State Senators because the
7 Supreme Court and the 11th District Court of
8 Appeals approved what we did. I was a part of
9 that process in 2000. What we did was approved
10 by the Constitution and by the appellate
11 courts, okay.

12 So when Fair Districts decided to do what
13 they wanted to do, which is fair, they ate what
14 the appellate court said, that we must not
15 dilute the seven black State Senators, the
16 constituents who elected us and the three
17 Hispanic Senators. So that is why Fair
18 District included that in the process.

19 So my point is, Mr. Chairman, is that, you
20 know, we already have the constitutional basis
21 to maintain the seats that we have to represent
22 and reflect the minorities and the racial
23 minorities in the state of Florida, okay. I
24 believe that we can, based upon the law, expand
25 on that, but I think we do have a

1 constitutional basis to justify the six black
2 State Senators, the 19 black Reps and the three
3 Hispanic Senators and the nine Hispanic
4 Representatives.

5 Okay. So my point is, most respectfully,
6 Leader Rich, that we can have pretty much
7 basically the same diagram that we had ten
8 years ago, because it has already been
9 confirmed by the U.S. Court of Appeals and the
10 Voting Rights Act, and, of course, Fair
11 District encompassed those concepts in 5 and 6.

12 So I just want to make sure that we make
13 that point clear, Mr. Chairman and members,
14 that we do have the basis -- if it does ape the
15 2002 maps then, hey, it's already been approved
16 by the Supreme Court that it does allow
17 minorities to represent and to vote for people
18 who they want to have them represented, and we
19 exist today. So I wanted to make that point
20 clear as a foundation, a predicate, for us, and
21 a springboard to move on in the future, that we
22 consider that the maps and the seats that exist
23 today are constitutional, are constitutional.
24 They were passed by legal muster. And then, of
25 course, Fair Districts added onto it and

1 maintained that core precept and concept that
2 we must have minority representation. So I
3 just want to make sure that point was known.

4 SENATOR GAETZ: Thank you.

5 Senator Gibson, we have reached the point
6 where everything has been said, but not by
7 everybody. So -- Senator Gibson, you are up.

8 SENATOR GIBSON: Thank you, Mr. Chair, and
9 I appreciate not being called everybody.

10 And I think to both Senator Rich's and
11 Senator Siplin's point I would simply add that
12 in addition to maybe the standards that Senator
13 Siplin referenced, we actually do have 5 and 6
14 and we have standards that we also have to
15 utilize moving forward. And I don't -- I don't
16 think staff or anyone else can come up with
17 anything that is counter to all of the
18 necessary pieces to the puzzle that must be
19 included to come up with an end result.

20 SENATOR GAETZ: Thank you, Senator Gibson,
21 and I think that is a good segue, because we
22 will have the opportunity, when there is a
23 proposed committee bill, to closely question
24 professional staff as to the derivation of each
25 and every district and as to the legal defense

1 that would be made for each and every boundary
2 decision. That is an excellent point, Senator
3 Gibson. And unless there is something else
4 exactly on point -- briefly, Senator Bullard.

5 SENATOR BULLARD: Thank you, Mr. Chairman.

6 I want to thank you, Senator Simmons, for
7 responding to my statement, and I want to say
8 that I am listening, but I just want to be
9 certain that the end result is going to be
10 actually fair. Thank you.

11 SENATOR GAETZ: Thank you, Senator
12 Bullard.

13 Mr. Guthrie.

14 MR. GUTHRIE: Thank you, Mr. Chairman.

15 As to the question of what the -- what the
16 voting age percentages are in the state,
17 22 percent of Floridians self-identified
18 themselves as voting age Hispanic, and
19 16 percent as African-American. So those are
20 the statewide percentages.

21 There's just one more congressional plan
22 that we had in your meeting packet there. That
23 is plan number 31. It is, again, an example of
24 following county boundaries. An exception to
25 following county boundaries is this District

1 14, which includes Section 5, covered
2 Hillsborough County, crosses over to Pinellas
3 County, but it does so in a way that does not
4 enhance and, in fact, diminishes the
5 opportunity of racial minorities in that
6 district. The benchmark district is 27 percent
7 black VAP. The proposed new district is --
8 that crosses the bay is 17 percent black VAP.
9 This is an example of the sort of change that
10 very well may get scrutiny by federal
11 authorities on review. So that is the last of
12 our congressional plans that we wanted to look
13 at this afternoon.

14 SENATOR GAETZ: Let us stop here, and now
15 we need to provide any guidance that you would
16 like to as to congressional plans to the
17 professional staff as they begin to prepare the
18 proposed committee bill. We have had some
19 excellent guidance already through the
20 discussions today, but other guidance, Senator
21 Detert.

22 SENATOR DETERT: This is strictly just a
23 technical question. The last map on my screen,
24 it says 7970, and you said it was 31 or 41 or
25 --

1 MR. GUTHRIE: The plan that is on the
2 screen right now is 31.

3 SENATOR DETERT: But -- oh, I see. I was
4 looking -- at the top, it says a different
5 number. All right, fine. Thank you.

6 SENATOR GAETZ: All right. Certainly
7 entertain any specific guidance, any statements
8 that you might like to make, any summation of
9 principles that you would like to have
10 professional staff follow. I think we've well
11 articulated as we have gone through the state,
12 and I believe that Speaker Thrasher had laid
13 out and we adopted a hierarchy of
14 considerations and requirements, but are there
15 additional comments or questions? We will
16 entertain them from any member of the
17 Committee.

18 Senator Detert.

19 SENATOR DETERT: Just to comment, and
20 whatever current map you have up now, which
21 just disappeared -- I am trying to find your
22 31. It is not on my map, but it says "7970" at
23 the top.

24 SENATOR GAETZ: Are we --

25 SENATOR DETERT: We keep flipping here.

1 SENATOR GAETZ: Are we together here on
2 thirty -- are you wanting us to be on 31,
3 Senator Detert?

4 SENATOR DETERT: That would be good.

5 SENATOR GAETZ: Okay. That is where we
6 are, ma'am.

7 SENATOR DETERT: Congressional.

8 SENATOR GAETZ: That is where we are on
9 the screen.

10 SENATOR DETERT: Okay. That -- that does
11 not keep what we heard in our county regarding
12 -- well, that is a Senate district. I was
13 looking at the one that was the congressional
14 for that area.

15 SENATOR GAETZ: Yes, ma'am, that is the
16 congressional map, 31 is a congressional map,
17 ma'am.

18 SENATOR DETERT: Okay. That does not keep
19 the spirit of what we heard in my community,
20 which was to keep Sarasota and Manatee
21 together. We don't really have a big, you
22 know, minority presence there. There was a
23 better map that kept them together that we
24 flipped through somewhere.

25 SENATOR GAETZ: Could you go backwards,

1 please, Mr. Guthrie, and could you --

2 SENATOR DETERT: That's not it either.

3 SENATOR GAETZ: There it is.

4 SENATOR DETERT: That is the one. The one
5 that you have up now, that would meet the
6 standards of what we heard in my community.

7 SENATOR GAETZ: And, Mr. Guthrie and Mr.
8 Bardos, could you just comment with respect to
9 this map, are there any -- are there any
10 outstanding legal issues or remarkable issues
11 associated with this map?

12 MR. GUTHRIE: It is remarkable that it is
13 current law, so --

14 SENATOR GAETZ: Oh.

15 SENATOR DETERT: Well, that is what -- I
16 guess we are old-timers and that's what we are
17 used to and --

18 SENATOR GAETZ: My, my. The first shall
19 be last, and the last shall be first.

20 SENATOR DETERT: -- as long as the numbers
21 come out, we are satisfied to keep it --
22 District 13 the way it is.

23 SENATOR GAETZ: So, Senator Detert, are
24 you -- are you suggesting that we direct
25 professional staff to maintain Manatee and

1 Sarasota in one congressional district?

2 SENATOR DETERT: Yes, sir, as long as
3 their numbers come out, and the Hardee and
4 DeSoto, that's been the makeup historically.
5 There was -- well, this should be -- this is a
6 little different, because they also had
7 Charlotte County in there, and I don't know
8 with that map if District 13 would still have
9 Charlotte in it, but I -- or if they had to
10 lose numbers, but that looks pretty
11 satisfactory to what I think we heard at the
12 meetings.

13 SENATOR GAETZ: Thank you, ma'am. Are
14 there other comments or questions,
15 observations, recollections from the hearings,
16 direction for the staff?

17 All right. Then, Mr. Guthrie, we will
18 wrap up with some takeaways on this later, but
19 why don't you, please, if you would, turn to
20 tab five, Senators, and Mr. Guthrie will walk
21 us through scenarios for Senate districts in
22 southwest Florida. Mr. Guthrie, you are
23 recognized.

24 MR. GUTHRIE: Thank you, Mr. Chairman.

25 On your screen now, we have the current

1 Senate map. Remarkable features about this
2 map, number one, we have the existing District
3 18, in Section 5 covered Hillsborough County,
4 plus portions of Pinellas and Manatee County.
5 District 18 is 39.5 percent black VAP,
6 23 percent Hispanic VAP. The district today is
7 under-populated by about 65,000 people. So in
8 order to come up to the one person, one vote,
9 requirement of 470,000 people, we need to add
10 about 65,000 more people to District 18.

11 Also covered by Section 5 of the Voting
12 Rights Act is District 39, which is in Hendry,
13 Collier and Monroe Counties. It also includes
14 portions of Palm Beach, Broward and Miami-Dade
15 Counties. District 39 today is 29 percent
16 black voting age population and 43 percent
17 Hispanic voting age population.

18 Other noteworthy aspects of the existing
19 plan, we have currently District 27, Senate
20 District 27, which extends from the Ft. Myers
21 area in Lee County across the state to the West
22 Palm Beach area. We did hear a lot of
23 testimony on both coasts that that was not the
24 desire of citizens to have an urban district
25 that stretches across the state. And District

1 21, which wraps around District 23, is another
2 interesting aspect of the existing map that
3 some folks at our public hearings tended to
4 question. So those are the some of the salient
5 features about the existing map. Many of the
6 districts in this area, as we talked about
7 earlier, in your urban areas are
8 under-populated and in your suburban areas are
9 overpopulated.

10 The first alternative map that we wanted
11 to take a look at is plan 155 that was
12 submitted by the Florida State Chapter of the
13 NAACP. The map does a good job of not
14 diminishing opportunities for racial minorities
15 to elect candidates of their choice. District
16 18, still in the Tampa/St. Pete/Bradenton area
17 in this proposal, is 38.7 percent
18 African-American voting age population and
19 22 percent Hispanic voting age population. And
20 District 39 in Collier, Monroe and Palm Beach,
21 Broward and Miami-Dade Counties is 35 percent
22 black voting age population, actually a six
23 percent increase in the black voting age
24 population, and 39.6, almost 40 percent
25 Hispanic VAP, a slight decline in the Hispanic

1 voting age population.

2 SENATOR GAETZ: And, for the record,
3 Senators, I believe if you examine this map
4 presented by the NAACP, you will find that in
5 contrast perhaps to previous maps that we
6 looked at in the congressional discussion, that
7 this map is not -- is not a reflection of
8 current districts, that there are material
9 differences between the Senate map presented by
10 the NAACP and current Senate districts. There
11 are some similarities to be sure, but there are
12 also some very substantial material
13 differences.

14 Go ahead, Mr. Guthrie.

15 MR. GUTHRIE: Thank you, Mr. Chairman, and
16 the next map that we wanted to look at is plan
17 number 147 by Remzey Samarrai. That map, too,
18 strives to focus on the Tier 1 requirement of
19 not diminishing opportunities for racial
20 minorities to elect candidates of their own
21 choice.

22 In this case, the district in the Tampa
23 Bay area is District 20. It crosses from Tampa
24 to St. Petersburg and down to Bradenton.

25 District 20 is 35.8 percent black VAP and 31.9

1 percent Hispanic. District 34 is in Hendry,
2 Collier and Miami-Dade Counties. What this
3 plan does is converts those counties from a
4 district that is plurality Hispanic to a
5 district that is a high majority Hispanic, it
6 is 73.7 percent. So it takes a district that
7 is -- has a coalition today of African-American
8 and Hispanic voting age population, and puts in
9 its stead a high percentage Hispanic district.

10 Those are the key points that I wanted to
11 bring out regarding --

12 SENATOR GAETZ: Before you leave that map,
13 Mr. Guthrie, I draw your attention to proposed
14 Senate District 35 in -- in -- you call it the
15 Samarrai map, Mr. Samarrai?

16 MR. GUTHRIE: Yes, sir.

17 SENATOR GAETZ: What -- is there a logic
18 to the tail of that district which moves along
19 418? Is that -- as far as you can divine, is
20 that in order to achieve any particular legal
21 compliance, or is that to pick up population so
22 that you have equity, which, of course, is also
23 a legal criterion? And I realize that you
24 can't go inside this author's mind, but based
25 upon any notes that that person may have

1 provided, or your own view, any logic to that?

2 MR. GUTHRIE: He didn't -- Mr. Samarra
3 did not submit a written explanation of why his
4 districts were proposed the way they were. I
5 would presume that he was searching to equalize
6 the populations, and the map, in fact, does a
7 good job of equalizing district populations.
8 But why it heads to the eastern border of Lee
9 County rather than picking up additional
10 territory in Ft. Myers, I am not certain. It
11 is -- perhaps we are skirting the northern
12 boundary of Ft. Myers, but I really don't know
13 in this case.

14 SENATOR GAETZ: Okay. Senator Detert.

15 SENATOR DETERT: Well, since this is my
16 area, and, frankly, I will be perfectly blunt,
17 on this map I would be District 24, and I don't
18 really care, I mean, I go where they put me.
19 But the other -- what used to be 21 -- this map
20 splits up Manatee County, and I think it
21 unnecessarily splits up Manatee County. So I
22 would think that is not the best way to go.
23 And I think the people in Hendry County would
24 be shocked to find out that they have a lot in
25 common with Miami-Dade. So I don't see where

1 that would work either, unless the folks in
2 Miami-Dade, you know, want to go to the rodeo
3 in Arcadia on occasion. So I would reject this
4 map as, frankly, we can do better.

5 SENATOR GAETZ: Other comments? Senator
6 Latvala.

7 SENATOR LATVALA: Yes, thank you,
8 Mr. Chairman.

9 I am sure the folks in Tampa Bay area
10 appreciate all of the interest, because the
11 last day of submitting maps there was a
12 multitude of maps submitted from folks in the
13 Gainesville area that did a lot of different
14 things with the Tampa Bay area, and I don't
15 know why, but --

16 SENATOR GAETZ: Gainesville is an
17 intellectual mecca. We found that out during
18 the Gainesville hearing.

19 SENATOR LATVALA: I guess so, but this
20 particular map, since this is the one that we
21 have in front of us, you know, I just -- I just
22 feel it incumbent upon myself to make a few
23 comments about it, you know. In using Senator
24 Thrasher's, you know, four-point test, which we
25 kind of adopted, I guess, by consent as a way

1 we are going to look at these, you know, I
2 guess this map passes muster, at least my
3 opinion, with Senate District 20 on the first
4 tier. On the second tier of, you know, whether
5 it takes care of incumbents or whether it takes
6 care of political parties, I guess the jury
7 would be to the eye of the beholder on that.

8 But when we get into the third tier of
9 compactness, I think it fails miserably, both
10 in terms of District 19 and in terms of
11 District 21. I don't see any really rhyme nor
12 reason to the shape of either one of those
13 districts. It is true that the Supreme Court
14 of Florida established the precedent of putting
15 southern Pinellas County and southern Tampa
16 together. In 1992 they drew that original
17 district that has been maintained through these
18 days, and, you know, that -- which would be,
19 you know, the southern part, the green in 21
20 and 22, that -- if you are going to look at a
21 compactness standard and if you are going to
22 split the county, that would certainly look to
23 be the -- you know, the preferable way to do
24 it.

25 On the standard of both compactness and

1 county/city boundaries, political boundaries, I
2 am sure you are going to be shocked, those of
3 us that represent Hillsborough County would be
4 shocked to see Hillsborough County split five
5 ways. A county that has almost a million three
6 in population only would have -- out of those
7 five districts, only two of them would be
8 dominated by the people in that county. So
9 whereas there's four Senators that represent
10 Hillsborough County now, there would be five
11 Senators that would represent Hillsborough
12 County in the future.

13 And then when you get up into the Pasco
14 County part that is projected there for Senate
15 District 19, that would completely violate the
16 testimony that we had at the hearing about the
17 split -- the preference of the folks in -- you
18 know, east Pasco County is retirees basically,
19 not all that well-to-do either. Central Pasco
20 County, the middle of Pasco County, is people
21 who work in the City of Tampa, very much
22 aligned with the City of Tampa; in fact, the
23 only thing that really separates the City of
24 Tampa and Pasco County is a road called County
25 Line Road. There's buildings on one side of

1 County Line Road that are homes and so forth
2 that are in Pasco County, and the other side of
3 County Line Road, they are in Hillsborough
4 County. And then in the eastern portion of
5 Pasco County is all agriculture. The Dade City
6 area, you know, the San Antonio and so forth,
7 is a completely different breed of cat up there
8 from the City of Tampa.

9 And just a little historical perspective
10 about how that plays into history: When I had
11 the pleasure of representing Pasco County my
12 last time in the Senate, we had an issue come
13 up with the need to split area codes because we
14 got too many phone numbers and they used to all
15 be one area code, Tampa, St. Petersburg, Pasco,
16 it was all one area code, it was all 813. And
17 the people rose up when the phone company
18 recommended going to ten-digit dialing, because
19 a lot of them have trouble dialing seven
20 digits. And so what we did is I got involved
21 in it and we came up with a plan to split the
22 area codes, and we got a 727. Well, the people
23 in west Pasco feel a lot more akin to Pinellas,
24 so they wanted the 727 area code that Pinellas
25 County has. The people who live in the middle

1 part of Pasco, which is Land O' Lakes, Lutz,
2 Wesley Chapel where the Speaker Designate
3 lives, they wanted -- they felt like they were
4 in tune with Tampa, and so they wanted the 813
5 area code. And the people in Dade City have
6 the same area code as Hernando and Sumter
7 County, which is the 352 area code. So that,
8 as much as anything I could say, illustrates
9 the way that region perceives itself. And, you
10 know, this really doesn't -- this map ties west
11 and middle and east along a horizontal approach
12 rather than a vertical approach, and I think
13 that would be a real disservice to the people
14 in -- that live in Pasco County in that lower
15 tier.

16 So I just -- this particular map, although
17 I am sure well-intentioned by these folks in
18 Gainesville to try to help us out down there,
19 really I think misses the boat.

20 SENATOR GAETZ: As soon as we are finished
21 with the PCB on Senate, House and congressional
22 redistricting, we are going to start on area
23 codes and ZIP codes.

24 Senator Negrón.

25 SENATOR NEGRÓN: Thank you very much,

1 Mr. Chairman.

2 I just wanted to recall the testimony --
3 you remember the hearing we had in Lehigh Acres
4 at the veterans' gymnasium? It was one of the
5 best-attended hearings that we had on the tour,
6 and I just wanted to recall that the residents
7 in the southern part of Lee County -- you
8 remember literally several dozen folks either
9 testified or talked to us about their desire to
10 remain in the Lee County Senate seat, and also
11 specifically the residents of Bonita Springs
12 and Estero talked about how they wanted to
13 remain in the Senate seat that was
14 predominantly a Lee County seat. So that made
15 an impression on me from that hearing, and I
16 just want to make sure that we are mindful of
17 that public input.

18 SENATOR GAETZ: Senator Simmons.

19 SENATOR SIMMONS: Thank you, Mr. Chair.

20 In -- pursuant to your request about what
21 I think or what we think might be the
22 instructions given to staff --

23 SENATOR GAETZ: Yes, sir.

24 SENATOR SIMMONS: -- the first
25 instruction, as I understand it, is in fact

1 that pursuant to Amendments 5 and 6, that there
2 shall be no diminution in the ability of
3 minorities to have access to the election of
4 those candidates of their choice, and in doing
5 that, we are not supposed to favor incumbents
6 or political parties, and that while Senator
7 Latvala spoke about a four-tier analysis, or
8 four different things, that is qualified by the
9 fact that non-diminution of access by
10 minorities is to be treated equally with not
11 favoring incumbents or political parties,
12 because the last subsection of Amendments 5 and
13 6 specifically state that within each of the
14 two tiers, we are not supposed to give any kind
15 of greater weight to either one of the
16 instructions.

17 So under Tier 1, which is non-diminution
18 of the access of minorities and not favoring or
19 not intending to favor incumbents or political
20 parties, those would be treated equally.

21 With respect to Tier 2, there are two of
22 the main issues. We are always going to meet
23 the requirements of the number of people in
24 each one of the districts, that compactness and
25 using existing political and geographic

1 boundaries will be treated equally, one not
2 given more emphasis than the others. So we
3 have a two-tier analysis, and within those two
4 tiers, we have the subsets.

5 And so in deciding non-diminution of a
6 minority access district, the I think
7 overriding concern that one might have is two
8 times 25 percent does not equal 50 percent when
9 you are dealing with minority access districts.
10 And somebody would say, "What do you mean?"
11 That means that the existing minority access
12 districts that we have cannot be divided into
13 two subdistricts of 25 percent so that if we
14 previously had a minority district of
15 50 percent, let's say African-American or
16 Hispanic speaking, that -- and I use that
17 Hispanic minority together, a racial minority
18 or a language minority, that if it is
19 50 percent now, I don't believe that it can be
20 broken into two districts of 25 percent,
21 because I believe that the constitutional
22 amendments prohibit that, because they prohibit
23 diminution of access. And in doing so, I also
24 rely upon the existing language of the Voting
25 Rights Act, which I interpret myself to

1 prohibit such a diminution.

2 And there was one case, Ashcroft versus
3 Georgia, in which the suggestion was by the
4 U.S. Supreme Court that you could
5 constitutionally break two -- a district such
6 as that, a minority district, into two of less
7 percentages, but what happened is that after
8 that, Congress amended the Voting Rights Act to
9 make it clear that that could not happen.

10 And so it is my own interpretation that it
11 is not possible for us to go ahead and take a,
12 for example, 50 percent African-American
13 district and then divide it into two, for
14 example, 25 percent African-American districts.
15 I think that we must follow the letter and the
16 spirit of Amendments 5 and 6, and I agree with
17 what Senator Siplin has said, and that is that
18 we cannot diminish the access, the rights of
19 minorities to elect those who are of their
20 choice.

21 SENATOR GAETZ: Thank you very much.

22 SENATOR LATVALA: May I respond to that?

23 SENATOR GAETZ: Of course you may, Senator
24 Latvala.

25 SENATOR LATVALA: It seemed to appear by

1 Senator Simmons' reference to me that I had
2 suggested to doing that, and I don't remember
3 suggesting any way, shape or form doing that,
4 and if I did, I misspoke, but, you know, I
5 didn't refer at all to splitting minority
6 districts into two 25s.

7 SENATOR GAETZ: The Chair did not take
8 your comments as saying that at all.

9 Mr. Guthrie, other plans that you wish to
10 highlight today for the southwest for Senate
11 districts?

12 MR. GUTHRIE: Okay. So the next plan we
13 want to look at is plan number 92 by Michael
14 Weinbaum. Again, we have extensive use of
15 county and municipal boundaries for drawing the
16 districts.

17 In this case, we end up with District 16
18 in Tampa. We don't cross the bay with a
19 minority district in Tampa, St. Pete,
20 Bradenton. District 16 is 22.6 percent black,
21 versus the benchmark of 39.5 percent, and it is
22 30 percent Hispanic versus the benchmark of 23.
23 So we are losing an African-American access
24 seat in the Tampa Bay area.

25 As Senator Latvala mentioned earlier, in

1 1992, failure to provide such a district was
2 the basis for the U.S. Department of Justice
3 interposing an objection under Section 5 of the
4 Voting Rights Act.

5 The next map that we wanted to --

6 SENATOR GAETZ: Excuse me, Mr. Guthrie.
7 So is it your view, and I would ask Mr. Bardos
8 to comment if he wishes, is it counsel's view
9 that this map would present constitutional
10 difficulties?

11 MR. GUTHRIE: The retrogression or
12 diminishment of opportunity for racial
13 minorities in the Tampa Bay area I think would
14 be scrutinized.

15 SENATOR GAETZ: Mr. Bardos, any comment
16 there, sir?

17 MR. BARDOS: I agree with that.

18 SENATOR GAETZ: All right. Let's move on
19 to the next map.

20 MR. GUTHRIE: Next we look at plan number
21 60. It was presented at the Naples public
22 hearing. It shows that if your focus was
23 entirely on Lee County, the way that you would
24 draw a district to best meet the needs of that
25 community, what you see is that all of Lee

1 County, except for the Cape Coral area, is
2 included in a single Senate district, District
3 27 in this instance.

4 SENATOR GAETZ: Mr. Guthrie, since that
5 plan appears -- and if I am wrong, please
6 correct me -- appears to be a one-district
7 plan, how could we evaluate its consequences
8 for everything else that it would affect?

9 MR. GUTHRIE: Well, a challenge you would
10 have plugging this district in is -- I mean,
11 the question is, how do you make that work --

12 SENATOR GAETZ: Yes.

13 MR. GUTHRIE: -- with District 39 -- the
14 current District 39 to the east, which includes
15 significant portions of Hendry and Collier
16 Counties. So you may have a pocket of
17 population in the Naples area that is left over
18 and is not nearly large enough to constitute a
19 Senate district if you were to drop this plan
20 in exactly as it is proposed.

21 Now, it is quite possible, as Senator
22 Negron mentioned earlier, that you could create
23 a district that ties together most of the
24 communities of Lehigh Acres, Ft. Myers and
25 Bonita Springs in a single district, but you

1 need to have a way for the district to the
2 south, the district including Collier -- the
3 portion of Collier County not in the minority
4 district to get it up to the 470,000 person
5 required population. That possibly could be
6 done by putting coastal Collier together with
7 coastal Lee County.

8 SENATOR GAETZ: All right. My
9 recollection, and I defer to my partners here,
10 who have I am sure better memories, but my
11 recollection of the extensive testimony that we
12 heard in hearings in this part of the state
13 was, first, that we needed to absolutely kill
14 this cross-state district, and secondly, that
15 there was -- that there was a substantial
16 commonality on the coastal areas that was not
17 shared as one goes further inland.

18 Do we have a -- any of the maps that you
19 have chosen today reflect that testimony, or
20 would you disagree with my characterization of
21 the testimony?

22 MR. GUTHRIE: I think that is a good
23 characterization of what we heard. Here is --
24 here is an example, the plan 92, where you have
25 a district including -- well, this really isn't

1 coastal, this is more east and west, I would
2 say. It puts -- it breaks the City of Ft.
3 Myers, puts half of it with Bonita Springs and
4 then the other half with Cape Coral. Let's
5 move on.

6 Here is the current -- well, this is the
7 NAACP map, which follows the boundaries very
8 similar. Here is the current District 37.
9 Here is what the NAACP proposed. Both of those
10 tie together coastal Collier County with
11 coastal Lee County.

12 SENATOR GAETZ: And so there -- just to
13 keep the record straight, there in that
14 particular NAACP map, we do have substantial
15 similarities to the current district lines, is
16 that correct?

17 MR. GUTHRIE: For that particular
18 district.

19 SENATOR GAETZ: For that particular
20 district, okay.

21 MR. GUTHRIE: That is correct.

22 SENATOR GAETZ: Comments? Questions?
23 What else?

24 MR. GUTHRIE: The last Senate plan we
25 wanted to take just a very quick look at is by

1 Mr. Bruce King. We've looked at his map
2 before. You will remember that Mr. King
3 applied a grid pattern to the state and tried
4 to carve the districts in a manner that would
5 be maximally compact. What he discovered in
6 that process, and he wrote an extensive
7 explanation of his methodology, was that the
8 census geometry does not confirm very well with
9 a grid pattern, so that created more deviations
10 in the boundaries than he would have liked, and
11 also that using that methodology of focusing
12 primarily on compactness has the impact of
13 undermining your ability to achieve the Tier 1
14 objectives.

15 In southwest Florida, Mr. King's map has a
16 Tampa Bay district which is 23 percent black
17 and 27 percent Hispanic, significantly less
18 than the 39.5 percent black VAP benchmark of
19 the existing district in the Section 5 covered
20 area. And then also, in south Florida, he has
21 the covered counties. He has no minority
22 access or majority districts.

23 SENATOR GAETZ: And so then in the Tampa
24 Bay area -- what is this gentleman's name?

25 MR. GUTHRIE: Bruce King.

1 SENATOR GAETZ: -- Mr. King then runs
2 afoul of Senator Simmons' admonition about
3 splitting minorities and creating really two
4 watered-down districts.

5 Senator Detert.

6 SENATOR DETERT: Thank you, and I took
7 particular note of this map, and I haven't
8 spoken to the gentleman, but he is from my
9 district and I know who he is, an actual, real
10 citizen who probably made an honest attempt at
11 this, but he did not take into consideration
12 minority districts at all, and he ends up
13 splitting Sarasota, once again, unnecessarily,
14 I think. So while it is a really good effort,
15 I think he probably learned what we learned
16 when we tried drawing our maps: It seems real
17 easy, but it's just not. So I would suggest
18 that we would be forced to reject this map
19 because it didn't take into consideration
20 minority districts, I don't think, anywhere,
21 did he?

22 MR. GUTHRIE: I believe that is correct,
23 yes.

24 SENATOR DETERT: Yeah.

25 SENATOR GAETZ: Are there other maps?

1 MR. GUTHRIE: That's it.

2 SENATOR GAETZ: Okay. Let's see what we
3 -- if we can, if we can, let's see what we can
4 agree to in terms of guidance for our
5 professional staff. Let's start, if we may, in
6 the north part of southwest Florida, in the
7 Tampa Bay area, and I am going to posit an
8 instruction and then ask you to comment on a
9 proposed instruction.

10 We heard, as I recall, substantial
11 testimony, and Senator Latvala reflected on it,
12 as to east and west Pasco and the commonalities
13 of east Pasco that are uncommon to the
14 commonalities of west Pasco. Is it -- is it a
15 fair characterization of the testimony we have
16 heard, of the input we have received, that east
17 and west Pasco would be treated separately as
18 to Senate maps?

19 And, I'm sorry, Senator Benacquisto, were
20 you seeking recognition?

21 Senator Latvala, were you?

22 SENATOR LATVALA: Mr. Chairman, I think
23 you got to tie a couple of issues together
24 there, and one is, you know, actually
25 increasing the number of times Hillsborough

1 County is being split from what we've got now
2 when we have gone in the opposite direction
3 almost everywhere else in the state of trying
4 to keep, you know, larger blocks of people
5 together. And so, I mean, I got two major
6 concerns: One, the east/west split in Pasco
7 County, and secondly, that we do not have more
8 districts -- more splits in a given county than
9 what we have right now.

10 Now, in Pasco County right now, we have --
11 three different districts have little pieces of
12 Pasco County.

13 SENATOR GAETZ: Hmm.

14 SENATOR LATVALA: So we are not -- you
15 know, certainly if you go from three to two,
16 you are going down, but three to three would be
17 the same, but in Hillsborough, we are actually
18 increasing the number of different Senate
19 districts of which Hillsborough would be part
20 of.

21 SENATOR GAETZ: May we -- may we take it,
22 then, as an instruction to professional staff
23 that we don't want to bifurcate and trifurcate
24 and quad-furcate and other-furcate Hillsborough
25 County anymore than it has been, and that we

1 would want to, if anything, not make it worse
2 in terms of splits, and if possible -- if
3 possible, make it better, bearing in mind what
4 we have learned here about the minority
5 district that we -- that we are admonished not
6 to -- not to diminish for legal reasons.

7 Is that -- I am not doing a good job here,
8 Senator Latvala, but --

9 SENATOR LATVALA: I mean, is to not -- not
10 make more splits in Hillsborough County than
11 what we've got now, but we would still be able
12 to preserve the minority district. And then,
13 you know, look at the -- at least an east/west
14 split in Pasco, but maybe even an east and
15 middle and a west split, a little similar to
16 what we've got now.

17 Most of the population is in western Pasco
18 County. Well over half of the population is in
19 the west side of the county, you know. So the
20 -- as the further you go east, the more kinship
21 you get with the rural counties in the middle
22 of the state, whether it be Sumter, Hernando or
23 Polk, more rural, more agriculture, the further
24 east you go.

25 SENATOR GAETZ: Does everyone -- did

1 everyone follow that, what I think is a very
2 clear explanation of that issue, the divisions
3 with respect to Hillsborough County and then
4 the east/west divisions with respect to Pasco?
5 Is there any dispute of that analysis, which I
6 think is faithful to the testimony that we have
7 heard all the way around?

8 If not, Mr. Guthrie, consider that without
9 objection to be instructions to the
10 professional staff as to -- as to the Tampa Bay
11 area and as to the Pasco area.

12 MR. GUTHRIE: Uh-huh.

13 SENATOR GAETZ: Then is there further
14 comment on that area? Senator Detert.

15 SENATOR DETERT: I'll comment on the next
16 --

17 SENATOR GAETZ: Take us there, please,
18 ma'am.

19 SENATOR DETERT: Thank you, Mr. Chair, and
20 as your staff described District 21 as
21 interesting, I think we can fix that. And from
22 the testimony we heard and what I know of my
23 community, I think if we took that green area
24 and just made it into as good a rectangle as we
25 possibly could, keeping the numbers in mind, it

1 is not a minority district, so I don't think
2 that is problematic, but if you just followed
3 the Manatee County borders, I think that that
4 would -- it certainly meets my standard for
5 fairness.

6 SENATOR GAETZ: Senator Detert, let me ask
7 you this, and I don't have the numbers
8 memorized, and we may want to chat separately,
9 or you may want to chat with professional
10 staff, but let us imagine that Manatee -- let
11 us imagine that there had to be one other
12 county that was married with Manatee in whole
13 or in part.

14 SENATOR DETERT: Uh-huh.

15 SENATOR GAETZ: What would you -- based on
16 your knowledge of the community and your
17 recollection of the testimony and of legal
18 constraints that we are under, do you have any
19 observations there?

20 SENATOR DETERT: Well, I would say, number
21 one, I have a very small portion of Manatee,
22 which is Long Boat Key. Long Boat Key runs
23 from Manatee to Sarasota, and it literally is
24 split, I think, by a bridge. So half of Long
25 Boat could go to Manatee to give them some more

1 numbers. And if you squared it off and then if
2 they needed more people, I think it would be
3 acceptable to take a slice there out of Hardee.
4 It is not far-fetched to think that they have
5 commonalities there, because I think they do.
6 And then if you kept Sarasota along the
7 Sarasota boundary lines and dropped it into
8 Charlotte to get the proper amount of numbers,
9 I think that would suffice. Or see the green
10 part that is part of Sarasota?

11 SENATOR GAETZ: Yes, ma'am.

12 SENATOR DETERT: You could just square
13 that off, taking that little blue part, which
14 is now in 23, and giving it to 21, and then
15 just take off a slice of Hardee, I would
16 imagine.

17 SENATOR GAETZ: We don't we keep that in
18 mind as an option? We don't have the numbers
19 here in front of us, but let's keep that in
20 mind as an option.

21 SENATOR DETERT: Well, the real purpose
22 is, you know, that is historically considered,
23 and still is considered a Manatee seat. It
24 does not need to be in Cape Coral or anyplace
25 down there is the main point of that exercise.

1 SENATOR GAETZ: Yes, ma'am. Yes, ma'am.

2 SENATOR LYNN: Mr. Chairman?

3 SENATOR GAETZ: Yes, Senator Lynn.

4 SENATOR LYNN: I don't know this area well
5 enough to speak on it, but I am speaking for
6 the entire map. Throughout the entire map, off
7 and on, that we've -- all the maps that we have
8 looked at, we see some of these districts that
9 seem to be a lump and then a teeny sliver going
10 down to something and another lump, or whatever
11 you call it, and the constituents that I have
12 seem to always think that that is definitely a
13 gerrymandered kind of district. While we know
14 we have to preserve the minority areas as our
15 top priority, I am just wondering and asking,
16 is it not possible to do that while avoiding
17 some of these extremely long, winding, tailed
18 districts? Because it doesn't matter what you
19 do with the map. The minute constituents see
20 that, or voters see that, in their minds, you
21 have gerrymandered. And I didn't know how you
22 avoid it, but is that possible?

23 SENATOR GAETZ: Well, I think it is not
24 only -- it is not only possible, it is
25 mandatory that we -- that we bear in mind the

1 constitutional requirement for compactness,
2 where feasible. And so I would hope that we
3 would judge for the PCB in that way, and that
4 any odd geometry would have to be justified
5 very -- you know, would have to be justified on
6 the basis of either needing that area in order
7 to achieve the proper number of voting age
8 population, or for some other hierarchal need.
9 But, yes, the Constitution tells us that we
10 must be -- compactness where feasible is a
11 mandate. So I think you are absolutely right,
12 and the optics of a map often -- sort of our
13 conversation starters are stoppers.

14 Senator Detert.

15 SENATOR DETERT: Along those same lines,
16 Mr. Chair, why couldn't we do what I had
17 suggested last time, which is to have a totally
18 blank map of Florida with an overlay of just
19 the minority districts so people can understand
20 why we had to do what we did? Because you
21 can't have squares and rectangles when they
22 have to blend in with the pretzel next door to
23 you.

24 SENATOR GAETZ: Well, that is true, and
25 so, Mr. Guthrie, when you do come back to us at

1 our next meeting, let us have as one of the
2 visual displays the minority districts as a --
3 as a -- laid onto a clean map of Florida as a
4 way of responding to Senator Detert's well-made
5 point and then I think depicting sort of how we
6 build the building blocks after that, and that
7 is consistent with the Unanimous Consent
8 Agreement that we are operating under.

9 Let us, if we may, then see what we can
10 agree to a bit further south. Are we in
11 agreement that the cross-state Senate district
12 that currently exists should be no longer? Are
13 we in agreement that that is a -- that is an
14 anomaly of past redistricting that we should --
15 that we should find an alternative to? Is
16 there objection to that? All right.

17 Yes, sir, Senator Latvala.

18 SENATOR LATVALA: When you -- you know, I
19 mean, it is all in the details. When you say
20 cross-state, are you just eliminating something
21 that starts on one coast and goes to the other
22 coast, or, you know --

23 SENATOR GAETZ: Well --

24 SENATOR LATVALA: I mean, you are kind of
25 maybe leaving a little bit open to the

1 imagination there.

2 SENATOR GAETZ: Well, the -- thank you,
3 Senator Latvala, and I take that point. The
4 district that -- which was called by so many
5 people in testimony -- and I say this with
6 respect to our former colleague, the Aronberg
7 district, that the shape of the Aronberg
8 district, which was a -- virtually a
9 coast-to-coast district, that we leave that
10 behind us and we seek a more compact and more
11 logical district than that --

12 SENATOR LATVALA: I agree --

13 SENATOR GAETZ: -- that is what I meant.
14 And I'm sorry, Senator Latvala, your point was
15 well -- any objection? If not, then let that
16 be an instruction to professional staff.

17 Obviously, maintaining compliance with
18 Section 5 is -- it would seem to me to be
19 indisputable, unless you want to take on the
20 Justice Department, and so we would maintain
21 that as an instruction to the staff. You have
22 the Thrasher hierarchal -- the hierarchy of
23 values, which is a -- basically a restatement
24 of Amendments 5 and 6.

25 Other -- other instructions? Other

1 instructions?

2 SENATOR THRASHER: Mr. Chairman, maybe --

3 SENATOR GAETZ: Yes, sir, Leader.

4 SENATOR THRASHER: And I don't remember
5 the numbers, but there were serious objections
6 to a number of the maps that you put up, John,
7 that were shown, I mean, I would just call your
8 attention to those objections. I wrote down
9 just two, 147, I think there was a unanimous
10 concern about that particular map, and then a
11 couple of others that had some serious
12 concerns. You can go back and check the record
13 on that, but I would certainly call your
14 attention to those major objections on those
15 maps.

16 SENATOR GAETZ: Senator Latvala.

17 SENATOR LATVALA: And I would support what
18 he said. I think there were some points that I
19 think it was Senator Negron made about --
20 revolving around the Lee County testimony and
21 so forth, and I think we want you to take those
22 into consideration also.

23 SENATOR GAETZ: Senator Sachs.

24 SENATOR SACHS: Thank you, Mr. Chair.

25 When we make these -- these comments on

1 the maps, are they duly noted in the record so
2 that when it comes up in time for committee,
3 that we can revisit these comments as well for
4 the maps, such as the one previously, the King
5 map, that there were some comments made with
6 regard to not respecting the minority districts
7 and mandates by the Supreme Court, that maybe
8 we need to make note of those so that when they
9 come up in committee?

10 SENATOR GAETZ: Well, first, we would
11 encourage all Senators to maintain your own
12 recollections and however you wish to maintain
13 them, but in answer to your question, Senator
14 Sachs, and I stand to be corrected, a recording
15 of this meeting is included in the archives of
16 the Senate and would be a cherished momento for
17 all of us to refer to.

18 SENATOR SACHS: Just a follow-up,
19 Mr. Chairman, if I may?

20 SENATOR GAETZ: Yes, Senator Sachs.

21 SENATOR SACHS: Besides the fact of having
22 them in the archives, when -- when these --
23 when we review the bills that really consist of
24 the maps, as we've discussed --

25 SENATOR GAETZ: Yes.

1 SENATOR SACHS: -- will those comments be
2 available to us? I mean, is there any way that
3 we can revisit -- I have seen a lot of maps,
4 and they all look very current right now, but
5 when I think back in the last couple of weeks
6 in the maps, and it may not be that current, is
7 there a way, sir, that we can have these
8 collated so that, you know, there's some memory
9 of it, or should we just remember our comments?

10 SENATOR GAETZ: No, we -- Jay, did you
11 wish to remark to that?

12 MR. GUTHRIE: I was pointing to the
13 binders there, which have a compilation of the
14 157 maps that were submitted by the public. We
15 expect that to grow.

16 An easier way, in my opinion, to get at
17 all of that content is using the submitted
18 plans page on the Senate redistricting website
19 where all of the maps and all of the statistics
20 are just a click away.

21 SENATOR SACHS: Okay. Thank you.

22 SENATOR GAETZ: And if any member of the
23 Committee wishes to revisit comments that are
24 specific to a particular plan, we welcome you
25 to do that for all of us, or we welcome you to

1 do that with professional staff.

2 Are there any other comments as to -- as
3 to Senate districts in southwest Florida by
4 members of the Committee?

5 If not, thank you very much, Mr. Guthrie,
6 for that information, and I think you have a
7 sense of some of the concerns and cautions of
8 the Committee, you have a sense in specific
9 areas as to where we -- we want to be not only
10 faithful in all cases to the law, but also
11 faithful to the ways in which our constituents
12 in southwest Florida wish to have the law
13 fairly and equitably applied to their areas.

14 Now what we would like to do before we
15 turn to other discussion is to hear from
16 members of the public who are here today who
17 may wish to comment. We have several
18 individuals who were here, some of whom came a
19 good ways, and we will -- the prerogative of
20 the Chair, we will take individuals who have
21 driven here a ways, we will take lobbyists last
22 and we will take frequent visitors to the
23 Committee second to last.

24 And with that in mind, in the order in
25 which they were received, Marjorie

1 Starnes-Bilotti, I believe. Are you here,
2 ma'am? We would love to hear your testimony.
3 Ms. Starnes-Bilotti comes all the way from Ft.
4 Myers, Florida. Would you come forward,
5 please, to where Mr. Guthrie is standing? That
6 way we can all hear what you have to say.

7 In fairness to others who wish to testify
8 and to the need of members of the Committee who
9 may want to ask questions, if you can keep your
10 testimony to three or four minutes, we would be
11 grateful.

12 You are recognized. Welcome to the
13 Senate.

14 MS. STARNES-BILOTTI: Thank you. Good
15 afternoon, Chairman and members of the
16 Reapportionment Committee. I am Marjorie
17 Starnes-Bilotti, and I am from Ft. Myers in Lee
18 County. I reside in House District 75.

19 I come to you expressing the sentiments of
20 my neighbors and friends in Ft. Myers, Estero
21 and Bonita Springs to urge you to take these
22 cities together in a Lee County-based Senate
23 district.

24 You have already heard and I have heard
25 reference to today to the citizens in Bonita

1 Springs and Estero particularly wanting to join
2 Ft. Myers. They earnestly desire this very
3 rational configuration.

4 I speak to you as a long-term resident of
5 Lee County. My family has deep roots there,
6 having had a presence since 1910. We are
7 voters, active in the community. We have a
8 family history of the practice of law and
9 ranching since the 1930s. My dad was the
10 founder of the largest law firm in town,
11 Henderson, Franklin, Starnes and Holt, that is
12 Ft. Myers, my brother is a circuit -- senior
13 circuit judge, and I founded a law practice
14 there beginning 30 years ago, a family law
15 practice. My siblings continue their ranching
16 interests.

17 I know well the pulse of Lee County, and I
18 can tell you that the voters of Lee County
19 desire a district consisting of or
20 incorporating Bonita Springs, Estero and Ft.
21 Myers. They don't wish to be in a group -- in
22 a district with Collier County. We ask you for
23 a Lee County-based Senate district.

24 Thank you for your attention.

25 SENATOR GAETZ: Thank you very much,

1 ma'am, and thank you for coming all this way to
2 be with us.

3 Next we have Tom Leonardo. Mr. Leonardo
4 is a city councilman in Ft. Myers, and thank
5 you for your service to the people of Ft. Myers
6 and your service to the people of Florida.

7 And, Mr. Leonardo, welcome to the Senate.
8 You are recognized.

9 COUNCILMAN LEONARDO: Thank you. Recently
10 I received an e-mail invitation to attend this
11 hearing from Senator Gaetz, and I replied,
12 "Only if I am reelected on Tuesday,
13 November 8th." Well, here I am.

14 SENATOR GAETZ: And just -- Mr. Leonardo,
15 just so that we all stay on the same page, I am
16 pleased that you got the e-mail. We -- and I
17 am delighted you are here. We did not
18 selectively send those e-mails out.

19 COUNCILMAN LEONARDO: I understand.

20 SENATOR GAETZ: We sent e-mails out to
21 everyone who gave us their e-mail address when
22 we were in your community and who expressed an
23 interest to stay involved in the process. So
24 we are awfully glad you are here, and you are
25 special because you are a citizen of Florida,

1 but we had a lot of special citizens we sent
2 the e-mail to.

3 COUNCILMAN LEONARDO: Thank you, sir, and
4 I appreciate that.

5 First of all, thank you all for your
6 wonderful work. It is very difficult what you
7 do, and your travel has been very extensive,
8 and I happened to be one of the people
9 attending and speaking at Lehigh Acres. It
10 was -- I enjoyed that very much. It was great
11 participation.

12 Having worked on redistricting the City of
13 Ft. Myers, our wards, I can appreciate how hard
14 you work. Ours is a small task relative to
15 yours.

16 Let me offer you two suggestions on how to
17 make these hearings more beneficial. I happen
18 to have brought an iPad, and, fortunately,
19 there was a gentleman here that helped me get
20 on the site to help me look at your maps. But
21 I was kind of upset because I couldn't follow
22 the proceedings earlier. So my thoughts to
23 share with you to make this easier for the
24 public attending is if you would have an agenda
25 to hand out when people come in, as we do at

1 city council meetings, that would be helpful.
2 And for those who wish to have maps and don't
3 have the benefit of an iPad or their computer
4 with them or have somebody to tutor them as I
5 had somebody tutor me, you might have those
6 maps handed out, too. It is awful difficult to
7 follow without those maps.

8 Let me say that I don't speak in my
9 official capacity as a member of the Ft. Myers
10 City Council, or in an official capacity
11 representing Lee County as a member of their
12 MPO Board, but I do speak on behalf of several
13 citizens who have asked me to come here and
14 speak, and that is to kind of echo what
15 Ms. Bilotti had already said, and that is to
16 keep a Senate seat based in Lee County. That
17 is very important to us.

18 And the second thing is, please don't
19 split Bonita Springs and Estero into two
20 separate districts. You have heard that
21 testimony before. If the two of us can prevail
22 upon you and your staff to make that happen, we
23 would be very grateful.

24 Thank you very much for your time and for
25 this opportunity.

1 SENATOR GAETZ: Thank you, Councilman, and
2 congratulations on your reelection.

3 Yes, Senator Detert.

4 SENATOR DETERT: Could we just quickly ask
5 the staff if Lee County has the numbers to
6 support their own Senate seat? I mean, it is
7 an easy question.

8 MR. GUTHRIE: The population of Lee County
9 is 619,000 people. So it would be enough for a
10 Senate seat with 150,000 left over.

11 SENATOR GAETZ: So there would be -- if
12 you -- just on simple arithmetic, two Senate
13 seats would -- would touch Lee County?

14 MR. GUTHRIE: Yeah.

15 SENATOR GAETZ: Next, Vivian Garner.
16 Ms. Garner comes from Hudson, Florida, and we
17 are delighted to have you here, ma'am. It says
18 here that you are a teacher.

19 MS. GARNER: Yes.

20 SENATOR GAETZ: What do you teach?

21 MS. GARNER: I teach physical education.

22 SENATOR GAETZ: Physical edu- -- well, we
23 need that, that's for sure. Thank you for
24 being here, and you are recognized, ma'am.

25 MS. GARNER: Thank you very much, Chairman

1 and the Committee members.

2 I wanted to speak on behalf of members
3 from Pasco County, and Senator Latvala is real
4 familiar with our county, and I am a resident
5 of Pasco County for 45 years. I have lived on
6 both the east side of Pasco County in the
7 Lacoochee area, and I presently live on the
8 west side in Hudson.

9 So as Senator Latvala has said, the Senate
10 districts that we currently have, which are
11 three different districts, Senate districts, in
12 Pasco County, we have one that is based out of
13 Tampa, Senator Norman, then we have Senator
14 Storms, which is out of Lithia Springs, which
15 is the Brandon area.

16 I have been coming up here for around 15
17 years. What I have noticed is that those
18 Senators who have their offices down in the
19 Hillsborough County area, they do come and they
20 listen to what we have to say, but they don't
21 have the ownership of Pasco County residents
22 that we would like to see as constituents.
23 Pasco County people would like to be able to go
24 to a Senate office that is right within our
25 county boundaries. So I agree with Senator

1 Latvala that if we could have at least two
2 separate Senate boundaries, one for the west
3 and one for the east. Land O' Lakes,
4 Zephyrhills and Lacoochee and Dade City all
5 have commonalities, and I don't like to see
6 people have to travel all the way down to Tampa
7 to be able to meet with their Senator.

8 So we also have that same thing that
9 happens in the House district, and I know we
10 haven't brought that up, but I am going to go
11 ahead and testify for that. We have four
12 different House districts in Pasco County for
13 the State House, and we have the same thing
14 happen in that. Well, one is in -- up in
15 Hernando, we have one that kind of dips down
16 that takes part of Tampa, and it makes it
17 extremely difficult.

18 So if we can look more at the county
19 boundaries in Pasco County and have that be the
20 Senate seat as far as representation, I think
21 the people in Pasco County would be better
22 served. Okay. Thank you so much.

23 SENATOR GAETZ: Thank you. Senator
24 Latvala I think may have a comment or a
25 question.

1 MS. GARNER: Yes, sir.

2 SENATOR LATVALA: So are you -- I am not
3 exactly sure what you are saying there. I
4 think you are agreeing --

5 MS. GARNER: What I am saying is that I am
6 agreeing with you that we need two that
7 represent Pasco County, one east and one west,
8 and because we have a lot of population on the
9 west side where I live, but the east side is
10 more rural, and I am hoping that Senator
11 Bullard and Senator Siplin, as far as the
12 minority numbers, we need to look at that and
13 make sure we have enough, and I do believe we
14 do, minorities in both the Dade
15 City/Zephyrhills area, to support two Senate
16 districts that would meet the needs for the
17 minorities.

18 SENATOR LATVALA: Thank you.

19 MS. GARNER: Thank you.

20 SENATOR GAETZ: Thank you, and thank you
21 for your service in the classroom.

22 MS. GARNER: Thank you.

23 SENATOR GAETZ: Next we will hear from
24 Ryan Terrell, who is a frequent visitor. I
25 think this may be the fifth or sixth

1 appearance. And in the interest of time,
2 Mr. Terrell, we are going to ask you to be
3 brief today.

4 MR. TERRELL: Okay. Thank you,
5 Mr. Chairman and members of the Committee.

6 Today I am mainly only going to be talking
7 about Section 2 and Section 5 issues related to
8 the Hillsborough and other Section 5 counties
9 in the southwest region. There were some
10 comments that were made earlier by some of the
11 Senators that were suggesting that if you were
12 to split the current district represented by
13 Senator Bullard, which includes Collier, Monroe
14 and Hendry, which are Section 5 counties, that
15 if you were to split those up, that it would be
16 a potential violation of Section 5. I wanted
17 to clarify that it would be a potential
18 violation only if you were unable to do that in
19 a way that preserved the district that still
20 provided enough of a chance for that minority
21 population to elect the Senator of their
22 choice.

23 SENATOR GAETZ: Mr. Terrell, you have
24 offered legal opinions in each of your
25 testimony, and do I gather that you are a

1 member of the Bar? Are you an attorney?

2 MR. TERRELL: No, but the court cases are
3 outlined --

4 SENATOR GAETZ: Then what -- I understand.
5 Then I just want to make sure that we
6 understand it is the custom of this Committee
7 that when we seek a legal opinion, we turn to
8 counsel for a legal opinion. So would you
9 please qualify your comments that you are not
10 rendering a legal opinion?

11 MR. TERRELL: Yes.

12 SENATOR GAETZ: Please don't tell us what
13 is against the Constitution and for the
14 Constitution and --

15 MR. TERRELL: I apologize, Mr. Chairman.
16 I must have -- I am misspeaking then when I am
17 trying to say that.

18 What I meant to say is it is within my
19 opinion, looking over that, that those cases
20 that -- that might be the issue, and, of
21 course, counsel can correct me if I am wrong,
22 but looking over those opinions, if you can
23 take those Section 5 counties and provide and
24 show that you can make those minority districts
25 that would have that substantial population

1 voting age that would allow you to elect a
2 minority of their choice, then you are within
3 your realm to do so, and you are -- not
4 advised, but encouraged to do so.

5 In the case of -- is it District 39 or
6 District 38 -- whichever district number that
7 Senator Bullard represents, in her case, in my
8 map, what I show in plan 95 is that you can
9 actually take her district, and by separating
10 the Collier and Hendry portion of that district
11 and making it into a separate district, you can
12 actually create two minority seats compared to
13 the one that is currently represented by
14 Senator Bullard.

15 So I may be wrong, and if I am wrong,
16 Counsel, please correct me on this, but my
17 understanding is it would be a violation if you
18 were to diminish the opportunity of a minority
19 to elect in a district, but in the case that
20 you can create more minority seats out of the
21 same area in a more compact way that is
22 narrowly tailored to meet that interest, in
23 this case, it would be narrowly tailored by
24 including Hendry, Collier and a small portion
25 of Miami-Dade, I believe only 10 percent of the

1 district would be in Miami-Dade, I don't have
2 the map in front of me, but that particular
3 district would be 51.3 percent Hispanic
4 majority, which would allow the minority
5 population of that area the opportunity to
6 elect a minority of their own choice while
7 still allowing the minority populations in
8 Monroe and Miami-Dade a minority district that
9 they could still have the ability to elect a
10 candidate of their choice. And that is the
11 point that I was trying to make, not that I am
12 reading legal opinions, but I am saying that if
13 you can take those counties that are Section 5
14 when you are going before the Department of
15 Justice and there is the ability to say you can
16 create more districts than what you are
17 creating, the Justice Department wouldn't
18 necessarily require you to do so, but what they
19 would say is that you would have to have a
20 pretty compelling reason not to, because you
21 could create more districts than you are
22 creating under the current plan.

23 And I just wanted to bring up something
24 that was brought up earlier that Senator Siplin
25 made about -- a comment that Senator Siplin

1 made about the current plan. The current plan
2 wasn't challenged ten years ago, so -- the
3 Senate plan. The House and the congressional
4 plans were both challenged, but the Senate plan
5 wasn't challenged ten years ago. So even if
6 the Amendments 5 and 6 were in place ten years
7 ago, they weren't challenged, so there is no
8 way to actually know whether or not it would be
9 compliant the way the minority districts were
10 drawn ten years ago compared to how they need
11 to be drawn today. And the only comment I
12 would make on that is that if you are going to
13 draw districts that are similar to that, I
14 would urge you to look at the community of
15 interest argument that I was making two weeks
16 ago in that when you are comparing a minority
17 population from one district -- I mean, from
18 one area and stretching to it a far-off
19 minority community that is a substantial
20 distance away, if they both share similar
21 communities of interest, that might hold up in
22 court, but I would just be -- I would be
23 advised to take caution --

24 SENATOR GAETZ: In your opinion as a
25 layman?

1 MR. TERRELL: Right. And I would just --
2 I would use a little bit of caution in terms of
3 connecting a district that is far-off
4 communities of interest. And that is the only
5 -- the only comment I would make. So if I said
6 anything wrong, I would like counsel to kind of
7 fix that.

8 SENATOR GAETZ: No, no, no. We just want
9 to make sure that folks knew that you and I are
10 both laypeople.

11 Anything else, sir?

12 MR. TERRELL: Nope, that is it.

13 SENATOR GAETZ: All right. Thank you very
14 much.

15 Next, Carole Green. Ms. Green? Ms. Green
16 is representing the City of Ft. Myers -- I'm
17 sorry, the City of Bonita Springs.

18 MS. GREEN: Yes, sir, I am. Thank you
19 very much, Chairman, and I will not belabor the
20 point. I appreciated the fact that I had some
21 of my other folks that were here from Lee
22 County today, too.

23 I am the lobbyist for the City of Bonita
24 Springs, I have been in that capacity for four
25 years, but I am also a 30-year resident of Lee

1 County, so I have had an opportunity to know
2 the county very well.

3 I am here on behalf of the City of Bonita
4 Springs to again respectfully request that we
5 hold the city intact. It is about a
6 44,000-member residents in that city, and as
7 you have already noted during the time that you
8 all visited in Lehigh Acres, including Senator
9 Negrón mentioned that, too, that there was a
10 considerable amount of testimony to that fact.
11 So I just wanted to make sure and go on record
12 for the City on that behalf, and I won't waste
13 anymore of your time.

14 SENATOR GAETZ: No, very fine, thank you
15 very much.

16 MS. GREEN: Thank you.

17 SENATOR GAETZ: Any comments or questions
18 for Ms. Green? If not, thank you for coming,
19 and we --

20 MS. GREEN: Thank you, by all means.

21 SENATOR GAETZ: -- appreciate your
22 testimony.

23 MS. GREEN: It is always good to be here.
24 Thank you.

25 SENATOR GAETZ: Yes, ma'am.

1 And now, before we go to any final
2 comments here, Senator Gibson, you had wanted
3 to return to some comments you wished to make
4 about the NAACP maps, and if you would like to
5 do so, you are recognized, ma'am.

6 SENATOR GIBSON: Thank you, Mr. Chair, but
7 I think I pretty much laid it out, not only
8 just the NAACP map, but other maps that were
9 submitted that we ultimately won't go back to
10 because we've already passed them. So it's
11 part of our procedure, I guess, that once we've
12 finished with an area, we were done with that
13 area, regardless of any maps we got later on?

14 SENATOR GAETZ: No, and, again, if I -- I
15 apologize if I or the professional staff have
16 led you to that erroneous assumption. We have
17 passed no maps. We have not voted on a single
18 map.

19 What we have done is achieved a small
20 number of unanimous consent instructions to the
21 staff and a small number of Unanimous Consent
22 Agreements as to our procedure. But when we
23 arrive at this hearing, or at this -- at the
24 next meeting on December 6th with a proposed
25 committee bill, you may return to any part of

1 the state and offer any amendment you may wish
2 to offer, so long as it is a strike-all
3 amendment and you can show the consequences to
4 other districts.

5 Now, this leads, Senator Gibson, to
6 another suggestion I would make, and it is up
7 to every member of the Committee as to how you
8 want to proceed. You can -- you can either
9 submit an amendment to the proposed committee
10 bill when we take up the second reading of that
11 bill, or the first reading of the bill, for
12 that matter, and then, of course, if you do,
13 you have to get a majority vote on the
14 Committee for your point of view to prevail.

15 There is another option, and the other
16 option is that we are still taking input from
17 this Committee, we still are anxious to have
18 observations made that will assist us in
19 complying with Amendments 5 and 6, complying
20 with the Voting Rights Act, complying with the
21 other legal strictures under which we operate,
22 and being consistent with the testimony that we
23 have heard from members of the public, and so,
24 therefore, any Senator is -- and all Senators
25 are invited to visit with our professional

1 staff at your convenience, make an appointment.
2 And if you didn't -- if there's something that
3 you didn't want to share today or you think of
4 tonight or tomorrow and you believe it might be
5 helpful in assuring that we are faithful to our
6 legal responsibilities, you are welcome to do
7 that then. We are in the market for good
8 ideas. If, however, you wish to wait and offer
9 a formal amendment and argue for that amendment
10 and take a vote, as is the custom in many
11 cases, you are welcome to do that, too,
12 whichever is your preference.

13 SENATOR GIBSON: Well, let me just clarify
14 then since you clarified. What I meant was for
15 the purposes of this committee meeting, the
16 meeting of the entire Committee, we are not
17 revisiting maps in areas that we have already
18 passed, obviously, because we are out of time?

19 SENATOR GAETZ: Well, you may -- at the
20 meeting that we are going to hold on
21 December 6th, that is a time when we will see a
22 proposed committee bill, and that is a perfect
23 opportunity, not the only one, not the last
24 one, not the first one, but it is a perfect
25 opportunity for you to revisit any part of the

1 state of Florida, any boundary of any district,
2 any assumption that has been made, any
3 agreement that has been arrived at. The only
4 thing that I would insist upon as the Chair is
5 if you wish to change the rules of engagement
6 that we have agreed to without objection, that
7 we achieve a similar kind of consensus.

8 Is there anything else that -- yes, sir,
9 Senator Negron.

10 SENATOR NEGRON: Thank you, Mr. Chairman.

11 I just wanted to make a very brief comment
12 following up on Senator Simmons' analysis today
13 and Senator Thrasher's comments at an earlier
14 meeting that when we are talking about not
15 diminishing and having no retrogression
16 according to Amendments 5 and 6 and then the
17 mandate with minority voters, that this applies
18 equally to racial minorities and language
19 minorities, that both of those groups, in my
20 view, are to be treated equally as we put the
21 maps together. And I know that Senator Simmons
22 had partially addressed that in his comments,
23 but I just wanted to reiterate that that is my
24 interpretation of Amendments 5 and 6 is that
25 those -- that those two groups should be

1 treated equally and in the same fashion as we
2 draw the maps. And I know you are going to
3 have a map -- at least you had directed staff
4 to have a map with the minority seats on it for
5 our next committee meeting, so in light of
6 that, I would just make that comment.

7 SENATOR GAETZ: Thank you very much,
8 Senator Negron.

9 Are there any other comments that members
10 of the Committee would wish to make, any other
11 observations, any other direction or assistance
12 or guidance to professional staff?

13 Leader Gardiner, any final comments? I
14 believe your mike is not on, sir.

15 SENATOR GARDINER: Thank you,
16 Mr. Chairman, and I appreciate your diligence
17 and leadership. And as I mentioned before, as
18 we are moving forward, whether it is Senator
19 Gibson or others, that we take into
20 consideration, if we are interested in a
21 specific area, that we bring forward a plan
22 that shows the impact across the state. I
23 think that is very, very important that the
24 members see that.

25 And to Senator Negron's point, I think

1 when we are addressing and looking at minority
2 districts, that we do not diminish and we
3 really look at the percentages. If a
4 particular district is at a percentage, I think
5 it is very important across the minority
6 districts that that stays within that
7 percentage.

8 So I want to thank you, Mr. Chairman, for
9 such a great and open process, and we look
10 forward to the product that comes forward.
11 Thank you.

12 SENATOR GAETZ: Senator Simmons.

13 SENATOR SIMMONS: Yes, thank you,
14 Mr. Chair, and I do want to agree with Senator
15 Negron, the examples I gave, for example, the
16 one about African-Americans, but the Amendments
17 5 and 6 deal both with language minorities as
18 well as race minorities, and all I was doing
19 was giving an example. But both language
20 minorities and race minorities are encompassed
21 within the examples that I -- or the whole
22 conversation that I made.

23 SENATOR GAETZ: Points well taken.

24 Leader Rich, do you have any final
25 comments before we leave, ma'am? Thank you

1 very much.

2 The next time we meet, now, let's just --
3 I don't mean to prolong the agony here, but the
4 next time we meet will be December 6th. But on
5 November --

6 Yes, ma'am, Senator Benacquisto.

7 SENATOR BENACQUISTO: Thank you,
8 Mr. Chairman.

9 I just wanted to take this moment that
10 before a single map is produced, to thank you
11 for your leadership as Chair to navigate what
12 are sometimes tenuous and difficult decisions,
13 but you have done it very well, and we thank
14 you for your time and concern, and we look
15 forward to the maps being published.

16 SENATOR GAETZ: Thank you very much,
17 Senator.

18 Our next meeting will be December 6th. We
19 will -- the professional staff will take into
20 account the input that we have received in all
21 of the 26 public hearings, the 1,700 people who
22 have testified, some of whom have testified
23 against each other, many of whom gave
24 conflicting testimony, so, you know, some
25 people call it a ball, some call it a strike,

1 but that is being sifted through by each of us
2 and by professional staff, the 158 maps, I
3 guess, that we have received, 157, and the
4 guidance from this Committee and the discussion
5 that professional staff has heard from this
6 Committee, as well as the testimony that we
7 have received from members of the public who
8 have come to these committee meetings, as well
9 as to the 26 hearings. So we will have a PCB
10 on the 28th.

11 And remember that by our Unanimous Consent
12 Agreement, we are not going to have any
13 midnight amendments, we are not going to have
14 any surprise gotcha's. Instead, we are going
15 to follow the guidelines that we have all set
16 out that provide a seven-day rule for public
17 notice, that provide a 48-hour rule for any
18 amendments by any members of this Committee.
19 We are not going to do Sunday afternoon at two
20 o'clock when nobody is around and looking. We
21 are going to follow a five o'clock Friday
22 deadline, as we explained at the beginning of
23 the meeting, and then we will vote on
24 December 6th to introduce a PCB, and before we
25 vote, we will hear the public testimony that

1 might be given that day, we will also have the
2 advantage of The Florida Channel's production
3 that I described earlier that gives people six
4 different ways to contact us and share their
5 views on the PCB that will be available to the
6 public on the 28th of November, we will vote to
7 introduce the PCB on the 6th, and then when we
8 return after the Hanukkah/Christmas break, we
9 will have another committee meeting. By then,
10 I believe that our Rules Chair and our
11 presiding officer will have had the opportunity
12 to consider re-referring the PCB to the
13 Reapportionment Committee. We will then have
14 another full debate and discussion and take a
15 vote and hopefully have a product that we can
16 hand to our Rules Chair and our presiding
17 officer for action at their pleasure early in
18 the session.

19 This has been an extraordinarily ambitious
20 undertaking from the beginning to the end, and
21 the end is not in sight, you know, we have a
22 lot more to go through. But I want to thank
23 particularly the Minority Leader, Senator Rich,
24 the Majority Leader, Senator Gardiner, and
25 members of the Committee, Democrats,

1 Republicans, people of different points of
2 view. Undoubtedly we will have differences,
3 and undoubtedly there will be, you know, votes
4 up and down, but to this point, we have seen a
5 group of legislators who have taken the legal
6 requirement seriously and taken their public
7 trust seriously, and I think have acted in a
8 way that is a model for Florida and all of the
9 nation.

10 And with that, Senator Sachs moves we
11 rise.

12 (Whereupon, the proceedings were
13 concluded.)

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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 123 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 28th day of November, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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FLORIDA SENATE COMMITTEE ON REAPPORTIONMENT

COMMITTEE MEETING

TUESDAY, DECEMBER 6, 2011

1:00 P.M.

PAT THOMAS COMMITTEE ROOM, 412 KNOTT BUILDING

TALLAHASSEE, FLORIDA

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 SENATOR GAETZ: And have a seat. Will the
3 secretary please call the roll of the
4 committee?

5 THE CLERK: Senator Gaetz?

6 SENATOR GAETZ: Here.

7 THE CLERK: Senator Margolis?

8 SENATOR MARGOLIS: Here.

9 THE CLERK: Senator Altman?

10 SENATOR ALTMAN: Here.

11 THE CLERK: Senator Benacquisto?

12 SENATOR BENACQUISTO: Here.

13 THE CLERK: Senator Braynon?

14 SENATOR BRAYNON: Here.

15 THE CLERK: Senator Bullard?

16 Senator Dean?

17 SENATOR DEAN: Here.

18 THE CLERK: Senator Detert?

19 SENATOR DETERT: Here.

20 THE CLERK: Senator Diaz de la Portilla?

21 SENATOR DIAZ DE LA PORTILLA: Here.

22 THE CLERK: Senator Evers?

23 SENATOR EVERS: Here.

24 THE CLERK: Senator Flores?

25 SENATOR FLORES: Here.

1 THE CLERK: Senator Garcia?
2 SENATOR GARCIA: Here.
3 THE CLERK: Senator Gardiner?
4 SENATOR GARDINER: Here.
5 THE CLERK: Senator Gibson?
6 SENATOR GIBSON: Here.
7 THE CLERK: Senator Hays?
8 SENATOR HAYS: Here.
9 THE CLERK: Senator Joyner?
10 SENATOR JOYNER: Here.
11 THE CLERK: Senator Latvala?
12 SENATOR LATVALA: Here.
13 THE CLERK: Senator Lynn?
14 SENATOR LYNN: Here.
15 THE CLERK: Senator Montford?
16 SENATOR MONTFORD: Here.
17 THE CLERK: Senator Negrón?
18 SENATOR NEGRÓN: Here.
19 THE CLERK: Senator Rich?
20 SENATOR RICH: Here.
21 THE CLERK: Senator Sachs?
22 SENATOR SACHS: Here.
23 THE CLERK: Senator Simmons?
24 SENATOR SIMMONS: Here.
25 THE CLERK: Senator Siplin?

1 SENATOR SIPLIN: Here.

2 THE CLERK: Senator Sobel?

3 SENATOR SOBEL: Here.

4 THE CLERK: Senator Storms?

5 SENATOR STORMS: Here.

6 THE CLERK: Senator Thrasher?

7 SENATOR THRASHER: Here.

8 THE CLERK: Quorum present.

9 SENATOR GAETZ: Thank you very much.

10 Quorum being present for the conduct of
11 business, the Committee is called to order.

12 And first we welcome back to our committee
13 and to our deliberations, President Margolis,
14 who has been in training with the Miami
15 Dolphins. I don't know if she brought her
16 weapon with her today, but I will tell you that
17 she has not only recovered exceedingly well,
18 but don't get too close to her when she is
19 swinging that weapon. Madam President, welcome
20 back, and we are delighted to see you in good
21 health and in fighting trim.

22 We as well welcome back Senator Flores.
23 Senator Flores has been busy getting a brother
24 for Maximo, and Maximo now has his brother.
25 And, Senator Flores, are you here, ma'am?

1 A VOICE: The baby's with her.

2 SENATOR GAETZ: The baby is with her. The
3 baby may make an appearance today. But we
4 welcome Senator Flores back.

5 And, also, we have a new but not
6 unfamiliar individual to welcome to the
7 Committee and to our work today. The
8 President -- President Haridopolos and I have
9 engaged as local counsel to the Committee Pete
10 Dunbar. Pete is with us, and Pete, if you will
11 stand just so that everybody can see you back
12 there. Pete Dunbar will serve as local counsel
13 to the Committee as we move forward into the
14 rest the reapportionment process. Mr. Dunbar
15 served ten years in the Florida House of
16 Representatives, representing Pasco and
17 Pinellas Counties. He served as general
18 counsel, legislative director and Chief of
19 Staff for the Governor of Florida, Governor
20 Martinez. He served as general counsel for the
21 Department of Financial Services. I think very
22 importantly to the work of this Committee, Mr.
23 Dunbar served two terms on the Florida
24 Commission on Ethics and is the former Chairman
25 of the Florida Commission On Ethics. He has

1 been involved in redistricting in the '70s,
2 '80s, '90s and in 2010, so he and President
3 Margolis actually can get together with John
4 Guthrie and share the war stories. They've
5 really got the stories they can't tell us. But
6 Pete was staff director for the Minority Office
7 in the Florida House, he served on the
8 redistricting staff during the 1972
9 redistricting process, he served as part of the
10 Legislature's team during the NAACP challenge
11 before the Supreme Court, he served as Chair of
12 the National Council of State Legislatures
13 Ethics, Elections and Reapportionment Committee
14 during the 1990 redistricting process, he was
15 counsel in federal court for the Florida Senate
16 and served as counsel to the 2010 redistricting
17 committee as well. So, Mr. Dunbar, welcome
18 back to the Florida Senate. Thank you for
19 bringing your legal expertise to our efforts
20 and assisting us as we move forward.

21 Senators, today is an important day for
22 the work of our committee, for our work
23 together as colleagues and for the future of
24 Florida. We want to thank all of those who
25 have joined us today in the committee room and

1 the many who are participating in our process
2 through The Florida Channel. Today we will
3 take up and vote on the introduction of two
4 proposed committee bills: SPB 7032, which
5 contains a redistricting plan for U.S.
6 congressional districts, and SPB 7034, which is
7 the redistricting plan for the Florida Senate.

8 As you know if you have followed the news
9 reports, the Speaker Designate, Speaker
10 Designate Weatherford, who chairs the
11 redistricting committee in the House, has
12 announced that the House of Representatives
13 will defer to the Senate and will accept the
14 Senate's plan and include it in their bill.
15 And we will defer to the House of
16 Representatives as to the House's plan. So,
17 therefore, we will concentrate on our Senate
18 plan, they on their House plan, and then
19 together we will work out our differences as to
20 congressional redistricting.

21 The plans that will be before you today
22 for an initial vote were developed by the
23 professional staff of your committee based on
24 federal and state laws, based on the testimony
25 of 1,700 Floridians this summer who came to 26

1 public hearings, attended by 5,000 people in
2 communities across the state. Our
3 redistricting professional staff also relied on
4 the 157 maps submitted by the public, and
5 relied further on specific direction this
6 Committee has provided to professional staff.

7 The development of the PCBs has also
8 benefited from the guidance of members of this
9 Committee, Democrats and Republicans alike, who
10 have worked closely with committee staff,
11 insisting that the proposed maps be faithful to
12 Amendments 5 and 6 and state and federal
13 statutes and sound redistricting principles.

14 The maps we will vote on today were posted
15 on the Senate redistricting website on
16 November 28th, more than a week ago. This was
17 done in accordance with the Unanimous Consent
18 Agreement arrived at by this Committee.

19 And as we also agreed at the last meeting,
20 the Committee made an aggressive effort to give
21 the public a second bite at the apple in
22 reviewing and critiquing the proposed committee
23 bills. The Committee re-contacted every person
24 who attended our statewide hearings and left us
25 with contact information. We contacted mayors,

1 county commissioners, school board members,
2 officers, local elected officials involved in
3 both political parties in the state, and
4 through the media we contacted the general
5 public to invite further comments now that we
6 have proposed committee bills that were drawn
7 from the input we have already received from
8 the public. More than 500 additional
9 Floridians have responded, on top of those who
10 were heard at our public hearings. All of the
11 comments of these additional Floridians who
12 responded will be posted on the Senate
13 redistricting website, and I would urge all
14 Senators to review all of the comments from
15 those whom we represent. And today we will
16 hear directly from many of those citizens,
17 thanks to a production of The Florida Channel.
18 We will also hear live testimony from
19 individuals who have chosen to travel to be
20 with us today instead of providing their
21 comments by one of the electronic methods the
22 Committee has made available.

23 Unless there is no objection, here is how
24 we will proceed today: In a few moments, I
25 will recognize the Rules Chair, Senator

1 Thrasher, and Senator Thrasher will place us in
2 the proper posture for a time-certain vote at
3 the end of the meeting. No amendments have
4 been filed to the proposed committee bills, and
5 so, therefore, we will vote up or down on the
6 introduction of those two proposed committee
7 bills.

8 Prior to that vote, which will come at the
9 end of the meeting, we will hear first from a
10 -- the staff, our professional staff, on the
11 proposed committee bills. Mr. Guthrie will
12 walk us through the bills and walk us through
13 the methodology that was used and the maps.
14 Secondly, the Committee will hear testimony
15 from the public, those who have come here today
16 and are in attendance. And then around 3:30 or
17 so, the Committee will take a short break.

18 Here is the part that is always tough for
19 us as Senators. We would ask that you hold
20 your comments -- and I know you will have
21 useful and important comments to make -- and
22 hold your questions until after professional
23 staff has introduced the bills and described
24 them to us and until we have heard from the
25 public. Let's let the public have the first

1 opportunity to speak, as has been the practice
2 of this Committee as we have done public
3 hearings.

4 Following our 3:30 break, then The Florida
5 Channel will present a video presentation which
6 assembles into a concise production many of the
7 e-mails, voice mails and other comments
8 received from the public since the publication
9 of the proposed committee bills eight days ago.
10 And we are very grateful to The Florida Channel
11 for putting this together in a professional and
12 unbiased way.

13 Following The Florida Channel
14 presentation, then the Chair will entertain
15 questions and comments and observations from
16 Senators on the Committee about the proposed
17 Senate and congressional redistricting plans.
18 But I ask you to please work with the Chair so
19 that only after we have heard from the public
20 through live testimony and The Florida Channel
21 presentation will we turn to discussion and
22 debate by the Committee.

23 Once discussion has concluded or we have
24 reached the time certain for voting, I will
25 again turn to the Rules Chair, Senator

1 Thrasher, for a motion on the congressional
2 plan, which is SPB 7032. This motion will be
3 subject to a roll call vote. I will then
4 entertain a second motion from the Rules Chair
5 on the Senate plan, which is SPB 7034, which
6 also will be a roll call vote.

7 It is important to note that the -- a vote
8 on the introduction of a committee bill is not
9 the last time that we will have the opportunity
10 as a committee to vote on this legislation. If
11 we vote in favor of introducing the proposed
12 committee bills today, then the next part of
13 the procedure is that these two bills will go
14 to our presiding officer, President
15 Haridopolos, and our Rules Chair, Senator
16 Thrasher, for referencing, and we would expect
17 that they would reference a proposed committee
18 bill to the Committee that would have
19 jurisdiction over the matter, which is our
20 committee, and then we would have an
21 opportunity to meet on Wednesday, January 11th,
22 2012, starting at 1:00 p.m. So please mark
23 your calendars, Wednesday, January 11th, 2012,
24 at 1:00 p.m. And then we will take the bills
25 up again, assuming we have gotten that far in

1 the process. Amendments will be able to be
2 filed following our Unanimous Consent Agreement
3 that amendments have to be filed 48 -- at least
4 48 hours ahead of time so that there are no
5 midnight surprises, no gotchas, and then we
6 would be in a position at the January 11th
7 meeting to take final votes in this Committee
8 on the proposed plans and take up any
9 amendments and act on those amendments, voting
10 them up or down.

11 We would then get the joint resolution of
12 apportionment and the congressional
13 redistricting bill in a posture to be heard on
14 the floor of the Senate. The President has
15 indicated that he will allow this -- these
16 bills to be brought before the Senate as a
17 special order on the calendar of bills on
18 second reading when the Senate returns from the
19 Martin Luther King holiday on Tuesday,
20 January 17th. So January 11th, this Committee
21 will meet and take up the proposed committee
22 bill, assuming it passes today. And then if we
23 adopt the bill on January the 11th and it is
24 subject to amendment at that time, then we
25 would expect that we will be on the Senate

1 floor on January 17th. That will be a full two
2 months earlier than the floor vote in the
3 Senate ten years ago. And on the Senate floor,
4 again, we will have a full, open, thorough
5 debate promised to us by the Presiding Officer
6 and by the Rules Chair.

7 Admittedly, our schedule has been
8 ambitious from the start, Senators, and it
9 remains so. With a remarkable public spirited
10 consensus that we have found on this Committee
11 and with extended time put in by our
12 professional staff for which we are very, very
13 grateful, we have not slipped a nanosecond from
14 the schedule that we have promised the public.

15 The public expects us to continue
16 advancing with all deliberate speed toward
17 adoption of new districts based on the 2010
18 census and the recently added standards to our
19 State Constitution, and that is exactly what we
20 intend to do.

21 Are there any questions about the agenda
22 for today or about our schedule for moving
23 forward? Are there any procedural questions?

24 All right. Then, in a moment, I will
25 recognize our staff director, John Guthrie, to

1 provide a brief explanation of the two
2 committee bills, but prior to calling on Mr.
3 Guthrie, the Chair recognizes Rules Chair
4 Thrasher for a motion. Rules Chair, you are
5 recognized.

6 SENATOR THRASHER: Thank you,
7 Mr. Chairman, and thank you, I think again, on
8 behalf of all of us on the Committee, you and
9 the staff, for getting us to this important,
10 pivotal day in this process. I think,
11 Mr. Chairman, the process has been transparent,
12 it's been open and it's certainly been
13 inclusive.

14 And with that, Mr. Chairman, I move that
15 the votes be taken on the introduction of SPB
16 7032 relating to congressional districts at a
17 time certain of no later than 5:45 p.m. today,
18 and a vote be taken on the introduction of SPB
19 7034 relating to Senate districts at a time
20 certain no later than 5:50 p.m. today.

21 SENATOR GAETZ: Is there objection? Is
22 there objection? If not, show the motion
23 adopted by unanimous consent to vote no later
24 than 5:45 p.m. on SPB 7032 and no later than
25 5:50 p.m. on SPB 7034. Thank you, Rules Chair

1 Thrasher.

2 And before we turn to Mr. Guthrie, let me
3 ask if our Minority Leader and Majority Leader
4 wish to make any opening comments. Leader
5 Rich?

6 SENATOR RICH: Thank you, Mr. Chair. I
7 really don't have much to add, except to say
8 that I do appreciate and I think the people of
9 Florida do appreciate the fact that the Senate,
10 under your leadership, has determined that we
11 are going to try and make these maps available
12 as far as what we pass out of this committee
13 and get them through the Senate so that there
14 will be time in the future, if there are issues
15 and core issues, that there will be times, the
16 voters of the state of Florida will know where
17 their districts are when it comes time to
18 qualify -- for candidates to qualify and for
19 people to be able to know what district they
20 are in and who the candidates will be that are
21 running in all the different races. So I think
22 that is a very important factor. And I noticed
23 at the beginning, you know, it was talked about
24 a lot, but you were committed to doing that,
25 and I just want to express appreciation for the

1 fact that you have lived up to what you said
2 and I think what the voices of all the people
3 said as we went around the state, that they
4 wanted to make sure that this wasn't going to
5 be kind of a long, drawn-out process and then
6 we would bump up against a timeline where we
7 couldn't have an opportunity to have it run its
8 whole, natural course. So, again, I just want
9 to thank you for that, and, of course, look
10 forward to hearing what the people have to say
11 today around the state and the ultimate result.
12 Thank you.

13 SENATOR GAETZ: Thank you very much,
14 Leader.

15 Leader Gardiner?

16 SENATOR GARDINER: Thank you,
17 Mr. Chairman, and just to echo my colleague, I
18 want to thank you for your leadership on
19 bringing this to where we are today, traveling
20 the state, hearing from constituents all over
21 the state about time and about transparency.
22 As somebody that was part of this process ten
23 years ago, you are absolutely correct, we are
24 way ahead of schedule, and it can only be tied
25 to your understanding and leadership on this

1 issue, so I want to thank you for that.

2 And just to the point that I have made
3 before, that if there are those that are
4 interested in amending, I hope that they will
5 understand that it will have to be a strike-all
6 amendment and it will need to affect all
7 aspects of the state, not just one particular
8 corner of their universe. So we look forward
9 to the discussion and hearing from residents of
10 the state today, and, again, thank you,
11 Mr. Chairman, for your leadership.

12 SENATOR GAETZ: Thank you, Leader Gardiner
13 and Leader Rich, and those who have followed
14 this process historically, and I am sure Mr.
15 Dunbar could reflect on this as well, and that
16 is that in the past, the process has often been
17 rancorous and partisan from the beginning, and
18 today we leave the calm waters of a safe harbor
19 of Unanimous Consent Agreements and we move
20 into votes, and the waves can get a little
21 higher when you get outside the safe harbor and
22 past the buoys, but I will tell you this: The
23 reason we have kept the promise to the people
24 of Florida to move with all deliberate speed,
25 the reason we have managed to meet every

1 deadline, the reason that our work has belied
2 the cynics and the critics is because Leader
3 Rich and Leader Gardiner and all the members of
4 this Committee and our Vice-Chair, President
5 Margolis, have kept us to our commitment to the
6 people of Florida, and I thank all of you for
7 that.

8 With that, Mr. Guthrie, you are recognized
9 to take us through an explanation of the
10 proposed congressional and Senate maps that
11 were published last week.

12 I'm sorry, we have another baby, and I
13 apologize, you know, I'm sorry. Hang on for a
14 second here, John. Senator Braynon, do you
15 have something to report to us, sir, in the
16 birth department?

17 SENATOR BRAYNON: I guess you really
18 didn't miss my presence, but I haven't been
19 here for two weeks, for the past two committee
20 weeks, and my wife --

21 SENATOR GAETZ: You were here in spirit.

22 SENATOR BRAYNON: Yes, I was here in
23 spirit, yes. And my wife had our new son,
24 Brandon Glenn Braynon, and he is -- he is doing
25 well. She had him on November 10th, so we are

1 good, we are good. So --

2 SENATOR GAETZ: Well, congratulations,
3 Senator.

4 SENATOR BRAYNON: Thank you.

5 SENATOR GAETZ: And, Senator Flores, we
6 acknowledged the great work that you have done
7 in getting Maximo a younger brother, and did
8 you bring the new member of your family to the
9 committee room today to object at the
10 appropriate times or --

11 SENATOR FLORES: I did hear you. We were
12 watching the committee room, but he is now
13 taking a nap. But we are going to be here for
14 a long time, so maybe he will make an
15 appearance before the end of the Committee, but
16 thank you for the congratulations.

17 SENATOR GAETZ: Well, Senator, thank you.
18 Congratulations. Senator Storms inaugurated us
19 in the Senate, us elderly Senators, I speak
20 only for myself, into the whole world of child
21 care when she was elected, and so we are ready
22 for the next generation.

23 And, therefore, if there's no other
24 announcements, pleasant, wonderful
25 announcements to make, Mr. Guthrie, you are

1 recognized.

2 MR. GUTHRIE: Thank you, Mr. Chairman.

3 Ten -- in 2010, the people of Florida
4 added to their Constitution Article III,
5 Sections 20 and 21. Those two new provisions
6 to the Florida Constitution have fundamentally
7 changed the way that we do redistricting in
8 this state. This is my third round of
9 redistricting as staff director of the Senate
10 committee, and I've got to tell you that what
11 the voters put into their Constitution has made
12 a huge difference in how we conduct our
13 business.

14 Let's take a quick look again at what the
15 constitutional standards provide. Number one,
16 no apportionment plan or district shall be
17 drawn with the intent to favor or disfavor a
18 political party or an incumbent. Also,
19 districts cannot be drawn with the intent or
20 result of denying or abridging the equal
21 opportunity of racial or language minorities to
22 participate in the political process or in a
23 way that diminishes their ability to elect
24 representatives of their choice.

25 Districts shall be of contiguous

1 territory. That actually was a requirement
2 that we had had for ten years, and is not --
3 and is not new.

4 Then in subsection b, the new provisions
5 of Article III, Sections 20 and 21, provide
6 that unless compliance with these standards --
7 or the standards in subsection -- unless
8 compliance with the standards in this
9 subsection conflicts with the standards in what
10 we call the Tier 1 subsection, or with federal
11 law, districts shall be drawn with as nearly
12 equal population as practical, they shall be
13 compact, and they shall, where feasible, use
14 existing political and geographic boundaries.
15 So that is the new constitutional framework.

16 Senator Margolis, who was my President and
17 boss 20 years ago, and Senator Latvala, who was
18 my subcommittee chairman and boss 10 years ago,
19 both remember that Florida and how we practiced
20 redistricting in Florida was quite different 10
21 and 20 years ago than it is today. How
22 districts came to be, admittedly, was all about
23 reds and blues.

24 In 1992, we had the Mack versus McKay
25 race, which was decided by absentee ballots, a

1 very, very close election, and that became the
2 metric for deciding how -- the steering how to
3 draw the lines.

4 Ten years ago, we had Gore v. Bush, an
5 election that was decided by 527 votes,
6 well-remembered by many of us, and that --
7 those data were used by the Senate and by the
8 House in fashioning the new districts. So all
9 of the maps that we drew were -- behind all of
10 those were shades of red and blue.

11 For this round of redistricting, mindful
12 of the constitutional prohibition against
13 having the intent to favor or disfavor a party
14 or an incumbent, the Chairman and the Committee
15 directed that we not use political data in this
16 process, and we have not. There are no
17 registration data in the Senate redistricting
18 system, there are no elections data in the
19 Senate redistricting system, and I haven't paid
20 one bit of attention to any political
21 considerations in the drawing of these
22 districts as -- as the professional staff
23 who -- in whom you have put the pen for
24 fashioning the districts that are before you
25 today. So that is the Constitution and how it

1 changed.

2 I think it is important, too, to look at
3 the variety of public input that this Committee
4 received during the summer. And as I page
5 through these next few slides, what I want you
6 to all harken back to is which of those
7 hearings were the ones that you attend, and
8 think back on the constituents and voters in
9 those areas that you heard from and what they
10 had to say. I know that Chairman Gaetz went to
11 every single one of these hearings and listened
12 to every one of the constituents and voters who
13 came to state their best wishes and desires for
14 how the new districts be drawn, and in
15 counseling me as we have sat around the
16 computer screen in the weeks -- in recent
17 weeks, Chairman Gaetz time and time has come
18 back to, "Well, what you are doing here, tell
19 me how it complies with federal and state law,
20 and tell me how it complies with what I
21 remember about what we heard at all of these
22 hearings," and there are many, many cases where
23 his -- the Chairman's recollections, based on
24 his notes, has actually had an effect on
25 drawing the lines in a manner that is even

1 better responsive to what the public is looking
2 for here.

3 So we -- our tours -- or our redistricting
4 hearings were broken into five tours. The
5 first was in the Panhandle. The second was in
6 northeast Florida, Jacksonville, St. Augustine,
7 Daytona Beach, The Villages and Gainesville.
8 Then later in July, we went to central Florida,
9 Lakeland, Wauchula, Wesley Chapel, Orlando and
10 Melbourne. The Orlando hearing with 621 people
11 actually recording -- the attendance in all
12 cases were more than what we are showing here,
13 but these are the people who actually filled
14 out the attendance card and left a record of
15 their attendance -- with 621 recorded attendees
16 and 153 speakers, Orlando had -- was sort of
17 the high water mark of public participation.
18 Next we had our southeast hearings in Stuart,
19 Boca Raton, Davie, Miami, South Miami and Key
20 West, and finally the southwest tour in August
21 and ending on September 1st, again, a couple
22 months earlier than we finished the public
23 hearings ten years ago. We had stops in Tampa,
24 Largo, Sarasota, Naples, Lehigh Acres and
25 Clewiston.

1 All in all, as the Chairman mentioned, 26
2 locations, almost 5,000 people signed in forms
3 recording that they were there. Most of those
4 got on our mailing list, and we have continued
5 keeping them apprised of the work of this
6 Committee, and we heard from more than 1,600
7 speakers at the public hearings.

8 A record of all of the hearings is posted
9 on the Senate redistricting website. We are
10 now, Jay, I believe just one transcript short,
11 and we expect by the end of today or tomorrow
12 to finish out and have transcripts as well as
13 audio recordings and the videos that The
14 Florida Channel provided for us for all of
15 these hearings. So any of us, any of your
16 constituents can go back and refresh yourselves
17 on exactly what occurred at each of those
18 public hearings.

19 We also set new marks nationally. No one
20 anywhere has ever seen the level of public
21 participation in terms of submitting maps for
22 consideration by the Legislature. One hundred
23 fifty-seven maps were submitted before -- by
24 the November 1 deadline that was set by this
25 Committee. One map has been submitted after

1 the deadline. It was in reaction to the PCB
2 that was filed by the Senate, and what it does
3 is reconstitutes some of the Senate districts
4 in the north central Florida area.

5 The opportunity remains out there, so if
6 the public would like to communicate their
7 input to us by suggesting alternative plans,
8 that is an option that the public has and
9 continues to have.

10 The Chairman mentioned that we have not
11 missed a beat in terms of the timeline this
12 Committee set out for itself. We now are in
13 December of 2011, at the end of the time for
14 our interim committee meetings. As the
15 Chairman said, the goal for the committee today
16 will be to get the joint resolution of
17 apportionment and the congressional
18 redistricting bill both moved as committee
19 bills from this Committee, which would be way,
20 way ahead of where we have ever been before.
21 As you see, looking ahead to 2012, that
22 promises to be an even busier year for this
23 Committee, so it is important that we stick to
24 our schedule.

25 And let's take a look again at the slide

1 we saw several months ago of how the time frame
2 set forth in Article III, Section 16, of the
3 Florida Constitution might play out for
4 redistricting session. As the Chairman said,
5 it is his goal to, and the Committee's goal to
6 report the bills out of committee on the 11th
7 of January and off the floor of the Senate by
8 the -- by the second week of session. That
9 would be easily two months ahead of the
10 schedule that we've ever had in the Legislature
11 in terms of completing this work, and it is
12 necessary that we get it done sooner than ever
13 before, because federal and state qualifying is
14 sooner than ever before, and we need to allow
15 the time required by the Department of Justice
16 and the Florida Supreme Court to complete their
17 legal reviews.

18 The predicate for redistricting in
19 2011-2012 is the 2010 census. Based on the
20 2010 census, we learned that the resident
21 population in Florida is 18.8 million people,
22 and what that means is that a size of a
23 congressional district now is going to be
24 696,345 people, and the Committee remembers
25 well that with congressional districts, we

1 strive for basically zero deviation. So in the
2 proposed committee bill that we have submitted
3 to you for your consideration today, we have 23
4 districts that have zero deviation relative to
5 the target of 696,345, we have four districts
6 that have a deviation of one person, and that
7 is because the state population is not an exact
8 multiple of 696,345, so there was a remainder
9 of four, which we -- which we spread into four
10 of the districts.

11 For Senate and House districts, the
12 requirement for exactitude is not quite as
13 strong. The target population for a Senate
14 district is about 470,000 persons, and the
15 target population for a House district is about
16 157,000 persons. But the U.S. Census is the
17 basis for the geography and the population
18 figures that are used for redistricting.

19 Also, you may have noticed in your meeting
20 packet we've got now detailed census
21 demographics for all of the proposed and
22 current districts, and these same statistics
23 now are -- yes, now are available on the Senate
24 website for all of the 158 plans that have been
25 submitted by the public. So a huge amount of

1 demographic census information is available for
2 your consideration as you are reviewing all of
3 these plans. And it is really that census data
4 that were the metrics that were used by your
5 professional staff in putting together the
6 proposals that we recommend to you today.

7 So where did we end up? And what was our
8 approach with congressional and legislative
9 districts? For congressional districts, there
10 are four overriding points that I want to make.
11 Number one is that it was a collaborative
12 effort between your professional staff and the
13 professional staff of the House Redistricting
14 Committee.

15 Secondly, always in our mind was following
16 the standards in federal and state law. We
17 considered the public hearing testimony and the
18 submitted plan, and we received from leadership
19 direction that, if possible, we should add an
20 opportunity district for Hispanic voters in the
21 central Florida area. So those were the
22 guiding principles of your professional staff
23 as we worked at putting together a recommended
24 congressional plan.

25 How did we do? And I said earlier that

1 Amendments 5 and 6, new Sections 20 and 21 of
2 Article III of the Florida Constitution, made a
3 huge difference. It also made a huge
4 difference in the metrics of these plans.

5 Looking at it, at the plan as a whole, our
6 congressional plan, the delegation has grown
7 based on the apportionment of the United States
8 Congress from 25 members of Congress to 27, a
9 change of eight percent. The number of whole
10 counties in the proposed plan was increased
11 from 37 to 44, a 19 percent increase. The
12 number of split counties in the plan decreased
13 from 30 to 23, a decrease of more than
14 23 percent. The number of county splits -- and
15 what I mean by a county split is if a county is
16 split into two districts, we count that as two;
17 if a county is split into three districts, that
18 counts as three; if it is split into four
19 districts, that counts as four; and we add all
20 those numbers up for all of the counties. The
21 number of county splits in the benchmark or the
22 2002 plan was 83. The number of county splits
23 in the proposed plan is 64, a decrease of
24 23 percent.

25 The number of city splits, which we figure

1 the same way, how many times are cities split
2 by districts, decreases from 254 in the
3 benchmark plan to 144 in the proposed committee
4 bill, a decrease of 43 percent.

5 And the average perimeter of a district,
6 and that is walking around the entire district
7 boundaries, so if the district is bordered by a
8 river, that means following every little nook
9 and turn of the river, but tracing -- you know,
10 sort of walking around the entire outer
11 perimeter of the entire district, the average
12 perimeter of congressional districts in the
13 benchmark 2002 plan was 403 miles. The average
14 perimeter in the proposed plan is 313 miles.
15 That is a decrease of 22 percent.

16 So on the -- the congressional plan, we
17 were -- and I would ask you to turn to the
18 S000C9002, the proposed plan in your meeting
19 packet, and I can flip to it here on the screen
20 for you to see -- we were able to create an
21 opportunity district for Hispanic voters in the
22 central Florida area. That is the -- that is
23 the first objective or the first highlight that
24 I would like to mention here.

25 Secondly, we used to have a congressional

1 district that extended from Jacksonville all
2 the way over almost to Tallahassee. That
3 district has been considerably changed so that
4 it is now only in Duval, Nassau and Baker
5 Counties.

6 Thirdly, we eliminated down in south
7 Florida the coast-to-coast District 16 in
8 response to what we heard from the voters and
9 from a lot of the folks who testified it at our
10 public hearings.

11 Number four, we were able to keep the
12 opportunity district, in fact, make a
13 majority-minority district for African-American
14 voters who live in the Jacksonville, Palatka,
15 Gainesville, Orlando area. And the proposed
16 committee bill does not have any retrogression
17 in Section 5 areas. That would include
18 Congressional District 11 in Hillsborough, a
19 covered county, Hillsborough, Pinellas and
20 Manatee Counties. It also would include
21 District 23, a majority African-American
22 district, which is partially in Hendry County,
23 as well as Palm Beach and Broward Counties.
24 That would include District 21, a Hispanic
25 majority district in Hendry, Collier, two

1 Section 5 counties, and Miami-Dade County, and
2 it would include Congressional District 18, a
3 Hispanic majority district in Miami-Dade and
4 Monroe Counties.

5 So with the proposal that is before you, I
6 think we have met the -- or we have made ever
7 effort to follow federal and state law, to heed
8 the advice provided by the public in the 26
9 public hearings and the 157 map submissions
10 that were supplied to us, and to listen to the
11 direction that we got from this Committee
12 during the interim committee meetings that you
13 have provided.

14 Turning now to the Senate plan, what were
15 the objectives of staff as we tackled this
16 assignment? Again, number one, follow the
17 standards in federal and state law; number two,
18 consider public hearing testimony and the
19 submitted plans; and, again, just like with the
20 congressional plan, there was a direction we
21 got from leadership to, if possible, add an
22 opportunity district for Hispanic voters in the
23 central Florida area.

24 Based on that advice, we put -- we came up
25 with a proposal that is in your meeting packet.

1 It is called Senate plan S000S9004, and it is
2 attached to the PCB that this Committee will be
3 considering at its meeting today.

4 How do the overall statistics rate on this
5 plan? Well, the old plan had 40 districts, the
6 proposed committee bill has 40 districts, no
7 change there.

8 In terms of whole counties, there were 22
9 whole counties in the benchmark 2002 plan. In
10 the proposed committee bill, there are 36 whole
11 counties, an increase of more than 63 percent.

12 Split counties. In the benchmark plan,
13 there were 45 counties that were split. In the
14 proposed plan, there are 31 counties that are
15 split, a decrease of 31 percent.

16 County splits, the number of times the
17 counties get split by districts. In the
18 benchmark 2002 plan, there were 129 county
19 splits. In the proposed committee bill, there
20 are 87, a decrease of 33 percent.

21 City splits, same story, 300 in the 2002
22 plan, 179 in the proposed committee bill, a
23 decrease of 40.3 percent.

24 And the average perimeter of Senate
25 districts decreased from the benchmark

1 287 miles to 249 miles in the proposed
2 committee bill, a decrease of more than
3 13 percent.

4 If you could turn to -- let's all turn to
5 the Senate plan in our meeting packet, and I
6 will pull it up on your screen if you are
7 following along here. So here's the statewide
8 map of the proposed committee bill for Senate
9 districts. A few highlights that I want to
10 bring to your attention here.

11 Number one, on the Emerald Coast, the
12 professional staff followed geographic
13 boundaries to draw a district that respected
14 the coastal and rural interests of northwest
15 Florida.

16 Number two, in the Capital region, we were
17 able to find a way to piece together whole
18 counties, entire whole counties; in fact, there
19 are 11 whole counties in this -- in this
20 proposed district, which comes to about the
21 target population for a Senate district. We
22 also, with District 14 in the proposal found
23 three whole counties that nearly -- or that
24 approximated the target population for a Senate
25 district, so we have a district made entirely

1 of whole counties there.

2 Along the Nature Coast, we heard testimony
3 in our committee meeting that Jefferson,
4 Taylor, Levy -- Dixie, Levy and Citrus and
5 Hernando Counties made up the Nature Coast. We
6 were able to come up with a district. We
7 couldn't put Jefferson and Taylor Counties in,
8 because they were already being used up by
9 District 6 and there really was no reasonable
10 way to include those districts -- or those
11 counties in the district, and so we -- we fit
12 between these two whole county districts and
13 still were able to hold together three of the
14 Nature Coast counties in their entirety in
15 Congressional District 3.

16 With District 5, we've got a district that
17 is entirely in Nassau and Duval County. With
18 District 8, we have a district that ties
19 together the Jacksonville beaches along with
20 beach and coastal interests in St. Johns,
21 Flagler and Volusia Counties. With District
22 20, we have The Villages pretty well held
23 together in a single senate district, which was
24 one of the messages we heard loud and clear at
25 our public hearings.

1 With congressional -- or Senate District
2 number 19, we were able to increase the
3 minority voting age population of that district
4 from 33 percent to 40 percent.

5 With District 15 here I mentioned is your
6 new Hispanic opportunity district in central
7 Florida. District -- District 24, excuse me,
8 is your new Hispanic opportunity district.

9 Districts 15 and 17 are both predominantly
10 rural districts in the Kissimmee/Lake
11 Okeechobee agricultural region.

12 Senate -- going back down, or going down
13 to the bottom of the state, Senate District 39
14 currently is in Section 5 counties of Hendry,
15 Collier and Monroe Counties. We were able to
16 retain that as a strong majority influence
17 district. In fact, the black voting age
18 population of that district increases from
19 29 percent to 35 percent.

20 We were able to keep three Hispanic
21 majority districts in Miami-Dade County. We
22 were able to keep a beaches district along the
23 coast in Miami-Dade County. That beaches
24 district is now just over 50 percent Hispanic,
25 but it still holds together -- as we heard from

1 many of the citizens that they wanted us to do,
2 holds together those coastal interests in
3 Miami-Dade County. And, yes, Chairman, it does
4 include the city of -- oh, my mind is --

5 SENATOR GAETZ: Miami Shores.

6 MR. GUTHRIE: Miami Shores is held
7 entirely intact and is part of District 35.
8 Thank you.

9 District 29, another majority-minority
10 district in the benchmark plan, that district
11 was 73,000 under-populated based on the 2010
12 census. What we have done in the proposed
13 committee bill is added areas of Lauderhill,
14 brought that district up to the requisite
15 population without undermining the minority
16 voting opportunities in -- or diminishing
17 minority voting opportunities in that district.

18 Senate District 25 in Broward and Palm
19 Beach Counties is a coastal district to the
20 east of District 29. Districts 30, 31 and 32
21 hold together retirement communities in the
22 Palm Beach and Broward County areas, and I am
23 very happy with the way that those districts
24 sort of came together. District 34 includes
25 the western communities in Palm Beach and

1 Broward County, some retirement communities,
2 plus the Everglades agriculture area.

3 And then moving to the west coast of
4 Florida, you see that District 39, our Section
5 5 county -- or Section 5 district where we did
6 not want to take out any of the voters who
7 currently are participating in electing
8 candidates of their own choosing, so District
9 37, its borders were largely dictated by 39.
10 We included also coastal areas in Lee County,
11 particularly the city of Cape Coral.

12 District 27 used to be a coast-to-coast
13 district, which at our public hearings we heard
14 was something the public would just as soon not
15 see in the future plan, so District 27 is
16 compactly figured in just Lee and Charlotte
17 Counties. District 23 is in Sarasota and
18 Charlotte Counties.

19 And up to the Tampa Bay area, we got
20 direction from this Committee that Pasco was a
21 county that had eastern interests that were
22 different than the coastal community, so most
23 of the coastal community is put in a district
24 with Hernando and Sumter County, whereas the
25 bedroom communities to Tampa are put into a

1 district with North Tampa.

2 District 10 is put entirely in
3 Hillsborough County in a way that it ties
4 together Temple Terrace, other communities in
5 northern Tampa, as well as greater Sun City
6 Center and Apollo Beach and some of the
7 requirement communities in south -- south
8 Hillsborough County.

9 District 18 remains in this Section 5
10 area, a minority opportunity district, avoided
11 retrogression with that.

12 And District 21 ties -- it ties together
13 the communities of Bradenton and Lakeland,
14 Plant City and rural communities in between.
15 That is a district that is -- kind of fits in
16 between the Section 5 interests that we were
17 pursuing in the Tampa Bay area and the Section
18 5 interests that we were following in southwest
19 Florida. So we got a lot of tidy districts.
20 That is not our most tidy district, I will
21 concede that at the outset, but I think it does
22 have a clear advantage of putting together
23 communities that are not too far apart and
24 not -- and putting them together in a way that
25 neither Lakeland nor Bradenton clearly

1 dominates that district. So we've got a good
2 balance in the area between the Lakeland
3 area -- Lakeland/Plant City area and the
4 Bradenton area, both of which ought to have
5 influence over the elected representative.

6 The focus here on both your -- the
7 proposed Senate plan and the proposed
8 congressional plan was us trying to come up
9 with ways to follow what we heard from the
10 public about answering their request that these
11 district give them effective representation in
12 the United States Congress, in the Florida
13 Senate, and give every community a voice and --
14 so that through their ballots, they will be
15 able to elect somebody who will carry their
16 interests to Tallahassee and to Washington, DC.

17 So that is my presentation, Mr. Chairman.

18 SENATOR GAETZ: Thank you very much, Mr.
19 Guthrie.

20 And now we will turn to public testimony.
21 We are delighted that we have had a large
22 number of people who have come. Every time we
23 have had a meeting of the reapportionment
24 committee, we have had very active citizen
25 participation. We are grateful for that

1 participation today.

2 I will call these individuals forward in
3 the order in which their appearance requests
4 were turned in to the secretary of the
5 Committee. The only privilege that the Chair
6 will take is to place lobbyists toward the end
7 of the process so that we are sure that we have
8 an opportunity for all citizens who don't
9 typically lobby the Legislature to be heard
10 today, and I would like to call folks by
11 threes; that way, you know who is next and you
12 can be on deck. And we would like to ask
13 individuals who are testifying today, in
14 respect and deference to those who are behind
15 you who also would like to have a chance to
16 speak, if you could keep your comments to the
17 point, as brief as possible, and if you could
18 keep the comments within about a three-minute
19 range, that would be very helpful to those
20 behind you who would like to speak.

21 With that said, our first three speakers
22 will be Catherine Baer and Joe Wicker and
23 Steven Hunnicutt.

24 And so Catherine Baer, are you here,
25 please, ma'am? Thank you for coming to the

1 Florida Senate. Please come forward right
2 there where Mr. Guthrie was speaking. The
3 floor is yours, and we are anxious to hear your
4 views. You are recognized, ma'am.

5 MS. BAER: Thank you very much for taking
6 the time to listen to the concerns of your
7 constituents. I would also like to express my
8 appreciation for the redistricting hearing and
9 the time and effort that you guys spent in
10 listening to all of our concerns about our
11 representation.

12 I have taken a -- my opportunity to look
13 over the proposed maps and to research and
14 educate myself on what is going on with this,
15 and overall, to me, it looks like a good faith
16 effort and within the limits of the federal and
17 state statutes. County lines appear to be
18 followed whenever possible, and I see more
19 contiguous districts than I have seen in the
20 past.

21 The areas along the Panhandle, which I
22 were a little bit concerned about the -- I
23 understand why it was done that way in order to
24 reflect the distinctive communities in that
25 area. I understand that there is no such thing

1 as a perfect scenario or a perfect map, but
2 this proposal seems to do a good job of
3 protecting minority districts, not favoring
4 incumbents, and following the county lines when
5 possible, so I express my support of this
6 proposal. Thank you for your time.

7 SENATOR GAETZ: Thank you very much,
8 Ms. Baer. Ms. Baer comes from Tallahassee.

9 And now coming from Apollo Beach is Joe
10 Wicker. Mr. Wicker, thank you for driving all
11 this way to be with the Florida Senate today,
12 and you are recognized, sir.

13 MR. WICKER: Thank you, Mr. Chairman and
14 members of the Committee. I was actually
15 traveling back on business, so I just rerouted
16 myself and I am going to catch a ride back with
17 a buddy to Tampa.

18 So I am Joe Wicker. I am a resident of
19 Hillsborough County and a constituent in Senate
20 District 10. And in 2008, I left military
21 service to enter back into the private sector
22 where I was fortunate to be hired by what
23 *Fortune* magazine calls as one of the most
24 admired companies in the forestry industry,
25 International Paper, and we proudly employ

1 hundreds of people throughout this state.

2 I can't say that I envy you for being the
3 ones to hold office at this time of
4 redistricting, because I know that it is a
5 difficult process. I will say that while I do
6 expect to see transparency in government, it is
7 kind of rare to see that in practice in some
8 places throughout the country. Take Illinois,
9 for example, where they drew maps behind closed
10 doors, sent it off, it was signed and that was
11 that. The people in that state should --
12 should be outraged. So I was proud to see that
13 we had a statewide public discourse over this
14 issue.

15 Ironically, there are people that are
16 saying that our meetings were a fraud, or your
17 meetings were a fraud and they were a mockery
18 of our system. Yet those very same groups had
19 nothing to say about the short
20 behind-the-scenes process that took place in
21 states like Illinois.

22 So after attending one of those
23 redistricting hearings that you conducted, I
24 realized this was probably one of those times
25 that as an elected official, you are just

1 darned if you do and darned if you don't. The
2 districts are compact in many areas, using
3 county lines effectively, and, of course, some
4 people said that they would only want one
5 Senator in their county, and others like the
6 idea of having two, so it is hard to please
7 everybody.

8 But in Hillsborough County specifically,
9 given the county lines and the population
10 densities, I will have to say that I feel like
11 it is sufficiently a compact district. You
12 have the difficult task of adhering to the
13 Voting Rights Act, as well as the new state
14 constitutional amendment, and you also manage
15 to recognize a growing Hispanic population in
16 central Florida.

17 So thank you for taking the time to make
18 this process as transparent as possible, and if
19 we find our Legislature's work before the
20 courts, I would implore that the courts to
21 recognize the extent to which the Legislature
22 went to involve the public and adhere to the
23 laws and use common sense. Thank you for your
24 time.

25 SENATOR GAETZ: Thank you very much,

1 Mr. Wicker.

2 Next, Steven Hunnicutt, who is a City
3 Commissioner for the City of Winter Haven.
4 Commissioner, thank you for your service to the
5 people of your community, and you are
6 recognized before the Senate.

7 COMMISSIONER HUNNICUTT: Thank you,
8 Mr. Chair.

9 Mr. Chair and gentlemen and ladies of this
10 Committee, first of all and foremost, I think
11 you all should be commended for your hard work,
12 your openness and the speed of the process that
13 you have done so far with the maps.

14 I would currently like to show my support
15 with my fellow commissioners and residents of
16 the city for the proposed Senate map District
17 15 in which we are in.

18 One of the hearings that I attended was
19 back on July the 25th at Polk State College in
20 Lakeland where there was a discussion of
21 keeping Winter Haven whole. I believe that
22 after that discussion you have done just that,
23 and we agree.

24 Taking a page out of the guide to
25 redistricting, there are comments in there that

1 says, "What do communities of interest play in
2 a redistricting process? A community that
3 would benefit from being maintained in a single
4 district because of shared interests, views and
5 characteristics, so, therefore, we should be
6 kept together." And this proposed Senate map
7 for that district does just that, and that
8 shows that you listened.

9 I understand that this process is very
10 difficult for our citizens to understand as it
11 sets the landscape for our democracy for the
12 next ten years. The meetings that were
13 proposed and were held show the utmost of
14 transparency and was a benefit to all.

15 I also agree that what is proposed with
16 the Senate map, making us whole is fair,
17 sensible and faithful to the law, and I also
18 believe that is in line with the Voting Rights
19 Act and consistent with the State Constitution
20 Fair District amendments, and, again, that is
21 to do to the Committee's understanding of this
22 process and hard work that you all have put
23 into this.

24 The other two cities, I do have letters
25 here, Mr. Chair, that I would like to leave

1 with you.

2 SENATOR GAETZ: Please do, sir.

3 COMMISSIONER HUNNICUTT: The City of Lake
4 Alfred is also in support of that, as well is
5 the City of Auburndale.

6 Again, like I said, I appreciate your
7 time, I appreciate you listening, and you all
8 are to be commended. Thank you very much.

9 SENATOR GAETZ: Thank you, Commissioner.
10 Thank you for your testimony.

11 Next we will hear from Darryl Register --
12 thank you, Commissioner -- and then from Graham
13 Stacy and then from Josh, I believe it is
14 Burgin, from Plant City.

15 Mr. Register, thank you for coming to the
16 Florida Senate all the way from Macclenny, and
17 welcome.

18 MR. REGISTER: Good afternoon. Thank you,
19 Mr. Chair, Committee members.

20 I come here today simply to say thank you.
21 I was in Jacksonville at the public listening
22 session that was held there, and as I waited my
23 turn to speak along with several others from
24 Baker County, I heard the request, and in some
25 cases, the demands that was made on this

1 Committee. But I am here today because I
2 believe this Committee has listened to the
3 request of the people of Florida, and I believe
4 you have acted in the best interest possible of
5 the people of Florida.

6 In a small rural county like Baker, it
7 would have been easy to shuffle us to one area
8 or the other, but you didn't do that. You
9 listened to our concerns and you addressed them
10 in a way that benefits us and benefits others
11 in our region. Again, I just come here today
12 to say thank you.

13 SENATOR GAETZ: Thank you, Mr. Register,
14 and for the record, Mr. Register is Executive
15 Director of the Baker County Chamber of
16 Commerce.

17 Next, Graham Stacy. Mr. Stacy is from
18 Brandon, Florida. And thank you for being
19 here, sir.

20 MR. STACY: Thank you. Mr. Chairman and
21 members of the Committee, thank you for the
22 opportunity to address you today.

23 Over the summer, I followed the work of
24 this Committee and your counterparts in the
25 Florida House of Representatives. As a school

1 assignment, I took upon the task of developing
2 maps for the Florida Legislature, which I
3 presented at your meeting in Tampa. As I
4 worked on the maps, I realized the careful
5 balance required to incorporate the guidelines
6 of the Voting Rights Act and Amendments 5 and
7 6.

8 I live in Brandon, and I find the
9 districts in this map that represent
10 Hillsborough County are very fair and do a
11 sufficient job at keeping the communities
12 together. Having reviewed the Senate's
13 proposed map for the future, I believe that
14 this map meets the requirements, and I am here
15 to support the committed proposed map. Thank
16 you very much.

17 SENATOR GAETZ: Thank you very much,
18 Mr. Stacy, and just for the record, I remember
19 your testimony. Could you recall to the
20 Committee -- and I don't mean to put you on the
21 spot -- what is your age, please?

22 MR. STACY: Fourteen.

23 SENATOR GAETZ: Fourteen years old?

24 MR. STACY: Yes.

25 SENATOR GAETZ: And how many -- how many

1 maps -- you drew statewide maps, as I recall?

2 MR. STACY: I drew two Florida House of
3 Representatives statewide maps, yes.

4 SENATOR GAETZ: Thank you very much.
5 Thank you for taking it on as a school
6 assignment and thank you for being here today,
7 and believe me, your community and your family
8 ought to be very proud of you, young man.

9 MR. STACY: Thank you.

10 SENATOR GAETZ: Thank you, sir.

11 Next is Josh, and I apologize, sir, is it
12 Burgin?

13 MR. BURGIN: It is Burgin.

14 SENATOR GAETZ: Mr. Burgin is from Plant
15 City, and you are recognized, and we are
16 delighted to have you before the Senate today.

17 MR. BURGIN: Thank you, Mr. Chairman and
18 members of the Committee. I appreciate the
19 opportunity to speak with you today.

20 I watched Mr. Stacy with a bit of grin,
21 because I started in the process of let's say
22 politics at about the same age. And watching
23 this redistricting process over the years, I
24 know with absolute certainty that this has been
25 the most open, accessible -- I am not sure what

1 other superlative sort of words to use, but
2 possible for people like me to get engaged and
3 participate, whether submitting a map as
4 Mr. Stacy did, or others just to follow what
5 you guys are doing as opposed to the old way,
6 which was quiet meetings behind closed doors
7 that never got heard. For that, I want to
8 thank you all, because that took hard work on
9 your part.

10 I went to some of those meetings. I know
11 how tedious they were. But in reflecting on
12 that, because of that investment that you guys
13 made, you have made for something that's never
14 happened before, and for that, I want to
15 express my gratitude.

16 But beyond that, I want to point to some
17 of the things that have been alluded to so far.
18 You did have a hard task, beyond just
19 listening, balancing out what exists in federal
20 statute, as well as our new Constitutional
21 requirements. And I think we have come to a
22 point where the map you have put together
23 reflects that well. It has eliminated
24 gerrymandering to a degree we have never seen
25 before. It does take into consideration county

1 boundaries and compactness, and for that reason
2 and for these reasons combined, I am supporting
3 your proposal and I wanted to let you guys know
4 that. Thank you.

5 SENATOR GAETZ: Thank you very much, sir.
6 We appreciate your testimony.

7 Our next speakers will be Lesley McKinney
8 and Michael Yost and Stephen, I believe it is
9 Fernez.

10 Lesley McKinney here? Ms. McKinney, thank
11 you very much for being here. We look forward
12 to your testimony.

13 MS. MCKINNEY: Thank you. I wish to
14 address the proposed Florida Third
15 Congressional District. In Miller, the Supreme
16 Court flatly rejected a purely race-based
17 method of redistricting, regardless of any
18 Gingles conditions, in holding that the
19 district boundary was so bizarre on its face
20 that it was inexplicable on any grounds other
21 than race and that therefore the highest
22 standard of equal protection issues applied,
23 which is strict scrutiny. In other words, not
24 only is it well-known that the government
25 nearly always loses a strict scrutiny

1 challenge, but to survive strict scrutiny, must
2 be able to show a distinct and specific harm,
3 and show that the remedy is narrowly tailored
4 to address that specific harm.

5 The drawing of the proposed Florida Third
6 does not pass the eyeball test. It flies in
7 direct derogation of the requirements of
8 compactness and contiguity and consideration of
9 natural boundaries. When it is overlaid by
10 census data on racial demographics, it is
11 plainly obvious that the boundaries were drawn
12 merely on the races of base -- excuse me, the
13 basis of race.

14 The Equal Protection Clause's central
15 mandate is that neutrality is required in
16 governmental decision-making. Racial and
17 ethnic distinctions are inherently suspect and
18 cannot be upheld unless narrowly tailored to
19 achieve a compelling state interest. The State
20 must have convincing evidence that remedial
21 action is necessary before implementing any
22 affirmative action. And claiming that mere
23 compliance with federal anti-discrimination
24 laws such as the VRA cannot justify race-based
25 districting.

1 The heart of the Equal Protection Clause
2 is the command that the government treat all
3 citizens as individuals, not simply as
4 components of any racial or any other class.
5 To do otherwise would be a violation of the one
6 man, one vote ideal.

7 When the shape of the proposed Florida
8 Third is considered in conjunction with its
9 racial and population densities, it creates a
10 textbook example of racial gerrymandering, and
11 while bizarreness of shape is not necessary
12 element proof in racial gerrymandering cases,
13 it can provide circumstantial evidence that
14 race, for its own sake, and not other
15 districting principles controlled the
16 Legislature's dominant rationale.

17 There are no other defenses to the Florida
18 Third boundaries. Your choice is race-based
19 districting, which would be violation of the
20 14th Amendment's Equal Protection Clause, or
21 what you have denied is political
22 gerrymandering, which would be in violation of
23 Section 20 of Article III of the Florida
24 Constitution.

25 You are faced with a political Sophie's

1 choice: Faithfulness to the United States
2 Constitution and the true equality embodied in
3 the 14th Amendment, or adherence to the Florida
4 Constitution and the trust that the people of
5 Florida have placed in you. I want to believe
6 that you will do the right thing. I want to
7 have faith in my government. I want to know
8 that my government is color blind and more
9 interested in the protection of individual
10 rights than political expediency. I want to go
11 back to the Florida Third and let the people
12 there know that after all these years, their
13 voice will be heard, they are represented, and
14 one man truly does equal one vote and the fight
15 need go no further. Thank you.

16 SENATOR GAETZ: Thank you, Ms. McKinney.
17 Ms. McKinney comes from Jacksonville. She is
18 an attorney there.

19 Next, Michael Yost, also from
20 Jacksonville. Mr. Yost, thank you for being
21 here, and we look forward to any testimony you
22 may have for us today, sir.

23 MR. YOST: Thank you, Chairman Gaetz. It
24 is good to be back in front of the Committee
25 again. As you know, I testified in July of

1 last year, and I am pleased to say that it is a
2 privilege to be here today.

3 As you've probably already discovered,
4 this is not an easy process. Redistricting
5 faces many challenges and also much effort to
6 prepare maps that are fair, equitable, meeting
7 the challenges of the law and to fulfill the
8 constitutional requirements.

9 Please let me remind you that as elected
10 officials of the State of Florida, you swore an
11 oath to uphold and defend the Constitution of
12 the United States as being the Supreme Court of
13 this land.

14 One of the primary reasons that the
15 constitutional Amendments 5 and 6 were passed
16 overwhelmingly, I might say, by voters, lies in
17 the fact that the 2002 redistricting efforts
18 resulted in a heavily gerrymandered districts
19 that resulted in predetermined outcomes for
20 candidates and incumbents. None was more
21 glaring than the Third Congressional District.
22 The Jacksonville hearings in July, several
23 spoke against the continuation of this
24 currently drawn district. One gentleman even
25 stated that he did not feel represented as a

1 resident of that district, and in no manner of
2 misunderstood he requested that this
3 legislative body address his concerns.

4 The question arises then, is the Third
5 Congressional District a racially gerrymandered
6 district? From your own videos and transcripts
7 of these meetings of this Committee, drawing
8 minority districts took precedent over all
9 other factors. Further, on the advice of your
10 own counsel, you also determined that the new
11 state amendments not only permitted that
12 action, but required it.

13 Let me submit to you there is a clause in
14 Section III, Article 20, of the Florida
15 Constitution that states specifically, "c: The
16 order in which the standards within subsections
17 1a and b of this section are set forth shall
18 not be read to establish that any priority of
19 one standard over the other within that
20 subsection."

21 Now, in order to determine on its face
22 whether this district in which race became the
23 primary factor in drawing it, one only needs to
24 look at your own maps. Simply take an overlay
25 of where the racial minorities lie and the

1 concentrations thereof are there, and you will
2 find that I've also found a census map, which
3 shows the population density of the entire
4 state of Florida. Florida district has been
5 drawn to reach from Jacksonville to Orlando
6 once again, and into both Alachua and Seminole
7 Counties, and included only those areas of
8 Duval, Alachua, Seminole and Orange Counties
9 where there are as many minority voters as
10 possible, and to exclude as many other voters
11 as possible. What few minority race voters are
12 -- or majority race voters are included, they
13 are located in some of the most sparsely
14 populated areas of the entire state of Florida.
15 Nothing is more blatant than that little small
16 stretch that runs through Clay County, and that
17 there's only -- and the only reason that it is
18 there is to reduce majority voters' access to
19 candidates of their choice, and to reach into
20 the minority access areas in Putnam and Alachua
21 Counties and further south.

22 The entire western edge of Duval County
23 fully excludes any voters who are not
24 minorities, with the exception of two or three
25 precincts.

1 SENATOR GAETZ: Mr. Yost, I am going to
2 have to ask you to kind of bring it in for a
3 landing just out of respect for the people
4 behind you.

5 MR. YOST: I am getting there.

6 Also, if you look in Duval County, you
7 will also find that the river was not used.
8 Areas in the Avondale area, Arlington area,
9 excluded natural boundaries from its possible
10 drawing of these boundaries.

11 I want to reference a ruling in Bartlett
12 v. Strickland, and I think it is very proper to
13 read this. Justice Kennedy, writing in the
14 plurality, stated, "Reading Section 2 to define
15 dilution as any failure to maximize tends to
16 obscure the very object of the statute and to
17 run counter to its textually-stated purpose.
18 One may suspect vote dilution from political
19 famine, but one is not entitled to suspect,
20 much less infer, dilution from real failure to
21 guarantee a political feast." He further
22 states in his opinion, "Racial gerrymandering,
23 even for remedial purposes, may balkanize us
24 into competing racial factions. It threatens
25 to carry us further from the goal of a

1 political system in which race no longer
2 matters, a goal that the 14th and 15th
3 Amendments embody and to which this nation
4 continues to aspire."

5 And even writing in the dissenting
6 opinions, Justice Souter states very plainly in
7 the Bartlett V. Strickland ruling, "Not
8 surprisingly, we have conclusively rejected
9 this approach," speaking of racially
10 gerrymandered districts.

11 SENATOR GAETZ: Mr. Yost, I am going to
12 give you ten seconds to finish up.

13 MR. YOST: Thank you.

14 The VRA was passed to guarantee minority
15 voters a fair game, not a killing.

16 Ladies and gentlemen, you all were
17 entrusted with the opportunity to draw
18 congressional districts that were fair and were
19 for equitable and followed the Constitution and
20 the 14th Amendment of the United States. I
21 challenge you to look back at this Third
22 Congressional District and please redraw this
23 map. Thank you.

24 SENATOR GAETZ: Thank you, Mr. Yost. We
25 are grateful for your testimony.

1 And next is Stephen, I believe it is
2 Fernez. Is that correct, sir?

3 MR. FERNEZ: That is correct.

4 SENATOR GAETZ: And you have come all the
5 way from Melbourne on Whipple Hollow Road --

6 MR. FERNEZ: Yes, sir.

7 SENATOR GAETZ: -- which sounds like a
8 fascinating address.

9 MR. FERNEZ: It is --

10 SENATOR GAETZ: Nice place to live.

11 MR. FERNEZ: It is, it is.

12 SENATOR GAETZ: You are recognized, sir.

13 MR. FERNEZ: Thank you, sir. I took the
14 day off to travel here today because this is a
15 very important issue to the needs of my county.
16 I came here today to personally thank each of
17 you for keeping the districts compact.
18 Specifically coming from a large and very
19 diverse county like Brevard, it is very
20 appropriate that the lines were drawn to
21 properly tend to the needs of the north and to
22 the south end of the county.

23 Many residents of Brevard County also
24 appreciate the speed and openness during the
25 redistricting process, and are thankful that

1 you took Amendments 5 and 6 seriously and
2 worked hard in keeping the maps close to the
3 new rules.

4 Finally, we want to thank you for making
5 sure the military installations such as Cape
6 Canaveral and Patrick Air Force Base were kept
7 together in the redistricting and not divided.
8 And that's all I have to say.

9 SENATOR GAETZ: Thank you very much, sir.
10 Thank you for coming to be with us today from
11 Melbourne.

12 Our next three speakers will be Robert
13 Foster, Jr., from Jacksonville, and Edward
14 Lewis from Gainesville and then Patricia
15 Sullivan, who is from Eustis.

16 Mr. Foster, are you here, sir? Thank you
17 for coming to visit with us today.

18 MR. FOSTER: Thank you for letting me
19 speak.

20 SENATOR GAETZ: And we are delighted to
21 have you, sir.

22 MR. FOSTER: In an effort to be brief and
23 not pedantic and repeat everybody, I just
24 wanted to say thank you. I think it is easy to
25 pull any district, any of the 27 congressional

1 or 40 Senate districts out and say it doesn't
2 pass the eyeball test without any context, but
3 in the context of municipal boundaries,
4 geographical boundaries, state statute and
5 federal statute, y'all have done a remarkably
6 amazing job, and the finished product is just
7 remarkable.

8 But not only that, I think the most
9 remarkable thing is the process. I have never
10 -- I have never seen a more open government
11 than the last several months. Something as
12 unsexy as redistricting was all over the
13 *Florida Times Union*, was all over the local
14 news channels, and you could not have possibly
15 not known about the meeting at FCCJ.

16 So y'all have just done a great job as
17 servants to your constituents, and I thank you.

18 SENATOR GAETZ: Thank you very much, sir.
19 We appreciate your being with us.

20 Next we will hear from Edward Lewis, who
21 is the Deputy Clerk in Gainesville. Is that
22 right?

23 MR. LEWIS: Yes.

24 SENATOR GAETZ: That's what it says here.

25 MR. LEWIS: Yes.

1 SENATOR GAETZ: Excuse me, can we have
2 order, please? Thank you.

3 Mr. Lewis, you are recognized, and thanks
4 for being here.

5 MR. LEWIS: Thank you, Mr. Chairman and
6 members of the Committee for allowing me this
7 opportunity to address this Committee and
8 express my viewpoints.

9 This Committee was faced with a pretty
10 tall order. It had to march through some
11 uncharted territory. While the Fair Districts
12 amendment offered good guidelines on keeping
13 districts more compact and intuitive, the
14 questions on how to draw the minority access
15 districts that Section 5 of the Voter Rights
16 Act and court precedence demand from Florida
17 remain unanswered.

18 This Committee attempted to answer these
19 questions in the best way possible by offering
20 these proposed committee bills, which sustain
21 and may even increase the representation of
22 racial and language minority access districts
23 in Florida's congressional delegation and State
24 Senate.

25 This explains the complaints of some

1 people speaking today that there are still some
2 oddly-drawn districts in the proposed maps,
3 which will always bring up the charges of
4 gerrymandering. But, in truth, those maps are
5 drawn to ensure that minority representation is
6 not diluted, as called for by the amendments to
7 prevent retrogression, a term nobody really
8 seems to have a definition for yet.

9 But in trying to balance the need for more
10 compact and more wisely-drawn districts, you
11 will look at the rest of the state and see that
12 Amendments 5 and 6 were followed very well.
13 Districts, even those around minority access
14 districts, follow county lines much better than
15 the current maps do, avoid breaking up cities
16 into multiple districts, and put an end to the
17 random jeux, jukes and jives that were seen and
18 the maps we usually called gerrymandered.

19 I would argue that given the dual
20 challenge of meeting Fair Districts' clear
21 guidelines for district boundaries and
22 answering the unanswered questions of what to
23 do with minority access seats, the proposed
24 committee bill is a key first step to meeting
25 those challenges. If the Chairman is right

1 about this being the first inning of a long
2 ball game, these maps are proof that the
3 Committee has found the strike zone and is on
4 the path to drawing maps the people of Florida
5 will be very comfortable with. Thank you.

6 SENATOR GAETZ: Thank you, Mr. Lewis.

7 Next we will here from Patricia Sullivan
8 from Eustis. Ms. Sullivan, thank you for
9 coming all this way and for sharing your views
10 with the Florida Senate. You are recognized.

11 MS. SULLIVAN: Thank you, Chairman, and
12 thank you, Committee, for the opportunity to be
13 here this morning. I have been participating
14 in the process since the beginning, and I was
15 able to take time away and speak at The
16 Villages when the Committee was there at the
17 hearing, and I have tinkered with the maps, and
18 I have to say that after the maps did come out
19 last week, I was the one that went on and
20 submitted my own version, even though I was
21 extremely tempted to not do that, because Mr.
22 Guthrie and his team and you have done an
23 excellent job at redistricting. It -- when
24 compared to the districts that we have now, it
25 is clear that you have followed what we have

1 asked for and that you have mostly followed the
2 spirit of Fair Districting, but I did go ahead
3 and take a stab at it anyway.

4 It did take me five hours. I did make
5 four phone calls to your office. I would like
6 to report that three of those calls were
7 immediately picked up and I was helped, and one
8 I left a message and got a call back in 15
9 minutes. So what you are doing works, and I
10 appreciate it. It is excellent.

11 There are two points I would like to make
12 on a Senate map and a congressional map, if I
13 may.

14 SENATOR GAETZ: And just for
15 clarification, Mr. Guthrie, are we looking at
16 this young lady's proposal now?

17 Okay. Go ahead, please, ma'am.

18 MS. SULLIVAN: Thank you very much.

19 I do reside in Senate District 20, and in
20 Lake County, I was tempted to selflessly not
21 speak or create another map for the good of the
22 state. However, I feel as a citizen of Lake
23 County, I must do my duty and speak for the
24 other residents of Lake County, and we did get
25 the short end of the stick.

1 So I did do a little recreating, and at
2 the same time, I did do some work in Districts
3 1, 16 and 24, and as -- and 9, and as I was
4 doing that, I did keep in mind the Fair
5 Districts language that we are not to diminish
6 the ability for a minority to elect a
7 representative of their choice.

8 I do a lot of precinct walking, and I have
9 a lot of friends that go out with me to do
10 precinct walkings in several counties, and it
11 became a thought that perhaps by making some of
12 these districts as long, and if you want to use
13 the word "gerrymandered" as they are, that
14 perhaps we are in fact diminishing a citizen's
15 ability to walk in the communities that they
16 live in and influence their peers through this
17 precinct walking to vote for the representative
18 of their choice. So I had a different
19 interpretation of diminish than you did, and I
20 did want to throw that out there to you for
21 your consideration.

22 In the congressional map, I would like to
23 state that the fabulous residents of Lake
24 County, who have been a very, very tiny portion
25 of District 3 for the last ten years, have

1 suffered enough. And I would request that the
2 17,000 people, which is a very small percentage
3 out of that county and a very small percentage
4 of District 3, be allowed to go back into a
5 Lake County congressional district and have
6 representation. I think ten years of not
7 having representation, of being a minute part
8 of a district, is long enough, and it is just
9 17,000 people. And given what Mr. Guthrie has
10 done, and his team, I know and I have great
11 faith that you will be able to accomplish this
12 small task. And kudos to, again, Mr. Guthrie
13 and this Committee and the transparency at
14 which this whole project has taken place, and
15 thank you so much.

16 SENATOR GAETZ: Thank you very much, and
17 thanks for hanging with us throughout the whole
18 process.

19 Our next speakers will be Emilio Perez
20 from Goldenrod and the Honorable John Quiñones.
21 It is nice to see you back, Representative, now
22 a county commissioner. And then we will
23 have -- we will take those two, and then we
24 will go from there.

25 Mr. Perez, thank you for being here today,

1 and we are grateful for your testimony.

2 MR. PEREZ: Thank you, and good afternoon,
3 distinguished elected officials. How are you?
4 On behalf of the Central Florida Redistricting
5 Council, we want to say thanks, and also job
6 well done.

7 The last time we met it was back in August
8 when we -- at the Orlando public hearing, and
9 we proposed to this Committee a congressional
10 district with majority Latino. I notice that
11 of all the presentation made that day, ours was
12 the only one that -- with an actual proposed
13 district, and not only you listened to us, but
14 you acted on it, and we really appreciate that.

15 It was important that we get recognized
16 for our growth, because as I mentioned back in
17 August, it was because of the growth of the
18 Latino community in central Florida that
19 Florida gained two new congressional seats.

20 Again, we, the Central Florida
21 Redistricting Council, will support you in all
22 your efforts to make sure that this seat will
23 be protected against any potential lawsuits or
24 any other suggested violations that anyone can
25 mention against it. We will see this as an

1 attack against our community.

2 That said, I would like to make a quick
3 correction, if it is possible, to District 27
4 on the north side. It will take about two
5 minutes. So that it looks more cleaner -- I am
6 talking about District 8 specifically, that
7 corner right here of -- yes, keep going up.
8 And what I would like to do is to add an area
9 of District 27 to eliminate that corner of 8,
10 that top corner of 8, makes it more compact, it
11 makes 8 more compact, 27 more compact,
12 everything much cleaner. And I would like to
13 add 27 all the way to University Boulevard,
14 which is probably three streets up, and then
15 24, take it down. So they will meet halfway
16 through that top square that you have up there.
17 That way, it will look more compact and it
18 would really be more representative of all
19 communities around the area. That is my only
20 suggestion.

21 Other than that, we really, really
22 appreciate what you have done. Thank you for
23 listening to us. A lot of people bet against
24 it and -- but they lost. Thank you very much.
25 Thank you.

1 SENATOR GAETZ: Thank you, Mr. Perez.
2 Thank you for coming all the way from central
3 Florida.

4 Commissioner Quiñones, and following the
5 commissioner, Patricia Sullivan, please, and
6 then Delena May.

7 It is good to see you back.

8 COMMISSIONER QUINONES: Thank you, and it
9 is an honor to be here, and I am happy to be
10 back and see some faces that I recognize. And,
11 actually, I didn't expect to hear so many
12 supporters and -- but I guess I should have
13 known better.

14 Typically when we were in Orlando and I
15 spoke, there was a lot of people that were
16 skeptic about the ability to listen and draw
17 districts. I was not. I saw the openness that
18 you all conducted yourselves. And I am here in
19 my capacity as an individual, even though I do
20 represent a district in District 2 in Osceola
21 County, I am the Chairman of the county
22 commission.

23 The fact is that for Osceola purposes, for
24 Osceola County, the way that the maps have been
25 drawn are appropriate and one that I personally

1 support, and I want to thank you for taking
2 into account the residents of Osceola County.

3 I was also at the central Florida
4 redistricting meeting and when we spoke about
5 the growth that had taken place not only in
6 Osceola, but southern Orange, and, boy, did you
7 listen. I mean, it is, to me, so rewarding,
8 Mr. Chairman, specifically you and the others
9 that were there, how intently you listened to
10 the testimony, and I believe you have taken it
11 into account. I believe that in the spirit of
12 Madison and Jefferson and Franklin and all
13 those founders that were there during the
14 constitutional convention, you have followed
15 the spirit. And unlike the secrecy that they
16 had to undergo because of the oppression that
17 they were under, you did not take into -- that
18 secrecy into account. You were as open as you
19 could have been, and it really has shown in the
20 way that this district has -- has developed in
21 central Florida.

22 And so I am here just as a humble servant
23 to support you and to say that you have done a
24 good job in taking into account the growth and
25 the constituency in the area that I represent.

1 Thank you very much.

2 SENATOR GAETZ: Thank you, Commissioner.

3 And John Guthrie worked with Madison, Jefferson
4 and Hamilton on the first redistricting maps,
5 so I know he appreciates hearing from his old
6 friends.

7 Next we will have Patricia Sullivan, and
8 following Ms. Sullivan, Delena May and then
9 Jeffrey Carman.

10 Patricia Sullivan, are you here? I'm
11 sorry, I -- we are giving you a second chance.
12 No, that is -- I'm sorry, I reshuffled my deck
13 here.

14 Delena May. Ms. May, thank you very much
15 for coming and spending time with us today.

16 MS. MAY: No, thank you. Thank you for
17 coming to Gainesville in July. I had the
18 privilege of speaking before you. I put aside
19 anything I had in mind to say when I saw how
20 rude so many people were, to just say thank
21 you, thank you.

22 I am amazed at the transparency that this
23 state is enjoying when we see, as someone
24 mentioned, in Illinois, when we see what is
25 happening in Washington. I am just thrilled to

1 be a part of Florida at this time and what you
2 have done.

3 I really wanted to come today to make that
4 trip back to Tallahassee from Gainesville,
5 because I expected some of those rude people
6 that were in Gainesville to be here, and I
7 thought I might be the lone voice to stand up
8 and say well done, thank you. Actually, I am
9 pleased that I haven't seen any of those
10 people. And if any of them are here, I will
11 come back and say a word after they give you
12 what for.

13 But it is, it is amazing to look at the
14 maps and see how much better they are. Living
15 in Gainesville, I am unfortunately on the cusp
16 in that District 3. I have suffered for that.
17 I am one mile from Cliff Stearns' office, and
18 one and a half hours from the District 3
19 offices. I have managed fine, cliff has taken
20 me under his wing like a stepchild, and I do
21 follow what happens in the Congress through his
22 office. So I can -- I can only say that that
23 is -- that's worked all right for me, and I
24 guess if I need anything, I will just run over
25 there to Cliff's office and see what happens,

1 and whoever makes his -- gets his district,
2 gets Gainesville, I am sure -- you know, we all
3 work together, we are all Americans and we've
4 got a lot to do that doesn't include any
5 bickering over the maps.

6 A well-done job, I am just thrilled, and
7 thank you.

8 SENATOR GAETZ: Thank you, ma'am, thank
9 you.

10 MS. MAY: And if anybody stands up and
11 harasses you, I will be back.

12 SENATOR GAETZ: That is okay. We get paid
13 to be harassed, too.

14 MS. MAY: Not enough.

15 SENATOR GAETZ: Not harassment or not
16 enough pay? It depends on your point of view.

17 Jeffery Carman from Longboat Key is our
18 next speaker, and then Lee Ann Thomas from Polk
19 County.

20 Mr. Carman, thank you for being here
21 today, and you are recognized, sir.

22 MR. CARMAN: Thank you, Mr. Chairman,
23 members of the Committee and staff. The reason
24 why I mentioned I am from Longboat Key is I am
25 in one of those weird circumstances where we

1 have a municipality that is split in two
2 counties, one of three in the state. And some
3 of the concerns I have regarding the Senate
4 district -- for the Senate maps concern that.

5 I will just make a quick comment and say
6 that as far as the congressional districts go,
7 I was the author of three proposals, which I
8 sent to you, and I am amazed that Mr. Guthrie
9 and staff would get down to within four people
10 of having all of the districts the same, so I
11 think mine came out to be like 291 or 300
12 people. So he has done an amazing job, and you
13 should commend him for that.

14 Regarding the Senate districts, I like
15 what I see. I like that you call it that there
16 is an opportunity district for Hispanics in
17 central Florida, and that we have the three
18 Cuban (inaudible) that will be representative
19 in Miami-Dade. Most districts follow county
20 lines, and with the representation that staff
21 member Guthrie gave, I can see why some of the
22 districts have to be the way they are based on
23 certain mandates that are given by the state
24 and federal government.

25 And as far as the Senate districts go --

1 they said Congressional District 13, which I
2 currently reside, and we like to have our
3 congressional districts compact, and
4 Congressional District 13 has both Sarasota and
5 Manatee County, and we like that. As far as
6 the State Senate districts, which would be
7 Districts 21 and 23, I like currently the way
8 the proposal is, because it is split. District
9 21 and 23 are now more compact than they have
10 been, District 23 in particular. And as an
11 example of representation, Ms. May, who just
12 spoke before me, was talking about her House
13 member for the Congress being an hour and a
14 half away. In our Senate district, I am in
15 that -- the one district of Manatee County that
16 is in current District 23, and Senator Detert,
17 who is my Senator, has her offices 20 miles
18 away, where Senator Bennett has his offices in
19 District 21, five miles away. So I think the
20 current plan does compensate for that, even
21 though it does have to count -- or even though
22 it has to split our municipality in two, which
23 the county lines do already, I do see the
24 proposals both in the Senate district and the
25 congressional districts a big improvement over

1 what we have had in the past, and I commend you
2 and your staff for the great job you have done,
3 and I would like to say that I like the
4 districts you have and congratulate you for
5 your work.

6 SENATOR GAETZ: Thank you very much, sir,
7 and thank you for your submission of maps.

8 Next we will hear from Lee Ann Thomas, who
9 is the Assistant County Manager in Polk County,
10 and she comes from Bartow. Ma'am, thank you
11 for your service to your community, and you are
12 recognized.

13 MS. THOMAS: Thank you, and good
14 afternoon.

15 Senators, having been involved in the
16 redistricting of our county commission seats, I
17 appreciate the work involved in this process, I
18 know it is not easy, and obviously it is on a
19 much larger scale. And, Mr. Guthrie, I enjoyed
20 your presentation, well done. However, Polk
21 County is one of the untidy counties that you
22 mentioned.

23 The Board of County Commissioners passed a
24 resolution drafted in conjunction with our
25 delegation requesting the Legislature pursue a

1 redistricting plan that results in Polk County
2 keeping a minimum of two Polk County-based
3 State Senators and keeping a minimum of one
4 Polk County-based U.S. Congressman. This
5 proposal does not allow for either two Polk
6 County-based State Senators or one Polk
7 County-based U.S. Congressman. Therefore,
8 while Polk County supports, along with our
9 friends in Winter Haven, Auburndale and Lake
10 Alfred who spoke earlier in support of State
11 Senate District 15, we request consideration of
12 a way to make Polk County a tidy county for the
13 State Senate and our U.S. congressional
14 districts. Thank you for your time.

15 SENATOR GAETZ: Is there anyone else who
16 would like to testify publicly and who did not
17 have the opportunity to fill out an appearance
18 card? Is there anyone else who would like to
19 testify publicly? If not -- sir, if you will
20 come forward, we would be delighted to hear
21 from you, and we would ask that you fill out an
22 appearance card and maybe if you would tell us
23 your name and where you are from just when you
24 get started. You are recognized, sir.

25 MR. FREEMAN: Mr. Chairman, my name is

1 Clarence Shahid Freeman, and I am from Palm
2 Beach County. I had the privilege of going
3 before this Committee at the beautiful Lynn
4 University. And, Mr. Chairman, I want to say
5 that I know that this job is very, very hard,
6 and I know that you all took a lot of flack. I
7 was there that day, and I saw the bombs coming
8 from Republicans and Democrats and everybody
9 else.

10 But in the final analysis of things, I
11 want to say that I appreciate the communication
12 that I got. When I had some questions to be
13 asked, I got my answers back the same day,
14 which is sometimes very unusual when you are
15 dealing with politicians.

16 I want to say that we are pleased to see
17 that there is a -- everybody is not happy, but
18 I believe the majority is happy. And I just
19 wanted to come before this Committee and say
20 thank you very, very much for the professional
21 job that you have done. I am glad to see
22 people that's talking for once that government
23 is open to the public. So thank you very, very
24 much. That is a big win for the state of
25 Florida.

1 SENATOR GAETZ: Thank you very much, sir,
2 appreciate your testimony.

3 Is there anyone else who did not have the
4 opportunity to testify who would like to
5 testify before the Committee on this topic?

6 If not, then the next order of business
7 will be The Florida Channel's compilation of
8 comments and critiques that we received over
9 the Internet and by phone and other electronic
10 means, and while that is being keyed up,
11 President Margolis moves that we stand in
12 recess until the hour of 3:15 to give members
13 an opportunity to return phone calls and to tee
14 up The Florida Channel presentation. Without
15 objection, that motion is adopted.

16 (Brief recess taken.)

17 SENATOR GAETZ: Committee members, please
18 take your seats. Members of the audience,
19 please take your seats.

20 Our next order of business is a video
21 presentation of comments, suggestions and
22 criticisms we have received through e-mail,
23 voice mail, Twitter, Facebook and other
24 electronic means. All together more than 500
25 Floridians chose to accept our invitation to

1 provide additional comments. And to put that
2 in perspective, at our public hearings this
3 summer, we heard from an average of 67 speakers
4 at each public hearing.

5 President Haridopolos has given us a
6 mandate that we be as open and transparent as
7 possible. I hope there has been ample evidence
8 that that has been the case.

9 Staff tells me that feedback during the
10 past eight days was split between those who
11 favored the proposed plans and those who
12 objected, with an edge going to those who
13 supported the PCBs. However, we will show you
14 a sampling that was developed and produced by
15 The Florida Channel so that there will be a
16 fair representation of the comments that have
17 been received.

18 Because we received more feedback than we
19 have time to hear today, we have asked
20 professional staff to give priority to the more
21 specific suggestions and the more pointed
22 criticisms, and then to provide a balance
23 sampling of general comments for and against
24 the proposed plans, and that is what you will
25 see.

1 Many of the more specific comments were
2 directed at particular areas, and a portion of
3 the presentation will focus on the Panhandle,
4 proposed Congressional District 3, the Tampa
5 Bay area, Polk County, Orange and Osceola
6 Counties, the Space Coast and Charlotte County,
7 and then we will conclude with more general pro
8 and con submissions.

9 I wish to underscore for members of the
10 public, as well as the Committee, that comments
11 sent to us -- all comments sent to us, pro or
12 con, no matter in how -- in what fashion they
13 were phrased, will be posted on the Senate's
14 redistricting web page by next week. We also
15 will post the transcripts from our interim
16 meetings, as Mr. Guthrie explained. So I would
17 encourage all committee members to please visit
18 the site. I know you have been reviewing all
19 of the transcripts and documents that we have
20 had available, but please review all of the new
21 public comments that have come in as well.

22 Thanks to our friends of The Florida
23 Channel for helping our professional staff put
24 together this video record of the testimony we
25 have received on the PCBs, and I would like to

1 ask Mr. Guthrie if he would introduce any other
2 comments on The Florida Channel presentation,
3 and then we will watch it. Mr. Guthrie?

4 MR. GUTHRIE: Thank you, Mr. Chairman. I
5 believe the video is ready to run. It kind of
6 speaks for itself. What we did is sent out a
7 request to, as you said earlier, to all of the
8 citizens who had participated in the 26 public
9 hearings, as well as most local officials in
10 Florida, inviting them to communicate by
11 e-mail, by Twitter, by Facebook, by YouTube
12 videos or by calling 1-855-FLAMAPS. We've got
13 something on the order of 500 responses. We
14 are going to hear a sampling of about 140, 150
15 of those today. The ones you are going to hear
16 today are, I think, the -- a best -- best of
17 breed of the comments that have come in to
18 date, and as you said, the others will all be
19 available on the website.

20 So I think we can listen to the
21 presentation. Thanks again to The Florida
22 Channel for helping us put it together.

23 SENATOR GAETZ: Well, then let's listen to
24 The Florida Channel presentation, these are our
25 constituents, and following that we will open

1 for debate prior to taking up these matters and
2 voting them. And so let the cameras roll.

3 (Whereupon, the video presentation began.)

4 MR. CAMPBELL: My name is Joe Campbell. I
5 am the Supervisor of Elections in Highlands
6 County. I live in Sebring, Florida.

7 And I am looking at the plans for the
8 State Senate and congressional, State Senate
9 plan number S000S9004 and congressional
10 S000C9002. I love both plans. It keeps
11 Highlands County all intact, all in one
12 congressional and one state Senate district,
13 and I think it is a great plan. I just wanted
14 to let you know that, and I thank you for the
15 hard work y'all have been doing. I know it has
16 been a lot of work going on all around the
17 state like you have been doing, and I
18 appreciate it. Thank you, bye.

19 MR. KULSCAR: Hi, there. My name is David
20 Kulscar, I am from Tampa. I (inaudible) of the
21 Third District and the district of south
22 Florida, the 23rd.

23 Your districts are drawn simply to try and
24 make sure that African-Americans have a
25 majority of the population. I would say that

1 those districts, you know, they are against the
2 amendments, the Constitution, State
3 Constitution, the Fair Districting amendment,
4 and you've (inaudible) seriously forget the
5 case of Georgia v. Ashcroft that affirmed that
6 blacks and other minority groups would best be
7 served if they were put into the same
8 districts, that they can possibly vote for a
9 candidate of their choosing, and it doesn't
10 have to be a district that has to be a majority
11 of the population that the minorities are, it
12 can simply just be a district that doesn't have
13 a chance of electing people or income level.

14 And also it seems like you guys are using
15 the Fair Districts simply as a vote
16 (inaudible), and that district is not compact,
17 and it is all done for the enrichment of, I
18 think, the incumbents. So please consider
19 redrawing these districts.

20 For the most part, I think you guys did an
21 all right job representing some districts, like
22 the one -- the new 26 and new 27. I do think
23 that you should try harder to try and get rid
24 of the Third District and the 23rd and the
25 Tampa district needs to be made to be in

1 Hillsborough only. Thank you, bye.

2 MS. WIGGINS: This e-mail from Carolyn
3 Wiggins: Looking at your map of State Senate
4 districts S000S9004, it looks reasonable.

5 As a Jacksonville resident, I haven't been
6 happy with the way our districts are currently
7 drawn, but I do like what your new maps do. It
8 looks as though you've tried to follow the
9 county lines whenever possible. As a voter, I
10 appreciate your respecting our communities and
11 keeping us together. Thank you for listening
12 to us at your hearings earlier this year.

13 MR. CARLINER: From Facebook, this from
14 Louis Carliner: The initial maps that appeared
15 in today's *St. Petersburg Times* is a gross
16 perversion of the spirit and letter of the
17 constitutional amendment. It does to Lakeland
18 what the last redistricting plan did to Temple
19 Terrace. It is obvious that the current Senate
20 cannot be trusted to obey the law, and
21 responsibility for devising the plan needs to
22 be rested from the Florida Senate and House and
23 given to a truly independent body set up by the
24 Florida Supreme Court.

25 MR. PATTON: An e-mail from Alex Patton:

1 First, thank you for allowing citizens to
2 participate in this redistricting process. As
3 a person that submitted a map for review after
4 hours of fun, I appreciate the chance to have
5 my voice heard. I also appreciate how tedious
6 and difficult this work is, so I would like to
7 send a special thank you to all the staff and
8 to the members of the Committee.

9 When I started to draft my own maps for
10 submission, it was important to me to predict
11 the gains made by minorities over the past 20
12 years and to ensure compliance with the Voting
13 Rights Act. It is from personal experience
14 that I understand just how important minority
15 access seat is to Florida's minority
16 communities. Therefore, my goal was to draw
17 these seats first, protecting minority voting
18 rights. I believe the proposed map achieves
19 this goal.

20 Next I started in the Panhandle and drew
21 districts eastward. My one criticism of the
22 proposed maps is the splitting of the Panhandle
23 counties into beach and non-beach districts. I
24 think people of a county have more in common,
25 especially when it comes to a funding

1 mechanism, such as federal funding, than people
2 of a split county into north-south districts as
3 in the proposed Districts 2 and 4.

4 I think the proposal does an adequate job
5 in the very difficult areas of Hillsborough and
6 south Florida, and I especially appreciate the
7 elimination of districts that transverse the
8 entire peninsula of Florida as currently
9 exists.

10 In summary, I think the proposed maps meet
11 the goal of protecting minority voting rights,
12 and for that I again thank the Committee and
13 staff for their work.

14 MR. YODER: From John Yoder: I am looking
15 over the map proposed for redistricting
16 Florida, and I'm wondering if the Committee
17 really listened to the participants and
18 speakers when it met with Sarasota citizens
19 recently. The fact that they did not may be
20 expected given the Committee's obvious bias,
21 but to fail to respond to the legal mandate of
22 the voter-approved constitutional amendment is
23 a disappointing in the extreme.

24 The proposed map seems designed to
25 perpetuate Florida's reputation as the most

1 gerrymandered state in the Union. You can do
2 better. You could start by separating Manatee
3 and Sarasota Counties as separate, independent
4 voting districts.

5 MS. GRAVES: From Jacksonville, this
6 e-mail from Cindy Graves: You have done an
7 excellent job in redistricting Florida. I
8 attended the meeting in my area and can see
9 that you have addressed the concerns of my
10 fellow citizens and helped to ensure a fair
11 election process for Florida's future.

12 Our family is especially impressed with
13 your adherence to Amendment 5 and 6. We also
14 appreciate that you seemed to follow the county
15 lines where you could. Most especially, I
16 can't recall any public measure that requested
17 so much input.

18 Thank you for your time and effort and
19 especially for keeping this entire process in
20 the sunshine. I enjoyed participating in this
21 historic moment using technology and the public
22 hearings. You are to be commended as our
23 community has been well served.

24 MR. GILMAN: Good day, my name is James
25 Gilman. I am in Duval County, I live in

1 Jacksonville. I am -- have been a resident
2 here for the last ten plus years. I am calling
3 in reference to the congressional districts. I
4 was in District 3. It appears that I am still
5 in District 3.

6 District 3 is -- it doesn't matter whether
7 I am in 3, 4 or 5; however, I voted for the
8 Fair Districts amendment, and if I am reading
9 this map correctly, it seems no different than
10 it was before, even to we might have a few more
11 congressional districts, but it is -- I would
12 say you did not listen to the voters in drawing
13 these things, and I am quite displeased with
14 it. If at anything, it looks more
15 gerrymandered than before.

16 MS. WHITE: From Imogene White in Orlando:
17 I have reviewed the proposed redistricting maps
18 for the Florida Senate and the Florida
19 congressional districts. I think that these
20 proposed maps appear to be fair representation
21 of Florida's population.

22 The proposed districts in both of these
23 maps appear to be compact. These districts
24 follow county lines and geographical landmarks,
25 which are very sensible.

1 This has been a daunting task, and I think
2 the Senate Committee on Reapportionment
3 produced two well-balanced plans in Senate plan
4 S000S9004. Thank you for your efforts.

5 MR. STEFFENS: Nick Steffens Tweeted: I
6 am glad Florida Dems are upset now about
7 redistrict 2012 and Florida Senate maps, but
8 how great would it have been if we'd have had a
9 map of our own?

10 MS. STEVENS: Sandy Stevens writes:
11 Comments regarding district lines drawn in the
12 Panhandle area. District 6 lines are fully
13 inclusive of the counties to which it
14 represents. The Senate has done its due
15 diligence in creating a solid district that
16 does not split representation within
17 communities. Tallahassee and surrounding areas
18 will be well represented.

19 MR. BRITON: Yes, this is Kenny Palm
20 Briton in Perry, Florida. I am calling in
21 reference to the Senate congressional map and
22 the Senate redistricting map. Both of them are
23 out of proportion for the big view. You are
24 giving Leon County 58 percent of the vote in
25 the Senate map. That is unfair to the small

1 rural counties.

2 If you are going to draw a district in the
3 big population centers, you need to give the
4 small counties an equal opportunity to make the
5 candidate of their choice and not have to live
6 with what one county decides they want to
7 elect.

8 The congressional map also you have given
9 between Bay County and Leon County almost
10 60 percent of the vote, and it gives one-third
11 to the small rural counties, and that should be
12 addressed also. The big population centers,
13 again, should be busted up so the small
14 counties can have a voice to say in who they
15 want to elect as their representative and not
16 have to have -- put up with a choice somebody
17 else makes.

18 Also, Taylor County has more in common in
19 Lafayette, Dixie, Madison, Hamilton, Suwannee
20 Counties than we do with Franklin, Wakulla,
21 Leon, Gadsden, Jackson, Liberty and Calhoun
22 Counties and Gulf Counties, and it doesn't make
23 sense to put us in a district with them. It is
24 unfair. You can do better. Thank you.

25 MR. HAGAN: Morgan Hagan from Tallahassee

1 writes: I really, really liked how you drew my
2 home district, 6. I mean, it is a perfectly
3 drawn, fair district, no county lines broken,
4 whole district following county lines, keeps
5 Leon County together. I have no complaints
6 here. Really good job.

7 MR. MARSH: My name is Stephen Marsh, and
8 I would like to voice my dissatisfaction with
9 congressional redistricting plan S000C9002. I
10 consider District 3 to be an affront to the
11 integrity of the redistricting process. I am
12 truly appalled by the lack of willingness to
13 follow the voters' intent and the Florida
14 Constitution to redistrict with regard to
15 continuity and compactness of districts. Even
16 other submitted plans which have preserved the
17 elongation and likely the majority-minority
18 nature of District 3, like congressional plan
19 SPUBC0154, have trended toward compactness in
20 other areas.

21 I urge you to reconsider the plan and use
22 another model as a template, like congressional
23 plan HPUBC0151, which can be modified after the
24 fact to ensure majority-minority districts.

25 This plan is complete, compact, follows many

1 existing county and river boundaries, and
2 respects the voters' demands and the Fair
3 Districts constitutional reforms.

4 Redistricting requires a sacred trust, as
5 your decisions will outlive any current
6 incumbent's terms. We have given you that
7 trust, and it is time for you to honor it.
8 Stephen Marsh.

9 MR. AND MRS. RICHARDSON: From James Allan
10 Richardson and Dorothy Gayle Richardson,
11 formerly of Jacksonville: Both plans still
12 gerrymander minority and other likely
13 democratic voters into snake-like districts.
14 Congressional District 3 and Senate District 1
15 seem to be unchanged.

16 MR. AFTOORA: Albert Aftoora of Ponte
17 Vedra Beach writes: How can the Florida Senate
18 possibly support the District 3 plan? It is an
19 insult to the people of Florida who voted for a
20 rationally-developed redistricting plan. This
21 gerrymandered district will continue to keep
22 Florida in the political limelight as a
23 laughingstock. I was naïve enough to believe
24 that two constitutional amendments would stop
25 this kind of political favoritism.

1 MJL62: A Tweet from MJL62: I live in
2 Orlando. Why am I still in the same district
3 with people in Jacksonville? This is insanity.

4 MR. BISHOP: From William Bishop in
5 Jacksonville: I have reviewed the proposed
6 senatorial and congressional reapportionment
7 maps, and generally I believe they look very
8 good. However, I would like to point out one
9 area where I hope a change can be made. It is
10 the area in Jacksonville bounded by the
11 Arlington Expressway on the north, the St.
12 Johns River on the west and the Arlington River
13 on the south and east. This is a neighborhood
14 known as Clifton. It is in the heart of my
15 council district and happens to be in my
16 neighborhood. In the proposed congressional
17 map, it remains in District 3, which would doom
18 it for another ten years without congressional
19 representation as it is not aligned in any way
20 with that of the balance of District 3. It
21 would be much better served as a part of
22 District 4.

23 With regards to the proposed State Senate
24 map, it has been shown split between the
25 proposed revised Districts 1 and 5, with the

1 majority of the neighborhood in District 5.
2 This neighborhood has much more in common with
3 District 4 than with 1. The neighborhood as a
4 whole would be much better served by keeping it
5 entirely within District 4.

6 I have a text map showing the proposed
7 revisions discussed above. Please feel to
8 contact me if you have any questions. Your
9 consideration of these proposed changes would
10 be greatly appreciated.

11 MR. GALBRAITH: This e-mail from Pat
12 Galbraith of Satellite Beach: Most districts
13 look to be contiguous. Several could use
14 squaring up. Who drew District 3? Talk about
15 gerrymandering. This is designed to make only
16 one candidate possible. Guess who? That is
17 not the spirit nor intent of Amendments 5 and
18 6.

19 MR. AND MRS. KERN: From Carl and Klara
20 Kern in Port Orange: These three districts
21 look like more of the same old, same old.
22 District 3 in particular looks ready made for
23 someone to be a shoe-in. Southeast Volusia
24 County has zero in common with St. Johns County
25 and for the Putnam area, and only a bit more

1 with Flagler County. District 24 is not bad,
2 except that east jutting finger.

3 MR. ROBERTS: Gerald Roberts of
4 Jacksonville, Florida, writes: How can you
5 think that the redistricting plan for District
6 3, currently represented by Corrine Brown, can
7 possibly meet the requirement of the
8 constitutional amendment passed in 2010?

9 The new amendments require that voting
10 districts, one, not be drawn with the intent of
11 favoring or disfavoring one candidate or
12 political party; two, protect access to the
13 political process for racial and language
14 minorities; three, be as nearly equal in
15 population as practical and contain the entire
16 district in one area, called being contiguous;
17 and four, follow existing, current, city,
18 county and geographic boundaries where
19 feasible.

20 This district looks exactly like it did
21 before and certainly does not meet requirements
22 one or four above. Are you seriously
23 suggesting that you can't draw a district that
24 doesn't gerrymander all the way from
25 Jacksonville to Orlando? This needs to be

1 changed.

2 MR. HOOPER: George Hooper of Orlando
3 writes: Until Corrine Brown's district is
4 entirely redrawn, no supporter of the Fair
5 Districts amendment will take your plans
6 seriously.

7 MR. STEPHENS: Paul Stephens writes: I
8 spent a short time looking at the redistricting
9 maps and spreadsheets. The first thing that I
10 noticed was District 3 in S00C9002, a long,
11 skinny district meandering between several
12 other districts. What a strange shape for a
13 district. No apparent boundaries to make it
14 conform to that shape. Then I look at the
15 spreadsheet and find out that 50 percent of the
16 voting population is black. How many other
17 districts like this one are gerrymandered? I
18 don't have the time to go through each and
19 every district, but if I can find one that is
20 so obvious, how many others would I find if I
21 had the time to look? Can you honestly say
22 that this meets the intent of the language in
23 Amendment 5, quote, compact and as equal in
24 population as feasible, end quote?

25 I would ask that the Commission that took

1 on the task of defining districts go back and
2 do the job that was required of them by the
3 amendments approved in last year's elections.
4 Let's get the politics out of this process once
5 and for all.

6 MR. ARENDALL: Michael Arendall writes:
7 My city, Gulfport, a small municipality of
8 Pinellas County, has just over 12,000
9 residents. It has been in the Tenth
10 Congressional District for a long while. Under
11 your newly released proposal, why do you
12 propose splitting this small city with
13 identical interests and needs straight down the
14 middle into two different congressional
15 districts, the tenth and the eleventh? This
16 idea is puzzling and begs an explanation.
17 Gulfport needs to stay in the Tenth District in
18 its entirety.

19 MR. CUENCA: Hi, my name is Roberto
20 Cuenca. I live in Tampa, here in Hillsborough
21 County, and I fully support the congressional
22 and Senate maps that your committee has put up.
23 Thank you very much, bye.

24 MR. NURSE: Karl Nurse writes: Jumping
25 over Tampa Bay for two State Senate seats and

1 one congressional district flies directly in
2 the face of the Fair Districts requirement of
3 compact districts. The public hearings in
4 Pinellas County were overwhelming in our desire
5 to stop the gerrymandering by having two pieces
6 of districts separated by ten miles of water.

7 MR. ROWLEY: This e-mail from Aiden
8 Rowley: I want to commend you for your Senate
9 plan that was released this week. As someone
10 who lives in Hillsborough County, I was very
11 happy to see a district contained entirely
12 within county boundaries. I am also encouraged
13 by your protection of minority districts as
14 well. Your process was fair and you listened
15 to the voters before you drew your maps. These
16 maps look much better than the ones we
17 currently have. Thank you for your time.

18 MR. McLEAN: Mike McLean writes: Why is
19 northern Manatee County in the southern
20 Hillsborough County district? The people of
21 northern Manatee County are more connected
22 socially and economically and physically to
23 Manatee and Sarasota Counties than they are to
24 St. Pete and Tampa.

25 An amendment was passed to have districts

1 follow geographical boundaries. Instead, this
2 district crosses the large Tampa Bay. Our
3 elected officials continue to represent
4 themselves rather than the citizens. The only
5 course of action is to vote out an incumbent.

6 MS. DeCAMP: Dena DeCamp from Lakeland
7 writes: Thank you so much for all your hard
8 work on the maps. I know this is not an easy
9 job. I have great concerns after seeing that
10 Polk County is being divided up into four
11 different areas. I feel this will lessen any
12 voice Polk County has in any election. I
13 appreciate your attention to this.

14 MR. CONNER: This e-mail from Nat Conner:
15 I have seen the proposed new districts map and
16 once again feel there is something wrong with
17 these ideas from our government. Please think
18 first before making so many obvious discretions
19 for personal gain.

20 I hoped that the lines would be more
21 congruent with whole counties being together or
22 split into two districts, not four as Polk
23 County. I live in Polk County and feel the
24 districts are very easily defined. If you want
25 to split it in four, make a cross and divide

1 into four equal parts.

2 MR. BRUNNOCK: Sean Brunnock writes:

3 Please don't divide Polk into four districts.

4 My Representative is Rich Nugent, and he never
5 visits Lakeland.

6 MS. COAN: Vinette Coan of Solivita

7 writes: I am a resident of Solivita, Polk

8 County, Florida, civically active in my

9 community and county. I am appalled at the

10 proposed District 27 that removes this area of

11 Polk County from District 12 in order to create

12 a minority-majority area.

13 I understand that you heard from 1,600

14 people in 26 cities to get voter insights. You

15 have not heard from those who live in this

16 unincorporated area. We have no interest in

17 becoming part of a district that doesn't

18 account for our best interests.

19 I will repeat to you that I live in Polk

20 County in an unincorporated rural area. The

21 manipulation of the map to assure that future

22 voting is skewed away from us is, at the very

23 least, discrimination. Amendments 5 and 6

24 create districts giving minority blocks a

25 majority in the voting booth.

1 MR. WRIGHT: Donald Wright of Kissimmee
2 writes: I am a resident of Solivita, a 55-plus
3 retirement development in unincorporated Polk
4 County. I recently read where we, Solivita,
5 have been included within a new district, 27,
6 across county lines with Poinciana in Osceola
7 County.

8 I have been active in our community and
9 take exception to being removed from the
10 district and elected officials that I and my
11 neighbors had supported. Please do not group
12 or clump us into Poinciana in Osceola County, a
13 community that we had rigorously opposed during
14 an incorporation cross county line venture back
15 in 2009.

16 We are also considered to be part of
17 Kissimmee, a city that is across the border in
18 Osceola County and is 15 miles away from
19 Solivita. Please follow the county lines in
20 the instance of Osceola and Polk Counties.

21 MR. MARTY: My name is Steve Marty, and I
22 live in eastern Polk County. I work in
23 downtown Orlando in Orange County. Until now,
24 I have not felt truly represented locally and
25 nationally, because I have had to vote very far

1 from where I spend the majority of my time and
2 money. I earn my wage and pay my license taxes
3 in Orange County and have no option for
4 government input regarding policies and fees
5 due to my distant home address.

6 I approve of the redistricting map as
7 shown here in
8 flsenate.gov/session/redistricting since I will
9 now have local and national representation
10 encompassing both my home and work locations.
11 Thank you to all the members of the Florida
12 House and Senate and their staffers for their
13 Herculean task of redistricting. Your efforts
14 are highly appreciated.

15 MR. BUE: Hi, my name is Jamie Bue. I
16 live in Orlando, Florida, currently District
17 24, that would be Congressional District 24,
18 Representative Sandy Adams' District.

19 I am calling about the plans SC00C9002 and
20 S000S9004. I am very confused about how these
21 -- these maps actually fit the Florida
22 constitutional amendments for compactness and
23 preserving county and municipal boundaries. I
24 am looking at the S9004 map and the C9002 map,
25 and both of them gerrymander the crap out of

1 Orlando.

2 The S9004 map also, there's this little
3 sliver of a district that runs from West Palm
4 all the way down to Ft. Lauderdale that I can't
5 even tell how this is supposed to be a compact
6 district. It looks like it runs for a good
7 40 miles at least, but it is all of like three
8 miles across. I am really -- I am at a loss to
9 understand how these districts you think are
10 going to hold up in any kind of Florida Supreme
11 Court case, and especially that C9002 map.
12 There is a district in the middle here that I
13 am guessing from here is District 3. It runs
14 all the way from Orlando through the Ocala
15 National Forest and then up as high as
16 Jacksonville in parts. There is no way that
17 that is holding up in court. You guys are
18 going to have to go back and revisit all this,
19 because, I'm sorry, you can't have
20 gerrymandering like this and think that there
21 is anyway that this is going to hold up. I --
22 you guys have just got to bite the bullet here
23 and realize that when you start drawing
24 districts, you can't be favoring little areas,
25 little pockets, to keep your constituencies.

1 You have got to bite the bullet and hope that
2 you end up winning elections on your own merit,
3 not on which voters you can squeeze in. The
4 purpose of those amendments was so that the
5 voters picked their representatives, not the
6 other way around.

7 Again, my name is Jamie Beau. I live in
8 Orlando, Florida. I vote, I am not afraid to
9 tell you this.

10 MR. URENA: Hello, my name is Matthew
11 Urena. I live in 1220 Oklawaha Drive, Orlando,
12 Florida 32828, and I say I just wanted to let
13 you guys know that I support the congressional
14 maps drawn up by your committee. Thank you,
15 have happy holidays, bye.

16 MR. TART: Michael Tart writes: I live in
17 Mt. Dora, and originally I thought I wouldn't
18 like the new maps, but after looking at them, I
19 do believe you made a great effort to follow
20 the new Fair District requirements. The
21 districts, both congressional and Senate
22 district, look much more compact than before,
23 and I like both the new congressional district
24 that I live in and I like the new Hispanic
25 districts. The minority districts still look

1 awful, but I know that the Constitution
2 requires that they be protected. So be it.

3 MR. SULLIVAN: Patrick Sullivan writes: I
4 want to thank you for Senate plan S000S9004. I
5 was very happy to see you created a Hispanic
6 district in Orange County and in central
7 Florida. With the growth of Latinos in central
8 Florida, it is appropriate for Hispanics to
9 have representation. Thank you, and please
10 support this plan.

11 MS. RENTAS: Hello, my name is Wanda
12 Rentas, R-e-n-t-as, and I am calling in support
13 of the congressional map and also the Senate
14 map.

15 The congressional map that I am in favor
16 of, that I support is S000C9002, and the Senate
17 map that I am also in favor of is S000S9004.

18 I hope that we get good response and that
19 we support this. We need to make sure that our
20 people are heard and that this is something
21 that plays out the right way for the people and
22 not for any special interest. I encourage that
23 we all take a good look at what is happening
24 and we make the right decision and that the
25 support is for the congressional map and the

1 Senate map and which I just referred to. Thank
2 you so much and have a good day, bye.

3 MR. MELENDEZ: This is George Melendez
4 from Kissimmee, Osceola County. I am here in
5 support of both the congressional map and also
6 Senate map that the Committee had decided for,
7 and I just want to let you know that Osceola
8 County for the first time created the proposed
9 maps, especially the congressional map is
10 38 percent of a congressional seat, which can
11 allow it to have somebody potentially, the
12 possibility of a Representative from Osceola
13 County, or to have a greater degree of
14 influence on who that person is going to
15 represent. And also we appreciate the fact
16 that all of Osceola County is as a whole to try
17 to respect the Fair District amendment that the
18 original constitutional amendment was trying to
19 attempt at the state level. So we do
20 appreciate both the congressional and the
21 Senate maps that were created by the Committee.

22 MR. WARREN: Jay Warren of Orange County
23 writes: I wanted to tell the Committee that
24 your proposed maps for Congress and the Florida
25 Senate look much better than the maps we have

1 now.

2 I know you were under a lot of pressure to
3 follow the Fair Districts amendments, and while
4 the minority access seats still look strange,
5 the rest of the districts follow those
6 amendments very, very well, even around the
7 Orlando area where I live.

8 Thanks for the good work, and I hope the
9 final product continues to follow the spirit of
10 Amendments 5 and 6, as you have clearly
11 attempted to do.

12 MR. CARRERO-SUNE: In November 2010,
13 Floridians voted two to one to set new
14 constitutional standards for how lawmakers are
15 to draw fair voting districts. Two Fair
16 Districts amendments require lawmakers to draw
17 voting districts that better reflect the
18 interests of Florida's communities. The new
19 amendments require that voting districts not be
20 drawn with the intent of favoring or
21 disfavoring one candidate or political party,
22 protect access to the political process for
23 racial and language minorities, be as nearly
24 equal in population as practicable and contain
25 the entire district in one area, called being

1 contiguous, follow existing, current city,
2 county or geographic boundaries where feasible.

3 As a Latino voter, I ask that you please
4 adhere to these standards, and in particular
5 that you protect our access to the political
6 process.

7 MR. WEILER: John Weiler e-mails: The
8 redistricting for Brevard County, particularly
9 the State Senate district, is acceptable. I
10 know this was a difficult task, and we
11 appreciate your efforts.

12 MS. PARRATTO-WAGNER: Nanette
13 Parratto-Wagner wrote on Facebook: S000S9004
14 is really not a good idea if you live in the
15 southeast Orange County communities of Avalon
16 Park, Stony Brook and Eastwood.

17 MR. BRAIDER: Tim Braider from Melbourne
18 writes: I wanted to offer my congratulations
19 to the Committee for putting together a good
20 pair of initial maps for Florida's
21 redistricting process. I don't know if they
22 are quite good to go or just lawsuits waiting
23 to happen, but they both do a great job with
24 Brevard County, especially in keeping the
25 county together on the congressional map, and

1 divided along a major highway rather than
2 cutting every which way but loose. I like what
3 you have done with the maps so far and hope
4 things go well in your meeting next week.

5 MR. JOLLETT: Barry Jollett from Punta
6 Gorda writes: Thank you for sending me the
7 proposed S9002 redistricting plan. I am a
8 resident of Punta Gorda in Charlotte County,
9 currently in Congressional District 16.

10 Under the proposed plan, most of Charlotte
11 County has been lumped into new Congressional
12 District 12. Most of the population of
13 Charlotte County is located west of I-75 and is
14 coastal in nature. All of the coastal area
15 from Anna Maria Island to the Everglades is
16 represented by Congressional District 14 and
17 Congressional District 13, except Charlotte
18 County, which is placed in an agricultural
19 district. We have been the stepchild in the
20 current Congressional District 16. Tom Rooney
21 has been great and accessible here, but he is
22 on the east coast of Florida. I really
23 expected that western Charlotte County would be
24 represented along with the other coastal areas
25 of southwest Florida.

1 Please review your plan and give western
2 Charlotte County the local representation it
3 deserves. These are my personal comments, but
4 I am a subcommittee Chairman of the Charlotte
5 County REC and Second Vice-President of the
6 Charlotte County Republican Club. Thank you
7 for your consideration.

8 MS. CANJA: Tess Canja writes: I have now
9 viewed maps S00C9002 and S00S9004, and am
10 stunned that contrary to substantial testimony
11 from Charlotte County citizens at three
12 redistricting meetings, myself included,
13 Charlotte County in the Florida Senate map is
14 still divided into three Senate districts, and
15 the congressional district still spreads across
16 the state, aligning Charlotte County with
17 agricultural interests when our preponderant
18 orientation is to Gulf Coast issues.

19 For a county that has had to live with
20 severe gerrymandering for at least ten years,
21 that has had no State Senator within its
22 boundaries, nor a Congressman on the Gulf side
23 of the state, the time has certainly come to
24 recognize that Charlotte County for its growth,
25 prosperity and well-being needs state and

1 congressional representatives who live among
2 us, are accessible and who understand the
3 unique needs, challenges and potential of our
4 locality. I thank you for this opportunity to
5 comment.

6 HAROLD AND ALETHA: Harold and Aletha
7 write: Why would anyone think that Port
8 Charlotte people would have anything in common
9 with those in the center of the state? Our
10 newspapers cover Punta Gorda, North Port,
11 Venice and Sarasota. Sometimes Arcadia is
12 mentioned, but not very often. We have nothing
13 in common with that part of the state. Please
14 put us in the area with those we have something
15 in common.

16 MTUNA37: This e-mail from MTUNA37:
17 Neither the Senate nor the House redistricting
18 plan is reasonable, because it puts the western
19 half of Charlotte County, which is urban and
20 suburban, in with agricultural communities.
21 Charlotte County, once again, is divided into
22 multiple districts, which was not the intent of
23 the state mandate.

24 MR. STARR: Robert Starr of Charlotte
25 County writes: I have reviewed the proposed

1 redistricting maps. I am totally surprised and
2 disappointed with the results for Charlotte
3 County.

4 Since the last redistricting ten years
5 ago, Charlotte County has dealt with a
6 gerrymandered congressional district,
7 Congressional District 16, which stretched from
8 coast to coast. We were represented by three
9 United States House members. The Florida House
10 and Senate districts produced three Florida
11 House Representatives and three Florida Senate
12 Representatives. This situation resulted in
13 fragmented and ineffective representation for
14 our county. Once again, it appears Charlotte
15 County will be faced with the same situation.

16 The Florida voters mandated compact,
17 sensible districts. The proposed plan for
18 Charlotte County is in direct opposition to
19 this voter mandate. We are not in an
20 agricultural community. We are a coastal
21 community with miles of beach and the
22 second-largest harbor in the state, Charlotte
23 Harbor. Our interests would be better served
24 with a district combined with our coastal
25 neighbors, Sarasota, Lee and Collier County.

1 The Senate proposed action will not only
2 be a disservice to the 160,000 residents of
3 Charlotte County, but will be detrimental to
4 the inland communities with which we are being
5 joined. I would encourage your consideration
6 for redrawing the district lines for Charlotte
7 County.

8 SEYMOUR2012: Seymour2012 Tweets: Please
9 do not put Eustis and Grand Island into FL 26's
10 proposed congressional district. We are
11 nothing like The Villages.

12 MS. PHIPPS: This e-mail from Lisa Phipps:
13 I want to commend your State Senate plan
14 S000S9004. I like the way your new plan
15 respects county and geographical boundaries.
16 The worst part about our current districts too
17 often touch multiple counties in odd ways and
18 split into four or more districts. Your plan
19 is a reasoned attempt to make our districts
20 more understandable. Thank you for your hard
21 work and being fair.

22 MS. McNEW: From Jane McNew: After
23 studying the proposed maps of southwest
24 Florida, I believe the borders, while ever so
25 slightly better, nevertheless have demonstrated

1 that gerrymandering is alive and well. I urge
2 you to stop trying to put out the flame of
3 democracy and instead give it oxygen and a
4 strong wick to burn ever brighter.

5 For example, it is easy to see the
6 continuance of safe seat districts, especially
7 Republican districts. It is easy to see the
8 lines follow large developer interests. I find
9 such continued chicanery a blatant derivation
10 of the law. Needless to say, I think the
11 overall effort is a shabby affront to us all
12 Floridians, 99 percent.

13 MR. SIEGMEISTER: Curt Siegmeister writes:
14 Thank you for your candid and open reception to
15 feedback from us Floridians. The new maps just
16 make sense. You no longer have districts
17 spanning the entire width of the state and
18 grossly transcending geographic and demographic
19 boundaries.

20 As a citizen and a voter, I appreciate the
21 hard work you have put forth and your openness
22 to the concerns of the Floridian public.

23 MR. JIRIK: Good morning. My name is Ron
24 Jirik, J-i-r-i-k. My address is 820 Haulover,
25 H-a-u-l-o-v-e-r, Drive, Altamonte Springs,

1 32714.

2 I am dismayed at the maps that are being
3 drawn for the redistricting. I don't believe
4 you listened to the constituents at all, and I
5 find that appalling. Have a nice day.

6 MS. COLLETTE: Eva Collette writes: Just
7 had a chance to go over all the hard work your
8 team did with the redistricting of Florida. I
9 am so pleased with your efforts. I know you
10 will never please everyone, that is impossible;
11 however, you did a great job in trying to.

12 I have a better understanding of the
13 history of redistricting and think of all the
14 times this has been done, you have managed to
15 stay true to the intent of the process.

16 MS. NEWLIN: I would have expected them to
17 be more even and concise. Although improved,
18 looks like we have a ways to go. Why not
19 simply use roads and/or ZIP codes to make it
20 better? Looking forward to hearing your
21 response. Yours in good reasonable Florida
22 districts, Kim Newlin.

23 MR. GEIGER: Christopher Geiger e-mailed:
24 I understand that no maps will be perfect and
25 be populated with simple geometry due to

1 existing local boundaries and federal
2 decisions, but these newly proposed maps,
3 Senate Bills PCB7032 and 7034 are a step in the
4 right direction. Good job.

5 STEVE: Hello, I am Steve from West
6 Melbourne in Brevard County, Florida. I like
7 the way the current Senate maps are drawn,
8 because -- or the district is drawn, because
9 the old ones are obviously gerrymandered, and
10 currently in Brevard County, the one that you
11 have drawn up now keeps the cities contiguous,
12 so I hope that stays in the final draft. Thank
13 you.

14 MS. GILDEA: Julie Gildea from Ruskin
15 writes: Regarding the above subject, I find
16 your efforts to be somewhat fair to both
17 political parties and voters. The job you did
18 will never have 100 percent approval. However,
19 given the rules governing the process, I don't
20 think you could have done any better, and you
21 could have done a whole lot worse.

22 I really think the districts should always
23 be set up using the county borders only. That
24 is the most fair to all parties. So the rules
25 governing the process would need to be changed,

1 but it would take someone with tremendous
2 courage to challenge the status quo. Not sure
3 anyone like that runs for office. Think of the
4 time, effort, hassle, money, avoiding lawyers'
5 fees and lawsuits, and party bickering that
6 would be avoided.

7 Complicated processes always lead to
8 obfuscation. In fact, in most cases, that is
9 the whole reason for having the complicated
10 processes, and it also keeps lawyers employed.
11 Signed, me, a disillusioned voter.

12 MS. TELFORD: Ellie Telford writes: The
13 new maps are not at all acceptable to me. They
14 are still just favorable to the incumbents.
15 They do not do what the people of Florida voted
16 for in the 2010 election. It would be a
17 disaster if the districts are not changed to be
18 fair to all groups. They need to be redrawn to
19 follow what the people asked for last year.

20 MR. AND MRS. BRIGGS: Gerald and Catherine
21 Briggs write: Looking at the Senate map
22 S000S9004 you released this week, we were
23 pleased to see normal-looking districts that
24 followed county lines. We understand that some
25 were odd-looking because of minority rights.

1 We are particularly pleased with our district
2 here in Leon County.

3 SOCCERCANE19: Socccercanel9 Tweets: This
4 is not what the Florida Constitution now
5 demands. No way a state with 500,000 more
6 Democrats should have more Republican seats.
7 Against the law.

8 MR. FRIGERI: My name is Arnold Frigeri.
9 I live in Sun City Center in Hillsborough
10 County, and I am calling to express a very
11 serious negative reaction to the Senate
12 redistricting plan as published in today's
13 newspaper. I think it is terrible and you
14 should go back to work and make a fair, more
15 balanced map than what you have done so far.

16 So my reaction in short is, no good, do it
17 over again.

18 MS. HARTWELL: Mary Hartwell of St. Johns
19 writes: Thank you for all of your hard work on
20 the reapportionment plan for Florida. I have
21 reviewed the plan and map, and agree that this
22 plan looks both fair and balanced. I agree
23 with the boundaries for both the congressional
24 and legislative districts. Thank you for a
25 fair plan for Florida's future.

1 MR. SASIADEK: Alfred Sasiadek in Miami
2 writes: I just got my first looks at the
3 proposed new district that we must live with
4 until the next census. I am very disappointed
5 with this attempt to circumvent the prime
6 directives of Amendments 5 and 6 that the
7 districts be contiguous and compact. With just
8 a very cursory look, one can easily see that
9 these U.S. House districts are not compact: 3,
10 11, 19, 20, 22, 23. District 23 is so bad that
11 it is almost circular, with District 19 in the
12 center.

13 The State Senate districts are almost as
14 bad. These districts are not compact: 1, 18,
15 19, 24, 25, 29 and 39. You must do much better
16 for these to pass muster with the courts.

17 MR. HOOPFER: This e-mail from Matt
18 Hoopfer: I am very pleased with the new
19 district lines that have been drawn. They are
20 very fair and seem to represent Florida's
21 populous well. I look forward to seeing the
22 new districts revealed when it is all said and
23 done.

24 MR. DANVERS: This is Dave Danvers,
25 Gainesville, Florida. I attended the meeting

1 that was held here in the summer. As I stated
2 at that meeting, I appreciate the Committee
3 being able to conduct public forums throughout
4 the state, especially the one here.

5 I have looked over the various suggestions
6 for all of the districts. I encourage the
7 Committee to do everything to get the
8 Legislature to pass the redrawn districts
9 without any lawyers taking it to court. Keep
10 it out of the courts. That is a waste of time
11 and a great deal of money. Thank you for
12 hearing my thoughts.

13 MS. HODGES: This e-mail from Angela: I
14 would like to comment on map S000S9004 for the
15 record. I feel they look fair to both
16 Democrats and Republicans, and they seem to be
17 drawn according to county lines.

18 MR. MARKHAM: This e-mail from Willie
19 Markham: I will keep my comment very brief.
20 The congressional plan looks fair; however, the
21 Senate plan is very unbalanced. The high
22 income areas are consistently separated from
23 the rest of the counties. This will result in
24 homogenous districts, rich or poor, white or
25 colored, which do not represent the actual

1 Florida that I live in. I would like to see
2 that my counties are not divided by income or
3 race. We are one people, and our
4 representatives should represent all of us.
5 This will make the representative's job more
6 challenging, but that is what will bring us
7 together as Floridians, not separate us by
8 income or race. If race and income were
9 factored into the creation of the maps, I would
10 like to see how that was done. Thank you.

11 By the way, I am a resident of St. Lucie
12 County.

13 MR. HOSEY: Jerry Hosey writes: I just
14 wanted to say that I think the maps look great.
15 I was wondering how you guys were going to be
16 able to fit two new districts into the
17 equation, but you did a fine job with it. Good
18 job, everyone.

19 MR. LEO: Hello, this is Frank Leo, a
20 World War II vet who fought for this country to
21 make it free. I am in Ormond Beach, Florida.

22 I am just reading this Florida Hispanic
23 congressional district proposed. I think that
24 is a crime. As a life-long Democrat, I feel
25 this country is going downhill and it is

1 because of things like this. Why are you doing
2 districts based on minorities or anybody else?

3 Districts are districts, and they should
4 be left as districts, not voting districts, but
5 districts. They should be in a very concise,
6 orderly way of distributing the sections so
7 that the equal amount of people are in each
8 district. It makes no difference what you are,
9 we are all Americans, and you people are trying
10 to pull all this junk to put people against
11 each other. We are all Americans, that is why
12 we live here. And stop distinguishing between
13 black and white and other minorities and the
14 Americans. We are all Americans, and make the
15 districts in accordance to that, please do.
16 Thank you.

17 MR. AND MRS. STRASSER: From Julie and
18 Stephan Strasser: I am a citizen of Fernandina
19 Beach. My husband and I just saw the new
20 proposed district lines. We finally see one
21 that seems fair. Please move forward to make
22 these our new Florida voting districts.

23 BORRIS: My name is Borris. I am calling
24 in regards to the congressional map. I live in
25 Tampa, Florida, in U.S. Congressional District

1 11.

2 My question is, I don't see that you have
3 made any changes to Congressional District --
4 U.S. District 11, and I thought you were
5 supposed to make the district 50/50, or close
6 to 50/50, and it looks to me like it is the
7 same thing that it was previously, which was
8 70/30.

9 MR. KRIZNER: From William Krizner, this
10 e-mail: I want to thank you for taking your
11 time and actually talking with real voters
12 before drawing your new maps. After looking at
13 Senate map S000S9004, it looks pretty fair and
14 balanced. You followed county lines as best
15 you could.

16 MR. HUSEREAU: Hello, my name is Robert
17 Husereau. I live in Plant City, Florida, and I
18 don't see where the districts that have been --
19 voting districts that have been drawn on any of
20 the three different map systems are
21 nonpartisan. They have to follow what the new
22 amendments stated when we voted them in. They
23 are not doing that. They are partisan. Change
24 them.

25 MS. BROWN: Marsha Brown of Orlando

1 writes: Just a note to let you know that I
2 approve of the Senate Committee on
3 Reapportionment's initial proposals for
4 redrawing fair and common sense congressional
5 and state legislative district boundaries.
6 Good work, and congratulations to all who
7 participated.

8 MS. GUADALUPE: On Facebook, this comment
9 from Adele Guadalupe: This redistricting plan
10 still separates the wealthy east of the
11 Intracoastal from the rest of the population
12 just like the previous one did. This seems
13 like discrimination to me.

14 MS. SHANK: This e-mail from Constance
15 Shank: You've all done a fine job in keeping
16 districts together, and the maps look fair and
17 balanced. Following county lines when possible
18 is most helpful. Thank you for doing an
19 excellent job.

20 MR. DREXLER: Frank Drexler from St.
21 Petersburg writes: In November 2010,
22 Floridians voted to set new constitutional
23 standards for how lawmakers are to draw fair
24 voting districts. The standards require you as
25 lawmakers to draw voting districts that better

1 reflect the interests of Florida's people. You
2 have not done so in the new maps you have
3 recently released. It is time you set aside
4 your political agenda and did the right thing
5 for Florida. The new amendments require that
6 voting districts be fair. We will remember how
7 you treated this issue and the will of the
8 majority the next time we go to the polls.

9 MS. WALKER: Rebecca Walker from Nassau
10 County writes: Thank you for all your hard
11 work in redistricting. I appreciate all the
12 hard work and effort that this entailed. You
13 have done a fantastic job. Well done.

14 MR. GIBNEY: Ken Gibney from Land O'Lakes
15 writes: The Senate's redistricting plan is
16 outrageous. Using minority representation as
17 an excuse to load up Republican districts
18 elsewhere is scornful of Florida voters.

19 Racial gerrymandering is a magician's
20 trick to hide its true intent. Voters,
21 including myself, will not abide with this
22 heavy-handed deceitfulness. I hope courts,
23 public opinion and the House will send this
24 really bad proposal to the trash heap where it
25 belongs.

1 MS. ANGULO: Lauren Angulo writes: I
2 think the new redistricting lines are very
3 fair. I am pleased with the outcome. Good job
4 for once.

5 JAK613: JAK613 Tweeted: Make sure you
6 redistrict according to the law and the will of
7 the people in a fair, nonpartisan way. Make
8 our votes count.

9 MR. McGEHEE: On Facebook, Paul McGehee
10 posted: Please do not change Highlands,
11 Glades, Hendry and Okeechobee from House
12 District 16. These areas are ag based, and
13 Congressman Rooney represents us very well on
14 the ag committee.

15 MR. BARFIELD: From John Barfield of
16 Deltona: I am writing in favor of
17 redistricting plan S000S9004, which I feel more
18 closely represents the voters' intent in
19 adopting fair districting planning, now
20 challenged by sitting incumbents.

21 I have long been concerned about current
22 House District 3. While noble in intent, it
23 certainly meets all definitions of
24 gerrymandering. The current Senate proposal
25 alleviates that embarrassment while better

1 assuring contiguous population groups are
2 fairly represented.

3 MR. BAYARD: Steve Bayard writes: The
4 districts redrawn seem much more focused on
5 protecting existing legislators and their
6 parties than they do on complying with the
7 requirements of the Fair District amendments
8 approved by two-thirds of the voters.

9 It is time to go back to the drawing
10 boards and do the responsible thing: Honor the
11 direction of the voters. All we ask for is
12 fair elections, not rigged ones.

13 MS. MIRANDA: Angela Miranda writes: I
14 support the Senate map. It is much better than
15 the current map. I particularly like how
16 Hillsborough County is drawn.

17 MS. HENK: My name is Frances Henk. My
18 husband and I, Eugene, suggest to the Senate
19 that they focus on fair districts, not politics
20 as usual. We have had far too much of this
21 gerrymandering, and I want them to be fair and
22 not just political and not try to make it just
23 for the Republicans to vote. Thank you.

24 I live in Bradenton, Florida, and my ZIP
25 is 34203. Thank you.

1 MR. WHITAKER: Ronald Whitaker writes:
2 Just my two cents as a Floridian and a
3 registered voter, I like the Senate maps, they
4 look fair to me. Especially like the Panhandle
5 districts and the split into beach and rural
6 districts. Good work.

7 MR. BLOSSEY: This e-mail from Erich
8 Blossey of Winter Park: Having attended
9 meetings in Orlando on reapportionment and
10 viewing some of the maps that the above bills
11 referenced, I have difficulty in viewing the
12 maps and what the people of Florida passed as
13 reapportionment amendments last election.
14 While some districts have been squished and
15 elongated to appear as though things are
16 different, I can't help but see the artistic
17 work of old gerrymander coming to the rescue of
18 certain political parties in power.

19 For example, S9004, District No. 9 does
20 not appear to be contiguous on my map. This is
21 but one of many districts that do not appear to
22 be drawn according to the spirit of the
23 amendments.

24 The major concern of the electorate last
25 year during the election and this summer with

1 the meetings with the reapportionment committee
2 was that the drawing of boundaries for
3 districts have to be fairly drawn. I am not
4 sure any of the maps seen to date have met the
5 true spirit of what the people of Florida voted
6 for and want enacted. It is unfair to all the
7 groups who worked so hard to enable fair
8 districting that they will have to wait until
9 next election to rectify the situation or to
10 rely on our court system to render a decent
11 outcome.

12 MS. LAWLER: Mary Katharine Lawler sent
13 this from her iPhone: I think the districts
14 should fall on community lines and be fair.

15 STEPHEN: This e-mail from Stephen: I
16 have to say that the maps shown on the news
17 tonight are a clear example of partisan
18 gerrymandering. It is time for you to do the
19 proper job that Florida voters expect of you.
20 Otherwise, you will feel the ramifications at
21 the polls. This latest Republican power grab
22 will continue to highlight Florida as a bad
23 example of democracy.

24 MS. WINGATE: This e-mail from Ashley
25 Wingate: I wanted to let you know that the

1 Palm Beach County Senate districts were very
2 thoughtfully drawn. Coastal areas were kept
3 together while also protecting the more
4 suburban western regions. Kudos.

5 MR. BRAHA: James Braha from Longboat Key
6 e-mails: Will you please do the redistricting
7 of Florida counties in a fair way rather than a
8 political way? This is a horrible mess, what
9 has been done in the past.

10 MS. McKOWN: Mia McKown in Tallahassee
11 writes: First I thank the Senate and its
12 redistricting committee for the very open,
13 transparent and interactive process they
14 adhered to in developing the proposed
15 redistricting maps. From what I have read and
16 reviewed, the proposals are fair, sensible and
17 faithful to the law. In particular, incumbents
18 are not favored, and new seats were created to
19 recognize the rise in Florida's Hispanic
20 population.

21 Again, I thank the Committee for their
22 hard work, and urge you to adopt the proposed
23 redistricting plans.

24 MR. WRIGHT: Bernard Wright of Gulfport
25 writes: I feel that any group that draws up

1 boundaries to suit the outcome of any election
2 is sabotaged against our democracy. Please
3 review this procedure and make this a true
4 democracy. Many have fought and died for this
5 right.

6 MR. WARD: Zac Ward from Tallahassee
7 writes: The current plan you have in place
8 seems to be about as close to optimal that
9 current law allows. Keeping the county lines
10 as intact as possible, and I understand one
11 must work around the minority districts, and
12 having the districts make some geographic sense
13 seems to be the proper approach. Thanks, and I
14 wish you the best of luck.

15 MR. D'ALEMBERTE: From Josh D'Alemberte,
16 this e-mail: Please make sure the new
17 districts for our state are drawn fairly,
18 without favoring any political party, and that
19 the maps attempt to keep communities together.

20 The Florida voters decided to amend our
21 State Constitution because we thought
22 gerrymandering was unfair. As our
23 representatives, you cannot ignore our will in
24 the Constitution. Sixty-three percent of
25 Florida's voters supported Amendments 5 and 6.

1 Our state has received a bad reputation
2 for ignoring the will of the voters recently.
3 By drawing districts that favor one political
4 party, you would add to this negative
5 reputation.

6 You have a chance to change the culture of
7 state politics. Use it. Do not misuse this
8 process to keep your district, your job or
9 favor one political party. If all politics is
10 local, then communities deserve to be
11 represented by one representative.

12 The districts that have been drawn in the
13 past are ridiculous. Any child can look at
14 some of them and see that they are unfair.
15 Districts should not span several counties if
16 they do not need to. If they can be kept in
17 one county or even one city, they should. Each
18 voter deserves to have a choice and to have
19 their vote counted. If you predetermine for me
20 that my district will or should elect someone
21 from one political party or another, you are
22 taking my rights away.

23 Additionally, the representative who is
24 elected can better serve those who he or she
25 represents if the districts are compact and do

1 not span for many unnecessary miles. They can
2 then better travel through the district,
3 communicate with its residents and understand,
4 then represent its issues and concerns to the
5 government. This is how representatives are
6 supposed to work.

7 Draw the districts differently than the
8 unfair way of the past, please. To do so would
9 be to follow the law and the Constitution of
10 this great state and to listen to what the
11 voters, your constituents, have clearly showed
12 you they support.

13 We are watching you during this process,
14 and we who vote will remember if you take
15 advantage of this important process. We know
16 that in the past some districts have been
17 packed full of voters from the minority party
18 to keep them out of the other districts where
19 the majority party can count on winning for the
20 next ten years. Please do the right thing and
21 do not support a district map that is drawn to
22 favor one political party or that unnecessarily
23 divide communities.

24 As a social studies teacher, it is
25 disappointing to have to explain to my students

1 that whichever party is in power usually uses
2 this power to advantage their particular party.
3 It makes them cynical about government and the
4 world around them. I would really enjoy
5 reporting to them soon that the brave leaders
6 of Florida have chosen to break with the unfair
7 practice and advocated for fairness and the
8 rights and interests of all Floridians by
9 drawing compact districts using community
10 borders and without regard to political party.

11 MS. ODOM: Hello, my name is Kelly Odom,
12 and I am calling regarding the Senate map that
13 has been redrawn for Florida, and I want to
14 tell you that it is wonderful. Thank you for
15 listening to the concerns of the constituents
16 here and for taking heed to Amendment 5 and 6.
17 I appreciate your effort and your hard work,
18 and will continue to support this type of fair
19 and balanced action. Thank you.

20 MS. RUSSELL: From Etta Jane Russell in
21 Naples: It does not seem to me that the intent
22 of the voters in Florida have been met by the
23 redistricting as is currently proposed. You as
24 politicians have once again chosen to try to
25 manipulate things so that you can determine how

1 voters in a particular district will vote.
2 Incumbents will be protected and partisan
3 advantages will continue. Where is the
4 independent group that should have done this
5 based on proper population numbers? This needs
6 to be looked at again.

7 MR. HOLZBACH: From Alex Holzbach: After
8 reviewing the redistricting maps, I would like
9 to make it known to the Committee that I like
10 the maps and believe they are most certainly
11 fair.

12 MS. BUCHHOLTZ: Nadine Buchholtz writes:
13 The map I have seen is crazy, makes no sense
14 other than it favors political parties. You
15 can do better.

16 MS. HUEGLI: From Kaytlin Huegli: As a
17 concerned and active participant in politics, I
18 am pleased to inform you that I am happy with
19 the redistricting lines. The lines appear to
20 be fair, which is something that is always
21 needed in the realm of politics. Thank you.

22 MS. JACOBS: From Quida Jacobs: I am very
23 disappointed with the proposed redistricting
24 maps. They are supposed to be drawn
25 geographically, not the same old corny system

1 that these amendments were intended to do away
2 with. Follow the law that was passed by the
3 voters of Florida and not political parties'
4 interests.

5 MR. McCOWN: Good evening. My name is
6 Bobby F. McCown. I live in Tallahassee,
7 Florida, and I am calling to encourage the
8 approval of the congressional and Senate maps
9 for redistricting to be approved as soon as
10 possible.

11 Anyway, I totally support the
12 redistricting. I have been involved in a lot
13 of this over time, I'm recently retired, but
14 anyway, I support the congressional and the
15 Senate redistricting. Thank you.

16 MS. TERRY: This e-mail from Joan Terry:
17 Your maps do not follow the laws passed by the
18 people. They must be redrawn to meet the will
19 of the people.

20 MS. FAIRCLOTH: Lauren Faircloth e-mails:
21 As a concerned voter, I looked at the
22 redistricting plan from the perspective of
23 whether it was fair to voters, that it made
24 districts less gerrymandered and more compact.
25 I think it does, even though I am not an

1 expert. With Florida growing so much, I think
2 a plan that is fair to Republicans and
3 Democrats would look a lot like the plan we see
4 here from the Florida Senate.

5 MR. DE LA CRUZ: From Alberto de la Cruz:
6 The first set of proposed voting district maps
7 for Florida's congressional districts do not
8 meet the new constitutional requirements for
9 Florida local jurisdictions and communities of
10 interest. The new amendments require that
11 voting districts not be drawn with the intent
12 of favoring or disfavoring one candidate or
13 political party, protect access to the
14 political process for racial and language
15 minorities, be as nearly equal in population as
16 practicable, and contain the entire district in
17 one area, called being contiguous, follow
18 existing current city, county and geographic
19 boundaries where feasible. You are violating
20 our votes.

21 MR. CAUTHON: Ray Cauthon, III, writes: I
22 wanted to write to let you know that I like
23 what you did in Alachua County with respect to
24 the redistricting plan. In particular I like
25 the fact that the plan calls for compact

1 districts which follow county lines. I
2 appreciate your effort to keep common
3 communities together. Thank you.

4 MR. MAKASHAY: Ira Makashay from Lake
5 County writes: I looked at the redistricting
6 maps and found a few districts that look like
7 they meet only one requirement: Protect access
8 to the political process for racial and
9 language minorities. They seem to be favoring
10 one candidate or party, are not contiguous, do
11 not follow city, county or geographic
12 boundaries. There should be a better way.

13 If made more compact, perhaps whichever
14 group is trying to be favored would have a
15 chance in two districts instead of being given
16 what I assume is a guarantee to win one
17 district.

18 Congressional District 3 and 23 should be
19 redone, as should Senate Districts 1, 18, 19,
20 24 and 29. This obviously would mean changes
21 to some bad edges in adjacent districts. These
22 look like the worst kind of gerrymandering that
23 existed before the amendments.

24 MR. NEUMAN: From Dave Neuman: I just
25 wanted to let you know that the lines in which

1 the Florida Legislature has drawn for the state
2 are fair for all parties. I think that this
3 new set of districts will make Florida a
4 stronger state based on how elections should be
5 run in the future.

6 Competitive races make our state stronger.
7 They follow the laws that have been created to
8 protect the people, and these lines serve the
9 people of the state of Florida well.

10 MR. POOLE: From Richard Poole in
11 Longwood: What don't you understand about
12 gerrymandering? Get a seventh grade math
13 class, they are obviously more qualified than
14 you.

15 MS. GOSSOM: This e-mail from Joyce Gossom
16 in Ft. Walton Beach: Although slightly
17 different from redistricting plans submitted,
18 snail mailed, but not received, the state and
19 U.S. maps presented make sense and are easily
20 defined. Especially appreciated is the removal
21 of slivers and extensions that were confusing
22 and made no sense.

23 Thank you for the opportunity to have
24 participated in the process. I look forward to
25 seeing the proposed State House map.

1 MS. BENEDIX: Joan Benedix writes: I
2 would really like to be a non-gerrymandered
3 district. Currently I am in a long, skinny
4 district that goes from Palm Beach through to
5 Broward to Pompano Beach the total distance of
6 probably 50 miles. By any stretch of the
7 imagination, this is wrong. A voting district
8 should be centralized. It is time to make it
9 fair. That is what we, the citizens of
10 Florida, voted for, and it is time to listen to
11 your voters. Stop ignoring us since currently
12 through gerrymandered districts you steal
13 elections.

14 MS. RENCIS: Hi, my name Lauren Rencis. I
15 live in Kissimmee, Osceola County, Florida, and
16 I am in support of congressional map S000C9002
17 and Senate map S000S9004.

18 MR. WILLNER: This e-mail from Gary
19 Willner: I do not understand this proposed map
20 at all. No one at the hearing in Wesley Chapel
21 proposed anything like this. People on the
22 west coast of Pasco have nothing in common with
23 people in Dade City. A more realistic line
24 would have been along the Suncoast Highway.

25 I have no problems with the maps for

1 Congress, except I would not be represented by
2 Gus Bilirakis.

3 MR. FREAS: William Freas from St.
4 Augustine writes: I have been following the
5 redistricting process over the last year, and
6 even attended a hearing that was held in St.
7 Augustine a few months back. As a citizen and
8 a voter, I wanted to write to express my
9 support for Senate plan S000S9004. It is
10 obvious the redistricting committee listened to
11 the voters, because this plan is much more
12 compact and does not gerrymander districts as
13 past maps have.

14 I applaud the Committee for making a good
15 faith effort to adhere to Amendments 5 and 6
16 while at the same time protecting minority
17 outreach seats. I implore all members of the
18 Legislature to put aside partisan differences
19 and support this plan.

20 MR. KEEGAN: On Facebook, Brendan Keegan
21 posted: Maybe the Senate should focus on
22 legislating rather than gerrymandering.
23 Absolutely ridiculous. Do your jobs. Just an
24 idea.

25 MR. ALSID: Brett Alsid side writes: I am

1 writing to voice my support of the recently
2 formatted district lines. The voters of
3 Florida have chosen their respective citizens
4 to represent them in the redistricting process,
5 thus allowing for a fair and just system.
6 Since there appears to be much support in the
7 Legislature for the proposed format, the
8 citizens of the state of Florida have
9 representatively voiced their support as a
10 whole for the legislation, therefore allowing
11 for what should be a smooth and easy transition
12 toward the new district map.

13 MR. JOHNSON: Peter Lars Johnson had this
14 post on Facebook: The gerrymandering of
15 Alachua and Marion County is just the same as
16 in 2002. Who came up with these maps?

17 MR. HAGAN: This e-mail from Roger Hagan
18 of Chipley, Florida: I recommend the subject
19 plan for the following reasons: As surely as
20 we often hear, there are two Floridas,
21 northwest and the rest of the state. Just that
22 surely, there are two Panhandles, District 2
23 and District 4. The division of the Panhandle
24 runs east and west and separates us into north
25 and south.

1 As Public Safety Director for the past 15
2 years, County Manager for 20 years before that
3 and currently as Mayor of the small town of
4 Wausau, I will tell you that on every level I
5 have more in common with Marianna in Jackson
6 County, Bonifay in Holmes County, Paxton in
7 Walton County, Baker in Okaloosa County,
8 Century in Santa Rosa County and Walnut Hill in
9 Escambia County than I do with Pensacola, Ft.
10 Walton Beach, Destin, Panama City Beach and
11 Panama City. They have a strong tourist base,
12 military installations, convention centers and
13 auditoriums, large shopping destinations,
14 high-end restaurants, hotels and motels. We
15 have open spaces, large acreage holdings, as
16 opposed to subdivisions and high-rises, numbers
17 of penal institutions and family farm-related
18 employment.

19 Plan S000S9004 makes a very good divide
20 for these attributes to stay lumped within
21 common interests and identities.

22 I acknowledge one drawback to this plan.
23 The districts would be long, drawn out. But
24 then many of us remember when Bob Sikes and Dan
25 Fuqua covered almost everything from Escambia

1 County to the Suwannee River. They made it
2 work, and so our representatives can today.

3 MR. BRUEN: Jim Bruen of Bradenton writes:
4 I am disappointed that the redistricting work
5 coming out of Tallahassee does not keep with
6 the spirit of the voters' wish for fair
7 districting. What must we do to get your
8 attention to do your job without bias?

9 RENALDA S.: And this e-mail from Renalda
10 S.: Thank you to the Senate redistricting
11 committee for listening to the public and using
12 our input when redrawing the districts. I like
13 the fact that they are more compact and follow
14 geographical boundaries when possible. The
15 newly proposed districts look much fairer and
16 make much more sense than the current ones. I
17 ask that everyone vote for Senate plan
18 S000S9004.

19 MR. TRAUTMANN: Michael Trautmann had this
20 post on Facebook: Please ensure fair
21 redistricting in Florida. Voters should be
22 fairly represented and not apportioned in favor
23 of just the GOP.

24 MR. YORK: Justin York writes: I, Justin
25 York, support the proposed redistricting maps

1 proposed by the redistricting committee, and
2 hope that you support it when it comes to a
3 vote. I believe that the votes are a step in
4 the right direction for Florida and thank you
5 for listening to the people over these past
6 several months. Keep up the good work and God
7 bless.

8 MR. ANDERSEN: And this final e-mail from
9 Mark Andersen: Please see the attached PDF
10 markups of your proposed map. I believe if you
11 take another look, you will result in the same
12 concerns. Contact me anytime. Thank you for
13 your hard work on a very difficult project.

14 (Whereupon, the video presentation ended.)

15 SENATOR GAETZ: And there endeth the input
16 we have received from the public. I appreciate
17 the patience of the Committee, but we had
18 hundreds of people across Florida who cared
19 enough to take a second bite at this apple, and
20 I appreciate the fact that the members of the
21 Committee have cared enough to patiently and
22 thoughtfully listen to this input.

23 Mr. Guthrie, an issue was raised by the
24 very last piece of input, and I am wondering if
25 you could discuss the issues that Mr. Andersen

1 points out in his message before we move into
2 debate?

3 MR. GUTHRIE: Thank you, Mr. Chairman.

4 The supervisor of Bay County wrote and
5 sent in a graphic, including four maps that he
6 printed off of District Explorer, and here is
7 -- here is the input that he gave us. What I
8 am going to do is walk you through, looking at
9 District Explorer, the kinds of issues that we
10 had to deal with in putting these maps
11 together.

12 So let's flip to District Explorer, and
13 the area where Mr. Andersen was writing about
14 was in the Panama City area of Bay County, and
15 his first area of concern is this peninsula
16 here coming out to the bridge. One side of the
17 district is -- or of the road is in District 4.
18 The other side is in District 2.
19 Mr. Andersen's recommendation is that both
20 sides of the peninsula should be in District 4.
21 This is actually an example of the kind of
22 input that will be very helpful to the
23 Committee.

24 If we look at this area, we see, turning
25 on cities, that the City of Lynn Haven is south

1 of the road. It is all unincorporated property
2 to the north side of the road.

3 The population of the area that -- that we
4 are talking about, let's turn on data labels
5 here, is only about 59 people. So adding that
6 additional territory to the district actually
7 would be sensible. It would be following a
8 different boundary, following the bay instead
9 of the major highway as the basis for the
10 geographic boundary being followed by the
11 district, but that is one that makes sense, and
12 we thank Mr. Andersen for that feedback.

13 He also writes in about this little
14 extrusion coming out of District 4 in this
15 area. If we flip to the map in District
16 Explorer, what we see -- and we will leave on
17 city boundaries here -- is that that extrusion
18 actually is the city boundary of the City of
19 Springfield. So true to the constitutional
20 requirement that district boundaries be drawn
21 in a manner that follows political boundaries,
22 the proposed district line traces the city
23 boundary of the City of Springfield as it
24 exists right now.

25 And the next area that Mr. Andersen looked

1 at was this same -- a similar extrusion. If we
2 look at the map live in District Explorer, we
3 see that it actually, again, is an extension of
4 the municipal boundaries of the City of
5 Springfield. Those of you who have -- have
6 been working with me on the phone as we have
7 looked at some of these districts know that I
8 like to flip out to Google Map, and what we see
9 is that there's actually a developed property
10 that was part of the boundary there of -- or
11 included in the city boundary of Springfield
12 and therefore gets included in the district.

13 So that is an example of some quirks about
14 the lines, and I think you will find those in
15 many places of the map where it seems that the
16 map is not as compact as it could be, but the
17 reason why the lines were drawn as they were
18 was to follow city boundaries.

19 I am going to be talking with the Florida
20 State Association of Supervisors of Elections
21 at their biannual meeting this Saturday. We
22 will look at this and other examples in
23 District Builder and let the Supervisors of
24 Elections know that we are very receptive to
25 their input as this process rolls on.

1 SENATOR GAETZ: Thank you very much, Mr.
2 Guthrie. We will now move into committee
3 questions and discussion, beginning with
4 President Margolis. Madam President, you are
5 recognized.

6 SENATOR MARGOLIS: I don't know whether
7 you did an overlay of the congressional and
8 Senate seats as far as the supervisors are
9 concerned. A lot of them have mentioned as we
10 moved around the state that you should try and
11 keep the precincts together as opposed to
12 having -- you know, and I don't know whether
13 you have ever done an overlay to see how the
14 precincts would respond to congressional and
15 Senate, because that does come into play as the
16 elections get closer.

17 SENATOR GAETZ: Mr. Guthrie, any comment
18 on that, sir?

19 MR. GUTHRIE: We did get a lot of feedback
20 from Supervisors of Elections during the
21 listening tour that they would like for the
22 Legislature to pay attention to what are called
23 Voting Tabulation Districts or the precinct
24 lines that they helped draw as an official
25 layer of census geography.

1 What I can tell you is that similar to
2 what we saw with counties and cities, the
3 proposed plan does a much better job of
4 avoiding splits of VTDs than does the
5 benchmark -- than the benchmark plan, even
6 though the benchmark plan is the one that the
7 precincts were actually drawn to implement.
8 For instance, the congressional plan has 1,339
9 VTD splits, and the proposed plan has 698.

10 We are going to -- over the coming weeks,
11 we are going to be continuing to try to hone
12 those districts and working with supervisors,
13 working with the House staff, coming close --
14 closer to closure on a recommendation for a
15 final Senate and congressional plan. We will
16 try to do even better than we have already.

17 SENATOR GAETZ: Thank you, Mr. Guthrie.

18 Senator Latvala.

19 SENATOR LATVALA: Thank you, Mr. Chairman.

20 First of all, I just want to commend you and
21 the staff for what I think is a very fine job
22 on both of these maps. Having done the job in
23 the past in the old way, I know how hard it has
24 been for you to do it the new way, and that is,
25 you know, trying very, very diligently to abide

1 by the law as well as the public testimony and
2 try to meld that all into one product. And I
3 think you have done a wonderful, wonderful job,
4 all of you.

5 I just have one issue that has been
6 brought to my attention by some of my
7 constituents. It involves a congressional map.
8 And, John, you may want to get the
9 congressional map up for the Tampa Bay area.

10 From the Mayor of St. Petersburg, right on
11 down the line, I have heard from a number of
12 folks in St. Petersburg their concerns about
13 the new alignment of Congressional District 11,
14 and that is a district that is based very --
15 primarily in the City of Tampa, and has in the
16 past gone down along the coast and into
17 Bradenton and Palmetto, and then come back into
18 south St. Petersburg, and is one of the
19 districts that Senator -- that John Guthrie had
20 indicated that there was some concern that we
21 not retrogress in the ability to elect
22 minorities and candidates of their choice.

23 What the staff has done with this plan is
24 they have added a little twist over what the
25 district has been the last ten years, and that

1 is that they have gone across the Gandy Bridge,
2 which is that lower bridge, and that line that
3 goes directly south there adds about 60,000
4 people in the City of St. Petersburg to that
5 district, everybody east of Fourth Street. And
6 there is a lot of concern that what we have
7 effectively done is we have taken the
8 fourth-largest city in the state of Florida and
9 we've divided it in half, and we may have
10 impacted their ability as a city to elect
11 candidates of their choice, and we might not
12 have helped particularly the ability of the
13 people that have been in the Tenth
14 Congressional District for the last ten years
15 to elect a candidate of their choice. And I
16 would just be -- because, you know, I don't
17 live in St. Petersburg, but I represent St.
18 Petersburg, and I am very conscious of my
19 constituents' concerns that they have expressed
20 to me about -- about this particular change in
21 the map that we have made from what they are
22 used to over the last ten years, and I would
23 certainly hope that the staff, when we are
24 doing our next pass and the PCB, you know,
25 committee substitute if we do it, that that be

1 taken into consideration, or if it -- you know,
2 if you can't take it into consideration, let me
3 know, and I will prepare an amendment to do
4 that, but I feel like it is something we really
5 need to look at.

6 SENATOR GAETZ: Thank you, Senator
7 Latvala, and that is, I guess, a good point of
8 departure for me to share with the committee
9 members that as Mr. Guthrie has pointed out,
10 there are technical -- and I realize, Senator
11 Latvala, you are not talking about a technical
12 issue, you are talking about a substantive
13 issue, but there are various technical points
14 that have arisen as we have -- as we have
15 observed the -- all of the descriptions, the
16 narrative descriptions and the maps themselves,
17 and so there will be a Chairman's amendment to
18 deal with technical issues, and we may again,
19 if we can reach consensus on some of these
20 things -- and I realize consensus may be more
21 difficult to reach as we get into higher waves,
22 but if we can reach consensus on issues that
23 are material but noncontroversial, those --
24 those matters could as well be included in a
25 Chairman's amendment that the Committee can

1 consider when we meet again in January.

2 Other questions or comments? Leader Rich.

3 SENATOR RICH: Thank you, Mr. Chair. I
4 just have a couple of questions.

5 Mr. Guthrie, you said that -- we had a
6 conversation at different points about partisan
7 performance data, and you indicated that we
8 were not using that, if I recall correctly?

9 SENATOR GAETZ: Mr. Guthrie.

10 MR. GUTHRIE: Thank you, Mr. Chairman.
11 That is correct. The District Builder/District
12 Explorer applications do not have any voter
13 registration or election results data included
14 in them.

15 SENATOR RICH: Okay. So I guess my
16 question is, you mentioned that the
17 congressional maps were collaborated on by the
18 House and the Senate, and the House has
19 performance data. So I am wondering how it
20 could be, then, that our maps don't have some
21 kind of inclusion. Did they not discuss that?
22 Was that -- I mean, if the House is using that,
23 and we are not, it would appear to me that then
24 that would be a factor in the congressional
25 map.

1 SENATOR GAETZ: Mr. Guthrie, I would ask
2 you to comment in a moment, but Leader Rich,
3 you raise an excellent question. The House has
4 operated somewhat differently as to political
5 data. I can assure you that the House made
6 a -- provided us with one of their maps. I
7 think the House today actually is publishing
8 more than one congressional map. But the House
9 did, I think a couple of weeks ago, provide us
10 with a congressional map as sort of an
11 indication of where they were in their thinking
12 at that time. And one must agree with Leader
13 Rich, that they used all of the data at their
14 disposal in coming up with that map.

15 We did not follow that map. We used it,
16 we accepted it, we paid respectful deference to
17 our partners in the House, but then we went
18 forward and created our own congressional map.
19 And what will occur, I would suspect, is that
20 when the House settles on a congressional map
21 and if we settle on one today, that then our
22 presiding officers would direct us to negotiate
23 as to those two maps to come up with a unified
24 proposal, but I -- I would defer to Mr.
25 Guthrie, but I can tell you that regardless of

1 what inputs the House may have used to come up
2 with an early map that they shared with us,
3 that we did not -- we did not use their
4 political data and we did not use any political
5 data in coming up with our proposed
6 congressional map, which is markedly different
7 from the House's.

8 Mr. Guthrie, would you care to comment?

9 MR. GUTHRIE: I think you have stated
10 where we are perfectly right --

11 SENATOR GAETZ: In your conversations with
12 professional staff on the House side, did they
13 share with you political data that then you
14 used in the production of the congressional map
15 that is before us today?

16 MR. GUTHRIE: At the time they delivered
17 the map, they gave us a one-page spreadsheet
18 which included the registration of Hispanic
19 voters, so Hispanic registered voter
20 information, but that is the only data relating
21 to registration or elections that we have ever
22 received from the House relative to a map.

23 SENATOR GAETZ: Thank you.

24 Leader Rich, did you wish to continue,
25 ma'am?

1 SENATOR RICH: Yes, I just -- thank you,
2 Mr. Chair. I guess I just find it hard -- if
3 people are sitting down together and
4 collaborating, the word was "collaboration"
5 that was used, that all the data that was there
6 on both sides would not have been part of a
7 conversation or a collaboration. So, I mean,
8 that is -- would just be a -- I think it is
9 kind of strange.

10 But let me just follow up with -- Mr.
11 Bardos, at one point, you know, had talked
12 about a functional analysis, I believe, and I
13 would like to just go back to that and ask --
14 because I am still trying to understand how you
15 can draw these maps without having any kind of
16 partisan data, and it appears to be from some
17 of these districts that there was partisan
18 data, but how can you do this? How can you do
19 a functional analysis of a district without --
20 without having partisan data?

21 SENATOR GAETZ: Mr. Bardos.

22 MR. BARDOS: Yes, sir. Yes, functionality
23 does not relate -- doesn't relate to politics.
24 Functionality relates to things such as common
25 interests that we heard about at the public

1 hearings, what sort of economic interests
2 people share, where they -- where they go to
3 school, where they work. Functionality as it
4 has been applied in other states relating to
5 compactness has not been a partisan measure at
6 all.

7 SENATOR GAETZ: Leader Rich, did you wish
8 to continue, ma'am?

9 SENATOR RICH: No, I just have one other
10 -- if you don't mind --

11 SENATOR GAETZ: Of course, ma'am.

12 SENATOR RICH: -- one other question about
13 this. I know that, you know, Mr. Guthrie and
14 others came around and took data information
15 from Senators, I don't know about staff
16 members, but certainly Senators about their
17 districts. So, again, I am trying to get at
18 this issue of partisan performance, because if
19 -- if Senators, you know, commented about what
20 they liked about their district or they didn't,
21 I mean, would not -- I am asking you, I guess,
22 Mr. Guthrie, you know, would not it appear to
23 you that Senators know how their districts
24 perform, and if they had a choice of what to
25 suggest to put in their district, they would

1 put something that an area where they -- that
2 they knew voted for them the last time versus
3 an area that they knew they didn't carry the
4 last time?

5 SENATOR GAETZ: Well, Mr. Guthrie, be
6 prepared to respond, but let me as well
7 respond. We gave an open invitation to any
8 Senators to have access to professional
9 committee staff and to discuss with us how
10 individual Senators felt we could be most
11 faithful to Amendments 5 and 6 and to sound
12 redistricting principles. Every one of the
13 conversations that was held to which I was a
14 party was preceded by sending an e-mail, and
15 that e-mail -- you received one, Senator Rich,
16 in the conversation we had with you. That
17 e-mail stated that our conversations would be
18 governed by strict adherence to no discussion
19 of partisan advantage for any political party
20 and no discussion of any partisan advantage for
21 any incumbent. And at the beginning of the
22 conversations that we held with Democratic
23 Senators and Republican Senators, when we were
24 asking them as individuals who live in these
25 areas and who understand the areas, all of the

1 conversations were preceded by my stating,
2 "Now, you realize we will not be discussing any
3 partisan advantage or any partisan data, any
4 political data, we are not going to be
5 discussing what is good or bad for any
6 incumbent or any challenger," and I would say,
7 Leader Rich, that the members of your caucus
8 were faithful to that admonition, and I would
9 tell Leader Gardiner that the members of his
10 caucus were faithful to that admonition, and
11 every member of this Committee who consulted
12 with professional staff when I was part of the
13 conversation handled themselves very, very well
14 and very professionally and ethically.

15 Now, your question is, do incumbent
16 Senators and do potential challengers have some
17 idea of the areas in which they are running,
18 and do they -- do they have a political
19 grounding? I am sure they do. But did we
20 allow that kind of discussion to be part of any
21 influencing of the drawing of these maps? I
22 would assure you, Leader Rich, and I would give
23 you my word that that was not the case for
24 members of your caucus or members of Leader
25 Gardiner's caucus.

1 But, Mr. Guthrie, I would like to ask if
2 you would respond since you also, and Mr.
3 Bardos, had conversations with Senators when I
4 was not there. And would you give Leader Rich
5 whatever reassurances you believe the facts
6 would sustain?

7 MR. GUTHRIE: Thank you, Mr. Chairman, and
8 what I can assure the Minority Leader, Senator
9 Rich, and I have reassured you time and time
10 again, because you have asked me time and time
11 again, the same rules of engagement applied to
12 the conversations we had at times when you were
13 not present that applied when you were present.
14 So -- so the rule was that no consideration of
15 incumbency or partisan advantage went into how
16 I drew the lines that go into these maps.

17 SENATOR THRASHER: Mr. Chairman?

18 SENATOR GAETZ: Thank you, Mr. Guthrie.
19 Leader Rich still has the floor, if you would
20 like to follow up, ma'am.

21 SENATOR RICH: That is okay. Thank you.

22 SENATOR GAETZ: Thank you. Speaker
23 Thrasher.

24 SENATOR THRASHER: Well, Mr. Chairman, and
25 I direct this somewhat to the Leader, I am

1 sure -- I hope I didn't hear you correctly,
2 Leader, to suggest that in respect to the
3 collaboration issue, that our staff was in any
4 way misrepresenting anything that they have
5 told this Committee. I have the greatest
6 respect for our staff, and I think there is
7 absolutely no evidence that they have indicated
8 that anything they have done was based upon
9 partisan considerations or input from members
10 about partisan considerations.

11 I can tell you from my perspective, I have
12 had one meeting with them, and it was strictly
13 to understand the process and where we were
14 going. And I just hope that that is not what
15 you were suggesting.

16 SENATOR GAETZ: Leader Rich.

17 SENATOR RICH: Thank you, Mr. Chair. That
18 certainly was not what I was suggesting, but I
19 felt the question needed to be asked. When you
20 say you collaborate with somebody on a map, the
21 House and Senate staff together, and one uses
22 partisan performance data, and one doesn't, the
23 question obviously has to be asked, did that
24 factor into the conversation that was had. So
25 that is why the question was asked. Thank you.

1 SENATOR GAETZ: And, Leader Rich, I think
2 your question was entirely appropriate, and I
3 apologize to you if we did not properly define
4 "collaborate." "Collaborate" did not mean that
5 the two staffs sat down together to draw a map.
6 Instead, it meant that our partners in the
7 House had their professional staff deliver an
8 early rendition of a House congressional map to
9 us, together with a -- the single sheet of
10 paper that Mr. Guthrie described, and then, you
11 know, bearing in mind the information that we
12 received from the House, which was their
13 proffered early rendition of a map, our
14 professional staff proceeded to draw a map that
15 was markedly different and relied on no data,
16 partisan or otherwise, furnished by the House
17 of Representatives, and we want to be very,
18 very clear about that for the record.

19 Other comments or questions? Senator
20 Negron.

21 SENATOR NEGRON: Mr. Chairman, just so
22 that our record is clear, I understood Mr.
23 Guthrie specifically to testify and to state to
24 us today that in his discussions with the
25 House, and when they delivered a proposed map

1 that they were looking at for Congress, that he
2 did not receive any data whatsoever from the
3 House about party registration in any
4 particular communities about incumbency or
5 anything else. The only thing that he -- the
6 only document he received from the House was a
7 one-page document that set out percentage of
8 Hispanics in a district, which is already
9 available in the Senate materials. So I just
10 want to make sure that that point is clear,
11 that there is not confusion about what the
12 House provided. They provided us with
13 information we already have about the
14 percentage of Hispanics in a particular
15 community so that we followed 5 and 6 and
16 protected the rights of minorities, and he's
17 been -- he's clearly stated, and he can correct
18 me if I misstate it, that he didn't receive
19 other data.

20 So to create an inference that somehow
21 because staff is working together, that
22 everything staff A knows, staff B, that is
23 guilt by association, that is unfair to our
24 professional staff to imply something, well, I
25 don't know how we could collaborate, we didn't

1 know everything. Well, people can work
2 together in a collegial manner and have
3 separate information and separate databases,
4 and unless there's proof that our Senate staff
5 looked at partisan performance or looked at
6 incumbency, then the burden of proof is on the
7 person making that allegation, and if that -- I
8 don't think this should be left out in the air,
9 because that is how -- that is how reputations
10 are tarnished and that is how things that
11 aren't true are made to appear to be true.

12 The truth is they got information from the
13 House on Hispanic numbers. That's what our
14 staff director testified, and until somebody
15 has evidence of something else, that is what I
16 am going to rely on.

17 SENATOR GAETZ: Other comments or
18 questions? Yes, Senator Braynon, and then --
19 I'm sorry, Mr. Guthrie, did you wish to be
20 recognized before we go to Senator Braynon?

21 MR. GUTHRIE: Just for one tiny bit of
22 clarification.

23 SENATOR GAETZ: Of course.

24 MR. GUTHRIE: There was a little -- the
25 data that we got from the House did include a

1 Hispanic registered voter counts, which is data
2 that we do not have as part of our
3 redistricting system. So we are looking at the
4 population and the voting age population. They
5 gave us in addition to that the counts of
6 registered voters broken down by Hispanic
7 persons.

8 SENATOR GAETZ: Thank you for that.

9 Senator Braynon. Senator Braynon, you are
10 recognized, sir.

11 SENATOR BRAYNON: Thank you. On the same
12 -- along the same lines -- maybe I need to ask
13 this question first: In the past when we
14 talked about minority districts and how their
15 performance is done, or in the past with
16 redistricting or even traditionally in
17 redistricting, what information is
18 traditionally used to figure out the
19 performance of a minority district in
20 traditional redistricting?

21 SENATOR GAETZ: Mr. Guthrie.

22 MR. GUTHRIE: That gets to a very
23 technical discussion. Voting age population is
24 one of the factors that is typically used to
25 gauge opportunities for minorities to elect

1 candidates of their own choosing, but in voting
2 rights litigation, you typically have expert
3 witnesses who are engaging in voting right
4 analyses and looking at homogenous precincts
5 and ecological regressions and making
6 inferences from voting behaviors as well, or in
7 addition to just using the voting age
8 population. Those additional levels of
9 analyses are not anything that we have done to
10 this point in time.

11 SENATOR GAETZ: Senator Braynon.

12 SENATOR BRAYNON: Just to clarify, so we
13 only use voting age population only to create
14 our seats -- or this map, excuse me?

15 SENATOR GAETZ: Mr. Guthrie.

16 MR. GUTHRIE: The data we used are the
17 data that came from the United States Census,
18 which includes, yes, the voting age population,
19 the total population. We have not factored
20 into the building of districts or our analysis
21 of districts to this point any kind of analyses
22 based on registered voters or election results.

23 SENATOR GAETZ: Senator Braynon.

24 SENATOR BRAYNON: We've spoke a few times,
25 and we've used the word "performance" in a

1 district. So when we use the word
2 "performance," we're not actually talking about
3 performance, we're talking about only the
4 actual population?

5 SENATOR GAETZ: Mr. Guthrie.

6 MR. GUTHRIE: If I have used the word
7 "performance," it's -- I have been guilty of
8 being less exact than I like to be. I use the
9 word "opportunity" a lot, and that is based on
10 just a -- the fact that we have significant
11 numbers of persons who happen to live in
12 neighborhoods where you have a large number of
13 minority persons living. That -- shorthand for
14 that is "minority opportunity," and I have used
15 that term. I really am not qualified at this
16 point in time to talk about whether a district
17 is going to perform or not perform in terms of
18 who -- who will be elected, because I have not
19 conducted those analyses.

20 SENATOR GAETZ: Senator Braynon.

21 SENATOR BRAYNON: So I guess then that
22 leads to the question of, well, how do we know
23 that this district will elect a minority? I
24 mean, are we only using -- and let me not
25 answer the question for you. Go ahead.

1 SENATOR GAETZ: Please, Mr. Guthrie, and
2 Counselor, if you wish to chime in, too.

3 MR. BARDOS: Sure. I think an important
4 point to be made is that, in general, where we
5 have had districts with the ability to -- that
6 have shown that they have the ability to elect
7 minority preferred candidates, we've generally
8 preserved the core of the existing district, we
9 have not made substantial changes to those.
10 And so we have ten years of election results in
11 a sense that we know who won those elections.
12 So we know that in the existing district, a
13 certain person was elected, or that that person
14 was the candidate of choice of the minority
15 groups. And so the fact that those districts
16 are not undergoing great change gives us a
17 pretty good level of assurance that those
18 districts will continue to perform for minority
19 voters.

20 SENATOR GAETZ: Senator Braynon, did you
21 wish to follow up, sir?

22 SENATOR BRAYNON: Yes. That kind of
23 confused me, because -- and maybe I
24 misunderstood, so maybe you can clarify for me.
25 But you said that by using the performance in

1 the past ten years which led to the person in
2 the seat, which is the incumbent, then we know
3 that that seat would perform for a minority.
4 It sounds like we just crossed -- I mean, how
5 does that not violate the things that we have
6 been saying that we are not trying to violate?

7 MR. BARDOS: Right, we don't have that
8 data in the system, we don't have that
9 information there, but we know how the
10 districts -- whether minorities in those
11 districts have been able to elect the
12 candidates of their choice just by common
13 knowledge. That is something that is not in
14 the redistricting application. And so because
15 we have preserved the cores of those district
16 -- districts, because there is a certain
17 continuity there, it gives us a level of
18 assurance that the Tier 1 requirements have
19 been satisfied.

20 SENATOR GAETZ: Other comments?

21 SENATOR BRAYNON: Mr. Chair, I am going to
22 allow other people to speak, because I've got a
23 lot more questions, because it was on another
24 subject, but I just heard them talking about
25 that one, so I will --

1 SENATOR GAETZ: If you have a follow-up on
2 this matter, Senator Braynon --

3 SENATOR BRAYNON: Keep going.

4 SENATOR GAETZ: Otherwise, we will go to
5 Senator Storms and then come back to you if you
6 have a different question.

7 SENATOR BRAYNON: I have a -- I don't know
8 if anybody wants to talk about this topic, but
9 I wanted to go to another topic, which was
10 counties.

11 SENATOR GAETZ: Would you allow Senator --
12 I promise we will come back to you. Senator
13 Storms, you are recognized.

14 SENATOR STORMS: Thank you, Mr. Chair. I
15 just have a couple of observations that I don't
16 know if it is helpful to stay on the record or
17 not, and forgive me if it is not helpful, and
18 yea for me if it is helpful, or yea for the
19 record, whichever.

20 But, you know, when staff came and talked
21 to me -- the first time I think, Mr. Guthrie,
22 when you came to talk to me about the bill,
23 about proposed maps and what would be helpful,
24 I don't know if I was very helpful to you or
25 not. I think I recall saying to you, you know,

1 I am trying to do what is best for the
2 community. And at that time, it was just you,
3 I think Jay was there at the time and maybe one
4 other person was with you, I think there were
5 maybe three people in the room, so I hope that
6 everybody has the same recollection, but I
7 don't think that, for instance, I gave you any
8 direction on party affiliation or anything. I
9 think at that time I said, "I just want what is
10 best -- what is in the best interest for my
11 district historically, and I want to make sure
12 that the communities that are together continue
13 in those same -- continue in those same
14 districts."

15 I think some of the ideas that you were
16 showing divided up Hillsborough County four
17 different ways or had a finger coming down
18 I-75, and one of the ways to protect the
19 minority population was to come down I-75 and
20 to swing down 674 in some like little balloon
21 and balloon out (inaudible), and I was like I
22 don't think that is defensible from -- from a
23 legal perspective. So I just, you know, wanted
24 to say that in the follow-up meeting that when
25 you came back to talk to me, we talked about

1 the two minority -- the two competing minority
2 districts, and at that time, Senator Gaetz was
3 on the phone with me, and I said, "So as I
4 understand it, my district is being compressed
5 by the minority access seat to my -- to my east
6 and then the minority access seat to the west,"
7 the newly-created minority access seat being
8 the one to the east, the Hispanic minority
9 access seat. And so because of that, since my
10 population, since my district had to lose, I
11 was -- and because there were these two
12 competing -- not competing, but compressing
13 minority access seats, I was given a couple of
14 places to lose from. I had to lose Pasco
15 County, I had to lose from somewhere, I lost
16 Polk County, and then I was given the choice to
17 lose more from the southern part of the
18 district or more from the eastern part of the
19 district. And as you know, I mean, I was not
20 happy about for -- on behalf of my
21 constituents, losing, although for me
22 personally, and I think I said this on the
23 record, that either one of the seats, I
24 think -- you know, call me arrogant, call me
25 overconfident or call me foolish, I thought if

1 I ran in any one of those seats, I would be
2 okay, so it is not a personal issue to me. I
3 am not saying, okay, this one and not that one,
4 because I felt like anyplace in Hillsborough
5 County, if I ran as a candidate, you know, I
6 think that I could give it a good shot.

7 So instead I made the argument based on
8 what was in the best interest of that
9 community. And if a community had a whole
10 city, and in that case it was Plant City, the
11 City of Plant City, it was in the best interest
12 of that city to be in there whole as a city,
13 whereas the unincorporated part of the county
14 didn't have a city available to it, and so it
15 seemed to me that it was in that unincorporated
16 part's best interest to stay with the
17 unincorporated part. To me, that argues for 5
18 and 6, and not against 5 and 6.

19 So for the benefit of the Leader, I am
20 just trying to give you a perspective of how I
21 made my analysis. When staff came to me, I
22 certainly never said anything about -- about
23 party affiliation or what was in the best
24 interest, and I think that probably everybody
25 did that. Staff never at anytime said to me,

1 "Hey, stop that, you can't talk like that," and
2 said, "You know, you are straying off the
3 record." So I just -- I think it is all
4 helpful for people on the record to hear that.

5 Now, having said that, Mr. Chair, if there
6 is any way from a technical modification, if
7 there is any way for all of my communities to
8 still be in my district, or to still be in
9 Hillsborough County, I would like that too so
10 nobody has their feelings hurt. So there you
11 go.

12 SENATOR GAETZ: I think that may fall
13 outside the term "technical modification."

14 Senator Siplin, you are up next.

15 SENATOR SIPLIN: Thank you, Mr. Chair,
16 and, you know, I think it is incumbent upon the
17 staff in compliance with Amendments 5 and 6 to
18 make sure that there is no diminution of black
19 or racial minority's or language minority's
20 seats, that you must consider some aspect of
21 those -- those characteristics.

22 So my question is, what did you consider
23 in order to make sure that you didn't diminish
24 African-American votes or Hispanic votes --

25 SENATOR GAETZ: Mr. Guthrie.

1 SENATOR SIPLIN: -- or the population in
2 terms of those seats?

3 MR. GUTHRIE: Yes, in terms -- in terms of
4 diminishment, we were looking at the voting age
5 population, black and Hispanic.

6 SENATOR SIPLIN: Mr. Chair?

7 SENATOR GAETZ: Yes, sir.

8 SENATOR SIPLIN: And, sir, when you -- who
9 devised this District Builder?

10 MR. GUTHRIE: That was developed by Senate
11 Reapportionment Committee staff.

12 SENATOR SIPLIN: Okay. Did y'all require
13 or request any information about voting --
14 votes or performance in the devising of this
15 District Builder?

16 MR. GUTHRIE: Because -- Mr. Chairman?

17 SENATOR GAETZ: Of course.

18 MR. GUTHRIE: Because the software was
19 developed internally, we could -- we decided
20 what to include and what to not include in the
21 software, and consulting with leadership, we
22 determined not to include any registration or
23 election results information in District
24 Builder or District Explorer.

25 SENATOR SIPLIN: So there's no numbers

1 about the election returns and performance or
2 anything like that in the District Builder?

3 MR. GUTHRIE: There is none.

4 SENATOR GAETZ: Senator Hays.

5 SENATOR HAYS: Thank you, Mr. Chairman.

6 My experience was somewhat like that of
7 Senator Thrasher. When professional staff came
8 to visit with me, it was early, early, early in
9 the process. They simply explained to me how
10 to get onto District Builder -- I mean, this
11 was before District Builder was even up and
12 running, or it was right as it came up to run,
13 and -- and that is the last time I had a
14 conversation with them about my district and
15 its boundaries, et cetera.

16 Now, I recognize the fact that since my
17 district currently has the greatest population
18 of any Senate district in the state, 576,000
19 people, I am going to have to divest myself of
20 106,000 very good constituents. And -- and if
21 you -- John, if you could put that map -- the
22 new -- the proposed map for Senate District 20
23 up there, I would like to point out a few
24 things that will verify that we had no
25 conversations about political affiliation or

1 voting records or anything of the sort.

2 In -- in that district right there, you
3 can see it has a very small part of the
4 northern third of Lake County, a smidgen of
5 Sumter County, and then we go all the way up
6 there to include the eastern two-thirds of
7 Marion County. I probably know two dozen
8 people in Marion County. I have no idea
9 whether they are Republican, Democrat or
10 what-not. In Putnam County, I can give you the
11 name of one person that I know in Putnam
12 County, and the entire county almost is
13 included in my district.

14 So there was nothing that this
15 professional staff did that they got input from
16 me, anyhow, relating to political affiliation
17 or personal affiliation or anything of the
18 sort. That was just purely a numerical
19 district that fell out into my lap.

20 SENATOR GAETZ: Thank you, Senator Hays.
21 Senator Braynon.

22 SENATOR BRAYNON: I guess we are moving to
23 some new things, so I'm --

24 SENATOR GAETZ: Of course, sir, you are
25 recognized.

1 SENATOR BRAYNON: Okay. If you could go
2 to -- I guess let's just pick Orange County for
3 an -- as an example. It has, I think, six --
4 is it six Senate seats in Orange County? And
5 is that -- and my question is, because I know
6 one of the things we tried to stick to was
7 staying with counties and making sure that some
8 counties would remain whole and cities, and I
9 was just wondering how we got six Senate seats
10 in Orange -- it is about six, am I wrong?

11 MR. GUTHRIE: It is six, that is correct.

12 SENATOR BRAYNON: How we got six in there.
13 And there's other examples similar to that, but
14 I assume we used some logic to get to that, or
15 there was some reason how we got to that, and I
16 guess I am asking how we got to that.

17 SENATOR GAETZ: Well, Senator Braynon, I
18 asked Mr. Guthrie to give you specifics. You
19 can start with the fact that there are too many
20 people in Orange County for one Senate
21 district. You can start with that. And Mr.
22 Guthrie can, if you would like, give you the
23 population of Orange County.

24 The second consideration is that we were
25 following the Unanimous Consent Agreement of

1 this Committee to establish a Hispanic Senate
2 district in that county in response to the
3 overwhelming amount of testimony that we have
4 received.

5 Third, we have a minority district, a
6 preexisting minority district, which, you know,
7 those who were here at the time can correct me,
8 but I understand the courts had a good bit to
9 do with ordering, that also invades Orange
10 County.

11 So those are three reasons why Orange
12 County couldn't just be neatly considered as
13 one Senate district.

14 Mr. Guthrie.

15 MR. GUTHRIE: Yes, I think it is fair to
16 say that it -- what you have in Orange County
17 is partially a result of what is going on with
18 the districts to the north, partially a result
19 of what is going on to the district -- with the
20 districts to the south and partially as a
21 result of what is going on with districts to
22 the west, as well as the fact that we have not
23 one, but two minority districts in the Orange
24 County area, the existing black opportunity
25 district, Senate District 19, plus the new

1 Hispanic opportunity district, District 24.

2 So with redistricting, we work from every
3 direction, and it just turned out that even
4 though one of our objectives was following
5 county boundaries and avoiding splits of
6 counties, that Orange County ended up with six
7 Senate districts.

8 SENATOR BRAYNON: I guess a follow-up.

9 SENATOR GAETZ: Of course, Senator
10 Braynon.

11 SENATOR BRAYNON: The -- so when we are
12 protect -- and I know we went over this, but I
13 just want to clarify, because I didn't know we
14 would go to -- it would get exactly like this,
15 but are we saying that because of minority
16 districts, we can maybe slip into what could be
17 considered gerrymandering? Because --

18 SENATOR GAETZ: Well, Senator Braynon, I
19 think the word "gerrymander," if we struck it
20 from the language, there would be a lot of
21 people who couldn't talk about this issue. It
22 is -- it is a verb and a noun which has been
23 abused a great deal. I think the answer to
24 that question is no. You know, one person's
25 gerrymander is the next person's court-ordered

1 district.

2 SENATOR BRAYNON: I guess that is my
3 question then, that is the answer to my
4 question, is the court ordered -- because I
5 heard an hour of -- however long of people
6 saying that we gerrymandered districts already
7 and on the things being read --

8 SENATOR GAETZ: Well, "gerrymander" may be
9 a synonym for "I didn't get what I wanted."

10 SENATOR BRAYNON: Okay. And the next
11 question I will ask is, did we use also -- did
12 we use -- what was -- there was a term that was
13 used, "areas of interest" or "communities of
14 interest" or something. Did we use those in
15 making these maps at all?

16 SENATOR GAETZ: Mr. Guthrie.

17 MR. GUTHRIE: The principal considerations
18 that went into drawing these maps was -- as I
19 stated earlier, was number one, following
20 federal and state law; number two, paying
21 attention to what we heard listening to voters
22 and constituents all over the state; and number
23 three, taking the direction that we got from
24 this Committee, mostly in the meetings that you
25 have had during the interim.

1 So those were the principal factors that
2 went into me and my staff sitting down and
3 saying, "Okay, we've gotten all of this input.
4 Now how do we start drawing lines on the page?"
5 And the truth is we -- we didn't start in
6 Pensacola and work our way down to Key West, we
7 didn't start in Key West and work our way to
8 Pensacola. We started at all of the various
9 corners of the state and kind of worked our way
10 toward the middle, and in this case, it looks
11 like the middle might have been Orange County.

12 SENATOR GAETZ: Senator -- I'm sorry,
13 Senator Braynon, did you wish to follow up?

14 SENATOR BRAYNON: So I guess the answer is
15 you didn't use areas -- because, I mean, people
16 mentioned it a million times in our committee.

17 SENATOR GAETZ: Well, Senator Braynon, I
18 would just say this: "Communities of interest"
19 is also a term that has come to mean many
20 things.

21 SENATOR BRAYNON: Like "gerrymandering."

22 SENATOR GAETZ: There are those who use
23 the term "communities of interest" to talk
24 about a community that may share the same
25 ethnic makeup or racial or Latin -- language

1 minority makeup. There are others who use the
2 term "community of interest" to discuss people
3 who may be retired and be living in high-rises
4 and appear to some folks to have the same kind
5 of interests perhaps economically or
6 culturally.

7 So I -- it would be hard to answer your
8 question without having every Senator here and
9 all of those who testified using the term
10 "communities of interest," and I grant you, it
11 was used a great deal. At one hearing, I
12 counted it being used over a hundred times. I
13 don't know what everyone meant by that, but I
14 can tell you that we followed the unanimous
15 consent direction that was articulated by
16 Speaker Thrasher in giving direction to our
17 committee staff, and I believe our staff has
18 been faithful to that.

19 Now, will you find that there are
20 circumstances where it seemed logical after you
21 had used all of the legal requirements and then
22 you are down to -- and you divide it by all
23 those legal requirements, and then you are down
24 to the question, well, is there any -- is there
25 any kind of common threads that define this

1 particular set of neighborhoods as opposed to
2 dividing them or trisecting them or bisecting
3 them. And we listened to local officials, we
4 listened to people who live in those
5 neighborhoods give us their input. Now, if you
6 want to call that "communities of interest,"
7 you may, but I think it is a term that came to
8 many things to different people.

9 Senator Lynn.

10 SENATOR LYNN: Thank you, Mr. Chairman.

11 If we could get to the congressional
12 districts, a number of the comments spoke to
13 the congressional district that we have heard
14 so many things about over the years that starts
15 in Duval County, I believe, and then sort of
16 snakes its way down. I guess it ends maybe in
17 Volusia, I can't really tell. Where does it
18 come down to?

19 MR. GUTHRIE: The southern boundary of
20 that district is in Orange County in the City
21 of Orlando.

22 SENATOR LYNN: And I guess -- I know it is
23 a minority district and certainly attempts to
24 maintain that, and I was wondering if there was
25 no other way to expand it to the east and west

1 in some way to still maintain it in a more
2 compact way?

3 SENATOR GAETZ: Mr. Guthrie.

4 MR. GUTHRIE: Among the proposals that --
5 the 157 maps that were submitted to the
6 Committee was one by Reverend Spooney, which
7 had an orientation of a Jacksonville district
8 heading west through Baker, Columbia, I believe
9 it included parts of Union and Bradford,
10 Hamilton, Madison, Jefferson, Leon, Gadsden,
11 and in fact all of the way over to Jackson
12 County, and that came up slightly over
13 40 percent African-American voting age
14 population.

15 I am not aware of any proposals -- the
16 NAACP submitted a map similar to what you see
17 the orientation here is of this proposed
18 Congressional District 3 extending from Duval
19 to Orange County. It was almost 50 percent
20 African-American VAP. I am not aware of any
21 proposals that were at or near 50 percent
22 African-American voting age population that did
23 not include both Jacksonville and Orlando for
24 the northeast central Florida area.

25 SENATOR GAETZ: Senator Lynn.

1 SENATOR LYNN: Thank you. I understand
2 the Jacksonville. I guess it is a 50 percent,
3 is that what you are saying, minority is
4 50 percent?

5 MR. GUTHRIE: Right about, yes, I don't
6 know --

7 SENATOR LYNN: Because I was looking and
8 asking about it being more than 50 percent
9 without going way down as far as it has gone,
10 that is the one that we have had so much
11 criticism about, and I guess -- I mean, if
12 there was no other way to do it, perhaps -- but
13 it seems to me that there are other minority
14 areas that would perhaps make that even a
15 larger minority district that would not have to
16 come down as far. Or go up as far, I mean, I
17 guess it could go either way.

18 SENATOR GAETZ: Mr. Guthrie, any comment?

19 MR. GUTHRIE: All I can say is that I and
20 your professional staff have looked at those
21 scenarios, we have not found a way to do it
22 that does not involve both Orlando and
23 Jacksonville and gets close to or exceeds
24 50 percent.

25 SENATOR LYNN: Thank you.

1 SENATOR GAETZ: Senator Joyner.

2 SENATOR JOYNER: I guess it relates to
3 that, because my question to you is going to
4 be, what is the rationale for creating a
5 minority district in excess of 50 percent, I
6 mean, if -- if there is a possibility that we
7 would violate the criteria to stand within 5
8 and 5?

9 A VOICE: I am chairing for a moment.

10 MR. GUTHRIE: Thank you, Madam Chairman.

11 The current Congressional District 3 has a
12 black voting age population of 49.9 percent.
13 Consistent with what we heard from the
14 Committee and consistent with reading the
15 provisions of Sections 20 and 21 of Article III
16 of the Florida Constitution, our aim was not to
17 diminish minority opportunities in those
18 districts, so it was at 49.9 percent in the
19 proposed plan, it is at 50.0 percent.

20 SENATOR JOYNER: Follow-up, Madam Chair.
21 And I did say "minority districts." I was not
22 speaking specifically to 3. There are other
23 minority districts where the numbers exceed --
24 at 50 or more. And then there are minority
25 districts like mine that are in the 30s.

1 So I just want to know why is it necessary
2 in the creation of the minority districts that
3 some have to be at 50? Are you saying that if
4 it was at 49 or 50 for the last ten years, that
5 it's got to continue to be 49 or 50 in order
6 for the minority persons who live in that
7 district to elect a person of their choice?

8 MR. GUTHRIE: Perhaps Mr. Bardos will want
9 to comment on this, but what I can say is that
10 our aim in drawing these districts was not to
11 dismantle existing opportunities for
12 minorities. Our aim was not to dismantle those
13 communities.

14 MR. BARDOS: And I think there is no --
15 there is no single number. I don't think that
16 we can say that not diminishing the ability to
17 elect means 30 percent or 35 percent or
18 50 percent. So there is no single number.

19 I think that the -- the word "diminish" is
20 a relative term. It relates to what was there
21 in the past plan that is consistent with the
22 way that the Department of Justice has
23 interpreted Section 5. We don't know how the
24 Florida Supreme Court will interpret our
25 Amendments 5 and 6, but we thought that the

1 safest course was not to make these districts
2 less likely to elect minority preferred
3 candidates, and so that is why you see some of
4 the districts that you do.

5 I think it is also important to make the
6 point that just as we got the instruction that
7 consistent with Amendments 5 and 6, the
8 preservation of minority voting strength is a
9 principle to be followed, we also received
10 instruction that we should take into account in
11 doing that, traditional redistricting
12 principles. And I think if you look at some of
13 the socioeconomic data that Mr. Guthrie
14 referred to at the beginning of our
15 presentation, you will find that the districts
16 are bound together by more than just race, and
17 that race was not the predominant factor in
18 this, and that -- and that that's consistent
19 with the Equal Protection Clause of the U.S.
20 Constitution.

21 SENATOR GAETZ: Other comments, or other
22 questions?

23 SENATOR JOYNER: Mr. Chair?

24 SENATOR GAETZ: Yes, Senator Joyner.

25 SENATOR JOYNER: As it relates to packing

1 then, doesn't -- I am trying -- it appears that
2 if you exceed the 50 -- I mean, 50 percent
3 black voting population, voting age population,
4 you can assume that they can -- that district
5 can elect a person of their choice. But it
6 appears to me that at some point it gets where
7 you don't need 50 -- 60 percent, 70 percent
8 if -- because, hey, 70, and that only levers
9 30 percent out there, and you've got the
10 performance and they have always elected
11 someone, why -- I still am on this -- I can't
12 understand why is it that we are fixed at
13 maintaining the number where it was when in
14 fact we have minority districts like mine that
15 don't have these 50 and over numbers that
16 people elect people of their choice. So do you
17 consider the minority districts in the map
18 that -- in the maps that we have seen, are they
19 unnecessarily packed with minorities where the
20 number is very high?

21 SENATOR GAETZ: Well, why don't we do a
22 little fact-checking here just to get ourselves
23 back onto reality. Facts are stubborn things.
24 Are there any African-American districts with
25 70 percent?

1 MR. GUTHRIE: No.

2 SENATOR GAETZ: How about 60 percent?

3 MR. GUTHRIE: No.

4 SENATOR GAETZ: Thank you. That --
5 perhaps those facts will help.

6 Senator Siplin.

7 SENATOR SIPLIN: Yes, thank you,
8 Mr. Chair, and I saw on the calendar events for
9 January and February, we had a time period for
10 the Supreme Court to rule on the maps, is that
11 correct?

12 SENATOR GAETZ: Mr. Guthrie.

13 MR. GUTHRIE: That is correct. The joint
14 resolution of apportionment for legislative
15 districts will be reviewed by the Florida
16 Supreme Court after adoption by the
17 Legislature.

18 SENATOR SIPLIN: And is this the first
19 time the Supreme Court will review it, or did
20 they review it in 2000?

21 MR. GUTHRIE: That has been a provision of
22 the Florida Constitution since 1968.

23 SENATOR SIPLIN: So did the Supreme Court
24 review the seven black Senate seats and the
25 three Hispanic Senate seats in 2000?

1 MR. GUTHRIE: The current Senate districts
2 and House districts were reviewed and validated
3 by the Florida Supreme Court.

4 SENATOR SIPLIN: Were they considered
5 packing?

6 SENATOR GAETZ: Mr. Guthrie.

7 MR. GUTHRIE: I --

8 SENATOR GAETZ: That calls for a legal
9 conclusion. Why don't we defer to counsel.

10 MR. BARDOS: Packing would be a claim
11 brought under Section 2. The Florida Supreme
12 Court declined to analyze Voting Rights Act
13 claims ten years ago, but we did not have any
14 packing challenges to our maps over the last
15 ten years, and certainly no successful ones.

16 SENATOR SIPLIN: That was my question.
17 Thank you, sir.

18 SENATOR GAETZ: Thank you, Senator Siplin.
19 Any other comments or questions?

20 SENATOR JOYNER: Mr. Chair, just for --

21 SENATOR GAETZ: Yes, Senator Joyner, of
22 course.

23 SENATOR JOYNER: I would like to know,
24 what are the numbers in Districts 40, 38 and 36
25 as --

1 SENATOR GAETZ: Could you articulate those
2 numbers one more time, ma'am? Forty what?

3 SENATOR JOYNER: Forty, 38 and 36. I
4 thought that I saw numbers in -- they are
5 Hispanic districts where the numbers exceeded
6 all 50 percent. And so since, you know, you
7 asked about 50 and you asked about 60 and 70, I
8 did talk about 50 also, so I would just like to
9 know if there are any in the 50s, because I
10 know I saw somewhere that there were districts
11 that exceeded --

12 SENATOR GAETZ: So is your question --
13 just so we can get your question down, is your
14 question, are there African-American seats that
15 approach 50 percent?

16 SENATOR JOYNER: No, minority seats,
17 African-American or Hispanic.

18 SENATOR GAETZ: Yes, and having lived in
19 Miami for ten years and owning a business there
20 for 20, I would defer to our other colleagues
21 from Miami-Dade, but I think it is a -- it is a
22 largely Hispanic community now, is it not? To
23 not have -- to not have districts with 60 or
24 70 percent Hispanic would require deportation,
25 would it not?

1 SENATOR DE LA PORTILLA: Mr. Chairman?

2 SENATOR GAETZ: Yes, Senator Diaz de la
3 Portilla.

4 SENATOR DE LA PORTILLA: If I may, I think
5 you are absolutely correct on that. It is
6 almost impossible to draw a district in
7 Miami-Dade County that isn't overwhelmingly
8 Hispanic.

9 SENATOR GAETZ: Other questions?

10 SENATOR JOYNER: One follow-up.

11 SENATOR GAETZ: Yes, Senator Joyner.

12 SENATOR JOYNER: Congressional district
13 that is presently occupied by Senator Frederica
14 Wilson, 17, what is the number there as it
15 relates --

16 SENATOR GAETZ: Congressional -- the
17 congressional district that Senator -- or that
18 Congresswoman Wilson has? What is the
19 African-American percentage in that district?

20 MR. GUTHRIE: The benchmark district that
21 was enacted in 2002, the current district, it
22 has a black voting age population of 57.7
23 percent. The district in the proposed
24 committee bill has a black voting age
25 population of 56.3 percent.

1 SENATOR GAETZ: So actually a reduction?

2 MR. GUTHRIE: Yes.

3 SENATOR GAETZ: Any other questions,
4 Senator Joyner? If not, by previous agreement,
5 the Majority Leader will close and then the
6 Minority Leader will close and then we will go
7 to the vote.

8 Mr. Majority Leader.

9 SENATOR GARDINER: Thank you,
10 Mr. Chairman, and members, I will be very
11 brief.

12 As I stated at the beginning, thank you,
13 Chairman, for your leadership on this. I have
14 often joked with you that you should get a
15 special plaque for perfect attendance at every
16 one of the public hearings around the state.
17 To those of you that weren't able to attend
18 every one of them, our Chairman took notes the
19 entire time, and I think that this product is
20 an example of listening to the voters and being
21 prepared.

22 What I would say to you, members, and to
23 the colleagues of our caucus and I would say to
24 the Minority Leader as well is I hope that we
25 will have a unanimous vote to move forward in

1 the presentation of a PCB, and here is why:
2 Even if there are issues in this particular
3 proposal that you may not necessarily agree
4 with, this gives us the opportunity to come
5 back with an actual bill, hear amendments, hear
6 public testimony and discuss further. To walk
7 away from the opportunity to -- just to present
8 the PCB says to all those individuals that came
9 before the hearings and said you are taking too
10 much time, you are not going to give the courts
11 the opportunity to review, I think that that
12 would be a complete tragedy, and I hope that
13 you will give us the opportunity to move
14 forward.

15 Members, we have all worked at unanimously
16 when issues have come forward, when we have
17 talked about minority access seats, when we
18 have talked about how we wanted these districts
19 to look, and each one of the issues that have
20 come forward, each one -- each time we have
21 come to some type of an agreement as a
22 committee. That is how the Senate works. And
23 I hope that you will move this bill forward.

24 And, again, thank you, Chairman, for your
25 leadership, and thank you, members, for your

1 participation with us.

2 SENATOR GAETZ: Thank you, Senator
3 Gardiner.

4 Senator Rich, our Minority Leader.

5 SENATOR RICH: Thank you, Mr. Chair, and
6 I, again, appreciate the way you have conducted
7 these meetings, and as I mentioned to you
8 before, we may not all come out on the same
9 side all the time, but I agree with Senator
10 Gardiner that we are a collegial body that does
11 try to work together.

12 However, I will say that I will be voting
13 against the map at this time, because I believe
14 that it does not comply with the specific
15 standards that are now in our Constitution as a
16 result of the vote of 63 percent of Florida's
17 voters. They told us that they did not like
18 the way we created the districts in the past,
19 and we were directed by them, I believe, to
20 make sure that we comported with these
21 standards that are in the Constitution, such
22 things and terms that have been probably
23 overused, but favoring or disfavoring
24 incumbents, political parties, gerrymandering,
25 compactness and so forth.

1 I think we were directed by them to allow
2 the voters to select their elected officials,
3 not the other way around, and, unfortunately, I
4 don't think we have made it to that standard.

5 I have to say that I do agree with a
6 recent comment that was attributed to Senator
7 Gaetz, actually in an *Orlando Sentinel* article.
8 He was referring to a former colleague, someone
9 that was in the -- in the State Senate ten
10 years ago when he said that he voted for one of
11 the most gerrymandered redistricting proposals
12 in state history ten years ago, and I totally
13 agree with that.

14 My problem is that these maps, I believe,
15 are tremendously familiar and similar to those
16 maps because we started out with the 2002 maps.
17 I think that the voters told us that they
18 wanted a clean slate, not a map making
19 adjustments to gerrymandered maps from ten
20 years ago.

21 I am just going to mention three specific
22 districts quickly that would, I think,
23 substantiate my point. District 14 I believe
24 now favors an incumbent by the addition of a --
25 of Clay County, which is a -- has a 90 percent

1 voter registration and is 54 percent
2 Republican, and it would pretty much determine
3 that Alachua County would probably not be able
4 to elect a Democrat in the next ten years. The
5 other one would be District 9, which I think,
6 if people look at the map, is clearly
7 gerrymandered. And then I come to the district
8 that I will no longer be representing, so I
9 feel comfortable stating this, because I am
10 speaking on behalf of constituents and people
11 in Broward County, that District 34, now
12 instead of being gerrymandered all the way down
13 to the southern tip of Broward County, will now
14 be gerrymandered all the way up to the northern
15 tip of Palm Beach County. And I think that no
16 one at the Broward hearings or the Palm Beach
17 hearings, to my knowledge, suggested or
18 requested that they be part of an
19 agricultural-based district in the western part
20 of Palm Beach County, and we, therefore, have
21 eliminated this idea of compactness, and when
22 you look at the cities within that district,
23 they are split, with the exception of two, and
24 then go all the way up, as I said, to the
25 northern end of Palm Beach County.

1 So we -- I believe that we have some
2 serious problems with the maps. The only look
3 -- districts that I believe really look
4 different are the ones where these seats are
5 termed out and where there is no incumbent. So
6 I believe that we need to do better than this
7 and to gain the confidence of the voters who
8 told us that they were not happy with the way
9 we did things in the past, and I believe that
10 we need to go back to work and to figure out a
11 way to do what the voters mandated us to do.

12 SENATOR GAETZ: Thank you very much,
13 Leader.

14 President Margolis.

15 SENATOR MARGOLIS: I had an amendment to
16 fix that Palm Beach issue, and I agreed with
17 the Minority Leader to wait until later on
18 to -- until the bill comes back to do something
19 about that amendment, and I continue to do
20 that, but I do have an amendment that will be
21 helpful to that Palm Beach/Broward issue.

22 SENATOR GAETZ: Thank you very much, Madam
23 President, and that is a -- I think a good
24 opportunity for us -- and I realize there's one
25 or two other people who wish now recognition.

1 I think it is a good opportunity for us to
2 point out that the PCB, which is being voted on
3 today, was open for amendment. We called for
4 amendments. We laid out an amendment deadline
5 and schedule. No amendments were filed, for
6 whatever reason. So if there is a better way
7 to do some of the things that were discussed
8 today, sadly, no one proposed that way thus
9 far.

10 And I would just mention, as the President
11 has, that January 11th will be the next meeting
12 of this Committee, at which time we suppose
13 that the President, President Haridopolos, and
14 Rules Chair Thrasher will have referred this
15 matter back to us for a final vote, and at that
16 time, amendments will also be in order. We
17 will follow an amendment deadline that this
18 Committee has agreed to unanimously, no
19 surprises, no midnight amendments, but, rather,
20 a 48-hour notice to Senators and the public so
21 that everyone will have an opportunity to see
22 President Margolis' amendment, if she files it,
23 or any other amendment fully debated, fully
24 vetted and its consequences for other districts
25 throughout the state.

1 Senator Negron wished recognition and then
2 Leader Gardiner and then we will be up on the
3 vote time.

4 Senator Negron.

5 SENATOR NEGRON: Thank you very much,
6 Mr. Chairman. Just in brief response to the
7 Minority Leader, whose views I respect and her
8 representing her point of view, but it is one
9 thing to make arguments, and it is another
10 thing to have facts to back up the argument.
11 And I just want to say I have not heard any
12 facts today from the Minority Leader or from
13 anyone else showing that Amendments 5 and 6
14 were not scrupulously followed, any evidence
15 that there were factors taken into
16 consideration that should not have been taken
17 into consideration. And to suggest that
18 somehow we are violating the Constitution
19 because of a county line that could be easily
20 fixed through an amendment, that is hardly
21 evidence of some endemic corruption in the
22 process, and just to make a wholesale statement
23 condemning something without having specific
24 facts to back it up, I just think that we
25 should look at what do the facts show. And the

1 facts show that this was done through hearings,
2 done through public testimony, done through
3 having our staff look at nothing except what
4 was following the law and what was in the best
5 interest of Florida. There has been no
6 evidence that our process has been tainted in
7 any way by political considerations. So I just
8 wanted to make that clear on the record.

9 SENATOR GAETZ: Thank you, Senator Negron.
10 Leader Gardiner, and then we will close.

11 SENATOR GARDINER: Thank you,
12 Mr. Chairman. I will be very brief.

13 Again, members, as the Chairman has
14 stated, this is about offering a PCB that will
15 come back to this Committee. This happens all
16 the time in other committees, and in many
17 respects, it is just a procedural move and
18 rarely are they voted down.

19 If the Minority Leader had her way, the
20 amendment that Senator Margolis would like to
21 run, to fix, wouldn't be allowed to be offered
22 if we did not have a PCB moving forward in this
23 process.

24 Members, I hope that -- you know, former
25 President Jeff Atwater used to say, "Don't fear

1 the debate." Don't fear the debate. We have
2 heard the discussions around this state to get
3 moving and get this thing coming forward. It
4 is two months earlier than it ever has been,
5 and this is a great opportunity for us to bring
6 this bill back, offer the amendments. And to
7 be quite honest, Leader, if you have issues
8 with the bill before us, then there is an
9 amendment process to try to fix those, but
10 let's come back here with a bill that we can
11 actually vote on. Thank you.

12 SENATOR GAETZ: Thank you, Leader.

13 SENATOR RICH: Mr. Chair? Mr. Chair?

14 SENATOR GAETZ: Yes, Leader Rich, you have
15 just a couple of minutes, ma'am.

16 SENATOR RICH: Thank you. I just would
17 like to comment on the fact that I actually
18 gave three specific districts that I felt
19 violated the Amendments 5 and 6. That was only
20 on the Senate map. Because I didn't want to
21 prolong it, I didn't go in to the congressional
22 map, which was mentioned multiple times today
23 when you look at Congressional District 3. So
24 I did use specifics. And I hope that when we
25 come back in the -- in January that we will

1 have a map that we can bring to you and maybe
2 correct some of these things. But I am
3 entitled, I believe, to the fact that I don't
4 believe this comports with Amendments 5 and 6,
5 I have used specific districts to point that
6 out, and that is why I have decided not to
7 support this proposed committee bill.

8 SENATOR GAETZ: As is your right, Leader,
9 and it is also your right to come forward with
10 your own map, and I have been waiting for five
11 months to say this: Show us the map.

12 And with that, Senator Thrasher, you are
13 recognized for a motion.

14 SENATOR THRASHER: Thank you,
15 Mr. Chairman. I move that SPB 7032
16 establishing the congressional districts of the
17 State of Florida be introduced.

18 SENATOR GAETZ: Senator Thrasher has moved
19 the introduction of the committee bill. The
20 administrative assistant will call the roll on
21 introduction of SPB 7032, the congressional
22 map.

23 THE CLERK: Senator Altman?

24 SENATOR ALTMAN: Yes.

25 THE CLERK: Senator Benacquisto?

1 SENATOR BENACQUISTO: Yes.

2 THE CLERK: Senator Braynon?

3 SENATOR BRAYNON: No.

4 THE CLERK: Senator Bullard?

5 Senator Dean?

6 SENATOR DEAN: Yes.

7 THE CLERK: Senator Detert?

8 SENATOR DETERT: Yes.

9 THE CLERK: Senator Diaz de la Portilla?

10 SENATOR DE LA PORTILLA: Yes.

11 THE CLERK: Senator Evers?

12 SENATOR EVERS: Yes.

13 THE CLERK: Senator Flores?

14 SENATOR FLORES: Yes.

15 REPRESENTATIVE CLARK: Senator Garcia?

16 SENATOR GARCIA: Yes.

17 THE CLERK: Senator Gardiner?

18 SENATOR GARDINER: Yes.

19 THE CLERK: Senator Gibson?

20 SENATOR GIBSON: Yes.

21 THE CLERK: Senator Hays?

22 SENATOR HAYS: Yes.

23 THE CLERK: Senator Joyner?

24 SENATOR JOYNER: No.

25 THE CLERK: Senator Latvala?

1 SENATOR LATVALA: Yes.

2 THE CLERK: Senator Lynn?

3 SENATOR LYNN: Yes.

4 THE CLERK: Senator Montford?

5 SENATOR MONTFORD: Yes.

6 THE CLERK: Senator Negron?

7 SENATOR NEGRON: Yes.

8 THE CLERK: Senator Rich?

9 SENATOR RICH: No.

10 THE CLERK: Senator Sachs?

11 SENATOR SACHS: Yes.

12 THE CLERK: Senator Simmons?

13 SENATOR SIMMONS: Yes.

14 THE CLERK: Senator Siplin?

15 SENATOR SIPLIN: Yes.

16 THE CLERK: Senator Sobel?

17 SENATOR SOBEL: Yes, and I am going to

18 vote this proposed committee bill today to

19 move --

20 SENATOR GAETZ: Senator Sobel, I'm sorry,

21 ma'am, you can't -- by Senate rules, you can't

22 make a statement while you are voting, so it is

23 a yes or a no.

24 SENATOR SOBEL: Yes.

25 THE CLERK: Senator Storms?

1 SENATOR STORMS: Yes.

2 THE CLERK: Senator Thrasher?

3 SENATOR THRASHER: Yes.

4 THE CLERK: Senator Margolis?

5 SENATOR MARGOLIS: Yes.

6 THE CLERK: Senator Gaetz?

7 SENATOR GAETZ: Yes.

8 And by your vote, the motion is adopted
9 and Senate SPB 7032 is introduced. And, Senator
10 Thrasher, you are recognized for another
11 motion.

12 SENATOR THRASHER: Thank you,
13 Mr. Chairman. I move that SPB 7034, joint
14 resolution of apportionment, be introduced.

15 SENATOR GAETZ: Senator Thrasher has moved
16 the introduction of the joint resolution having
17 to do with Senate districts. The
18 administrative assistant will now call the roll
19 on the introduction of SPB 7034.

20 THE CLERK: Senator Altman?

21 SENATOR ALTMAN: Yes.

22 THE CLERK: Senator Benacquisto?

23 SENATOR BENACQUISTO: Yes.

24 THE CLERK: Senator Braynon?

25 SENATOR BRAYNON: No.

1 THE CLERK: Senator Bullard?
2 Senator Dean?
3 SENATOR DEAN: Yes.
4 THE CLERK: Senator Detert?
5 SENATOR DETERT: Yes.
6 THE CLERK: Senator Diaz de la Portilla?
7 SENATOR DE LA PORTILLA: Yes.
8 THE CLERK: Senator Evers?
9 SENATOR EVERS: Yes.
10 THE CLERK: Senator Flores?
11 SENATOR FLORES: Yes.
12 THE CLERK: Senator Garcia?
13 SENATOR GARCIA: Yes.
14 THE CLERK: Senator Gardiner?
15 SENATOR GARDINER: Yes.
16 THE CLERK: Senator Gibson?
17 SENATOR GIBSON: Yes.
18 THE CLERK: Senator Hays?
19 SENATOR HAYS: Yes.
20 THE CLERK: Senator Joyner?
21 SENATOR JOYNER: No.
22 THE CLERK: Senator Latvala?
23 SENATOR LATVALA: Yes.
24 THE CLERK: Senator Lynn?
25 SENATOR LYNN: Yes.

1 THE CLERK: Senator Montford?

2 SENATOR MONTFORD: Yes.

3 THE CLERK: Senator Negron?

4 SENATOR NEGRON: Yes.

5 THE CLERK: Senator Rich?

6 SENATOR RICH: Yes.

7 THE CLERK: Senator Sachs?

8 SENATOR SACHS: Yes.

9 THE CLERK: Senator Simmons?

10 SENATOR SIMMONS: Yes.

11 THE CLERK: Senator Siplin?

12 SENATOR SIPLIN: Yes.

13 THE CLERK: Senator Sobel?

14 SENATOR SOBEL: Yes.

15 THE CLERK: Senator Storms?

16 SENATOR STORMS: Yes.

17 THE CLERK: Senator Thrasher?

18 SENATOR THRASHER: Yes.

19 THE CLERK: Senator Margolis?

20 SENATOR MARGOLIS: Yes.

21 THE CLERK: Senator Gaetz?

22 SENATOR GAETZ: Yes.

23 And by your action, the motion is approved

24 and SPB 7034 is introduced.

25 Before we conclude for the day, let me

1 remind you that the next meeting will be
2 January 11th when we come back from our
3 Hanukkah and Christmas break, and then the
4 President has scheduled January 17th for
5 introduction and second reading of our work
6 product on the floor of the Senate, and we will
7 vote -- if all goes well, we will vote on the
8 18th of January on Senate and congressional and
9 House redistricting.

10 I wish to thank Majority Leader Gardiner
11 and Minority Leader Rich for their diligent and
12 cooperative efforts to keep us on schedule, on
13 time, and having procedures that are open and
14 transparent and inclusive.

15 We have reached a point now where we begin
16 to see that there will be differences of
17 opinion expressed in votes. These differences
18 of opinion are understandable, they are honest,
19 they are expected, but we walk out of here
20 today with thanks to members of both parties
21 for their cooperation, for their civic
22 mindedness and for their faithfulness to the
23 law.

24 And with that, President Margolis moves we
25 rise.

1 (Whereupon, the proceedings were
2 concluded.)
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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 220 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 20th day of December, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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SENATE REAPPORTIONMENT COMMITTEE

ROOM KN 412

JANUARY 11, 2012

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 SENATOR GAETZ: Good afternoon, ladies and
3 gentlemen. If you are here for the Senate
4 Committee on Reapportionment, please take your
5 seats if you are a member of the Committee.

6 If you are a member of the public, please
7 find a place to sit down, and we are delighted
8 to have you all here.

9 Will the administrative assistant please
10 call the roll for the Committee?

11 THE CLERK: Senator Gaetz?

12 SENATOR GAETZ: Here.

13 THE CLERK: Senator Margolis?

14 SENATOR MARGOLIS: Here.

15 THE CLERK: Senator Altman?

16 SENATOR ALTMAN: Here.

17 THE CLERK: Senator Benacquisto?

18 SENATOR BENACQUISTO: Here.

19 THE CLERK: Senator Braynon?

20 SENATOR BRAYNON: Here.

21 THE CLERK: Senator Bullard?

22 SENATOR BULLARD: Here.

23 THE CLERK: Senator Dean?

24 SENATOR DEAN: Here.

25 THE CLERK: Senator Detert?

1 SENATOR DETERT: Here.

2 THE CLERK: Senator Diaz de la Portilla?

3 SENATOR DIAZ DE LA PORTILLA: Here.

4 THE CLERK: Senator Evers?

5 Senator Flores?

6 SENATOR FLORES: Here.

7 THE CLERK: Senator Garcia?

8 SENATOR GARCIA: Here.

9 THE CLERK: Senator Gardiner?

10 SENATOR GARDINER: Here.

11 THE CLERK: Senator Gibson?

12 SENATOR GIBSON: Here.

13 THE CLERK: Senator Hays?

14 SENATOR HAYS: Here.

15 THE CLERK: Senator Joyner?

16 SENATOR JOYNER: Here.

17 THE CLERK: Senator Latvala?

18 SENATOR LATVALA: Here.

19 THE CLERK: Senator Lynn?

20 SENATOR LYNN: Here.

21 THE CLERK: Senator Montford?

22 SENATOR MONTFORD: Here.

23 THE CLERK: Senator Negron?

24 SENATOR NEGRON: Here.

25 THE CLERK: Senator Rich?

1 SENATOR RICH: Here.

2 THE CLERK: Senator Sachs?

3 SENATOR SACHS: Here.

4 THE CLERK: Senator Simmons?

5 SENATOR SIMMONS: Here.

6 THE CLERK: Senator Siplin?

7 SENATOR SIPLIN: Here.

8 THE CLERK: Senator Sobel?

9 SENATOR SOBEL: Here.

10 THE CLERK: Senator Storms?

11 SENATOR STORMS: Here.

12 THE CLERK: Senator Thrasher?

13 SENATOR THRASHER: Here.

14 THE CLERK: Quorum present.

15 SENATOR GAETZ: Thank you very much, and
16 the Committee will come to order. This is the
17 Senate Reapportionment Committee, and I think
18 it is possible that this may be the last
19 meeting of the Senate Reapportionment Committee
20 in this cycle unless the President directs us
21 to meet again.

22 And with that in mind, let me take a
23 moment at the beginning of the meeting to thank
24 the members of the Committee.

25 We have had a long process, an open

1 process, a complete process. Those of you who
2 serve on this Committee have had the
3 opportunity to hear from hundreds of our fellow
4 Floridians.

5 Twenty-two hundred people have testified
6 before this Committee, over 1,700 in person and
7 over 500 have testified in writing, and we are
8 delighted to have their input, and it is based
9 on their input that we presented a proposed
10 Committee Bill at the last meeting of the
11 Committee.

12 The Committee voted to introduce the
13 proposed Committee Bill with an overwhelming
14 affirmative vote, and then we asked members of
15 the public if they would like to provide
16 additional input on the proposed Committee
17 Bill, and over 500 individuals, groups,
18 organizations provided additional input, and
19 based upon that input, we have a proposed
20 Committee Substitute, which does not make
21 remarkable changes in the proposed Committee
22 Bill, but does take into account input that we
23 have received from our Supervisors of
24 Elections, from members of the public and from
25 groups that are interested in this process.

1 Let me as well say that throughout this
2 process, we have had extraordinary bipartisan
3 cooperation from our Majority Leader, Senator
4 Gardiner, and our Minority Leader, Senator
5 Rich, and all members of this Committee.

6 Regardless of how final votes may be taken
7 in this Committee today or on the floor of the
8 Senate, I want to commend both of our leaders
9 for ensuring that we have an open, transparent
10 process that has lent itself, I think, to
11 spirited, but extraordinarily useful debate and
12 discussion.

13 Every agreement we have made as to how
14 this Committee would operate has been by
15 unanimous consent. And I think the cynics and
16 the critics who hoped or prayed or believed or
17 predicted that this process would fail have had
18 their -- had their predictions and hopes and
19 fears belied by the bipartisan and unanimous
20 agreements of this Committee as we have gone
21 forward.

22 Today we have two Bills on the Committee's
23 agenda, Senate Bill 1174 establishing the
24 Congressional Districts of the state, and
25 Senate Joint Resolution 1176, which apportions

1 Senate State Legislative Districts.

2 As I indicated, we formally introduced
3 these Bills at our December 6th meeting, but
4 not before giving the public a second bite at
5 the apple.

6 We heard testimony, comments and
7 suggestions for improving the maps, and we have
8 responded to those suggestions and comments and
9 criticisms with the proposed Committee
10 Substitute that you will see today.

11 Our professional staff has been reviewing
12 the input and has been working to improve the
13 maps. Our professional staff has prepared for
14 our consideration today, based on that public
15 input, proposed Committee Substitutes for the
16 Senate and Congressional maps.

17 Our Minority Leader, Senator Rich, has
18 been hard at work, as all of our Senators have,
19 and as provided by this Committee's policy and
20 in conformance with this Committee's policy,
21 she has prepared and filed amendments to the
22 two Bills that will be before us today, and at
23 the appropriate time we will turn to Senator
24 Rich for any comments she may wish to make
25 about her amendments.

1 Let me go through the order of business
2 today, because we have a lot to do, so that
3 everyone will have an opportunity to see where
4 we are headed, and also members of the public
5 will see where -- if you would like to make
6 public testimony, where your testimony might be
7 the most appropriately inserted.

8 Our order of business is first to take up
9 Senate Bill 1174, which contains the
10 Congressional plan, and then move on to the
11 proposed Committee Substitute. We will hear
12 the professional staff's explanation of the
13 proposed Committee Substitute.

14 So we will bring up the Committee
15 Substitute for Congress, we will hear the
16 professional staff's description of the PCS,
17 and then we will turn to Leader Rich for her
18 comments and for the introduction of her
19 amendment.

20 Then we will allow an opportunity for
21 public testimony on the Congressional plan, on
22 the Rich amendment. The Rich amendment will be
23 before us, we will hear testimony on the Rich
24 amendment, then we will vote the Rich amendment
25 up or down, we will dispose of it and then we

1 will move back to the Congressional plan.

2 We will take testimony on the plan as it
3 would be in its form then, either amended by
4 the Rich amendment or not, we will take
5 testimony at that point, and then we will do
6 debate on the plan and we will vote the plan up
7 or down.

8 Mr. Rules Chair, it would be my hope that
9 in order to give the public and the members of
10 the Senate time to conduct the other business
11 we have to conduct, which is to move to the
12 Senate plan, that at the appropriate time, you
13 might offer a motion to vote on the
14 Congressional plan at a time certain.

15 If we move right along, perhaps we can
16 move that motion to be at a time certain of
17 about 3:30, but I defer to you, Mr. Rules
18 Chair, for how you might want to proceed.

19 Then after our action on the Congressional
20 plan, we will repeat the process with the
21 proposed Committee Substitute for the Senate
22 plan that relates to Senate districts.

23 Are there any questions about our
24 procedures for today as to how we are going to
25 move forward? Any questions, any comments, any

1 problems?

2 Yes, Senator Bullard, you are recognized
3 for a question.

4 SENATOR BULLARD: Thank you, Mr. Chairman.
5 Will -- Mr. Guthrie, will you show the slide on
6 the big screen as well as on the laptop? Thank
7 you.

8 SENATOR GAETZ: Yes, Senator Bullard, and
9 for members of the audience, John Guthrie, who
10 is the Director of our professional staff, his
11 presentation on the proposed Committee
12 Substitute will be on the big screen that you
13 can see, but also will be carried over our
14 legislative internet, our intranet.

15 And so the members of the Senate who are
16 on the Committee will also be able to see what
17 you are seeing on the small screens ahead of
18 them.

19 Are there any other questions or any other
20 comments before we proceed? If not, please
21 turn to tab one, and we will consider Senate
22 Bill 1174, which establishes Congressional
23 districts of the State of Florida.

24 And in order to put us in the proper
25 posture, Senator Thrasher moves the proposed

1 Committee Substitute. It is now before us, and
2 Mr. Guthrie, as professional staff Director,
3 you are recognized to explain the PCS.

4 MR. GUTHRIE: Thank you, Mr. Chairman.
5 Let's see. Okay. There we go. Thank you,
6 Mr. Chairman.

7 The first slide reminds us again that
8 redistricting in Florida during 2011/2012 is
9 occurring under new provisions of the Florida
10 Constitution. Article III, Section 16, has
11 been with us since the Constitution was
12 initially adopted in 1968, the new
13 Constitution, but the voters in the fall of
14 2010, put two new provisions into the Florida
15 Constitution, requiring first and foremost that
16 districts not be drawn with the intent to favor
17 or disfavor a political party or an incumbent,
18 and that districts not be drawn with the intent
19 or effect of diminishing the opportunities of
20 racial and language minorities to participate
21 fully in the political process.

22 Then Tier 2 of the new redistricting
23 standards that apply to both Congressional and
24 State Senate districts and State House
25 districts is that unless compliance with these

1 Tier 2 standards conflicts with the Tier 1
2 standards or federal law, districts must be as
3 nearly equal in population as practicable, must
4 be compact and must be, where feasible, but
5 used -- shall follow or shall use political and
6 geographic boundaries.

7 And then the final provision of the new
8 sections in the Florida Constitution provides
9 that the order of standards within Tier 1 and
10 within Tier 2 is inconsequential. So they all
11 shall be interpreted as equally meaningful
12 standards in terms for the Legislature to
13 follow in redistricting.

14 This Committee, as we recall, has done
15 more in the way of public outreach than ever
16 before. We did a tally of the number of
17 messages and letters that we had sent out to
18 the public soliciting their active involvement
19 in Florida's redistricting process, the number
20 of press releases that have been sent out to
21 media outlets around the state and the number
22 of op-eds that have been published in papers in
23 the state, and you can see the numbers here, a
24 total of more than 20,000 pieces of
25 correspondence going out to citizens, asking

1 them to participate in Florida's redistricting
2 process. And the outreach had an effect.

3 During our listening tour last summer, we
4 visited 26 locations, almost 5,000 people
5 recorded their attendance, that is, filled in
6 an attendance card as they arrived at the site.
7 There were a good number of people who attended
8 but did not fill in cards, and we heard from
9 more than 1,600 speakers at the 26 public
10 hearings.

11 We continued to take public input after
12 this Committee released its initial proposed
13 Committee Bills on November 28th. We -- you
14 will recall that at our last meeting, The
15 Florida Channel was of great assistance to us
16 in compiling a lot of the public input that we
17 had received prior to that date, and we had a
18 total of -- by the Committee meeting, we had
19 567 calls or messages delivered to our website.

20 Since the Committee meeting, we have
21 gotten another 200 through the end of December,
22 when we published the proposed Committee
23 Substitute, and we have had almost 600 during
24 this year, in the few days that have occurred
25 this year.

1 So more than 1,300 pieces of
2 correspondence coming in to the Committee in
3 reaction to the proposed Committee Bills that
4 this Committee moved to introduce on -- at our
5 last meeting on December 6.

6 Plans submitted by the public, I have
7 updated this slide, the numbers continue
8 growing. We even had more plans submitted at
9 the end of last week and some this week. We
10 are now up to 174 total plans, 86 Congress, 46
11 Senate and 42 House, and you can see the
12 breakdown in this table between full and
13 partial plans that have been submitted to the
14 Senate.

15 Let's turn now to the proposed Committee
16 Substitute for Congressional districts. That
17 is tab two in your packet, and I would like to
18 walk you through some of the elements that you
19 find at that tab.

20 First and foremost, there is a copy of the
21 Bill. The Bill has new district descriptions
22 for all of -- all 27 of the Congressional
23 districts. Significantly, it also has some
24 changes to the title. So we added to the title
25 of the Bill 27 whereas clauses, which

1 articulate for the public the intent of the
2 Legislature and factual findings of the
3 Legislature in terms of what these new
4 districts are doing.

5 For instance, for District 1, it says, "It
6 is the intent of the Legislature to establish
7 Congressional District 1, which is equal in
8 population to other districts, follows
9 political and geographic boundaries, includes
10 Escambia, Santa Rosa, Okaloosa, Walton and
11 western Holmes Counties, and follows the
12 boundaries of the state on the western and
13 northern sides of the district and the Gulf of
14 Mexico on the south."

15 What that language does is provides you
16 and provides the public a much more
17 user-friendly description of the territory that
18 is included in District 1 than what appears in
19 the body of the Bill, which lists a bunch of
20 census, counties, VTDs and tracts and blocks.
21 So it is a user-friendly version of the -- or
22 explanation of the basis for these districts.

23 So in your packet, we have a copy of the
24 Bill. We also have a copy of the proposed
25 Committee Substitute analysis and an extensive

1 attachment that goes with this analysis,
2 including maps and statistics for proposed
3 Congressional districts in Senate Plan
4 S000C9006, and for ease of reference in the
5 future, we will just call that plan 9006 in our
6 meeting today.

7 We will call the amendment offered by
8 Senator Rich, plan 9010, okay. So those are
9 the plan numbers associated with those. For
10 all -- for all of that, we have a copy of some
11 maps of the state and then a whole myriad of
12 statistics.

13 Let me point out that -- that on the front
14 page, we have an index, which indicates what
15 documents appear in what order in your packet.
16 So this gives you all of the detail in the
17 meeting packet as to what the configuration of
18 these new districts will be.

19 And then also in your meeting packet, we
20 have a copy of the amendment that was timely
21 filed by Senator Rich.

22 What is -- what is the difference between
23 the proposed Committee Substitute and the
24 Committee Bill that this Committee moved to
25 introduce at your meeting on December 6?

1 Well, first of all, in the time between
2 Thanksgiving and Christmas, my staff and I went
3 back and tried again to work at decreasing the
4 number of city splits, and doing as good a job
5 as we could of following city boundaries where
6 we could, following those mandates of the
7 Florida Constitution.

8 We also included feedback that this
9 Committee got at your last Committee meeting
10 and in the time since that Committee meeting
11 from the public and also from Supervisors of
12 Elections.

13 I went to Orlando on Saturday,
14 December 10th, a few days after your last
15 Committee meeting, and talked with the Florida
16 Association of Supervisors of Elections about
17 where we were in the process, and urged them to
18 take a close look at the maps that had been
19 introduced by this Committee and give us their
20 feedback as to any complications that those
21 maps might create for them providing
22 efficient -- or conducting efficient elections
23 in their jurisdictions.

24 And from about a dozen supervisors, we
25 received feedback back from them and we

1 incorporated as many of those suggestions as we
2 could.

3 Some of the -- the major changes in terms
4 of geography between the proposed Committee
5 Substitute and the original -- originally
6 introduced Bill is that the -- you will recall
7 that on December 6th, we heard a lot from
8 Charlotte County, that residents in the coastal
9 portions of Charlotte County wanted to be
10 removed from a rural district. Well, the
11 proposed Committee Substitute makes that
12 change.

13 The second major change is that we heard
14 from the Central Florida Redistricting Council,
15 I believe was the name of the organization, a
16 Hispanic public interest group, that they
17 wanted to modify the boundaries of the Hispanic
18 opportunity district in central Florida, and we
19 were able to accommodate those changes.

20 And finally, we got some direction at the
21 Committee meeting on the 6th, to adjust the
22 boundaries of districts bordering Tampa Bay,
23 and the proposed Committee Substitute makes
24 those changes as well.

25 And, finally, the Committee went --

1 Committee staff went back and tried to the best
2 of our ability to follow geographic boundaries
3 to the extent feasible in the plan. So that is
4 a quick run-down of the changes in the proposed
5 Committee Substitute.

6 In terms of split counties and split
7 cities, this chart shows that we made some
8 substantial changes. So the number of split
9 counties actually went up between the PCB and
10 the PCS.

11 The reason for that is that when we put
12 Charlotte County -- the coastal portions of
13 Charlotte County into a coastal district, rural
14 coastal -- or rural Charlotte County into the
15 interior district, and then to balance out
16 population, we put interior portions of
17 Sarasota and Manatee Counties into the rural
18 district.

19 So that created some additional county
20 splits, three additional county splits relative
21 to the original plan, but it was done for the
22 purpose of following the very good direction
23 that this Committee got at your last Committee
24 meeting about coastal Charlotte County.

25 In terms of split cities, the number of

1 split cities in the benchmark was 110. We got
2 63 split cities in the proposed Committee Bill
3 and 45 in the proposed Committee Substitute.
4 The number of city splits -- and you will
5 remember from last time that if -- if a -- the
6 City of Largo is split between three districts,
7 we will count that as three city splits.

8 So the number was 254 in the benchmark
9 plan, the current districts. It was 144 in the
10 proposed Committee Substitute -- proposed
11 Committee Bill that was introduced by this
12 Committee on December 6th, and it is 103 in the
13 proposed Committee Substitute.

14 So those, Mr. Chairman, are some of the
15 most salient factors that are behind the tweaks
16 and refinements that your professional staff
17 made in the proposed Committee Substitute that
18 is before the Committee today.

19 SENATOR GAETZ: Thank you, Mr. Guthrie.
20 For the record, would you please remind the
21 Committee when the proposed Committee
22 Substitute was filed and made public?

23 MR. GUTHRIE: The proposed Committee
24 Substitute was filed on December 30th -- or put
25 on the website and filed on December 30th of

1 2011.

2 SENATOR GAETZ: And our unanimous consent
3 agreement here on the Committee was that we
4 would have an extended time available for the
5 public and the press and members of the
6 Committee to see any changes in advance of any
7 Committee deliberations.

8 Did we meet that requirement with the
9 filing of the Committee Substitute?

10 MR. GUTHRIE: The requirement was seven
11 days in advance, items on the agenda would be
12 publicized. I believe we got the -- well, we
13 got it out -- we wanted to get it out before
14 the end of the year.

15 I would have rather gotten it out a few
16 days earlier. We got it out before the end of
17 the year, made that deadline, and, in fact, I
18 think it was 12 days in advance of this
19 Committee meeting today.

20 SENATOR GAETZ: So members of the
21 Committee obviously have had access to the
22 proposed Committee Substitute for 12 days prior
23 to this meeting, you have had the opportunity
24 to review the proposed Committee Substitute, to
25 engage in the professional staff with any

1 technical questions about the proposed
2 Committee Substitute.

3 Are there any questions that you have now
4 for Mr. Guthrie about the PCS on the
5 Congressional maps? We are on the
6 Congressional maps. Yes, Senator Bullard.

7 SENATOR BULLARD: Thank you, Mr. Chairman.

8 Did -- we didn't specify they would be
9 working days or not, right, or work days that
10 the Legislature was open, did we not? Because
11 this, I believe, was filed while we were on
12 vacation. Is that correct?

13 SENATOR GAETZ: Yes, exactly, Senator
14 Bullard. It was the unanimous agreement of
15 this Committee that we didn't want to play any
16 games with calendar days. We wanted to give
17 people as much time as possible, and so,
18 therefore, the proposed Committee Substitute
19 was filed 12 days instead of seven days prior
20 to the action of this Committee.

21 SENATOR BULLARD: Thank you, Mr. Chairman.

22 SENATOR GAETZ: Senator Detert for a
23 question.

24 SENATOR DETERT: Thank you. I was a
25 little surprised with the radical change to

1 District 13, because we also had testimony that
2 said keep Sarasota and Manatee Counties
3 together, and our first Congressional map did
4 that.

5 Now the second Congressional map kind of
6 makes District -- Congressional District 13 a
7 coastal community, and I -- frankly, I don't
8 have much of a disagreement with doing it that
9 way either.

10 The only problem we noticed is that Boca
11 Grande is split in two, and it is one island
12 with one ingress and one egress. So it seems
13 kind of -- flies in the face of common sense to
14 split an island that small into two
15 Congressional districts.

16 So if you could just speak to why that was
17 done, and if that is fixable, I would
18 appreciate it.

19 SENATOR GAETZ: Thank you very much,
20 Senator Detert, and sometimes the lines that
21 are drawn -- the imaginary lines drawn by
22 public bodies don't make much common sense. My
23 recollection is that Boca Grande, albeit a
24 small island, has a county line running through
25 it. Is that correct, Mr. Guthrie?

1 MR. GUTHRIE: I believe that is correct,
2 yes.

3 SENATOR GAETZ: And so we were trying to
4 be faithful to the dicta of Amendments 5 and 6
5 to where, insofar as possible, insofar as
6 practical, be a respecter of the lines of
7 political subdivisions.

8 So I believe that that was the logic
9 behind respecting the county lines, but, Mr.
10 Guthrie, any comment that you have on that, and
11 then, of course, Senator Detert, an amendment
12 on the floor would be in order if you believe
13 that that ought to be changed. Mr. Guthrie.

14 MR. GUTHRIE: So let's make sure, Senator
15 Detert, that we are on the same wavelength
16 here. What -- the choice that professional
17 staff made in redrawing this district -- and we
18 can -- let's look at the same area in the PCS
19 and in the Committee Substitute and in the
20 original Bill.

21 So the Bill as filed had significant
22 portions of Charlotte County, including Boca
23 Grande, correct, in District 12. In the
24 proposed Committee Substitute, we put the
25 coastal portions of Charlotte County in a

1 district with Manatee and Sarasota County, and
2 we put the interior portions of District 12 --
3 of Charlotte County in a rural district with
4 the interior portions of Sarasota and Manatee
5 Counties.

6 SENATOR GAETZ: But would you speak, Mr.
7 Guthrie, to Senator Detert's concern as to the
8 Boca Grande Island?

9 MR. GUTHRIE: Is Boca Grande Island this
10 area right here?

11 SENATOR GAETZ: It is.

12 MR. GUTHRIE: Okay. Well, in the proposed
13 Committee Substitute, it is kept entirely in a
14 single district. If we go back to the Bill as
15 filed, in that original Bill, the island of
16 Boca Grande, in fact, was split between two
17 districts.

18 SENATOR GAETZ: And so there you see the
19 tension that we have between what Senator
20 Detert properly describes as common sense, and
21 a devotion to county lines. But, Senator
22 Detert, are you satisfied on this point?

23 My understanding now then is that the
24 matter -- the proposed Committee Substitute
25 before us keeps the island of Boca Grande in

1 one Congressional district, although that would
2 appear to -- not appear -- it would exactly
3 involve having county lines not respected in
4 this particular case. Is that correct?

5 MR. GUTHRIE: Split in a different way,
6 yes.

7 SENATOR GAETZ: Yes.

8 SENATOR DETERT: Yeah, as long as that is
9 the case, I think, you know, a good argument
10 can be made for the size of the island and the
11 size of the population. It is just a little
12 hard to find on the map, because, frankly, it
13 is so small. But if you assure me it is all in
14 one county, I frankly think that is the
15 sensible thing to do.

16 SENATOR GAETZ: And to be clear, Senator
17 Detert, it is not all in one county, but it is
18 all in one Congressional district. Is that a
19 fair statement?

20 MR. GUTHRIE: Right, right.

21 SENATOR GAETZ: Okay. Are there other
22 questions of Mr. Guthrie, questions about the
23 PCS?

24 Yes, Senator Sobel.

25 SENATOR SOBEL: Thank you, Mr. Chair.

1 Mr. Guthrie, I was told that in
2 Congressional District 17, there was an issue
3 about an airport, the Opa-Locka airport being
4 separated from the City of Opa-Locka. Is that
5 -- is there a rationale for that, or it just
6 happened?

7 SENATOR GAETZ: Mr. Guthrie?

8 MR. GUTHRIE: Let's look at that, Senator
9 Sobel. I am not familiar, but we can -- we can
10 zoom into the map. Let's turn on cities as our
11 background field. So here is the City of
12 Opa-Locka, and I am just guessing that this
13 territory right here might be the Opa-Locka
14 airport. So let's go to Google maps to confirm
15 that. Yes, that is the airport.

16 So that -- it is a true fact that the
17 airport property is in District 21, and this --
18 where -- what we did here is we followed the
19 city boundary of the City of Opa-Locka and went
20 around the airport.

21 SENATOR SOBEL: Follow-up, Mr. Chair?

22 SENATOR GAETZ: Of course, Senator Sobel.

23 SENATOR SOBEL: Is there any reason why it
24 could not be part of 17, because it is part of
25 that city? I mean, there is no population.

1 MR. GUTHRIE: Well, let's -- let's look at
2 that question in detail, Senator Sobel. What I
3 am going to do is zoom into the airport
4 property and turn on block lines. So -- let me
5 see.

6 So if I were to put the airport property
7 into District 17, then there's this -- I don't
8 know. My best guess is that that is a change
9 that perhaps could have been made. We didn't
10 know that keeping Opa-Locka airport together
11 with the City of Opa-Locka was a driving
12 principle, so we drew it one way, and you could
13 have drawn it another way I think is my best
14 answer.

15 SENATOR GAETZ: And, Senator Sobel, again,
16 this demonstrates -- your question is so
17 helpful, because it demonstrates again that
18 following city boundaries -- and city
19 boundaries aren't -- sometimes they look like
20 Rorschach blots, but if you follow city
21 boundaries, sometimes you leave portions of a
22 community that some people think are inside the
23 city, outside of the district.

24 And we have tried here to follow the
25 municipal boundaries, but in doing so, we left

1 the airport, which has no voting age population
2 and no population in it, you know, outside of
3 the city, because it is outside of the city,
4 but a -- certainly an amendment would be in
5 order on the floor to address that issue if you
6 would care to file it.

7 SENATOR SOBEL: Thank you.

8 SENATOR LATVALA: Mr. Chairman?

9 SENATOR GAETZ: Senator Latvala.

10 SENATOR LATVALA: Thank you.

11 Could we revisit the Boca Grande situation
12 for just a second? I thought I heard Mr.
13 Guthrie represent to Senator Detert that in the
14 proposed Committee -- the amendment today, the
15 proposed Committee Substitute, Boca Grande was
16 not split between two different districts.

17 And I am just wondering if you could zero
18 in on that, you know, again, and let's just
19 make sure.

20 MR. GUTHRIE: Is this the right territory?

21 I --

22 SENATOR LATVALA: It is over -- it is down
23 further down.

24 MR. GUTHRIE: Oh, down here, okay.

25 SENATOR LATVALA: Right where that line

1 goes across that separates the districts --

2 MR. GUTHRIE: Oh --

3 SENATOR LATVALA: -- that is Boca Grande.

4 MR. GUTHRIE: Okay. If this is the island
5 of Boca Grande then, thank you, Senator
6 Latvala, I misspoke. I was looking at the
7 wrong piece of geography there. You are
8 exactly correct that what we did in this
9 instance is followed the county boundary and --

10 SENATOR LATVALA: Mr. Chairman?

11 SENATOR GAETZ: Yes, Senator Latvala.

12 SENATOR LATVALA: Putting Boca Grande back
13 in that district would not result in an
14 additional county split, because you've already
15 got some of the interior area of Lee County
16 split, so you already have a split there.

17 So if that was an important issue for
18 Senator Detert to not split that little island
19 and make people have to go all the way around
20 or whatever, then that could be accomplished,
21 because the orange area in the upper right-hand
22 corner there of Lee County is already in
23 District 12.

24 SENATOR GAETZ: And thank you. And,
25 Senator Detert, we beg your pardon, Senator

1 Latvala is absolutely correct, and, again, this
2 is -- this is -- this is why we are here today,
3 to find if there are technicalities or
4 idiosyncrasies that we can address in an
5 amendment on the floor, that that can be done.

6 And I would just say, Senator Detert, that
7 if you will work with professional staff, we
8 certainly can draw up an amendment. We may
9 have a -- we may have an amendment that
10 addresses several points, or we may have an
11 amendment, you know, several amendments that
12 each address one point, or there may be no
13 amendments, but at least work with Mr. Guthrie
14 on this.

15 I think Senator Latvala makes a very good
16 point that this could be addressed without a
17 lot of pain.

18 Other comments or questions? I'm sorry,
19 Senator Bullard, you had a question?

20 SENATOR BULLARD: Back to the issue of --
21 Mr. Chairman, thank you. Back to the issue of
22 Opa-Locka. If Senator Sobel is offering an
23 amendment, I would certainly like to co-sponsor
24 that amendment, because while it may not have
25 voters there in that particular area, you

1 certainly have economic development, which
2 impacts what happens in that city.

3 And that city is struggling as it
4 presently stands, and I would certainly would
5 not want them to lose that level of economic
6 development for -- and jobs for their city. So
7 I would hope that she does; if not, I will.
8 Thank you.

9 SENATOR GAETZ: Thank you very much, and
10 that would be in order on the floor, and we
11 will go over the amendment deadlines for floor
12 amendments before we adjourn today.

13 Any other questions as to the PCS?
14 Questions as to the PCS for professional staff?

15 If not, the PCS is now before you, and it
16 is in order that we turn to Senator Rich, bar
17 code -- amendment bar code 646136, and Leader
18 Rich, thank you for working hard on this issue
19 and for all your help as we have gone through
20 the process, and you are recognized, Leader.

21 SENATOR RICH: Thank you. Thank you,
22 Mr. Chair. Yes, and I do want to -- before I
23 make my comments here, I do want to say that we
24 may not always agree on the outcome and the
25 final result, but certainly the way in which

1 you have chaired and made sure that this
2 Committee operated in a very cooperative
3 fashion and a very civil one is very important,
4 and I do want to recognize the fact that I
5 appreciate that, and I know that all of my
6 members do as well.

7 SENATOR GAETZ: Thank you, Leader.

8 SENATOR RICH: This is going to be just
9 kind of a brief statement, and actually, it
10 refers to both the -- of the -- each of the
11 amendments, both the Senate and the
12 Congressional, but I will focus specifically on
13 the Congressional now.

14 Throughout the redistricting process, I
15 have listened carefully to my constituents, to
16 public testimony and to the comments of my
17 colleagues on this Committee.

18 Throughout the process, we in the minority
19 have been asked repeatedly to submit our own
20 maps, and it was our intention to present our
21 redistricting maps today at this meeting.

22 Our purpose in presenting an alternative
23 plan was that we believe that we can do better
24 in reconciling the Voting Rights Act and
25 provisions of our State Constitution that we

1 are required to do at this juncture.

2 So in the interest of openness and
3 transparency, I did file amendments by Monday's
4 deadline, and I -- that I believe would meet
5 our goal.

6 Since meeting that deadline, however, it
7 appears to me that there are some parts of
8 these maps that can be improved to ensure that
9 we are complying with the standards in our
10 Constitution. It -- I regret that these maps
11 are not exactly where I would like them to be
12 today in terms of the best reflection of the
13 requirements of the Voting Rights Act, the
14 Constitution and the will of the people of
15 Florida.

16 So for that reason, I wish to temporarily
17 postpone amendment bar code 6461362, Senate
18 Bill 1174.

19 SENATOR GAETZ: Without objection, the
20 Rich amendments are temporarily postponed. I'm
21 sorry, Mr. Guthrie? Did you mean --

22 SENATOR RICH: Yes, this -- both
23 amendments. The other amendment is amendment
24 bar code 5983182, Senate Joint Resolution 1176.

25 SENATOR GAETZ: All right. Without

1 objection, the Rich amendments as to the
2 Congressional plan and as to the Senate plan
3 are temporarily postponed. Thank you very
4 much, Leader Rich, and, of course, Leader Rich,
5 as well as any other member of the Senate, is
6 welcome to file a floor amendment, and before
7 we leave today, we will rearticulate the rules
8 for the floor amendment.

9 As you know, yesterday on our opening day
10 in the Senate, the Senate passed by unanimous
11 consent the request of this Committee, which
12 was approved by our Rules Chair, to have an
13 extended period of time so that the public will
14 know exactly what any amendments are that might
15 be proposed on the floor to the redistricting
16 plans.

17 We are now back on the PCS as it is before
18 us, and we will take testimony on the
19 Congressional PCS, the Congressional PCS. Now,
20 for those of you who wish to supply public
21 testimony, you need to fill out an appearance
22 card, and get that appearance card to the
23 administrative assistant.

24 Just bring it up here to the front, and we
25 will make sure that you get heard. Our goal is

1 to make sure that if you have relevant, germane
2 comments as to the matters before the Committee
3 today, the two PCSs, that you have the
4 opportunity to be heard.

5 So I ask you if you would come forward
6 with those appearance cards as soon as you
7 possibly can.

8 We are on the PCS, and our first public
9 appearance card is by Art Kimbrough. Did Art
10 -- is Art still here? He stepped out? Well,
11 we'll -- is Art coming back? Okay. We will
12 pass Art for the moment and we will go to Sid
13 Riley. Mr. Riley? I'm sorry, Mr. Riley, as
14 you come up, who had a question? Senator
15 Bullard for a question.

16 SENATOR BULLARD: Mr. Chairman, we are on
17 the actual PCS right now?

18 SENATOR GAETZ: We are on the PCS --

19 SENATOR BULLARD: -- moving on all
20 amendments? The amendments were withdrawn?

21 SENATOR GAETZ: All amendments have been
22 withdrawn by Leader Rich, and we are on the PCS
23 as it was presented by Mr. Guthrie.

24 SENATOR BULLARD: And, Mr. Chairman, I
25 want to -- may I?

1 SENATOR GAETZ: Of course, ma'am.

2 SENATOR BULLARD: Thank you. I would like
3 to just say to you and to our Leader Rich that
4 it is important even as we go to the floor that
5 we do not diminish -- as it is stated in the
6 Voting Rights Act and the Amendments 5 and 6,
7 that we do not diminish the ability of racial
8 minorities or language minorities to elect
9 candidates of their choice.

10 Now, clearly today, had those amendments
11 passed, the District No. 29, District 18,
12 District 1, District 39 and 35 would have been
13 impacted.

14 We would have had a diminishment of
15 African-Americans in every one of those
16 districts I just numbered. I studied this
17 carefully. I know now what is happening with
18 these. I would hope that this will not take
19 place in any amendments that come to the floor,
20 because as I sit here today, I will again sit
21 today on this side of the aisle to work it
22 down, because I am not going to allow
23 diminishing of African-Americans.

24 In District No. 29 -- I mean, District No.
25 33, there was packing, and that District No. 33

1 packed that district, and that is against 5 and
2 6 -- 5 and 6 and the Voting Rights Act.

3 So I am asking you, and I know that we
4 have in the first -- in the first PCS, or in
5 all of the -- those which I had an opportunity
6 to listen to, I saw that we carefully worked
7 and where everyone had an opportunity.

8 This would have clearly diminished the
9 ability for African-Americans to be elected to
10 office. So I thank you, Mr. Chairman, and I
11 thank Leader Rich for withdrawing the
12 amendments. Thank you.

13 SENATOR GAETZ: Thank you, Senator
14 Bullard.

15 Mr. Riley, are you with us? Mr. Riley is
16 from Marianna. We are delighted that you were
17 able to drive over today, and we are anxious to
18 have your testimony before the Florida Senate.
19 You are recognized, sir.

20 MR. RILEY: Thank you very much,
21 Mr. Chairman and distinguished panel. I
22 appreciate the opportunity to speak.

23 I am here today as -- speaking about
24 issues in District 6 on the senatorial
25 redistricting, specifically issues relating to

1 Jackson County, which is the county I live in
2 in the Panhandle to the west, in the
3 northwestern, forgotten part of Florida.

4 The -- I speak not as a Democrat or a
5 Republican, and I have no issues that are
6 political. I speak as -- from the standpoint
7 of business and social issues related to the
8 redistricting.

9 Jackson County is a county that is large
10 in geographic area, but relatively small in
11 population. The population is around 50,000,
12 and it is primarily an agricultural county with
13 quite a bit of State institutional employment
14 also in the county, for which we are very
15 thankful that it is there, because our economy
16 would certainly suffer without the State
17 presence in Jackson County.

18 There are no urban and rural issues
19 involved in the redistricting, there are no
20 cultural issues involved in the redistricting,
21 but there are social and business issues that I
22 would like to bring to your attention.

23 We -- the employment in the state, as I
24 said, is primarily agricultural and State --
25 State employment. Because of that, the

1 citizens of the county are closely aligned with
2 the activities and interests in Tallahassee
3 much more to the east of the county than they
4 are to the west of the county, which is --
5 would include the Pensacola and Eglin Air Force
6 Base interests in the western end of the
7 Panhandle.

8 Because of this, Jackson County is right
9 on the cusp of the division that is in the
10 proposed redrawing of the lines for
11 representation, and Jackson County is being
12 moved into the western block instead of
13 remaining in the block that would include the
14 Tallahassee representation, and we feel that
15 that would be to the detriment of the interests
16 of a lot of the -- a major part of the
17 population of the county.

18 SENATOR GAETZ: Sir, I would like to -- we
19 are delighted to have your testimony, but we
20 are on the Congressional maps right now. And
21 do you have testimony related to the
22 Congressional maps, sir?

23 MR. RILEY: No. In fact, my card said
24 senatorial redistricting.

25 SENATOR GAETZ: It just says

1 "redistricting," sir.

2 MR. RILEY: I'm sorry.

3 SENATOR GAETZ: That is okay. Now, we
4 wanted to give you a chance if you wanted to
5 speak on Congressional redistricting.

6 MR. RILEY: No, we are completely happy
7 with Steve Southerland and the way it is set
8 up, so --

9 SENATOR GAETZ: Well, if you wouldn't
10 mind, if you would allow us to proceed with the
11 Congressional redistricting --

12 MR. RILEY: Certainly. I don't know how
13 we got confused.

14 SENATOR GAETZ: -- and come back and we'll
15 all remember what you said, and you can come
16 back and finish your testimony in a minute.

17 MR. RILEY: I certainly don't want to have
18 to say it again.

19 SENATOR GAETZ: Is that okay? Thank you.
20 Thank you, Mr. Riley, and I'm sorry.

21 Is there any -- Mr. Hatcher, did you have
22 public testimony on the Congressional
23 redistricting, or on -- strictly on Senate?

24 MR. HATCHER: Yes.

25 SENATOR GAETZ: Okay. And then, Art, did

1 you wish to speak on --

2 MR. KIMBROUGH: His is the same.

3 SENATOR GAETZ: His is the same? Okay.

4 Mr. Roach, did you have testimony on
5 Congressional redistricting?

6 MR. ROACH: Yes.

7 SENATOR GAETZ: Mr. Roach, thank you for
8 being here, and you are recognized on the
9 Congressional redistricting, the PCS that is
10 before us right now.

11 MR. ROACH: Thank you, Mr. Chairman. It
12 is good to see you again, I saw you in Lehigh
13 Acres when you came down. I testified there.

14 My name is Jim Roach. I am from Cape
15 Coral, six and-a-half hours from here. I drove
16 up -- I actually had a presentation, but
17 apparently there's not enough time to do a
18 PowerPoint on this, but I wanted to take a
19 little bit different tack.

20 You put up at the beginning of this some
21 of the Amendment 6 laws, and one of them said
22 that you shouldn't draw the maps with the
23 intent of favoring political party or
24 incumbents.

25 SENATOR GAETZ: I think it said favoring

1 or disfavoring.

2 MR. ROACH: Favoring -- yeah, correct.

3 And I talked to the House staff, and they
4 said that the word "intent" meant that if you
5 didn't look at parties when you drew them, that
6 intent was different than outcome.

7 So what I wanted to talk about briefly is
8 the outcome of this map politically, that even
9 if you didn't look at that, and I trust that
10 that wasn't taken into consideration, but if
11 the effect was that it was, and we end up with
12 the same packed Democrat districts and multiple
13 Republican districts that we had when we redrew
14 the lines in 2002, that I think the public
15 should know that on this map when you publicize
16 it, because the impact was that, it was --

17 SENATOR GAETZ: Mr. Roach, I don't mean to
18 interrupt you, but this Committee made a
19 unanimous consent decision that we were not
20 going to take into account political partisan
21 registration data in the development of our
22 legislation.

23 And so if what you are prepared to do
24 today is to get into where partisan data falls,
25 then I would just remind you, sir, that by

1 unanimous consent, we are not going to take
2 that testimony.

3 MR. ROACH: Okay. And my request was that
4 when this map gets publicized, because it does
5 impact us as a voter if I am in a packed
6 district, my vote don't count as much, that I
7 would suggest or request that the Committee,
8 when they publish the maps, since the data is
9 available, that they make it available to the
10 public, because we have never had a chance to
11 look at these maps and compare them
12 politically, because it is in Amendment 6.

13 SENATOR GAETZ: Well, Mr. Roach, that
14 would require this Committee changing its
15 unanimous consent agreement, and this Senator
16 will vote against changing it, because I don't
17 believe that partisan political data has any
18 place in the decision about where lines ought
19 to be drawn.

20 So this Senate will not publish partisan
21 political maps. Instead, if you wish to learn
22 the voting history of a particular area or
23 neighborhood, that information is publicly
24 available and you can obtain it, but it will
25 not be part of the decision-making process of

1 this Committee, period.

2 MR. ROACH: All right. Well, thank you
3 very much.

4 SENATOR GAETZ: You bet. Thank you, Mr.
5 Roach.

6 Is there any other public testimony on the
7 Congressional PCS that is before us?

8 If not, is there debate on the PCS? Is
9 there debate on the PCS? This is the
10 Congressional proposed Committee Substitute, it
11 is before you now. Third call for debate.

12 Senator Bullard.

13 SENATOR BULLARD: Mr. Chairman, I feel
14 full. I want to say that I thank you. I have
15 -- I did not have the opportunity to attend all
16 of the hearings due to my health challenges,
17 and -- but I watched as much as I could, and
18 when I could not watch, I would contact those
19 of whom I felt that I entrusted.

20 I want to leave this Committee meeting
21 today believing and feeling that the
22 individuals who are in leadership on both sides
23 of the aisle will not do as I have seen in the
24 past in 2002, take a product that we voted on
25 and then take it to the floor and make a circus

1 of it.

2 Now, if an amendment is formed that will
3 go to the floor for a vote, I would hope that
4 some rules and guidelines will be placed that
5 we might see those amendments prior to those
6 amendments going to the floor for a vote with a
7 deadline, because that would mean that we would
8 not have had an opportunity.

9 And I would hope that at that point we
10 would not have to call a ruling on the fact
11 that the person or individuals who have offered
12 the amendments, whether they are on either side
13 of the aisle, that they will understand that we
14 have a right to have an opportunity to listen
15 to and discuss what is taking place prior to a
16 floor amendment to dismantle what we are voting
17 on today.

18 I thank you, Leader Rich. I am pleased
19 that she withdrew those amendments. And today
20 I hope that with camaraderie we will go
21 forward, because I have seen a bitter situation
22 in 2002. I don't want to see that again.
23 Thank you.

24 SENATOR GAETZ: Thank you, Senator
25 Bullard, and in answer to your question, the

1 Senate did unanimously agree yesterday with
2 this Committee's request that we have an
3 extended notice time so that we can avoid the
4 unfortunate circumstance that Senator Bullard
5 wants to avoid.

6 And, Mr. Guthrie, would you please remind
7 the Committee members and the public of the
8 extended amendment deadlines that we have for
9 floor amendments to the proposed Committee
10 Substitutes, assuming they are voted out?

11 MR. GUTHRIE: Thank you, Mr. Chairman.

12 Yes, if the Committee reports its proposed
13 Committee Substitutes today, those will be
14 filed by this afternoon as Committee
15 Substitutes.

16 It would be the same plans that have been
17 out there since December 30th, but it would be
18 put in the wrapper of a Committee Substitute
19 from this Bill filed this afternoon.

20 Amendments to that Committee Substitute
21 must be filed with the Secretary's office by
22 10:00 a.m. on Friday, the 13th of January.
23 So -- and in order to meet that deadline, you
24 must have the plans on the Senate submitted
25 plans website so that Bill Drafting can access

1 the new district descriptions and prepare an
2 amendment for you.

3 So, practically speaking, you know, by
4 very early in the morning on Friday, we would
5 need to have plans to Committee staff so that
6 we could get them through all of the technical
7 processes that we would need to run in order to
8 get a proper amendment bar coded and filed by
9 the 10:00 a.m. deadline on Friday, the 13th.

10 SENATOR GAETZ: And, Senator Bullard, this
11 Committee, Democrats and Republicans, all of
12 us, in your absence when you were recuperating,
13 agreed that we wanted to have a no-surprises
14 rule --

15 SENATOR BULLARD: Right.

16 SENATOR GAETZ: -- a no-gotcha rule, and
17 we wanted to avoid exactly what you want to
18 avoid, and, you know, it was on June 6th, that
19 this Committee made its first call for plans
20 and maps, and, therefore, organizations or
21 individuals who would come in at this late hour
22 with substantial changes or material changes
23 would certainly be in violation, it would seem
24 to me, of the spirit of the process.

25 And we have a specific deadline agreed to

1 unanimously by the Senate yesterday to make
2 sure that any amendments, even the most
3 technical of amendments, there would be
4 substantial time from Friday all the way to --
5 when are we on the floor with second reading?

6 SENATOR THRASHER: Tuesday.

7 SENATOR GAETZ: Tuesday, Mr. Rules Chair,
8 from Friday to Tuesday, even with a technical
9 amendment, so there are no surprises and no
10 gotchas. There will be no late-filed
11 amendments allowed on the floor, is that
12 correct, Mr. Rules Chair?

13 SENATOR THRASHER: That is correct, sir.

14 THE COURT: And so, therefore, I think
15 your point is well-made, and I believe that --
16 that the Senate has been -- has been responsive
17 to your point.

18 SENATOR BULLARD: Thank you.

19 SENATOR GAETZ: Any other questions before
20 we vote on the PCS?

21 SENATOR GARCIA: Mr. Chairman?

22 SENATOR GAETZ: Question by Senator
23 Garcia -- I'm sorry, debate.

24 SENATOR GARCIA: Thank you, Mr. Chairman.

25 I just want to thank you for your openness and

1 allowing us all to have input on these -- on
2 these Congressional maps.

3 I for one will tell you that in south
4 Florida, I think we have done an excellent job,
5 and particularly with Dade County, which is
6 where I live and represent, you know.
7 Having -- having these Congressional districts
8 pretty much follow municipal and geographical
9 boundaries, I think it is something that we all
10 are very happy with, and I do appreciate the
11 work.

12 And I also appreciate the fact that giving
13 us the opportunity to, if we have any concerns
14 or issues with any of the maps, to offer any
15 amendments.

16 So I thank you for your openness and
17 willingness to work with us and helping us in
18 Dade County, so I appreciate that. Thank you
19 very much, Mr. Chairman.

20 SENATOR GAETZ: Thank you, Senator Garcia.

21 Any other comments and debate? Senator
22 Thrasher, Rules Chair Thrasher.

23 SENATOR THRASHER: Just again to clarify,
24 we -- once these Bills are done here today,
25 we'll have a special work calendar group

1 meeting tomorrow. They will be placed upon the
2 special order for Tuesday. The deadline, as
3 you already indicated, is for January 13th,
4 10:00, for amendments.

5 And I want to be clear that -- Senator
6 Rich and I talked about this, she is
7 temporarily passing her amendments. She didn't
8 withdraw them, but she temporarily passed them.
9 It has the same effect. Once we vote this
10 Committee Substitute out, her amendment is
11 extinguished.

12 But I want to just add, Mr. Chairman, to
13 your concern, and I have expressed this to
14 Senator Rich, it concerns me greatly that we
15 would -- we would now potentially on Friday
16 have an amendment, which I assume would be
17 similar, or maybe not, I am just assuming, to
18 what was offered today, but in your opinion,
19 maybe quote/unquote, a better amendment, that
20 meets the constitutional amendments.

21 But I would also remind the members that
22 once that kind of amendment is filed, then
23 nobody in the public will have had a chance to
24 look at it, we will have not had a chance to
25 debate it in this Committee.

1 It will have to be -- the questions will
2 have to be answered by the sponsor on the
3 floor. I just -- it just concerns me greatly.
4 So I express that to Senator Rich in the --
5 with the intent of being a -- not criticizing,
6 but the intent of saying that this Committee
7 has gone to great lengths under the rules that
8 we have all agreed to to try to find a way to
9 get a Bill to the floor that we could vote up
10 or down on, and now we are faced potentially
11 with this kind of potential dilemma.

12 It concerns me greatly, and I hope -- I
13 hope Senator Rich would give it a lot of
14 thought before she comes with a plan that would
15 substantially change what the work of this
16 Committee has been doing for the last six
17 months.

18 SENATOR GAETZ: Senator Benacquisto in
19 debate.

20 SENATOR BENACQUISTO: Thank you,
21 Mr. Chairman.

22 I will echo what Senator Thrasher has
23 said, and what means the most to me is when we
24 are in this Committee, we have the opportunity
25 to have Mr. Guthrie or Mr. Bardos walk us

1 through the proposed changes, see the effect on
2 a map very specifically and how it will affect
3 the communities that we serve and those that we
4 don't.

5 And on the floor to have something so
6 substantively come before us without benefit of
7 Mr. Guthrie walking us through what those
8 changes are, I would be very hard pressed to
9 think that that is a good idea, and not to have
10 any public input would be a disservice.

11 SENATOR GAETZ: Other debate? Yes,
12 Senator Lynn.

13 SENATOR LYNN: Certainly I feel the same
14 way. I guess my concern just goes a little bit
15 further, the fact that the maps came to us at
16 this late date when there was lots of other
17 time it could have been done.

18 But more important, the fact that those
19 maps did not honor the very commitment this
20 Committee has had, as well as follow the
21 constitutional requirement for minorities, to
22 me is -- I find very acceptable.

23 So while I respect Senator Rich's desire
24 to come forth with something different, I
25 believe -- in fact, I feel uncomfortable even

1 having voted to TP the Bill, because the Bill
2 itself is totally unacceptable in light of
3 everything that we have been trying to do to
4 honor the constitutional requirement.

5 So while you have allowed it to be TP'd, I
6 wonder if that is even an acceptable thing to
7 allow, considering it is totally out of line
8 with the requirements.

9 The fact that it would not be seen by the
10 public, that is another whole thing, because we
11 have no idea how it will come back, but I am
12 most concerned with the fact that we have
13 honored the constitutional requirement, we have
14 repeatedly said nothing, nothing should be
15 considered by this Committee without honoring
16 the requirement for not diminishing or -- and
17 also making sure we protect those minority
18 districts, and having come from the Leader at
19 this late date, I would like us to consider the
20 fact that we are even TP'ing the Bill -- two
21 maps.

22 SENATOR GAETZ: Thank you, Senator Lynn,
23 and let me just say in respect to Senator Rich,
24 Senator Rich has every right to bring an
25 amendment and she has every right to

1 temporarily postpone an amendment and she has
2 every right to bring an amendment to the floor.

3 It will be a matter for individual
4 Senators to decide and for the public to decide
5 whether something that comes late in the
6 process ought to be considered or not, but in
7 terms of the rules of this Committee and in
8 terms of the rules of the Senate, and I defer
9 to our Rules Chair for any correction that he
10 may make to my statement, Senator Rich is in
11 order with the work that she has done, and I
12 respect the work she has done and I respect the
13 fact that she has temporarily postponed today.

14 We will have to decide as individual
15 Senators now on the floor, if there is a
16 substantial amendment filed, we will have to
17 decide whether that is in good form and whether
18 it is in violative of the spirit or intent of
19 our process.

20 But Senator Rich was within her rights to
21 file and within her rights to temporarily
22 postpone.

23 Leader, did you wish to make a comment?
24 Did you have your hand up, ma'am?

25 SENATOR RICH: Yes, Mr. Chairman.

1 SENATOR GAETZ: Yes, Leader Rich.

2 SENATOR RICH: Thank you very much for
3 your statement. Again, you are exhibiting the
4 very essence, I think, of the cooperation that
5 has been important to you in this process, and
6 what I would like to say to all of my
7 colleagues is that this is the process upon
8 which we all agreed, and I would hope that you
9 would have the confidence in me to know that I
10 would not be coming in at the last minute with
11 something that dramatically, overwhelmingly
12 changed something that I have already
13 submitted.

14 So, as I mentioned, there are some
15 concerns for me, there will be some issues, and
16 as Senator Gaetz said, it will be up to each
17 and every one of you to decide whether or not
18 you would like to support what I am submitting
19 or not.

20 And I just want to say, though, that I
21 really do thank the Chair for recognizing the
22 fact that this is within my right or any
23 Senator's right based on the bipartisan rules
24 upon which we agreed and have used throughout
25 this whole process.

1 SENATOR GAETZ: Thank you, Leader.
2 Senator Bullard for a question and then Senator
3 Lynn.

4 Senator Bullard.

5 SENATOR BULLARD: Thank you, Mr. Chairman.
6 Will these maps have their day in court,
7 and does that allow for any kind of questioning
8 by members of the Committee or the public?
9 Will they all go before the courts, or has that
10 been determined?

11 SENATOR GAETZ: We are fortunate today to
12 be joined by obviously our Committee counsel
13 and also by our outside counsel, so I was
14 flanked on both sides by lawyers.

15 I don't want to engage in the unlicensed
16 practice of law, so, Mr. Bardos, could you
17 respond to Senator Bullard's question as to the
18 courts' jurisdiction in this matter?

19 MR. BARDOS: Yes. The joint resolution
20 establishing district boundaries for the state
21 legislative districts will go before the
22 Florida Supreme Court for a 30-day review, and
23 the Congressional plan will be before a court
24 only if it is challenged by a plaintiff or
25 petitioner, but there's no automatic review for

1 Congressional plans.

2 SENATOR BULLARD: Thank you.

3 SENATOR GAETZ: Other comments or
4 questions? Senator Lynn.

5 SENATOR LYNN: I guess -- I hear Senator
6 Rich indicating that if she brings something
7 back, it really won't be substantially
8 different, but it will -- it will be somewhat
9 different, and so it won't be a total shock.

10 But the shock would be, to me, that I
11 haven't even seen her proposed maps. So while
12 we have already TP'd it, we haven't seen them,
13 we have no clue as to what she is thinking or
14 in what direction she is heading, and yet she
15 has indicated, well, when I bring the new ones
16 back, it is going to be very close to the same,
17 and I hear everyone saying, well, it is going
18 to be very last minute. Wouldn't it be wise
19 then to, instead of TP'ing, allow us to look at
20 those maps now?

21 SENATOR GAETZ: Senator Lynn, that is a
22 good question. When -- correct me if I am
23 wrong, Mr. Guthrie, but I believe that when
24 Leader Rich timely filed her amendment, it was
25 made available to members of the Committee and

1 to the public. Is that correct, Mr. Guthrie?

2 And could you please give Senator Lynn the
3 code that would allow her to go on the
4 Committee's website and see Senator Rich's
5 amendment, which albeit temporarily postponed,
6 nonetheless is still on the website?

7 MR. GUTHRIE: That is correct. Thank you,
8 Senator. The -- where we go to see any plans
9 filed by the public or submitted by the public
10 or submitted by Senators is the Senate
11 Redistricting website. We have on the Senate
12 Redistricting website a tab for "Submitted
13 Plans." When you click on the "Submitted
14 Plans" tab, what you see now is the initial
15 view of the listing of the almost 200 -- more
16 than 200 plans that have been submitted to the
17 House or Senate Committees by this date.

18 The initial view that you see gives
19 precedence to the ones that came from Senators
20 or from this Committee. So the initial view
21 shows you the Congressional plan that was filed
22 in November, the Senate plan that was filed in
23 November by the Committee, then the
24 Congressional and Senate proposed Committee
25 Substitutes that were filed on December 30th,

1 and then also the Congressional and Senate
2 amendments that were offered by Senator Rich.

3 Those actually came in at about 10:00 in
4 the morning on -- between 10:00 and 11:00 in
5 the morning on Monday, the 9th of January.

6 If we get another amendment from a Senator
7 between now and Friday morning, what I would
8 urge the Senator to do is to call the Committee
9 staff, let us know that you have submitted a
10 plan so we can go to the drop box and pick up
11 the plan, run it through the process, get it on
12 the Web, so that everyone here and everybody on
13 the Internet will have an opportunity, an equal
14 opportunity, to view that using this very same
15 Senate website.

16 If there is a new amendment, it will
17 appear at the top of the list on this -- on
18 this page, on the "Submitted Plans" page.

19 SENATOR GAETZ: And, Mr. Guthrie, I know
20 that many of us had pre-session meetings and
21 activities, Senator Lynn may have had some, I
22 had plenty, so I know that Monday was a busy
23 day, but on a going-forward basis, in the
24 spirit of making sure that, albeit late, in
25 terms of a process that has gone on for many

1 months, if there is an amendment that is filed
2 by anyone, Senator Rich or anybody else, I
3 would like to ask you, please, to send an
4 e-mail to the members of this Committee the
5 moment that you get any amendment filed.

6 That way, we will have the maximum amount
7 of time, notwithstanding the fact there won't
8 be much time, but the maximum amount of time to
9 go to the website and to look at the amendment,
10 because, of course, the Senators serve on other
11 committees, they have to be on top of other
12 timely-filed amendments. Would you do that,
13 please, as a courtesy to the Committee?

14 MR. GUTHRIE: Let me make sure I
15 understand. There is a period of time between
16 when the amendment appears in the drop box and
17 when it is processed to the Web. What I think
18 I hear you saying is at the time -- the moment
19 that the plan is processed to the Web, we would
20 send out an advisory to all Senators and to the
21 public saying that a new amendment has been
22 filed?

23 SENATOR GAETZ: Absolutely, yes, sir.

24 Senator Lynn, would that be -- I realize
25 you have a more profound concern. Senator

1 Lynn.

2 SENATOR LYNN: Thank you, Mr. Chairman. I
3 have a much more profound concern, and I
4 understand you are working extremely
5 cooperatively with everyone. I just want to
6 express my absolute disfavor of, and I am
7 totally discontent and unhappy with the way
8 this has been handled.

9 I think it is wrong to get what -- I guess
10 to see in my mind, it is a massive change to a
11 map, I have no idea what it is, presented by
12 the Leader of the Democratic party bringing in
13 something that seems totally out of keeping
14 with the direction that we have been taking
15 that -- I'm sorry, and I know we were alerted
16 and perhaps it was available to us, and I'm
17 sorry that I did not get to see it, but I don't
18 know that I would have even voted to TP it.

19 I would have wanted to see it totally
20 withdrawn, and I am dissatisfied, I think it is
21 the inappropriate way to have handled this.
22 Certainly you are doing this to be
23 accommodating to Leader Rich, but I think there
24 are a large number of people on this dais, both
25 Democratic and Republican, who have some great

1 concerns about the map that was submitted, and
2 the fact that we are now still hanging out
3 there with a map that should have been handled
4 much, much earlier in the process.

5 SENATOR GAETZ: Thank you, Senator Lynn.
6 Senator Latvala, you are recognized in debate.

7 SENATOR LATVALA: Well, I kind of, sort
8 of, had a question first, Mr. Chairman.

9 SENATOR GAETZ: Of course, you are
10 recognized.

11 SENATOR LATVALA: When -- you know, I know
12 a lot of things have changed up here, so I try
13 to keep up with them. When we go to the Senate
14 floor and we have to take up an amendment, we
15 don't have the ability on the Senate floor to
16 get any kind of information from our staff or
17 any kind of analysis from staff or ask them any
18 questions, isn't that true, or is there a
19 special case in redistricting where Mr. Guthrie
20 is going to be able to stand up there and
21 answer some of these questions?

22 SENATOR GAETZ: I am sure Senator Guthrie
23 would be an outstanding 41st Senator, but I
24 think the Rules Chair would stare me down if we
25 allowed anybody other than Senators.

1 So if Senator Rich or anybody else offers
2 an amendment, then that Senator will answer
3 questions about the amendment.

4 I will attempt, along with our Vice-Chair,
5 President Margolis, to answer questions about,
6 you know, any legislation reported out of this
7 Committee. Mr. Guthrie will be sitting very
8 close to me on the Senate floor and trying to
9 keep me from going off the rails, but it will
10 be Senators who will have to answer questions
11 about their amendments. Is that not true,
12 Rules Chair?

13 SENATOR THRASHER: That is exactly right,
14 Mr. Chairman. This is no different than any
15 other Bill that is -- you certainly -- as you
16 know, Senator Latvala, if you have a very
17 complex transportation Bill, certainly to have
18 your staff there for technical advise to you as
19 you answer questions are there, but the staff
20 is not there to answer questions.

21 SENATOR GAETZ: That being the case, you
22 are recognized for any comments, Senator
23 Latvala.

24 SENATOR LATVALA: Well, I just think it is
25 unfortunate that, you know, on an important

1 decision like that we would get all the way to
2 the end and then not be able to have the input
3 from staff and maps up, you know, and like we
4 have here in committee.

5 But I also want to ask another question.
6 When I get on the computer, it is an adventure,
7 it is like a treasure hunt. I just click on
8 things, and stuff pops up. Over the weekend, I
9 was clicking around on our website, and I
10 thought I saw plans that said "League of Women
11 Voters" at the top, and "Common Cause," both
12 Congressional plan and a Legislative plan.

13 Now, since I was one of the ones that was
14 critical early on of the fact that they
15 wouldn't give us a plan after they asked us a
16 plan every hearing we went to, where the plan
17 is, was I seeing things, or were there maps
18 submitted by the League of Women Voters, and if
19 so, can we have -- can we have the staff
20 Director just sort of bring us up-to-date on
21 that?

22 I know they were after the deadline, I
23 know they weren't amendments, but is that
24 something that we ought to take into
25 consideration here today before we -- before we

1 vote on this?

2 SENATOR GAETZ: Mr. Guthrie, could you
3 inform the Committee as to the submissions that
4 came in after the deadline from the League of
5 Women Voters and Common Cause?

6 I am not asking you to do an exposition of
7 their plan, that is their responsibility, but,
8 rather, could you confirm to Senator Latvala
9 what it was that he saw and where he might find
10 that plan should he go on another treasure
11 hunt?

12 MR. GUTHRIE: Thank you, Mr. Chairman. We
13 did make last week a change in how the
14 "Submitted Plans" page initially loads on your
15 computer. So formerly the filter for "who was
16 this plan submitted by" was set to "all." As a
17 convenience to you and the public, for the
18 purposes of this meeting and for purposes of
19 going to the floor next week, we put just
20 Senators there.

21 The reason we did that is if the filter
22 were set to "all," and we searched the list, we
23 don't -- well, we still see Senator Rich's
24 amendments, because those were the last plans
25 that were submitted to the Senate or to the

1 House, but then below that, we see some public
2 submissions, including several by Mr. Sarkis at
3 Lighthouse Point, a couple by the Florida
4 League of Women Voters, Democracia and Common
5 Cause, and then some other public maps, and
6 then there are a large number of maps that were
7 submitted by the House Committee.

8 So the Senate -- the other Senate maps
9 were getting squeezed off the page. We thought
10 it would be helpful for people to have all of
11 the Senate maps at their -- easy to access
12 there.

13 If you -- for searching for a plan, what
14 you can do is use the filter to decide who they
15 came from. So "all Senators" can be your
16 filter, and that will get you the plans
17 submitted as amendments by Senators or
18 submitted by this Committee as Committee
19 products, "Representatives" will get you
20 amendments offered by members of the House of
21 Representatives or Committee products from the
22 House Committee.

23 If you pick "Public Before the Deadline"
24 -- let's search -- let's search that one. What
25 we see is that the last plan to appear before

1 the deadline was public plan 157. So 157
2 public plans came in before the deadline.
3 There have been another, oh, less than 20 that
4 have come in after the deadline.

5 The three by Mr. Sarkis that came after
6 the League of Women Voters' proposal, he
7 submitted it, then he submitted it again, and
8 then he kind of submitted the third idea a
9 third time. But all of these plans that are
10 submitted by any citizen or by any member of
11 the Legislature are available on the website.

12 SENATOR GAETZ: Mr. Guthrie, just for --
13 to help Senator Latvala here, and then I will
14 defer to him for any comments he might want to
15 make, by the records of this Committee, it was
16 June 7th, when this Committee requested plans
17 from the League of Women Voters, and then we
18 requested them, by my count, 18 other times,
19 and, of course, there was a unanimous consent
20 agreement as to when the deadline would be for
21 submitting plans, that was November 1st. When
22 did the League submit a plan, if they did?

23 MR. GUTHRIE: Well, let's go -- so we will
24 look for -- we will pull down the filter for
25 "Public After the Deadline" and say "Search,"

1 and at the top of this list are the three plans
2 submitted day before yesterday by Mr. Sarkis,
3 and then right below that are the two plans
4 submitted last Friday, January 6th, by the
5 League of Women Voters and others.

6 SENATOR GAETZ: Okay. Senator Latvala.

7 SENATOR LATVALA: So that is the first
8 input in the way of a plan throughout this
9 whole process, six or seven months long, that
10 we got from these folks who were at every
11 single hearing asking us for an early plan,
12 where is the plan, why don't we have a plan.

13 The first plan that they gave us to use as
14 a model for what their thinking was two months
15 and five days after the deadline?

16 MR. GUTHRIE: We did get plans from a
17 couple of other organizations, from the, you
18 know, the Central Florida Hispanic public
19 interest groups, and from the NAACP. But for
20 League of Women Voters, Democracia and Common
21 Cause, these were the first plans submitted.

22 SENATOR GAETZ: And, Mr. Guthrie, were the
23 plans submitted by the NAACP and by the
24 Hispanic interest groups in central Florida
25 timely filed?

1 MR. GUTHRIE: Well, let's -- the website
2 provides us all of this information, so we will
3 look at "All," and then we will change -- on
4 "Submitted By," we will search for NAACP. And
5 let me get in that window, NAACP --

6 SENATOR GAETZ: We will get to you,
7 Senator Gibson. Let's get an answer to this
8 question, then we will get to yours.

9 MR. GUTHRIE: And we'll say "Search."

10 SENATOR LATVALA: I got one more.

11 SENATOR GAETZ: We are in debate, but a
12 question was asked and we are just trying to
13 get the information out in front of the
14 Committee, and then we will recognize you next,
15 if that is okay with you.

16 MR. GUTHRIE: So these plans were
17 submitted before the deadline on November 1st,
18 2011. And help me, what would we use to look
19 for those other interest groups?

20 A VOICE: Perez or Suarez.

21 MR. GUTHRIE: Perez or Suarez. So if we
22 search for Perez, he submitted multiple -- or
23 they submitted multiple plans, the last one on
24 October 20th before the deadline.

25 SENATOR GAETZ: Okay. Thank you, Mr.

1 Guthrie.

2 SENATOR LATVALA: Could I ask one more?

3 SENATOR GAETZ: Yes, and then we will go
4 to --

5 SENATOR LATVALA: Just one more question,
6 and I think this may be the most important one.

7 I know Mr. Guthrie and have known him for
8 a lot of years, and he worked with us when we
9 did this process ten years ago, and I know how
10 comprehensive he is and serious he is about his
11 job.

12 When these plans came in, did you have the
13 opportunity to -- when the plans from the
14 League of Women Voters and Democracia came in,
15 did you have a chance to look at them in the
16 context of the precepts that we set up by this
17 Committee, that we unanimously agreed to them,
18 that Senator Thrasher articulated very well,
19 especially the number, the top tier, with
20 regard to not regressing in the ability of
21 language and ethnic minorities to have
22 representation, how did that plan -- how did
23 those plans, both on the -- I guess we are
24 debating the Congressional one.

25 So how did that plan fare on the

1 Congressional side, because -- and I think it
2 is important because we are debating ours, and
3 this is one that has been submitted by a
4 so-called non-partisan group with a lot of
5 expertise in elections, a lot of expertise in
6 these amendments, how did they do?

7 SENATOR GAETZ: Mr. Guthrie, how did they
8 do with respect to the criterion that Senator
9 Latvala just articulated?

10 MR. GUTHRIE: What I did on the
11 Congressional plan is tried to align the
12 proposed districts in the proposed Committee
13 Substitute and in the -- and in alternative
14 plans with the benchmark districts.

15 So I used the benchmark districts as the
16 point of comparison and because district
17 numbers tend to change, it is kind of somewhat
18 arbitrary, particularly with Congressional
19 plans, how district numbers get assigned.

20 So there is a district in northeast
21 Florida, current Congressional District 3,
22 which is 49.9 percent African-American. The
23 district in northeast Florida that has the
24 highest African-American percentage in the
25 proposed Committee Substitute is 50 percent.

1 The corresponding number for the northeast
2 Florida districts that has the highest
3 African-American percentage in the N-A-A- --
4 or, excuse me, in the League of Women
5 Voters/Common Cause plan is 34.7 percent. So
6 that's that district.

7 If we look at other areas of the state, we
8 were talking earlier today about Congressional
9 District 11 in the Tampa Bay area, not a
10 majority district. In fact, the benchmark
11 District is 26.8 percent African-American.

12 The Senate plan, the proposed Committee
13 Substitute puts it at 27.1. The alternative
14 proposed by the public interest group, League
15 of Women Voters, NAACP -- League of Women
16 Voters and Common Cause -- the NAACP plan
17 actually did a pretty good job of keeping
18 minority districts intact -- takes it to
19 21 percent.

20 If we look at Congressional -- let's --
21 the other two, Congressional District 17 in the
22 Miami area, the benchmark is 57.7 percent, the
23 Senate plan keeps it at 56.3 percent, and the
24 League of Women Voters' plan puts it at 54.4
25 percent.

1 The district -- Congressional District 23
2 in Palm Beach, Broward, Hendry Counties is
3 54 percent in the benchmark, 51.8 percent in
4 the proposed Committee Substitute, and it fails
5 to be a majority. It is 48.5 percent
6 African-American in the League of Women Voters'
7 proposal.

8 In terms of Hispanic representation, both
9 plans have three Hispanic majority districts in
10 the Miami-Dade area. The Senate plan has
11 districts that are 77 percent, 67 percent and
12 72 percent. The League of Women Voters' plan
13 has districts that are 77 percent, 68 percent
14 and 67 percent.

15 SENATOR GAETZ: Does that satisfy your
16 question, Senator Latvala?

17 Senator Gibson in debate.

18 SENATOR GIBSON: Thank you, Mr. Chair. I
19 originally wanted to clarify where we were in
20 our meeting process here, but not to re-raise
21 an issue that has certainly been bantered
22 about.

23 I am a little bit surprised that we are, I
24 don't know, denigrating, I suppose, a member
25 for following our own process. I just cannot

1 believe my ears. And I do think that every
2 member of this Committee has followed the
3 process as you have outlined time and time
4 again, and I certainly hope that we all
5 understand that it is every member's right to
6 file whatever amendments they deem fit at the
7 appointed time, whether it is TP'd or withdrawn
8 or how -- whatever the process is, as long as
9 they are within their time frame, within the
10 time frame you have set out.

11 Then we still have an opportunity to file
12 amendments if any member of this Committee so
13 chooses. And so it is not just Senator Rich
14 who could consider filing an amendment by the
15 appointed deadline, but it is every single
16 member of this Committee. Thank you.

17 SENATOR GAETZ: Thank you very much,
18 Senator Gibson.

19 Leader Gardiner in debate.

20 SENATOR GARDINER: Thank you,
21 Mr. Chairman, and I will be brief. I had not
22 intended to address this issue, but just based
23 on that comment that in some way somebody is
24 degrading another member, I really feel
25 compelled to weigh in.

1 I think that both Republicans and
2 Democrats have brought up some real concerns
3 and legitimate concerns about amendments
4 brought to the floor. Senator Gaetz throughout
5 this process has -- and I believe -- I was here
6 ten years ago, Senator Negron and others, and
7 this has been the most open process where we
8 have offered to individuals to come and speak
9 before the Committee, offer plans, offer
10 suggestions.

11 So I think it is within the right of all
12 members to express their reservations and
13 concerns about amendments that may pop up on
14 the floor. Where you take away that ability to
15 have the public testimony, it takes away the
16 expertise that Mr. Guthrie and his computer
17 program provides us.

18 How many times have each of us had the
19 opportunity to meet with Mr. Guthrie and go
20 line by line, district by district? I don't
21 think it is degrading. I think it is a
22 legitimate concern to bring those issues before
23 this Committee and mention them to the
24 Chairman.

25 Yes, there will be amendments filed, yes,

1 it will be discussed and, yes, it will be
2 debated, but it is dynamic different than any
3 other Bill we have ever faced on the floor of
4 the Senate.

5 So I just -- I would caution the concept
6 or the belief that members can't -- can't bring
7 forward their concerns and their reservations.

8 But to the Bill that is before us,
9 Chairman, I want to thank you for the process
10 and I want to -- I appreciate the discussion
11 about the League of Women Voters issue. We all
12 traveled the state, we all heard, "Get the maps
13 out, get them done, get them early, give
14 everybody the opportunity to review them," and
15 then the very group that encouraged us to do
16 that submits a plan after the deadline. After
17 the deadline is telling.

18 But one of the things that we heard
19 consistently, and a lot of us have talked
20 about, the reservation and concern was that the
21 proposals of 5 and 6 and others leads to the
22 diminishing of minority representation. And
23 whether it was the proposal that was
24 temporarily TP'd or the League of Women Voters,
25 both of those did that, but this Committee as a

1 benchmark said we were going to keep it high,
2 we were going to keep it a top tier priority.

3 So, members, I just would encourage you,
4 it is appropriate to question intent as to when
5 these amendments come forward, because this is
6 one of the most difficult decisions that we
7 will deal with, and the amount of technology
8 needed to make sure that we get it right --
9 and, Chairman, I think you have done an
10 incredible job, and I hope that this proposal
11 comes out of here unanimous, because everybody
12 has been given the opportunity to have an
13 impact on this.

14 And it is a good -- it is a good proposal,
15 Chairman, and I hope everybody will support it.
16 Thank you.

17 SENATOR GAETZ: Thank you, Leader. In
18 debate, Senator Bullard.

19 SENATOR BULLARD: I thought my comments
20 would have ended earlier, but I -- my sorrow,
21 and also Senator Gibson, as I reflect on last
22 evening and looking at the numbers and how we
23 were diminished, people that look like you and
24 me, your district, your District No. 1 was
25 diminished.

1 And I am saying that we are not
2 denigrating our Leader. We are looking at a
3 map, one of the most important pieces of
4 legislation that we will pass this session. We
5 are taking this process to the level that it
6 should be.

7 If I am correct in my -- and I have been
8 listening carefully. Senator Gaetz came to the
9 defense of our Leader on several occasions when
10 he was asked if she could be -- if they could
11 do certain things on the floor. He says not
12 so, because she has a right to do that.

13 I don't see any denigration. I see a
14 process that is moving forward and will be
15 fair, prayerfully, in the end, and we will all
16 have representation. It was not about any
17 individual. It is about the people of the
18 State of Florida.

19 Thank you.

20 SENATOR GAETZ: Thank you, Senator
21 Bullard. Anything else in debate? Any other
22 Senator wish to be heard in debate?

23 If not, the administrative assistant will
24 please call the roll on the proposed Committee
25 Substitute for Senate Bill 1174. This is the

1 proposed Committee Substitute dealing with
2 Congressional maps.

3 If you favor the proposed Committee
4 Substitute, you will vote yes. If you oppose
5 the Committee Substitute, you will vote no.
6 Please call the roll.

7 THE CLERK: Senator Altman?

8 SENATOR ALTMAN: Yes.

9 THE CLERK: Senator Benacquisto?

10 SENATOR BENACQUISTO: Yes.

11 THE CLERK: Senator Braynon? I'm sorry?

12 SENATOR BRAYNON: No.

13 THE CLERK: Senator Bullard?

14 SENATOR BULLARD: Yes.

15 THE CLERK: Senator Dean?

16 SENATOR DEAN: Yes.

17 THE CLERK: Senator Detert?

18 SENATOR DETERT: Yes.

19 THE CLERK: Senator Diaz de la Portilla?

20 SENATOR DIAZ DE LA PORTILLA: Yes.

21 THE CLERK: Senator Evers?

22 Senator Flores?

23 SENATOR FLORES: Yes.

24 THE CLERK: Senator Garcia?

25 SENATOR GARCIA: Yes.

1 THE CLERK: Senator Gardiner?
2 SENATOR GARDINER: Yes.
3 THE CLERK: Senator Gibson?
4 SENATOR GIBSON: No.
5 THE CLERK: Senator Hays?
6 SENATOR HAYS: Yes.
7 THE CLERK: Senator Joyner?
8 SENATOR JOYNER: No.
9 THE CLERK: Senator Latvala?
10 SENATOR LATVALA: Yes.
11 THE CLERK: Senator Lynn?
12 SENATOR LYNN: Yes.
13 THE CLERK: Senator Montford?
14 SENATOR MONTFORD: Yes.
15 THE CLERK: Senator Negron?
16 SENATOR NEGRON: Yes.
17 THE CLERK: Senator Rich?
18 SENATOR RICH: No.
19 THE CLERK: Senator Sachs?
20 SENATOR SACHS: Yes.
21 THE CLERK: Senator Simmons?
22 SENATOR SIMMONS: Yes.
23 THE CLERK: Senator Siplin?
24 SENATOR SIPLIN: Yes.
25 THE CLERK: Senator Sobel?

1 SENATOR SOBEL: Yes.

2 THE CLERK: Senator Storms?

3 SENATOR STORMS: Yes.

4 THE CLERK: Senator Thrasher?

5 SENATOR THRASHER: Yes.

6 THE CLERK: Senator Margolis?

7 SENATOR MARGOLIS: Yes.

8 THE CLERK: Senator Gaetz?

9 SENATOR GAETZ: Yes.

10 And by your action, the Bill passes and
11 will be reported favorably.

12 Please let's turn now to the consideration
13 of the Senate maps, the proposed Committee
14 Substitute. I think -- is that tab two, Mr.
15 Guthrie?

16 MR. GUTHRIE: That is correct, tab two.

17 SENATOR GAETZ: Please turn to tab two.

18 In order to put us in the proper posture,
19 Senator Thrasher moves the proposed Committee
20 Substitute, and Mr. Guthrie, you are now
21 recognized to explain it.

22 And I would ask that your explanation be
23 on point, but be as brief as possible. We can
24 always come back and ask questions, because we
25 do have folks who have traveled from out of

1 town who do wish to testify.

2 Mr. Guthrie, you are recognized.

3 MR. GUTHRIE: Thank you, Mr. Chairman.

4 With the proposed Committee Substitute on
5 the Senate Bill, again, the first change that
6 you will detect is that the title was amended
7 to include whereas clauses explaining in much
8 more friendly language than the census
9 geography boundary descriptions, what the
10 boundaries of these new proposed districts or
11 these new Senate districts will be.

12 Let's compare the proposed Committee
13 Substitute with the Committee Bill that was
14 reported by this Committee on December 6th.
15 What are the differences?

16 Number one, the proposed Committee
17 Substitute decreases county and city splits.
18 It follows city boundaries to a greater extent
19 and it lowers population deviations. The
20 overall deviation was in the range of two
21 and-a-half percent in the Committee Bill.

22 We have gotten it under two percent, or
23 plus or minus one percent deviation in the
24 proposed Committee Substitute.

25 The proposed Committee Substitute

1 incorporates feedback from the public and from
2 Supervisors of Elections. Significant changes
3 where we moved some populations around were to
4 keep The Villages together, to keep the Golden
5 Triangle area of Tavares, Mt. Dora and Eustis
6 in Lake County all together.

7 We were able to accomplish that. At the
8 request of the Polk County Supervisor of
9 Elections, the community, it is not a city, but
10 the community of Wahneta was kept all in one
11 district, and we made some changes requested by
12 the Supervisor of Elections in Putnam County to
13 the City of Palatka to keep the precincts for
14 that county better intact.

15 The proposed Committee Substitute, to the
16 extent practi- -- to the extent feasible,
17 follows geographic boundaries, such as bays,
18 river, major roadways and et cetera. And the
19 districts were renumbered in the proposed
20 Committee Substitute.

21 I renumbered the districts, assigned odd
22 and even numbers in a manner that I determined
23 would -- or recommend to this Committee as an
24 equitable approach for assigning four-year and
25 two-year terms.

1 The basic logic that I used for doing that
2 was that Senators, as we know, by the
3 Constitution are elected to four-year terms,
4 and yet there are 23 Senators who are not term
5 limited and who were elected to shortened terms
6 either in 2010 or subsequent to 2010.

7 So what we did is gave those Senators
8 preference for getting a four-year term on the
9 back side of redistricting. You have a short
10 term on the front side, you get a longer term
11 on the back side, or if you have a longer term
12 on the front side, you have a shorter term on
13 the back side.

14 That just seems, to me, to be a fairer
15 method of making the assignments of odd and
16 even numbers than would be a situation where
17 you had the effect of having some Senators get
18 a two-year term before and after redistricting,
19 and other Senators get a four-year term before
20 and after redistricting.

21 So to the extent we were able, we gave the
22 Senators who had shortened terms prior to
23 redistricting, four-year terms on the back side
24 of redistricting. So that was the numbering
25 scheme.

1 In terms of how did we do in terms of our
2 split counties and split cities, well, the
3 number of split counties remains the same
4 between the proposed Committee Bill and the
5 proposed Committee Substitute.

6 We were able to clean up one boundary and
7 reduce the aggregate number of county splits by
8 one to 86. In terms of split cities, we were
9 at 126 in the benchmark plan, 78, a substantial
10 reduction in the Committee Bill that you
11 introduced on December 6th, and by further
12 working the plan or trying to clean it up, we
13 got the number of split cities down to 54,
14 another substantial reduction in the proposed
15 Committee Substitute.

16 The number of city splits, and, again,
17 that is counting where a county is split by
18 three or four different districts, we would
19 count that as three or four city splits, 300 in
20 the benchmark, 179 in the proposed Committee
21 Bill and 125 in the proposed Committee
22 Substitute.

23 So those are the major changes in the plan
24 that is before you today as the proposed
25 Committee Substitute.

1 SENATOR GAETZ: Thank you, Mr. Guthrie.
2 We will -- without objection, we will go a
3 little bit out of order. I would like to take
4 the public testimony before we go into
5 questions from members of the Committee.

6 And, Mr. Riley, we so rudely interrupted
7 you, you were on a roll, and we remember the
8 comments that you were making, and if you wish
9 to add to those comments and conclude, we would
10 be delighted to hear you.

11 And to make sure everybody remembers,
12 Mr. Riley is a business owner in Marianna, and
13 he has traveled here today to talk about the
14 proposed Committee Substitute on Senate
15 districts. He is from Jackson County.
16 Mr. Riley.

17 MR. RILEY: Thank you, Mr. Chairman. I
18 apologize for the confusion on our -- my first
19 visit here.

20 SENATOR GAETZ: Quite all right.

21 MR. RILEY: The -- and I am close to the
22 conclusion. The main issue is that we have a
23 tremendous number of people working in state
24 institutions in Jackson County, and we also
25 have a very large group of people that commute

1 all the way to Tallahassee and live in Jackson
2 County.

3 And because of that, we would rather have
4 representation that looks to the east instead
5 of looks to the west, and has roots in the
6 eastern half of the Panhandle.

7 And the -- we request that you consider
8 adding one more split county, and that be
9 Jackson County, because our small, little rural
10 county is right on the edge of where the
11 division is being made, and at least consider
12 putting a portion of the county -- preferably
13 dividing it where it does take in the
14 institutions and most of the population that is
15 concerned with Tallahassee and state activities
16 in the redistricting.

17 And I appreciate your time and thank you
18 for your attention.

19 SENATOR GAETZ: Thank you, Mr. Riley.

20 Any questions for Mr. Riley before he
21 leaves? Mr. Riley, I have one question for
22 you, and you said that -- that there might be a
23 place to divide. If one were to divide Jackson
24 County, that there might be a logical place to
25 divide it. Do you have any suggestions there,

1 sir?

2 MR. RILEY: The -- to me, Route 231, which
3 is the north/south highway going -- entering
4 from Dothan and going to Panama City, would be
5 a very good dividing line for the east/west
6 division for the redistricting.

7 That would take in about half of the
8 county each way and would put most of the state
9 institutions on the eastern half of the county.
10 So that would solve that problem.

11 Another way to do it would be perhaps use
12 I-10, although that is slightly south of where
13 most of the state institutions are, but 231
14 makes a lot of sense to me.

15 SENATOR GAETZ: Thank you very much.

16 Anything else for Mr. Riley? If not,
17 Mr. Kimbrough, we called you, you had to
18 temporarily step out of the room. Art
19 Kimbrough is the Chief Executive Officer and
20 President of the Jackson County Chamber of
21 Commerce.

22 He is not a stranger to these halls. He
23 has been before members of the Legislature
24 before, and, Art, welcome back, and we look
25 forward to your testimony.

1 MR. KIMBROUGH: Senator Gaetz,
2 Mr. Chairman, it is an honor to be back here,
3 and fellow Senators, to be with you today.

4 First of all, I would like to say it is an
5 honor to be here, but it is also an honor to
6 see the body at work and working so
7 collaboratively with the spirit of debate and
8 dissension that can go into these things.

9 This is a very complex issue that you are
10 dealing with, and having just observed it today
11 and watched it over the process since I first
12 appeared on June 22nd, when you were in -- many
13 of you were in Bay County at Gulf Coast College
14 and I had a chance to articulate some opinions
15 at that point.

16 What I would like to do today is kind of
17 revisit a couple of those philosophical anchors
18 that many of us in the community have gotten
19 our arms around. We know within our own
20 community, just like up here, there's going to
21 be differences of opinion on where to slice and
22 how to do some things, but I believe I
23 represent a body of people who share some
24 common thoughts about what is best for our
25 county.

1 The two areas I would like to bring to
2 your attention really has to do with
3 communities of interest and the idea that rural
4 America is losing its voice to the bigger
5 markets, and any way that we can have multiple
6 representation, as we do currently in the House
7 with two House members representing Jackson
8 County being split, we believe in our case that
9 dividing is better than consolidating.

10 In fact, Senator Gaetz, if you look at the
11 territories there, if we could wind up a little
12 bit of yours north up 231, take out Compass
13 Lake, we would be glad to have three. More is
14 better rather than less. We understand the
15 relationships and practicalities, that may not
16 be possible.

17 In defining communities of interest, what
18 I would like you to think of Jackson County,
19 and our -- my fellow travel mate, Mr. Riley,
20 articulated one part of it very well.

21 Rural issues are unique to the state, and
22 having a strong rural voice is very important,
23 and it is clear from the work you have done,
24 you have addressed much of that issue in one of
25 the plans that you have to give a strong rural

1 voice and separate the beach issues from the
2 big city issues and the rural agenda. So that
3 is a strong point of it.

4 The other point is a little more subtle
5 community of interest than that big idea, and
6 that gets to employment interest and jobs. And
7 as Mr. Riley indicated, we have a number of
8 institutions that are aggregated together a
9 little bit more toward the east side than the
10 west.

11 Florida State Hospital, Sunland, are very
12 specific issues. Senator Negron chaired the
13 committee as you were on earlier, and we are
14 going to be standing the gap again in a tight
15 budget year to try to make certain that those
16 institutions -- the best interests of our
17 citizens and those institutions are advocated
18 for.

19 So we believe that that is a community of
20 interest that is not necessarily quite the same
21 as the rural area.

22 The other component of it is that more
23 representation is better in the rural area
24 rather than less. So looking at those areas,
25 if there is an opportunity to carve us up and

1 give us more representation and address both of
2 those, we certainly have many people who would
3 advocate for that and support that change.

4 We are not of a voice that we've got to
5 have just one Senator or just one
6 Representative. We believe more is better.

7 SENATOR GAETZ: Thank you very much. Any
8 questions for Mr. Kimbrough? If not, thank you
9 very much, Art, thanks, I know you've got a
10 busy schedule and you had another commitment
11 that you had to go to.

12 Chuck Hatcher is here. Mr. Hatcher, we
13 would love to hear from you on the Senate PCB.
14 Mr. Hatcher is Director of Parks and Recreation
15 in Jackson County. And they will treat you
16 right in Jackson County.

17 I mean, you can ask Senator Montford, they
18 will treat you right in Jackson.

19 MR. HATCHER: Thank you. I appreciate the
20 opportunity to speak to you all today.

21 I mirror my two friends from Jackson
22 County on what their thoughts are. We are
23 rural people in Jackson County. We
24 represent -- we came here today representing
25 many people, not just us and not just Marianna.

1 Many of our citizens are State workers, as Art
2 and Sid mentioned. Many of them are on the
3 eastern side of the 231 line.

4 Our issues are more based with -- what we
5 believe, with Tallahassee than they are with
6 Pensacola. Nothing against the Pensacola area,
7 but we are rural people, we are State workers,
8 we are not federal government workers.

9 A lot of the western part of that
10 district, if we are in the other one, it deals
11 with a lot of federal bases, Air Force bases.
12 Our issues are more in line with Tallahassee
13 and not to Pensacola, and I believe like Sid,
14 if you had to split us, I would like to have
15 another split county.

16 231 would be a great geographical
17 boundary, or even I-10 over to 231, but -- and
18 as Art mentioned, more is better. We -- we are
19 very proud that we have three people that
20 represent Jackson County, and we would love to
21 keep them.

22 SENATOR GAETZ: Thank you very much. Any
23 questions for this witness?

24 If not, Senator Evers is very ill and he
25 was excused today from this Committee. I

1 literally urged him as a friend to go home from
2 the floor yesterday. He looked really, really
3 bad. He is feeling bad and has a bad case of
4 whatever kind of crud is going around.

5 MR. HATCHER: Yes, sir.

6 SENATOR GAETZ: Otherwise, I know he would
7 want to be here, and he loves Jackson County,
8 Senator Montford loves Jackson County, I love
9 Jackson County. I wish there was enough of it
10 for all three of us, but --

11 MR. HATCHER: We can redraw that line so
12 you can come over, too.

13 SENATOR GAETZ: But before you folks
14 leave, I would like to -- and before we get
15 back to the regular order, I would like to
16 recognize Senator Montford for any comments he
17 may wish to make on this issue.

18 SENATOR MONTFORD: Thank you, Mr. Chair,
19 and I -- as you know, have -- I value the
20 process, exceptionally so, I might add, and I
21 respect and admire the work that you have done
22 greatly as leader here.

23 This has not been an easy task. These are
24 three of my constituents, and I agree with
25 them, and I think that it certainly is well --

1 is well delivered, it is well thought out and
2 it is something perhaps we can look at later
3 on.

4 But I agree that there is -- I believe
5 strongly in following the process, and I
6 appreciate them coming and I really appreciate
7 their willingness to come as late as it is and
8 knowing that it is late in the game, but they
9 are willing to come up and say it, and that is
10 the kind of people we have in north Florida and
11 Jackson County.

12 And, by the way, I might add that Chuck
13 has a wonderful plantation if you like to hunt
14 birds.

15 MR. HATCHER: Be glad to have anybody
16 over.

17 SENATOR GAETZ: Thank you. Thank you,
18 Senator Montford, and thank you folks for being
19 here.

20 Let us return then to the regular order.
21 You have heard Mr. Guthrie present the Senate
22 PCS, which also has been in front of you now
23 for ten days. You have had the opportunity to
24 review it and to see the differences between
25 the PCS and the proposed Committee Bill, which

1 this Committee previously voted to introduce.

2 Are there questions for Mr. Guthrie?

3 Questions for Mr. Guthrie? If not, we are in
4 debate on the PCS. Is there debate on the PCS?

5 There being no debate on the PCS, the
6 administrative assistant will call the roll on
7 the PCS, and that is -- that is proposed
8 Committee Substitute for Senate Joint
9 Resolution 1176.

10 Should you favor the PCS, you will vote
11 yes. If you oppose the PCS, you will vote no.
12 Please call the roll.

13 THE CLERK: Senator Altman?

14 SENATOR ALTMAN: Yes.

15 THE CLERK: Senator Benacquisto?

16 SENATOR BENACQUISTO: Yes.

17 THE CLERK: Senator Braynon?

18 SENATOR BRAYNON: No.

19 THE CLERK: Senator Bullard?

20 SENATOR BULLARD: Yes.

21 THE CLERK: Senator Dean?

22 SENATOR DEAN: Yes.

23 THE CLERK: Senator Detert?

24 SENATOR DETERT: Yes.

25 THE CLERK: Senator Diaz de la Portilla?

1 SENATOR DIAZ DE LA PORTILLA: Yes.
2 THE CLERK: Senator Evers?
3 Senator Flores?
4 SENATOR FLORES: Yes.
5 THE CLERK: Senator Garcia?
6 SENATOR GARCIA: Yes.
7 THE CLERK: Senator Gardiner?
8 SENATOR GARDINER: Yes.
9 THE CLERK: Senator Gibson?
10 Senator Hays?
11 SENATOR HAYS: Yes.
12 THE CLERK: Senator Joyner?
13 SENATOR JOYNER: No.
14 THE CLERK: Senator Latvala?
15 Senator Lynn?
16 SENATOR LYNN: Yes.
17 THE CLERK: Senator Montford?
18 SENATOR MONTFORD: Yes.
19 THE CLERK: Senator Negron?
20 SENATOR NEGRON: Yes.
21 THE CLERK: Senator Rich?
22 SENATOR RICH: No.
23 THE CLERK: Senator Sachs?
24 Senator Simmons?
25 SENATOR SIMMONS: Yes.

1 THE CLERK: Senator Siplin?

2 SENATOR SIPLIN: Yes.

3 THE CLERK: Senator Sobel?

4 SENATOR SOBEL: Yes.

5 THE CLERK: Senator Storms?

6 SENATOR STORMS: Yes.

7 THE CLERK: Senator Thrasher?

8 SENATOR THRASHER: Yes.

9 THE CLERK: Senator Margolis?

10 SENATOR MARGOLIS: Yes.

11 THE CLERK: Senator Gaetz?

12 SENATOR GAETZ: Yes. And before I call
13 the vote, if there were Senators who were just
14 coming in and their names were called, they
15 didn't have a chance to answer. Senator
16 Gibson, how do you wish to be recorded?

17 SENATOR GIBSON: Yes.

18 SENATOR GAETZ: A yes by Senator Gibson.
19 Are there any other Senators who wish to be
20 recorded? If not, what's the total, please,
21 ma'am?

22 THE CLERK: Three nays and 21 yeas.

23 SENATOR GAETZ: Show the Committee
24 Substitute reported favorably, or show the
25 Joint Resolution reported favorably as a

1 Committee Substitute.

2 Senators, thank you for your efforts today
3 and for your efforts on this Committee and for
4 your efforts going forward as we move to the
5 floor.

6 Next Tuesday when we return from
7 celebrating Dr. Martin Luther King, Jr.'s,
8 birthday, we expect the Bills to be reported
9 out of this Committee --

10 SENATOR STORMS: Mr. Chair?

11 SENATOR GAETZ: Senator Storms.

12 SENATOR STORMS: Just before we close,
13 Mr. Chair, before we close, I have a question,
14 a procedural question, and I just wondered -- I
15 just wanted to call your attention to those of
16 us who are parked in the back.

17 SENATOR GAETZ: Yes, of course, Senator
18 Storms, go ahead.

19 SENATOR STORMS: Well, as somebody who has
20 not served in the House or the Senate during a
21 redistricting, could you please speak to the
22 process as to how in the past and how we expect
23 it to work, and I understand our side of the
24 aisle, but how we expect to deal with what
25 happens on our -- on the other side of the

1 House, over at the House?

2 SENATOR GAETZ: You mean the other side of
3 the Capitol, not the other side of the aisle,
4 right?

5 SENATOR STORMS: Yes, not the other side
6 of the aisle, but sometimes it feels that way,
7 Mr. Chair. But, anyway, so how it will be that
8 we will -- we will dance with that partner and
9 those maps when they come over. Can you speak
10 to that, please?

11 SENATOR GAETZ: Yes, ma'am. Thank you for
12 the question.

13 The House Committee, which is chaired by
14 the Speaker Designate, Chairman Weatherford, is
15 working on House maps and Congressional maps.
16 We, as you know, have been working on Senate
17 maps and Congressional maps.

18 The Bill which will be reported to the
19 Senate floor will be a Bill which -- there will
20 be two Bills. There will be a Senate Joint
21 Resolution on Senate maps, and there will be a
22 place in that Senate Joint Resolution, Senator
23 Storms, where we say, in effect, "and the House
24 districts shall be," and there will be a colon
25 and there will be an open space, and we expect

1 our partners in the House to fill that open
2 space with -- with the House descriptions of
3 their districts and their maps.

4 And then we expect that the Senate Bill,
5 which we will hopefully take up next week, and
6 if it is the will of the Senate, pass it, we
7 will send that Bill over, which is the Senate
8 Joint Resolution on Legislative Maps.

9 It will stipulate the Senate districts, it
10 will leave a hole for the House. We will send
11 it over to our partners in the House, they will
12 fill the hole and they will send it back, and
13 when they send it back, then we will do a final
14 vote.

15 Now, in the meantime, we have the other
16 Bill, which is the Congressional Bill. We will
17 send our Congressional districts and maps over
18 to the House, if it is the will of the Senate
19 that we pass them, and then the House will pass
20 their Bill.

21 I would expect, and grasping the larger
22 hope, I suppose it will be the case, that the
23 House will pass a slightly different
24 Congressional map than we do. At that point,
25 the Speaker of the House and the President of

1 the Senate will decide how we will conduct
2 negotiations on the Congressional districts and
3 maps, and then we will conduct those
4 negotiations, and my guess is that there will
5 be then another presentation on the floor of
6 the Senate, much like we do with other Bills
7 where we say we had a disagreement between the
8 House and Senate, we have now negotiated, here
9 is the result of the negotiation, please
10 consider it on the floor.

11 So in -- I believe that what we will have
12 next week is we will have second and third
13 reading on the Senate maps. We will send those
14 over to our partners in the House, they will
15 fill in the blank, send it back to us for
16 adoption, final adoption.

17 As to the Congressional maps, if it is the
18 will of the Senate, we will pass the
19 Congressional maps and we will send them over
20 to the House. They will pass their own maps,
21 which will be -- could be somewhat different,
22 could be, maybe they will accept our wisdom,
23 but they I think may have one or two
24 differences.

25 And then they will send their map back

1 over, we will negotiate the difference and come
2 back to the floor a second time on the
3 Congressional maps.

4 Does that answer the question, ma'am?

5 SENATOR STORMS: Yes, sir. Just one
6 follow-up.

7 SENATOR GAETZ: Of course.

8 SENATOR STORMS: So from -- well, two
9 follow-up. So then from a timeline
10 perspective, we play tennis and knock it over
11 there, the ball lands in their court, and then
12 that following week -- so they do the House and
13 because they're -- we agreed we will take -- we
14 will do ours, and the House says we will accept
15 the House's. So that is pretty much the issue.

16 Now we debate the Congressional seats. So
17 next week, the House may or may not, we don't
18 know, depending on what they do, they may send
19 back or they may take our Congressional seats.

20 They come back to us maybe next week,
21 maybe the week after, we don't know, could be
22 the next day, but probably, in all likelihood,
23 sometime next week at the very earliest, maybe
24 the week after that.

25 And then would there be -- that is an

1 issue question from a timeline perspective, and
2 number two, are we -- would there be any
3 instance where we would reseal this Committee
4 where we would have -- where we would be
5 work-shopped on what the House proposes and
6 then we -- then we would have an opportunity,
7 or does it just come back to the full floor?

8 I know you said it will be like any other
9 Bill, but because of the difference of this
10 Bill and the magnitude of it, perhaps that we
11 would have an opportunity to workshop in this
12 Committee. I am not arguing for that, I am
13 just wondering.

14 SENATOR GAETZ: Well, I will defer to Mr.
15 Guthrie and also to our Rules Chair. Is
16 Senator Thrasher still -- he is here with us.
17 I will defer to him in a moment.

18 Let me just say this: The timeline is
19 above our pay grade. That is a decision of the
20 presiding officers and the Rules Chairs of the
21 Senate and the House.

22 We already know that our President and our
23 Rules Chair have indicated when we will be on
24 the floor. We don't know when our partners in
25 the House will be on the floor. Remember, they

1 have -- they have 120 districts to draw, we
2 have 40 districts to draw.

3 So they have arguably a more complicated
4 problem. So I cannot predict to you a timeline
5 that they must follow, I can't lay out a
6 timeline they must follow, because that is not
7 within our purview. That is way, way over our
8 pay grade.

9 Now, as to -- as to how negotiations might
10 be conducted, again, I don't mean to dodge the
11 question, but it is over my pay grade. That
12 will be President Haridopolos and Speaker
13 Cannon.

14 They may determine a method for
15 negotiating differences that is -- that would
16 include a conference committee. They may ask
17 Chair Weatherford and me to work out the
18 differences if they are not that material. The
19 two presiding officers may meet and work out
20 the differences. There may be some other
21 formula, but that will be decided by the
22 presiding officers.

23 But, Mr. Guthrie, would you care to
24 comment on that, and then I would ask our Rules
25 Chair, who is former Speaker of the House and

1 who understands all of this far better than we
2 do. Mr. Guthrie.

3 MR. GUTHRIE: Thank you, Mr. Chairman.
4 So, Senator Storms, I think what you are asking
5 for is some guidance as to what time frame we
6 may be operating on for the returning messages
7 to come back to the Senate in the event that
8 the Senate passes the Joint Resolution and the
9 Bill regarding Congressional districts next
10 Wednesday, let's say, we pass that to the
11 House.

12 We know that the House subcommittees
13 completed their work on Monday, two days ago,
14 the 9th of January, so their subcommittee
15 process is finished. We also know that they
16 have an allocated meeting time of January 20th,
17 for the full Redistricting Committee in the
18 House.

19 So what we would expect is the full
20 Redistricting Committee will meet on the 20th.
21 They may or may not take action on -- on their
22 plans at that time. They may -- they will talk
23 about them. They may be waiting to, you know,
24 even the week beyond the 20th, or sometime
25 thereafter before the Committee reports the

1 Bills in the House.

2 And then once the Bills are reported by
3 the Committee in the House, they would go to
4 the House floor. What we would expect is --
5 well, they will take up the Senate messages and
6 the House Bills and send us the product of
7 their efforts.

8 SENATOR GAETZ: Is that responsive,
9 Senator Storms?

10 SENATOR STORMS: Yes, sir, Mr. Chair. I
11 am just trying -- I am trying -- and I know
12 everybody is trying to keep in mind the end
13 deadlines and back them up from there, so that
14 we are not pushing ourselves up against filing
15 deadlines, et cetera, for the benefit of all
16 the citizens who came and said please don't --
17 please don't run this game long, get the ball
18 down as fast as you can, and I am just trying
19 to make sure that, you know, as far as I am
20 concerned, I am asking the right questions to
21 make sure that we are all considering those
22 issues.

23 SENATOR GAETZ: And, Rules Chair, Senator
24 Thrasher, did you have any comments, sir?

25 SENATOR THRASHER: Just as I think Senator

1 Storms, you know, when an issue returns in
2 messages, it kind of is then the President's
3 call about whether to send it to a committee,
4 to refer it back to a committee or to appoint a
5 conference committee or to ask the committee
6 chairs to see if they can work the differences
7 out as Senator Gaetz said.

8 So I think it is probably premature at
9 this point to speculate on what might happen
10 until we actually see the materiality of the
11 differences between the plans that come back.

12 So I think all of those options are open,
13 and I am sure the President would enjoy hearing
14 from any member of this Committee as to what
15 they think we ought to do.

16 SENATOR GAETZ: Another veteran of the
17 last process and substantial contributor to
18 this one is Senator Latvala, and maybe you
19 could help us out by letting us know what
20 happens now on this wild ride.

21 SENATOR LATVALA: That wasn't why I --

22 SENATOR GAETZ: Well, you are recognized.

23 SENATOR LATVALA: I was busy keeping order
24 in the break room, and I missed the vote on
25 Senate Joint Resolution 1176. I wish to be

1 recorded favorably.

2 SENATOR GAETZ: Without objection. Was
3 there anybody else who wished to be recorded on
4 that vote who had to step out temporarily?
5 Senator Sachs, did you -- did you wish to be
6 recorded, ma'am?

7 SENATOR SACHS: Yes.

8 SENATOR GAETZ: All right. Thank you very
9 much.

10 And I would just remind members that the
11 amendment deadline for these Bills is Friday,
12 January 13th, at 10:00 a.m., with thanks to the
13 Committee, with thanks to our staff, and before
14 we go, remember these are the people who did
15 not have a Thanksgiving, these are the people
16 who did not have a Christmas, who did not have
17 a Hanukkah, who barely had a New Year's. Thank
18 you for what you have done.

19 And with that, Senator Rich moves we rise.

20 (Whereupon, the proceedings were
21 concluded.)

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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 110 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 24th day of January, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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SENATE FLOOR DEBATE
2012 REGULAR SESSION
JANUARY 17, 2012

VOLUME I
Pages 1 - 170

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 PRESIDENT HARIDOPOLIS: The Senate is
3 called to order. Senators and guests in the
4 gallery, please rise for the opening prayer
5 given this morning by Lewis Williams, Bishop,
6 Household of Faith Church, Jacksonville,
7 sponsored by the Senator from the First
8 District, Senator Gibson. Welcome, Bishop.

9 REVEREND BISHOP: For the President of the
10 Senate and to Senator Audrey Gibson, good
11 morning.

12 Father God we come before you now giving
13 you praise and honor, the creator and the maker
14 of heaven and earth, and God, I come now to
15 petition you, God, for the Senate, the Capitol,
16 those who work hard in the government asking
17 for guidance and direction as they work hard
18 throughout the day to make decisions.

19 But God, before we ask anything of you,
20 thank you for watching over us last night.
21 Thank you, God, for protecting us, Heavenly
22 Father, and watching over us.

23 Now, God, we ask that you may guide the
24 Senate. Thank you, God, for the President of
25 the Senate, all of the men and the women that

1 work. As they make decisions today, God, you
2 say that you are the vine and we are the
3 branches, but we are abiding you and us the
4 same shall bring forth much fruit, without you,
5 we are nothing.

6 So we need you, Heavenly Father, as they
7 make decisions. We need you, Heavenly Father
8 as they meet. We need you, Heavenly Father, as
9 they sit down to brainstorm. We need you now.

10 Moving our hearts, moving their hearts
11 that you may get the glory and the honor. I,
12 we ask this prayer in the name of the one that
13 created everything, Amen.

14 PRESIDENT HARIDOPOLIS: Thank you, Bishop
15 Williams. Thank you very much for being here.

16 Please remain standing for the Pledge of
17 Allegiance, led this morning by the youngest of
18 my three children, Reagan Haridopolos. She is
19 now five years old.

20 I pledge allegiance to the flag of the
21 United States of America and to the republic
22 for which it stands, one nation, under God,
23 indivisible, for liberty and justice for all.

24 PRESIDENT HARIDOPOLIS: Our Doctor today
25 is Dr. Michelle Mendez of Jacksonville,

1 sponsored by the Senator from the Fifth
2 District, Senator Wise.

3 Dr. Mendez specializes in family medicine.
4 Welcome to the Florida Senate. We will now
5 continue with the order of business. Are there
6 reports of committees?

7 SECRETARY: None on the desk,
8 Mr. President. None on the desk,
9 Mr. President.

10 PRESIDENT HARIDOPOLIS: Are there motions
11 relating to committee reference?

12 SECRETARY: None on the desk,
13 Mr. President.

14 PRESIDENT HARIDOPOLIS: Senators, the
15 Secretary will now read the Bills you wish to
16 withdraw from further consideration. Please
17 read the Senator's name and the Bill number.

18 SECRETARY: Senator Bennett, Senate Bill
19 690, solar energy systems.

20 PRESIDENT HARIDOPOLIS: Without objection
21 show the Bill withdrawn from the committees of
22 reference and from further consideration.

23 Senators, if you have any Bills which you
24 are offering for further consideration, please
25 give that information to our Secretary.

1 Are there messages from the Governor and
2 other executive communications?

3 SECRETARY: None on the desk,
4 Mr. President.

5 PRESIDENT HARIDOPOLIS: Are there messages
6 from the House of Representatives?

7 SECRETARY: None on the desk,
8 Mr. President.

9 PRESIDENT HARIDOPOLIS: Are there matters
10 on reconsideration?

11 SECRETARY: None on the desk,
12 Mr. President.

13 PRESIDENT HARIDOPOLIS: Senators, without
14 objection we are going to take up the special
15 order calendar and begin with CS/SJR 1176.
16 Read the Bill.

17 SECRETARY: Committee substitute for
18 Senate resolution on 1176, a joint resolution
19 of apportionment.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 Fourth District, our Chair of Reapportionment,
22 Senator Gaetz, you are recognized to introduce
23 the Bill.

24 SENATOR GAETZ: Thank you very much,
25 Mr. President. Mr. President, thank you for

1 scheduling floor time for a report from the
2 Committee on Reapportionment and for the
3 Senate's consideration of Senate Joint
4 Resolution 1176, the Legislative Redistricting
5 Plan, and then later, Mr. President, Senate
6 Bill 1174, the Congressional Redistricting
7 Plan.

8 Before I begin may I please offer a word
9 of appreciation and a word of apology. The
10 word of apology first. I apologize that today
11 will be a long day. Tomorrow will be a long
12 day perhaps, and it is very likely that
13 Committee members and others who have been
14 closely engaged in every step of this long year
15 process will find us covering ground that is
16 all too familiar, and so for that I apologize.

17 But the Senate can take some comfort in
18 the fact that this happens only once in a
19 decade, and it is the last and only time you
20 will hear from me at such great length.
21 Senator Fasano has assured me of that.

22 A word of appreciation. First, to
23 President Margolis. President Margolis is Vice
24 Chair of our Committee and a veteran of wars
25 past. Her judgment and wisdom are

1 extraordinary, and Madam President, I can't
2 number the times when during our committee
3 meetings you have leaned over to me and said,
4 here is what is happening. Here is why it is
5 happening, and here is what is going to happen
6 next, and every time you were right. So thank
7 you for being such a great partner in this
8 process.

9 To Leader Gardiner and Leader Rich, always
10 reserving their rights as leaders of their
11 caucuses. They have been and are the fixed
12 keel keeping us on course to complete our tasks
13 sooner, better and fairer.

14 Senator Rich and Senator Gardiner made it
15 possible for our committee to operate
16 procedurally at all times by unanimous consent
17 agreements at an unprecedented level of
18 cooperation.

19 And finally, Mr. President, to John
20 Guthrie and his committee staff who have
21 created and managed a redistricting process
22 which by its openness, its transparency and its
23 inclusiveness is now a model for America.

24 If you do not like this product you can
25 blame me. You can blame committee members, but

1 if you find yourself as I am, amazed at what
2 has been accomplished and how it was
3 accomplished, credit President Margolis,
4 Senators Rich and Gardiner and John Guthrie and
5 his staff.

6 With your permission, Mr. President, we
7 would like to proceed in the following order
8 today.

9 First, a comprehensive report outlining
10 the legal frame work for redistricting, the
11 process we follow, the schedule we kept and the
12 public inclusiveness we have achieved.

13 And then if it is the Senate's pleasure we
14 will take up Senate Joint Resolution 1176, the
15 Legislative Redistricting Plan, describe the
16 plan district by district and take Senators'
17 questions.

18 Depending on the amount of questions we
19 have and the time on the clock we may ask your
20 indulgence and that of our two leaders to roll
21 SJR 1176 to third reading at some point today
22 or tomorrow for a vote.

23 By this time in the schedule I am not
24 exactly sure where we will be. That will be up
25 to the Senate, but some time late this

1 afternoon or perhaps tomorrow.

2 And then, Mr. President, we will ask your
3 permission to take up Senate Bill 1174, which
4 is the Congressional Redistricting Plan and
5 follow a similar procedure.

6 A district by district description of the
7 plan, questions from Senators, a request at
8 some point to roll to third reading, debate and
9 a vote.

10 Now, there is a Chairman's amendment on
11 the Congressional Redistricting Plan. It is a
12 technical amendment filed to the Congressional
13 Plan and I gather with the President's
14 permission and at pleasure of the Senate we
15 would take that amendment up on second reading
16 of Senate Bill 1174.

17 Relying on your indulgence and the
18 patience of the Chamber, the time we will take
19 for each step will be governed by the material
20 that we must cover legally and by Senators'
21 desire to ask questions and engage in debate.

22 The President has instructed me that we
23 will take all of the time that is necessary to,
24 explore question, to ensure that every point
25 that anyone wishes to make is made.

1 I would point out that the substance of
2 this legislation has been publically noticed
3 since November 28th, with the committee
4 substitute having been available to all members
5 of the Senate for their review for the past ten
6 days.

7 Mr. President, I hope our plan for
8 proceeding on these matters is agreeable with
9 you and Mr. President, with your permission, I
10 would ask the Chamber, are there questions that
11 any member would like to ask about how we will
12 proceed over the next two or three days? Are
13 there any questions about how we would proceed?

14 If not I invite you to settle back and get
15 comfortable. The United States, yes, the
16 Speaker says if anybody needs popcorn we will
17 be happy to supply it. Senator Fasano will be
18 calling his constituents. He will be able to
19 call all of his constituents.

20 Mr. President, the United States
21 Constitution and our State Constitution repose
22 in the Legislature the responsibility to draw
23 legislative and congressional districts
24 following each decennial census.

25 What is called redistricting is a

1 constitutionally required change caused by
2 increases, decreases or movements of
3 population.

4 Our founders foresaw that periodic
5 adjustments would be required to maintain the
6 principle of one person, one vote in our
7 representative democracy. The work this Senate
8 is doing today answers that charge that our
9 founders set for us.

10 Between 2000 and 2010, the last decade,
11 the population of Florida grew by 18 percent,
12 to 18.8 million people. The national
13 population by contrast grew at a slower rate by
14 about 10 percent.

15 So as a result starting with elections in
16 2012, Florida gains two additional seats in the
17 U. S. House of Representatives. We will now
18 have a total of 27, and two additional votes in
19 the electoral college, a total of 29.

20 In redistricting we not only must
21 accommodate the two new Congressional seats, we
22 must also account for uneven population growth
23 within our state. Areas that grew faster than
24 average are entitled to more representation;
25 areas that grew slower than average will lose

1 representation.

2 Not only do the U.S. Constitution and the
3 State Constitution put responsibility for
4 redistricting in the Legislature, the
5 Constitution of the United States, Federal
6 Court rulings, Federal Laws and our State
7 Constitution sets standards for us for doing
8 the job.

9 Under the United States Constitution,
10 district populations must be as nearly equal as
11 practicable, and race cannot be the dominant
12 factor when drawing lines unless narrowly
13 tailored to achieve a compelling state
14 interest.

15 Section II of the Federal Voting Rights
16 Act of 1965 as amended applies statewide in
17 Florida. It requires creation of a minority
18 district in cases where a geographically
19 compact, politically cohesive minority
20 population is large enough to constitute the
21 majority in a single member district that is
22 unable to elect its preferred candidates and
23 where minority voters have less opportunity
24 than others to participate in the political
25 process.

1 Section V of the Federal Voting Rights Act
2 applies additional requirements to districts
3 that include any part of Collier, Hardee,
4 Hendry, Hillsborough or Monroe County. For
5 those areas Federal law provides particular
6 prohibitions against something called
7 retrogression, or back-sliding in the ability
8 of racial minorities to elect representatives
9 of their choice and against purposeful
10 discrimination.

11 Before any law relating to voting in those
12 areas can take effect, and that includes all
13 statewide redistricting maps, those maps must
14 be approved by a Federal Court or by the United
15 States Department of Justice.

16 Now, under the Florida Constitution
17 districts have to be contiguous. The State
18 Supreme Court has interpreted this requirement
19 to mean that each district's territory all must
20 be in actual contact, uninterrupted by the
21 territory of another district. Contact at a
22 corner or a right angle is insufficient, but
23 districts may cross bodies of water.

24 In November 2010, the voters of Florida
25 approved additional standards for redistricting

1 called Amendments 5 and 6. They became
2 Sections 21 and 20 respectively in the State
3 Constitution.

4 Section 20 relates to Congressional
5 Districts. Section 21 to State Legislative
6 Districts. In both cases the standards are
7 exactly the same. Amendments 5 and 6 set up
8 two tiers of, or levels of compliance.

9 In the first tier these amendments
10 prohibit any line drawing with the intent to
11 favor or disfavor a political party or an
12 incumbent. The first tier in the Amendments
13 safeguards opportunities for racial and
14 language minorities. Districts may not be
15 drawn with the intent or the result of denying
16 or abridging the equal opportunity of
17 minorities to participate in the political
18 process or to diminish, or to diminish their
19 ability to elect representatives of their
20 choice.

21 In the second tier of Amendments 5 and 6
22 the new Amendments require that districts be as
23 nearly equal in population as practicable, be
24 compact and where feasible, utilize existing
25 political and geographic boundaries.

1 Importantly, when any action in
2 furtherance of a second tier requirement
3 conflicts with a first tier requirement, the
4 second tier requirement is trumped and no
5 longer applies.

6 Today the Committee on Reapportionment
7 will present Senate Joint Resolution 1176 on
8 this floor. This Joint Resolution is the
9 vehicle for legislative redistricting.

10 The SJR will contain two parts, the Senate
11 Plan and the House Plan. Before us today is
12 the Senate Plan. After we act on the Senate
13 Plan we will send it to the House and they will
14 add the House Plan and send the completed SJR
15 back to us for a final vote.

16 This is exactly the way President Margolis
17 explained how redistricting in a practical
18 fashion works, when the two Houses have
19 responsibilities for their districts. The
20 Legislative Redistricting Plan is not subject
21 to the approval of the Governor.

22 Now, after a Joint Resolution of
23 Apportionment passes both Houses, the SJR goes
24 to the Attorney General. The Attorney General
25 has 15 days during which to petition the

1 Florida Supreme Court to determine the validity
2 of the new maps.

3 I can announce to this Chamber today that
4 we expect that as the Legislature has
5 accelerated its schedule, we believe the
6 Attorney General will act with all deliberate
7 speed, will not take the full 15 days, but will
8 file the Petition to the Supreme Court
9 immediately upon our action on this floor.

10 Then once received, the Supreme Court has
11 up to 30 days to enter its judgment. Unlike
12 State Legislative Districts, Congressional
13 Districts are created in a Bill that is subject
14 to the Governor's approval.

15 Congressional Districts are not
16 automatically reviewed by the Florida Supreme
17 Court, and as mentioned previously, all
18 Statewide Redistricting plans, whether
19 legislative or congressional, must be
20 pre-cleared at the Federal level before they
21 can take effect.

22 Mr. President, those are the legal
23 requirements and that is the legal process
24 governing reapportionment and redistricting,
25 and with your permission may we stop here and

1 ask if any members have questions about that
2 process?

3 PRESIDENT HARIDOPOLIS: Are there
4 questions? Senator, the floor is recognized to
5 continue.

6 SENATOR GAETZ: Thank you, Mr. President.
7 More than a year ago you, you appointed the
8 Senate Committee on Reapportionment. You asked
9 President Margolis to serve as Vice Chair and
10 me as Chair and he gave us a large committee.

11 He gave us a large committee because he
12 gave us a large task, and the process and the
13 product are to the credit of every member of
14 the committee, every Democrat and every
15 Republican.

16 Members of this committee traveled across
17 the state of Florida, they engaged
18 constructively. They may have had differing
19 views or differing opinions, but everyone
20 operated in good faith, every Democrat and
21 every Republican.

22 President Haridopolos and Speaker Cannon
23 asked Chairman Weatherford from the House and
24 me to work together, to work together House and
25 Senate, Democrats and Republicans to conduct

1 this redistricting process in the sunshine.

2 Florida would not accept, Florida should
3 not accept what happened in other states. Like
4 Illinois wherein that one party state maps were
5 drawn in back rooms at Party headquarters.

6 There was no invitation or even tolerance
7 for public participation. The maps were sprung
8 as last minute surprises and voted on with
9 little or no public input or discussion.
10 Florida would never stand for that and we
11 shouldn't and we haven't.

12 By contrast, Mr. President, you instructed
13 our committee that this was to be the most
14 open, transparent and inclusive redistricting
15 process ever conducted, not just in Florida,
16 but you said it should be the most open,
17 transparent and inclusive redistricting process
18 ever conducted in America.

19 Mr. President, we believe our report to
20 you today offers proof that your committee has
21 accomplished the mission that you set out for
22 us.

23 Our first committee meeting was held on
24 December 9th, 2010. The agenda for that day
25 included three items: a timeline for

1 redistricting, and introduction to
2 redistricting law and an introduction to
3 redistricting technology.

4 That technology became very important as
5 we moved through this process. At that meeting
6 President Margolis and I and all of the
7 Committee members set a tone from which we have
8 not wavered one bit. A tone that every
9 political outlook, every interest group, every
10 citizen would be invited and welcomed to
11 comment, to criticize, to suggest, to propose,
12 so that in the end our product would be to
13 borrow a phrase, fair districts.

14 When we began in December 2010, we did not
15 have population or demographic data from the
16 Census Bureau yet. Florida is one of the last
17 states to receive population and demographic
18 data, but we did not know how many
19 congressional seats would be apportioned. We
20 did not know if the changes made by Amendments
21 5 and 6 would be pre-cleared by the Department
22 of Justice, but we pressed forward anyway.

23 Our staff continued their work developing
24 our redistricting web application and we
25 presumed and under the President's direction,

1 we presumed that the Constitutional Amendments
2 adopted in November, would be pre-cleared and
3 we have operated every day under the guidance
4 of Amendment 5 and Amendment 6 from the
5 beginning of our process until this moment.

6 When voters placed those Amendments in our
7 Constitution, those in the Senate who had
8 previously opposed them embraced them as our
9 oaths of office required us to do. We held
10 three more committee meetings during the 2011
11 regular session.

12 At our January and February meetings, we
13 discussed the technical aspects of the data we
14 would be using and provided to Senators, the
15 press and the public, hands on demonstrations
16 of the software that would be used to redraw
17 Legislative and Congressional Districts.

18 For the first time in this country, not
19 only all of the census and demographic
20 information defining and describing the people
21 of Florida was made available publicly, but the
22 specific software and tools that professional
23 staff and Legislators would use in drawing
24 districts was made available to the press and
25 the public.

1 Never happened before in American history,
2 but we wanted everyone to have the same tools
3 and the same chance.

4 In January, the Governor received the
5 official certificate entitling Florida to 27
6 members of the U. S. House.

7 In February, a District Builder beta
8 version was opened up to Senators and the
9 public for testing, and by April, by April we
10 had received our official geographic and
11 population data from the Census Bureau. Staff
12 spent the final weeks of the regular session
13 working with their counterparts in the House,
14 cooperatively to reserve sites and to schedule
15 an unprecedented number of public hearings.

16 Then on the morning of May 6th, the last
17 day of the last legislative session the Senate
18 Reapportionment Committee and the House
19 Redistricting Committee met jointly in the
20 House Chamber to officially have the President
21 and the Speaker announce the statewide public
22 hearing schedule that included 26 communities
23 in every region of the state.

24 At the Joint meeting we also unveiled the
25 full version of District Builder complete with

1 2010 census data. The Legislature, the
2 Legislature took the initiative to ask the
3 Justice Department to pre-clear Amendments 5
4 and 6. We did that.

5 We asked the Justice Department to
6 pre-clear those Amendments as being compliant
7 with Federal law, meaning the Federal
8 government determined the changes made by the
9 Amendments would not and could not result in
10 retrogression or back-sliding in the voting
11 opportunities for racial minorities.

12 In the Legislature's request for
13 pre-clearance we took the position that
14 Amendments 5 and 6, and I quote, "Preserve
15 without change the Legislature's prior-ability
16 to construct effective minority districts, and
17 that", and I continue to quote, "In promoting
18 minority voting strength the Legislature may
19 continue to employ whatever means were
20 previously at its disposal", end quote.

21 The United States Justice Department
22 approved that pre-clearance Petition. Then
23 during the month of May last we also created
24 the Senate Redistricting Website, implemented
25 an electronic pre-registration system for our

1 public hearings and last May, we received the
2 first two of what would become over 170
3 publicly submitted maps.

4 On June 6th, we accelerated our campaign
5 to involve the public. Chairman Weatherford
6 and I wrote personal letters to over 100
7 leaders of public interest groups and advocacy
8 organizations in this state.

9 The NAACP, Latino and Hispanic advocacy
10 groups, the League of Women Voters, the Fair
11 Districts Organization, Common Cause, both
12 political parties. We invited them and the
13 members of their organizations to attend our
14 first public hearing in Tallahassee.

15 We expressed our desire, we invited them
16 to give us suggestions on how maps could best
17 be drawn to suit the representational needs of
18 Floridians according to Amendments 5 and 6. We
19 implored them to participate by submitting
20 their own maps.

21 June 6th, was the first of 32 times this
22 Committee formally invited proposals from these
23 groups and from Floridians. Our 26 public
24 hearings were held in every part of Florida,
25 from auditoriums in urban neighborhoods and

1 large cities, to schools and suburban
2 communities, to gathering places for farmers in
3 small towns.

4 Before our northwest Florida public
5 hearings began in June, our committee sent out
6 invitations to over 700 individuals in
7 northwest Florida, individuals who were in
8 elected office, advocacy groups and community
9 leadership positions in the panhandle.

10 The first hearing was held in Tallahassee
11 on Monday, June 20th, and it was attended by
12 154 people, 63 of which spoke in front of more
13 than 60 members of the House and Senate who
14 were in a attendance.

15 From there we traveled to Pensacola where
16 we held our hearing at 10:00 a.m. the next
17 morning at WSRE TV studios where our hearing
18 was broadcast. The hearing was attended by 141
19 individuals. Thirty-six provided testimony.

20 After finishing in Pensacola we traveled
21 east to Ft. Walton Beach and held a hearing at
22 Ft. Walton Beach High School, the home of the
23 Vikings. Between 6:00 and 9:00 p.m. that
24 evening we were joined by 110 Floridians.

25 From there we went to Panama City, and on

1 Wednesday morning we held our hearing at Gulf
2 Coast Community College, 36 speakers shared
3 their testimony with members of the Senate and
4 House committees.

5 In total we heard testimony from 182
6 concerned citizens in our four stops on the
7 first leg, the panhandle leg of our statewide
8 tour.

9 Before traveling to northeast Florida for
10 our next hearings the Committee sent 1,000 more
11 invitations to participate to School Board
12 members, Supervisors of Elections, City and
13 County officials, members of advocacy groups,
14 left and right, and both political parties.
15 Come to the hearings. Bring your proposals and
16 suggestions, your criticisms and ideas.

17 On Monday, July 11, 350 people filled out
18 attendance cards at our Jacksonville hearing.
19 Nearly 100 of them testified. The next morning
20 in St. Augustine we were joined by 88 people
21 who woke up early to join us at Flagler College
22 at 8:00 a.m.

23 That same day we traveled to Daytona Beach
24 where we heard from 62 of the 189 individuals
25 in attendance. On the morning of July 13th, we

1 opened our hearing at 8:00 a.m. in The
2 Villages, and we heard testimony from 55 of the
3 114 people who made it to the hearing, Senator
4 Hays, before their tee times.

5 The final stop, the final stop on our trip
6 through northeast Florida took us to Santa Fe
7 College in Gainesville the evening of
8 July 13th. There in the performing arts
9 theater, 71 speakers, including Martin Luther
10 King the III addressed the Committee for three
11 hours, and there, Mr. President, we learned
12 from a member of the Democratic Executive
13 Committee of Alachua County the history of
14 gerrymandering.

15 We heard that it was Patrick Henry who was
16 trying to out flank James Madison when Patrick
17 Henry was Governor of Virginia, who originally
18 designed districts that favored or disfavored
19 incumbents. We appreciated that history
20 lesson.

21 In the five stops on our northeastern tour
22 we heard from 319 people and while we were on
23 the road that week, nine redistricting plans
24 were submitted by members of the public.

25 Before embarking on our central Florida

1 leg of the statewide tour we conducted another
2 outreach effort, this time sending more
3 invitations, 800 more invitations to advocacy
4 groups, elected officials, the League of Women
5 Voters, elected leaders, come, share your
6 ideas, bring your plans, hold them up in the
7 public square and let us all see them, let the
8 public observe what your proposals might be.

9 In late July, members of the House and
10 Senate Redistricting Committees headed to
11 central Florida beginning with a stop in
12 Lakeland on a Monday afternoon. There 143
13 individuals attended the hearing at Polk State
14 College.

15 Early on the morning of July 26th, your
16 Committee was at the Hardee County Civic Center
17 in Wachula where the interest of rural
18 communities were most important on testifiers'
19 minds.

20 Next we traveled to Wesley Chapel, the
21 hometown of Speaker Designate Weatherford, and
22 between 6:00 and 9:00 that evening we heard
23 from 74 of the 214 people in attendance at
24 Wiregrass Ranch High School.

25 The following day, July 27th, we met at

1 the Performing Arts Center in downtown Orlando.
2 There we held the biggest hearing of our entire
3 26 city tour. The theater was packed with 621
4 people filling out attendance cards and even
5 more were there.

6 During the four hours of testimony we
7 managed to hear from 153 speakers, because we
8 ran out of time, another 35 citizens were kind
9 enough to supply written testimony.

10 The next day we made the last stop on our
11 trip through central Florida, we went to
12 Melbourne, and there at the Brevard County
13 Government Center in Viera, we were joined by
14 198 people between 10:00 and 1:00 p.m. In all,
15 354 more individuals testified before members
16 of the House and Senate Redistricting
17 Committees at the five stops in central
18 Florida, and by the time we returned from that
19 trip the count of citizen submitted maps had
20 reached 17.

21 The fourth leg of our summer long
22 statewide tour took us to South Florida, and
23 again we repeated our outreach effort and again
24 we sent out invitations, this time over 900 of
25 them to interested parties in the region.

1 We began in Stuart at the Blake Library
2 with a hearing that evening, August 15th, 180
3 Floridians turned out in Senator Negron's
4 hometown.

5 In Palm Beach County 237 people came to
6 the hearing at Florida Atlantic University, the
7 morning of August 16th. Over 100 people signed
8 up to speak at the hearing. We managed to hear
9 93 of them before we ran out of time, and
10 again, those who didn't have a chance to speak
11 verbally were invited and they submitted
12 written testimony, and their comments, like all
13 of the comments we have received, are posted on
14 the Senate's Redistricting Website.

15 This is the record of public testimony,
16 public involvement and public inclusiveness of
17 this committee.

18 It is on the website for every Floridian,
19 it is here in hard copy for your examination.
20 That evening, the evening of August 16th, we
21 traveled to Broward County and held a
22 well-attended hearing at the main campus of
23 Broward College where 83 individuals shared
24 their insights.

25 The following morning, Miami-Dade College

1 hosted us at their downtown campus and we heard
2 testimony from 59 members of the diverse groups
3 in attendance before heading west on Calle Ocho
4 toward our next hearing at FIU, and there at
5 the College of Law Legislators heard testimony
6 from 68 members of that community.

7 And our last stop on the tour through
8 South Florida took us to the southern-most
9 point of the continental United States, in Key
10 West, and though it may be a vacation
11 destination for some, I can tell you that the
12 residents in Key West care deeply about
13 redistricting as much as other Floridians and
14 they were passionate in their testimony about
15 not being forgotten as we redistricted the
16 state of Florida.

17 At six stops in four days in South Florida
18 the Committee and staff heard testimony from
19 another 382 individuals. By the time this leg
20 of the trip was over the Legislature had
21 received a total of 33 maps from the public.
22 And then before hitting the road and heading to
23 southwest Florida on our final leg of our
24 journey we sent out 600 more invitations to
25 public interest groups; the League of Women

1 Voters, Common Cause, both political parties,
2 City and County officials, Supervisors of
3 Elections. These messages again requested
4 participation, both at hearings and by
5 submitting maps.

6 Our trip through the southwest began on
7 August 29th, in Tampa where Senator Joyner
8 helped us arrange a well-publicized meeting at
9 Jefferson High School, a hearing that was
10 attended by over 200 citizens.

11 The next hearing in Largo was held at the
12 Epicenter at St. Pete College the morning
13 August 30th, and like the other hearings, it
14 was well-attended and Legislators heard from 66
15 people who chose to testify. And that evening
16 at New College in Sarasota committee members
17 were treated to a lively crowd of well over 300
18 citizens. At the three-hour hearing, 85 more
19 individuals testified.

20 From there we traveled south to Naples and
21 we held an early morning hearing at the Naples
22 Daily News Community Room arranged by Senator
23 Richter. Over half of the 115 attendees
24 provided us with valuable input at that
25 hearing.

1 The day ended with a hearing in Lehigh
2 Acres where 69 of the 191 attendees spoke. We
3 held our 26th and final hearing in Clewiston at
4 the Hendry County Health Department which had
5 been the second time I had had the chance to
6 visit.

7 President Haridopolos will remember,
8 others will remember. Senator Negron will
9 remember that we were there on our Medicaid
10 tour as well. The hearing was attended by 45
11 individuals. A big crowd for Hendry County out
12 in the middle of Florida, and the testimony
13 from those that spoke at the hearing was every
14 bit as valuable to us as the information we
15 gathered at the other 25 hearings.

16 The week before every set of hearings
17 committee staff sent reminders to the people
18 who had pre-registered for each hearing.

19 We purchased legal ads in newspapers. We
20 posted directions and a map to the hearing site
21 on the Internet, and Chairman Weatherford and I
22 submitted op eds to major news outlets, 16 of
23 them in each region of the state and conducted
24 numerous interviews to raise awareness about
25 the hearings and invite Floridians and interest

1 groups to participate in drawing the political
2 landscape of our state.

3 The week after each set of hearings our
4 professional staff assembled and published
5 hearing reports on the Senate Redistricting
6 website. The reports include an overview of
7 the turn out and outreach efforts, as well as
8 every bit of the written testimony gathered and
9 each of the verbal presentations at the
10 hearing.

11 The video and audio recordings are posted
12 with the accompanying transcript for each
13 hearing on the public hearings page of the
14 Senate Redistricting website, and I must say
15 how pleased I am and how, you know, how
16 respectful I am of the Senators who have gone
17 to those hearing records and sat if they didn't
18 have a chance to go to a particular hearing,
19 they have watched the hearing record on video,
20 they have read the transcript to become
21 familiar with the input of the people of
22 Florida.

23 During our statewide listening tour your
24 committee traveled over 4,000 miles, listened
25 to over 71 hours of testimony from 1,637

1 speakers. Not everyone at each hearing
2 completed an attendance card. There were many
3 people who came who did not, but I can
4 confidently report that over 5,000 people
5 actually attended the hearings.

6 Your committee traveled further, reached
7 out to more Floridians, drew larger crowds and
8 heard more testimony than any redistricting
9 panel in American history. We further exceeded
10 our own standards when the Legislature had
11 received 50 publicly submitted redistricting
12 plans by the conclusion of our public hearings.

13 I would remind you that ten years ago the
14 first publicly drawn maps did not surface until
15 January 23rd, 2002, and only four maps were
16 considered. By the end of our activities, by
17 the deadline that our committee established
18 unanimously, we had received 157 maps, and
19 every one of those maps was reviewed by our
20 committee staff and was part of the public
21 record and was reviewed by members of the
22 committee.

23 We were picketed in Gainesville, given a
24 standing ovation in Ft. Walton Beach and we
25 elicited every response in between. Not a mile

1 or a minute was wasted, every citizen was
2 listened to respectfully, every suggestion was
3 acknowledged.

4 We also heard from many who objected to
5 the Committee's decision to hear unrestricted
6 public testimony free of the preconceptions
7 created by politicians.

8 We were chastised by some who belittled
9 the suggestion that ordinary citizens should be
10 consulted. One man bitterly pronounced to the
11 committee in his testimony, he said, and I
12 quote from the transcript, "We don't want to
13 see maps from teachers and construction
14 workers." Yet teachers and construction
15 workers did come forward by the dozens, by the
16 scores, by the hundreds.

17 One woman told us, she couldn't understand
18 how to draw maps, and she had a Ph.D., and then
19 a 13-year-old home schooled student rose from
20 his seat and presented 120 House District maps
21 which he drew himself and were consistent with
22 the Constitution.

23 As to the value of our public hearings, I
24 agree with the principle author of Florida's
25 new redistricting standards, the Chairperson of

1 Fair Districts, Ellen Freidin. She testified
2 before our Committee that a map drawn before
3 public hearings are held would not be, and
4 these are her words, would not be compliant or
5 appropriate.

6 And I agree with the President of the
7 League of Women Voters of Georgia, who's
8 organization was among the first to propose
9 redistricting plans early in that state's
10 redistricting process and who sponsored a day
11 at the Georgia Capitol where citizens were
12 encouraged by the League of Women Voters to
13 bring their ideas and propose their maps before
14 legislative committees committed themselves to
15 a plan.

16 Therefore, taking public testimony before
17 drawing maps was the right thing to do. We did
18 our homework, Mr. President, before we took the
19 exam. The insights gathered this summer were
20 critical, and Mr. President, I want to thank
21 you for allowing us and encouraging us to go to
22 Florida's communities and Florida's
23 neighborhoods and listen first and then lead.

24 Listening to the people of Florida is
25 enlightening, but I have to tell you, it is

1 always humbling. In this Tallahassee echo
2 chamber in which we operate we hear the sounds
3 of our own voices and sometimes we get confused
4 and think it is the voice of God.

5 Going on the road provided us insights
6 into communities. The importance of waterways
7 and highways identified by citizens living next
8 to them in defining those communities. We
9 learned the nuances of neighborhoods and
10 because every word of input was transcribed and
11 studied by our committee members, every minute
12 of testimony was carried over the Internet and
13 every meeting was televised by the Florida
14 Channel and kept in our archives, quite
15 literally, Mr. President, the voices of
16 hundreds and hundreds of Floridians are ringing
17 in our ears as this committee has prepared,
18 discussed, debated and then recommended the
19 proposals before you today.

20 Mr. President, our first interim committee
21 meeting was held on September 22nd, following
22 completion of the public hearings. At that
23 time the Legislature had received 64 publicly
24 submitted plans.

25 At the September committee meeting we laid

1 out the schedule and we agreed unanimously on a
2 series of procedures to follow through the
3 remainder of our work. By a unanimous consent
4 agreement, and again, I credit Senator Rich and
5 Senator Gardiner for their cooperation, by a
6 unanimous consent agreement we established
7 November 1st, as the deadline for the public,
8 for interest groups and for Senators to submit
9 maps for consideration by the committee.

10 That gave six months to submit plans and
11 maps. Our goal in doing so in providing this
12 extensive period of time was to give the
13 committee an opportunity to maturely consider
14 suggestions made in maps drawn by other
15 Senators, by the public, advocacy groups and
16 Civil Rights organizations before the committee
17 developed and presented its work product.

18 On September 20th, Chairman Weatherford
19 and I sent another letter to Civil Rights
20 organizations, the League of Women Voters,
21 Common Cause and other interest groups to
22 communicate the unanimously agreed upon
23 deadline and for the 29th time invited them to
24 submit maps.

25 The committee unanimously agreed that

1 meeting notices should be published seven
2 calendar days prior to each meeting and should
3 indicate particular plans on the agenda for the
4 meeting.

5 The purpose for doing so was to give
6 Senators and the press and the public an
7 opportunity to review any maps and look at any
8 statistics and reports that would be on the
9 agenda at those meetings.

10 The committee also reached a unanimous
11 consent agreement, again, thanks to Senator
12 Gardiner and Senator Rich, regarding
13 amendments. The policy adopted required
14 amendments to be filed at least 48 hours prior
15 to the notice to the committee meeting in order
16 to keep the process open and transparent and to
17 provide ample opportunity to question, consider
18 and debate the consequences of any amendment.

19 Early in this process every Democrat and
20 every Republican on our committee agreed by
21 unanimous consent not to compromise the
22 openness of this process. We agreed
23 unanimously there would be no surprises, no
24 gotchas, no last minute plans, sprung suddenly
25 from the Brow of Zeus.

1 We wanted every proposal by everyone,
2 Senators, interest groups, political parties,
3 individual citizens, every proposal by everyone
4 to be held up in the public square in time for
5 all interested parties to examine and
6 understand the consequences prior to any vote.

7 The policy agreed to by the members of the
8 committee, however, did not limit Senators'
9 ability to file amendments. Each Senator had
10 the right at any time to present her or his own
11 maps if there was a feeling that those maps
12 might improve on the committee's work.

13 At the September 22nd meeting, the
14 committee also by consensus adopted the Bill
15 format presented by staff and again offered any
16 Senator, any member of the public, any interest
17 group the opportunity to present a map at that
18 meeting.

19 The policies and schedules set at this
20 meeting were memorialized in a memo sent to all
21 committee members with copies to all members of
22 the Senate. It was sent to all public interest
23 groups, Civil Rights organizations, City and
24 County elected officials, School Board members
25 and Supervisors of Elections on September 27th,

1 so that everyone knew the rules that had been
2 agreed to by every Democrat and every
3 Republican on the committee.

4 Prior to the committee meetings at which a
5 particular region of the state was discussed,
6 the individuals who attended any of the public
7 hearings in that region and gave us their
8 contact information were contacted to say we
9 are going to talk about your region now, so if
10 you would like to provide more information to
11 us or if you would like to attend the meeting,
12 if you would like to speak, you are invited,
13 you are welcomed.

14 At the interim meeting on October 5,
15 committee staff reviewed the 69 plans the
16 Legislature had received at that point and
17 selected a sample of redistricting scenarios
18 representative of the public testimony and maps
19 proposed for northwest Florida.

20 The samples of Congressional and State
21 Redistricting Plans were presented by staff
22 before the committee took public testimony from
23 16 more people who came to offer their
24 insights.

25 The testimony and ensuing discussion of

1 the maps that staff presented on that day led
2 the committee to decide again by unanimous
3 consent that the Senate map proposed by the
4 Legislature should contain horizontally
5 oriented districts in the panhandle to reflect
6 the division between coastal and urban
7 communities -- coastal and rural communities.

8 On October 18th, the Committee on
9 Reapportionment met to examine redistricting
10 scenarios for northeast and for central
11 Florida. After reviewing the 88 plans received
12 by the Legislature prior to that meeting's
13 notice deadline, professional staff selected a
14 sample of redistricting scenarios
15 representative of the testimony and maps
16 proposed for that region.

17 The sample was presented to the committee
18 before hearing testimony from eight more
19 members of the public who traveled to the
20 meeting. And again, operating by unanimous
21 consent the committee directed staff to
22 maintain minority opportunity districts and
23 preserve minority voting rights in all regions
24 of the state as required by Amendments 5 and 6.

25 Speaker Thrasher placed in easy to

1 understand language the mandates of Amendments
2 5 and 6 and indicated to us a template that we
3 could use and that template was agreed to
4 unanimously, to maintain minority opportunity
5 districts and preserve without delusion
6 minority voting rights in all regions of the
7 state as specifically required by Amendments 5
8 and 6.

9 The committee next met to discuss
10 redistricting scenarios for southeast Florida
11 and that meeting was on November 2nd. Before
12 the meeting professional staff reviewed the 109
13 plans received by the Legislature prior to the
14 meeting's noticed deadline, selecting a sample
15 of public submissions representative of the
16 testimony we heard for the southeast part of
17 the state.

18 After hearing testimony from five more
19 individuals and discussing the maps that were
20 presented by staff, the committee unanimously
21 directed staff to preserve minority voting
22 rights without subordination to traditional
23 race neutral redistricting principles.

24 The committee by consensus also directed
25 staff to keep as many counties as possible

1 along the Nature Coast together in any
2 redistricting plan, and you will see that as
3 the plan is described.

4 The committee met to discuss redistricting
5 scenarios for southwest Florida on
6 November 15th. Before the meeting professional
7 staff reviewed the by now 157 plans received by
8 the Legislature prior to the meeting's noticed
9 deadline and selected a sample of public
10 submissions representative of the testimony
11 heard for the southwest region. At that
12 hearing we heard from five more individuals and
13 by consensus members of the committee directed
14 staff to avoid increasing the number of Senate
15 Districts in Hillsborough County if possible
16 and to divide Pasco County into eastern,
17 western districts or eastern middle western
18 districts if at all possible.

19 The committee also instructed staff to
20 eliminate any cross state districts resembling
21 the existing Senate District 27.

22 PRESIDENT HARIDOPOLIS: Senator Gaetz.

23 SENATOR GAETZ: Yes, sir.

24 PRESIDENT HARIDOPOLIS: Take a break for
25 one second to catch your breath.

1 Senator from the first, Senator Gibson, I
2 believe you have recognition of some friends in
3 the gallery. You are recognized.

4 SENATOR GIBSON: Thank you, Mr. President,
5 and several have gone, but with the Florida
6 Association of the American Institute of
7 Architects, please stand.

8 They are celebrating their 100th year
9 anniversary, and certainly our community is
10 better because of architects.

11 Thank you, Mr. President.

12 PRESIDENT HARIDOPOLIS: Thank you, and
13 welcome to the Florida Senate. I am not sure
14 if he is still here, but I know that former
15 Senator Clary was in the audience with us
16 earlier, if he is still here from the
17 panhandle.

18 Any other Senators while we are, before we
19 get back to Senator Gaetz' good work?

20 Senator Braynon, you are recognized.

21 SENATOR BRAYNON: Thank you,
22 Mr. President. I want to take a moment just to
23 recognize my aunt, Andrea Braynon, who is in
24 the audience, came out of the way from Ft.
25 Lauderdale.

1 Her daughter is a Page with us this week,
2 Marena Braynon, Marena Braynon-Moore.

3 PRESIDENT HARIDOPOLIS: Thank you, Senator
4 Braynon and welcome to the Florida Senate.
5 Other announcements or recognitions before we
6 go back to our Chair?

7 Senator Gaetz, again you are recognized.

8 SENATOR GAETZ: Thank you, Mr. President
9 and thank you, Senator Gibson and thank you,
10 Senator Braynon, for that break. I appreciated
11 it.

12 At the -- at the November 15th meeting,
13 the committee also unanimously agreed to make
14 filing deadlines 5:00 Friday if the previously
15 adopted 48-hour rule would cause it to fall on
16 a weekend. Again, we were extending ourselves,
17 all of us, Democrats and Republicans, as much
18 as we could to make sure that there were no
19 last minute plans, no last minute amendments of
20 people coming in at the last hour with their
21 hair on fire saying we have got a plan. We
22 wanted to make sure that everyone had the
23 opportunity to examine every idea.

24 At the meeting on November 15th, the
25 committee discussed the process for publishing

1 the committee's proposed Bills and for
2 gathering a second round of public feedback on
3 the plans. We decided that once the proposed
4 Committee Bill had been published on
5 November 28th, we would again solicit public
6 comment in any way we could get it.

7 We would invite e-mails, telephone calls,
8 we set up a toll free line, by mail or by
9 social media. We looked for every convenient
10 way for the public to continue to be fully
11 engaged in the redistricting process.

12 The committee used these comments and with
13 some help from our friends at the Florida
14 Channel we assembled a video production to play
15 before voting on to introduce the PCBs at the
16 December 6th committee meeting.

17 In other words, we had done the tour
18 across Florida, then we had a proposed
19 Committee Bill and before voting on the
20 proposed Committee Bill we again asked the
21 public to provide us with input and over 500
22 people responded.

23 Immediately after publishing the proposed
24 Committee Bills on November 28th, our staff
25 sent almost 5,000 messages to members of the

1 public inviting them to comment on our
2 proposals by all of the methods that I
3 indicated.

4 Members the public quickly took advantage
5 of this opportunity and by the time we met on
6 December 6th, we had received over 600 comments
7 through the different lines of communication
8 that we had established, and since the meeting
9 the public has continued to offer input and we
10 now have received over 1,500 comments.

11 So if you are counting, if you are keeping
12 track, the redistricting plans before you today
13 were developed only after receiving the oral
14 and written testimony of over 3,000 Floridians.
15 No one in American redistricting history has
16 been more inclusive.

17 Before voting to introduce the Bills at
18 the end of our meeting on December 6th, some of
19 you will recall that we watched a Florida
20 Channel video presentation of many of the
21 comments. We heard from 18 more individuals
22 who came to testify at that meeting. Much of
23 what we heard and saw took the form of general
24 commentary in favor or opposed to the proposed
25 maps, but we also received a significant amount

1 of specific suggestions for how to fine tune
2 the proposed Committee Bill into the Committee
3 Substitute that is before you today.

4 Specifically we received extraordinarily
5 valuable feedback from Supervisors of Elections
6 after our professional staff director, John
7 Guthrie, traveled to Orlando to present the
8 proposed Committee Bill and our process and our
9 schedule at their annual conference on
10 December 10th.

11 These and other specific recommendations
12 were considered by staff for inclusion in the
13 revised plans. Our professional staff worked
14 over the holiday break to develop the proposed
15 Committee Substitutes before the end of the
16 year.

17 Our committee staff had no Thanksgiving,
18 they had no Christmas or Hanukkah, they had no
19 New Year's, instead they worked almost around
20 the clock every single day to make sure that
21 every idea, every suggestion that came from
22 Senators, that came from public interest
23 groups, that came from Supervisors of
24 Elections, and members of the public were
25 included so that we could put in front of you

1 the best Committee Substitute possible.

2 Mr. President, the increased level of
3 participation is a result of how open and
4 accessible staff has made our District Builder,
5 our on-line application for the creation and
6 submission of redistricting maps. Citizens can
7 access the same redistricting software and
8 demographic information used by Legislators and
9 professional staff for free, without asking for
10 a disk, in their own homes, in public
11 libraries, on their own time.

12 Never before have citizens had free,
13 complete and easy on-line access to the exact
14 same computer programs and data that
15 Legislators and professional staff used to draw
16 lines.

17 Ten years ago the Legislature received
18 four maps from the public, all of them in
19 January. This time we received 157 plans
20 before our November 1st unanimously agreed
21 submission deadline, and we have continued to
22 receive plans right up until yesterday.

23 At this moment we are now up to 174 and we
24 are grateful for each and every submission,
25 even the late ones which we would have loved to

1 have received earlier in the process prior to
2 our unanimously agreed to deadline.

3 These maps are the single most effective
4 form of public participation in any
5 redistricting process, which is why
6 organizations like the NAACP, Legal Defense
7 Fund and the Brennan Center for Justice have
8 encouraged advocacy groups and interested
9 parties to be engaged and to submit plans, not
10 to sit on the side lines.

11 The President of the League of Women
12 Voters of Georgia, of Georgia, also agreed,
13 saying, quote, "Our goal throughout this whole
14 process is to ensure that citizens have a voice
15 and what better way to do this than bringing
16 people and maps to the Capitol." That was her
17 quote.

18 From the beginning the public has had a
19 voice and we have heard their voice. We were
20 asked to speed up the process and so public
21 hearings began early. Interim committee
22 meetings began early. The session began two
23 months early and here we are, Mr. President, on
24 the Senate floor ready to vote on our plans
25 months, months earlier than ever before.

1 Ten years ago the Redistricting Bills did
2 not reach the floor of this Chamber until late
3 March. We were asked to take public input
4 after publishing our own maps. After
5 publishing our maps in November, we took public
6 input and Incorporated it into our refined
7 proposals.

8 We were asked to draw maps that complied
9 with Amendments 5 and 6. The maps we will
10 discuss today do not diminish minorities
11 opportunities to elect candidates of their
12 choice. The maps we will discuss today respect
13 voters' desires to have compact districts but
14 follow political and geographic boundaries
15 whenever feasible, and perhaps for the first
16 time in our state's history we drew maps not to
17 benefit incumbents and political parties, but
18 to give effect within legal constraints to the
19 will of the public and the publicly expressed
20 collaboratively developed views of our
21 committee in accordance with Amendments 5 and
22 6.

23 The maps before us were drawn by
24 professional committee staff with the Senate's
25 District Builder web application, the same

1 application available to the public. All
2 members of the press and the public can verify
3 for themselves that District Builder contains
4 no election results and no voter registration
5 data.

6 It provides neither visual nor statistical
7 information about incumbents or about political
8 parties. We have no lists of incumbents' home
9 addresses. I don't know where you live unless
10 you have invited me to your house.

11 Discussions between Senators and
12 professional staff were conducted on the
13 expressed premise and with a specific
14 admonition that personal or partisan advantage
15 would not be discussed and would not be
16 considered, and I assure the Democratic Leader
17 and I assure the Republican Leader in our
18 committee meetings, that every single member of
19 our committee and every member of the Senate
20 who engaged adhered faithfully to that
21 admonition.

22 We have honored the command of our
23 Constitution to draw maps without intentional
24 favoritism. Throughout the process the
25 Minority Leader, the Majority Leader and all

1 members of our committee, in compliance with
2 the law and responsiveness to the guidance
3 offered by Floridians ahead of party interests.

4 Throughout the process the Reapportionment
5 Committee operated by consensus and to keep our
6 process open, transparent and inclusive we
7 unanimously agreed, these are the unanimous
8 consent agreements.

9 First, that the deadlines for submitted
10 maps by Senators and by the public would be
11 November 1st, 2011. That we would use Bill
12 templates consistent with prior decades, we
13 would use counties, VTDS and census blocks to
14 describe districts, not weird squiggly lines.

15 That professional staff would prepare
16 Committee Bills based on the law, the extensive
17 public record and direction provided by the
18 committee unanimously during our interim
19 meetings.

20 And finally, that we would publish
21 committee maps seven calendar days prior to
22 meetings and amendments two days prior to
23 meetings to avoid last minute surprises,
24 gotchas and maps that suddenly appeared from
25 nowhere.

1 On the opening day of the 2012 Session,
2 the entire Senate unanimously agreed that we
3 would publish floor amendments four days prior
4 to today. The result is new Senate and
5 Congressional Plans that are not Democratic
6 plans and are not Republican plans.

7 They are truly non-partisan plans that
8 were introduced and brought to this floor by a
9 solid majority including Democrats and
10 Republicans. The proposed maps have won
11 support for many who last year supported
12 Amendments 5 and 6, as well as by many who last
13 year opposed Amendments 5 and 6, and with that,
14 Mr. President, with your permission I am ready
15 to take up the Bills.

16 PRESIDENT HARIDOPOLIS: Are there
17 questions before we proceed? Senator Gaetz, do
18 you wish to take up CS/SJR 1176, is that
19 accurate?

20 SENATOR GAETZ: Yes, sir, Mr. President.

21 PRESIDENT HARIDOPOLIS: All right, without
22 objection, read the Bill.

23 SECRETARY: Committee substitute for
24 Senate Joint Resolution 1176, a joint
25 resolution of apportionment.

1 PRESIDENT HARIDOPOLIS: Senator for the
2 fourth, you are recognized for the Bill.

3 SENATOR GAETZ: Thank you, Mr. President,
4 with your permission I yield to the rules
5 chair, Senator Thrasher, who will describe the
6 Senate Districts contained in the Committee
7 Substitute for Senate joint Resolution 1176. I
8 yield to Senator Thrasher.

9 PRESIDENT HARIDOPOLIS: And with that
10 members, Senators, I know you will have
11 questions. If the Senator from the Eighth
12 rules chair can proceed with all 40 districts,
13 from there he will be happy to take any and all
14 questions and we will proceed from there.

15 But if you could just give him your
16 attention and we will move forward with the 40
17 districts and then we will go one question at a
18 time.

19 Again, we have the entire day and tomorrow
20 to answer each and every question you all might
21 have. Senator from the Eighth, you are
22 recognized to explain.

23 SENATOR THRASHER: Thank you,
24 Mr. President. And just so everybody knows,
25 the reason Senator Gaetz asked myself and

1 perhaps if my voice goes, Senator Negron also
2 to do this is because his voice is going.

3 So no secret here, it is just a matter of
4 making sure that you understand each and every
5 District and what it does, and for the record,
6 that we place this on the record in respect to
7 our intent.

8 So here we go, members, we will go through
9 every single District in some detail, not in a
10 great detail, but in some detail.

11 If we compare first of all just a few
12 observations. If we compare the Senate map in
13 CS/SJR 1176 with current districts in the
14 benchmark plan, the benchmark plan, by the way,
15 is the 2002 plan, it is obvious that Amendment
16 5, Amendment 5 made a difference.

17 The new map decreases the number of split
18 counties. The benchmark ten years ago kept 22
19 counties whole in a single district. The
20 committee substitute keeps 36 counties whole.

21 The new map decreases the number of split
22 cities. There were 126 split cities in the
23 benchmark. There are 78 in the current Bill as
24 it is filed.

25 The Committee Substitute lowered the

1 number of split cities to even further, to 54.
2 The new district lines better follow county and
3 a city boundaries, as well as geographical
4 boundaries, like water bodies and major roads.
5 Again, adherence to Amendment 5.

6 Relative to Senate Joint Resolution 1176
7 as filed, the Committee Substitute makes some
8 minor changes.

9 It lowers the population deviations to
10 plus or minus one percent. It incorporates
11 feedback from the public, Supervisors of
12 Elections in The Villages, the Golden Triangle,
13 Wahneta. How do you see that, W-a-h-n-e-t-a.
14 Who lives in that district? Dadgum if I know.

15 And Palatka, I do know where Palatka is, I
16 promise you that, and it assigns the district
17 numbers based on a uniform and equitable rule
18 which is explained in detail in the Bill
19 analysis.

20 Here we go to the districts. District 1
21 compromises the coastal communities of the
22 Florida panhandle in Escambia, Santa Rosa,
23 Okaloosa, Walton and Bay Counties.

24 The District is bound on the west by the
25 state border, on the east by the eastern

1 boundary of Bay County, and on the south by the
2 Gulf of Mexico and on the north by the
3 intercoastal waterway, the Yellow River and
4 Interstate 10.

5 Fourteen municipalities are wholly within
6 District 1, only two municipalities are split.
7 At each of the three public hearings in
8 northwest Florida and at our committee meetings
9 in Tallahassee we heard testimony about how the
10 Senate districts in the panhandle should be
11 shaped either vertically or horizontally.

12 Members of the public painted a picture of
13 two distinct communities, a northern district
14 and a southern district, separated between
15 north and south by waterways, military
16 reservations and municipal boundaries.

17 Extensive public testimony from the
18 interest as varied as the head of the area Tea
19 Party, a Democratic legislative candidate an
20 official of the Tax Collector's office, the
21 leader of the Regional Homeowners and Condo
22 Owners Association Council, officers of the
23 Farm Bureau and Supervisors of Elections all
24 favored a southern coastal district with its
25 focused on tourism, larger community issues and

1 a northern inland district with its focus on
2 agricultural and rural interests.

3 The agreement of these otherwise very
4 diverse interests and the stark differences of
5 the communities in the panhandle led the
6 Committee to unanimously agree to instruct the
7 professional staff to divide the districts
8 horizontally as shown in the proposed map.

9 District 1 follows political and
10 geographical boundaries for almost its entire
11 border, making extensive use of natural
12 waterways that divide the two regions.

13 The specific district boundaries came from
14 proposals made by the public, particularly
15 plans submitted by Henry Kelley, Jeff Sessions
16 and the Florida Gulf Coast University student
17 redistricting class.

18 Mr. Chairman and Mr. President, I don't
19 know if you want to take questions after
20 individual districts are explained, if there
21 are any? Just move, okay. At the end.

22 Let's go to District 2. District 2
23 comprises rural communities of north Florida
24 and the Nature Coast, right, Senator Dean,
25 Nature Coast, know where that is.

1 The district is made up almost entirely of
2 the whole counties of Baker, Citrus, Columbia,
3 Dixie, Gilchrist, Lafayette, Levy, Suwannee and
4 Union counties. The only split is Marion
5 County, and it is divided by I-75 in the
6 boundary of the City of Ocala.

7 Throughout our public hearings in the
8 northeast we heard of constant refrain to
9 maintain the integrity of rural counties in
10 north Florida. Exemplifying this overwhelming
11 testimony, Mr. C. J. Thompson of Jacksonville,
12 at the Jacksonville meeting requested that
13 Baker County be kept separate from
14 Jacksonville.

15 Tommy Langford and John Wasser at the
16 Gainesville public hearings wanted to keep
17 Gilchrist and Union Counties separate from
18 major cities. These individuals, much like
19 those in the northern part of the panhandle,
20 pointed out that rural counties, because of
21 their small population would be drowned out if
22 grouped with the bigger neighbors. Only by
23 grouping them together would they have a
24 collective voice.

25 Additionally we heard testimony,

1 especially at our October 18th committee
2 meeting, requesting that we keep the Nature
3 Coast together. Though Taylor County was
4 placed in District 5, this plan keeps together
5 the majority of the Nature Coast and groups it
6 with other rural areas.

7 The district divides only one county and
8 no municipalities and nearly all of its
9 boundaries are political and geographic ones.
10 The district lines were based largely upon
11 public submission by Alex Patton, that also
12 contained these counties and used I-75 as a
13 dividing line for Marion County.

14 District 3. Next is District 3, which
15 compromises the rural panhandle communities of
16 Escambia, Santa Rosa, Okaloosa, Walton, Bay,
17 Washington, Holmes and Jackson Counties.

18 If District 1 is the coastal or southern
19 panhandle district, District 3 then becomes the
20 northern or rural panhandle district. The
21 district follows lines or boundaries of the
22 state on the western, northern and eastern
23 sides of the district and follows the Yellow
24 River, Interstate 10 and the intercoastal
25 waterway and city lines in Pensacola and Bay

1 County on the south side.

2 As noted when we were describing District
3 1, the compelling testimony about the
4 differences between the two regions led the
5 Committee to divide them horizontally with
6 District 3 being the predominantly rural
7 district with the communities that centered on
8 agriculture.

9 Again, like District 1, District 3 follows
10 political or geographic boundaries for almost
11 the entire border. As noted, the borders in
12 the district are based upon maps submitted by
13 the public. Notably, Henry Kelley, Jeff
14 Sessions and a student and faculty researchers
15 at the Florida Gulf Coast University.

16 District 4. District 4 includes all of
17 Nassau and a portion of Duval County not
18 included in a minority opportunity, opportunity
19 district. The district is bounded by the state
20 of Georgia on the west, the north and the
21 Atlantic ocean on the east and Duval County
22 line on the south.

23 The District is a reflection of two
24 redistricting principles. One, to respond to
25 public testimony, the public record of our

1 Jacksonville hearing includes proposals from
2 citizens such as Jim Last, Mary Downy, Andrew
3 Curtin, who requested that we keep Nassau
4 County whole.

5 The Committee's desire to have a district
6 to the south that follows traditional race
7 neutral redistricting principles while also
8 refraining from abridging or denying
9 African-American community of the region
10 ability to elect a candidate of their choice.

11 The district therefore keeps Nassau
12 County, which is the northern part of Florida,
13 whole and takes portions of Duval not in the
14 minority opportunity district necessary to
15 equalize population.

16 To give the Senate some idea of the
17 improvement of the Committee's proposal over
18 the current map of northeast Florida, the 2002
19 districts under which we are operating now
20 splits three cities and four counties.

21 District 4 as we propose it would split
22 only the City of Jacksonville and no other
23 counties or cities. Several maps submitted by
24 the public have similar districts to District
25 4.

1 Next is District 5 which comprises
2 counties of the Capitol region that associate
3 with Tallahassee. The district is made up
4 entirely of 11 whole counties, Calhoun,
5 Franklin, Gadsden, Gulf, Hamilton, Jefferson,
6 Leon, Liberty, Madison, Taylor and Wakulla.

7 In nearly every public hearing across the
8 state citizens complained about oddly shaped
9 districts, like the current configuration of
10 districts bisecting and trisecting the Capitol
11 area.

12 At our very first public hearing in
13 Tallahassee, Teri Carlota complained that the
14 finger of District 3 which now pushes all the
15 way from Ocala to Marion County in Tallahassee.

16 The proposed District 5 completely
17 eliminates any such fingers, resulting in
18 districts where all of its boundaries are
19 county lines and not a single, not a single
20 municipality is split.

21 Additionally, we heard testimony about the
22 shared focus, much of this region has with
23 Tallahassee and the way that I-10 traverses and
24 links many of the counties together.

25 District 6 is next. District 6 ties

1 communities of similar socioeconomic
2 characteristics in the northeastern portion of
3 the state from the St. Johns River Basin to
4 Interstate 95 between Daytona Beach and
5 Jacksonville.

6 The District is consistent with a
7 traditional race neutral redistricting
8 principles and prevents the abridgment of
9 denial of African-American community of the
10 region's right to participate in a process of
11 the ability to elect a candidate of their
12 choice.

13 At our northeast and central Florida
14 public hearings we heard from members of the
15 public who disagreed with the concept of a
16 minority access District, but 12 members of the
17 public, including representatives from ACLU,
18 Congresswoman Corrine Brown testified that any
19 minority retrogression in this district would
20 violate the spirit and intent of Florida's
21 progress in electing African-Americans to State
22 and National office.

23 We also heard from citizens pointing out
24 the importance of the river front community
25 that has grown up along the St. Johns River

1 Basin and the communities of interest along
2 Interstate 95.

3 District boundaries in this district are
4 based on several plan submissions including
5 HPUBS-0090 by Christy Jones that followed the
6 St. Johns River and Plan Number 142 by Avica
7 Fishman that made use of I-95 and Plan 155 by
8 the Florida Conference of the NAACP.

9 The District is more effective in
10 following political and geographical boundaries
11 than similar previous plans from the 2002 era.

12 Under the 2002 plan District 1 used
13 political and geographic boundaries for just
14 over half of its borders while the proposed
15 District uses them for over two-thirds of its
16 boundaries.

17 The district has near majority
18 African-American voting age population of 47.7
19 percent, an increase over the 2002 plan.

20 District 7. Next is District 7, which
21 includes all of Alachua, Bradford and Clay
22 Counties in north central Florida. The
23 districts makes use of only county lines to and
24 from its entire boundary and splits no counties
25 and no cities.

1 Similarly to District 2, this district is
2 a reflection of the desire of the members of
3 the public to provide rural communities with a
4 voice as well as a desire to keep counties and
5 cities whole.

6 As reflected in the record of public
7 testimony, citizens from Alachua, Bradford and
8 Clay Counties all requested that we group their
9 counties with others like them so they would
10 not be lumped with larger municipality such as
11 Jacksonville and Orlando, and thereby lose
12 their ability to be effectively and fairly
13 represented in the Legislature.

14 These concerns about smaller and rural
15 areas reflect comments we heard across the
16 state from the panhandle to South Florida.

17 District 8, District 8 ties communities
18 south and west of Daytona Beach and Volusia
19 County with the northern Brevard County and
20 eastern Orange County. The district follows
21 the western border of Volusia County and the
22 northern boarder of Orange County. The
23 Econolockhatchee River, is that right, is that
24 right, Econolockhatchee River, I ain't never
25 been there, the Beachline Expressway through

1 Orange and Brevard Counties, the northern
2 boundary of Cape Canaveral and the Atlantic
3 ocean and follows the city lines of DeBary,
4 Port Orange, Daytona Beach and Daytona Beach
5 Shores.

6 A persistent theme of public testimony
7 from our Daytona Beach hearing was that Volusia
8 County not be divided among too many districts
9 and that cities within the county not be
10 divided, and that the majority of at least one
11 District would be of Volusia County.

12 District 8 balances the Committee's desire
13 to have a district to the north that follows
14 traditional race neutral redistricting
15 principles, while also refraining from
16 abridging or denying the African-American
17 communities of the region's right to
18 participate in the process or their ability to
19 elect a candidate of their choice.

20 The district accomplishes these
21 objectives. Over 69 percent of District 8 is
22 made up of residents of Volusia County and not
23 a single Volusia municipality is divided.

24 The district uses political or geographic
25 lines for nearly all of its boundaries. Public

1 testimony provided that the basis for using
2 natural boundaries such as the river I referred
3 to earlier.

4 District 9. District 9. District 9
5 comprises the coastal communities of northeast
6 Florida from the mouth of the St. Johns River
7 to Daytona Beach. The district is adjacent to
8 a minority opportunity district to its west.
9 It is bordered by the Atlantic ocean to its
10 east and is traversed by Interstate 95.

11 Much as in the panhandle we heard from
12 individuals in northeast Florida who spoke
13 about the importance of coastal communities
14 like Jane Mealy at our Daytona Beach public
15 hearing who wanted to make sure we kept Flagler
16 County beaches together.

17 We heard about the appropriateness of I-95
18 as a boundary. Much of the district's shape
19 comes from the coastal nature and a desire to
20 have a district to the west that follows
21 traditional race neutral redistricting
22 principles, while also refraining from
23 abridging or denying the African-American
24 community of the region's right to participate
25 in the process and to elect a candidate of

1 their choice.

2 The District keeps 11 municipalities
3 whole, splitting only four, a substantial
4 improvement over the current District 8 which
5 keeps only six municipalities whole and splits
6 nine.

7 District 10. District 10 includes the
8 communities of Lake, Orange counties, from
9 Leesburg to Orlando. The district is adjacent
10 to two minority opportunity districts,
11 Districts 12 and District 14.

12 The district follows the western boundary
13 of Lake County and the southern boundaries of
14 Lake and Orange Counties and is traversed by
15 the Florida turnpike, Interstate 4 and Highway
16 441.

17 This district is consistent with the plans
18 to receive from the public, including plan
19 number 146, I won't read the entire numbers to
20 you, but it is plan 146 by Barbara Martin and
21 plan 155 by the Florida Conference of the
22 NAACP.

23 The district keeps the City of Leesburg
24 together and allowed us to draw a district to
25 the north that preserved The Villages

1 community, two neighboring districts to the
2 east of that, while following traditional race
3 neutral redistricting principles, also
4 refraining from abridging or denying the
5 African-American community of the region's
6 right to participate in the process or their
7 ability to elect a candidate of their choice.

8 Lake County is only divided once in this
9 plan, a reflection of individuals, such as John
10 Wood, Charlene Walker and Catherine Williamson
11 at The Villages public hearing who wanted Lake
12 County kept together as much as possible.

13 District 11. District 11 includes rural
14 areas in eastern Marion County, western Putnam
15 County and northern and eastern Lake Counties.
16 The District follows the lake and Putnam County
17 lines on the northeast and south and uses I-75
18 and the boundary of the City of Ocala in the
19 west.

20 The most emphasized feature of this
21 district is the fact that it keeps The Villages
22 community together in a single Senate District.
23 Fourteen citizens at The Villages public
24 hearing pointed out the cohesive nature and
25 shared interest of The Villages were roundly

1 cheered by a standing room only crowd when they
2 urged that the new maps include the entire
3 Villages community in one Senate District.

4 Once again, otherwise diversified interests
5 such as Lake County DEC and the Sumter County
6 REC agreed on this configuration.

7 The Committee drew the boundaries of the
8 District 11 to reflect this overwhelming desire
9 by area residents. Additionally, this district
10 -- additionally, this District uses political
11 and geographical boundaries for nearly all of
12 its borders and splits only one municipality,
13 and that is Wildwood.

14 For comparison, none of the previous
15 districts from the region in 2002 maps split
16 fewer than five municipalities. This district
17 closely resembles a public submission by
18 Mr. Alex Patton that also contained these
19 counties and used I-75 as a dividing line for
20 Marion County. That was plan number 143.

21 Next is District 12 which unites the urban
22 communities of similar socioeconomic
23 characteristics in Orange and Seminole
24 Counties. This district is consistent with the
25 traditional race-neutral redistricting

1 principles and prevents the abridgment or
2 denial of the African-American community of the
3 region's right to participate in the process of
4 their ability to elect a candidate of their
5 choice.

6 The District follows political and
7 geographical boundaries for over two-thirds of
8 its border. We heard from eight members of the
9 public at our Orlando public hearing who
10 emphasized the importance of minority
11 communities in the Orlando area and urged the
12 Legislature to continue to provide an
13 opportunity for their voice to be heard without
14 retrogression.

15 As proposed the District has a black
16 voting age population of 40 percent. Several
17 members of the public mentioned the cities of
18 Apopka, Winter Garden, Ocoee, Oakland, along
19 with the historic city of Eatonville and urged
20 that these communities are similar and should
21 be grouped together, which this proposal
22 accomplishes.

23 District 13 includes portions of Seminole
24 County and Orange Counties, including the
25 communities of Altamonte Springs, Casselberry,

1 Lake Mary, Maitland, Longwood, Oviedo and
2 Winter Springs.

3 The district makes extensive use of the
4 Seminole County line. That has got to be good
5 then, for its boundary, except where it borders
6 minority opportunity District 12 to the west
7 and where it takes part of Orange County
8 necessary to equalize population.

9 Public testimony emphasized that a
10 district should include a majority of Seminole
11 County. The Committee used a number of
12 submitted plans, including Senate plan number
13 64 by John Libby, plan number 72 by Matthew
14 Boyle, plan number 147 by Remzey Samarrai, and
15 as the basis of the Seminole centric district.

16 This district is a reflection of those
17 desires to keep most of Seminole County
18 together, while at the same time have a
19 district to the west that reflects traditional
20 race neutral redistricting principles, while
21 also refraining from abridging or denying
22 African-American community of the region's
23 right to participate in the process or their
24 ability to elect a candidate of their choice.

25 District 14. District 14 recognizes and

1 unites the communities in Orange, Osceola and
2 Polk Counties with similar language, cultural
3 and socioeconomic characteristics. At our
4 central Florida public hearings supplemented by
5 testimony given at a committee meeting in
6 Tallahassee we heard a convincing case for a
7 Senate District that would provide increased
8 opportunity for representation of the Hispanic
9 community in central Florida.

10 This was augmented by a substantial number
11 of e-mails as well as submitted plans that tied
12 these communities together, such as plan number
13 102 by Emilio, Emilio Perez and Anthony Suarez
14 of Central Florida Redistricting Council and
15 plan number 123 by Delena May.

16 Many of these individuals pointed out the
17 similarities of the Hispanic communities in
18 central Florida and how they shared similar
19 vocations, needs and interests. Consistent
20 with traditional race neutral redistricting
21 principles such as grouping communities of
22 interest, this district brings the similar
23 communities together in a single district. The
24 proposed District 14 has a Hispanic voting age
25 population of 50.5 percent.

1 Next is District 15 which consists of
2 communities in northwest Hillsborough County
3 and south Pasco Counties. The district is
4 bounded by the Hillsborough County line on the
5 west, State Road 52, U. S. Highway 98 and city
6 lines on the north and the Pasco line and
7 Interstate 275 on the east and is adjacent to a
8 minority opportunity district to the south.

9 We heard testimony that the central --
10 that central Pasco County has become
11 increasingly developed, suggesting that it
12 become, that it has become similar
13 demographically and economically to northwest
14 Hillsborough County.

15 Additionally, though the district combines
16 Pasco County with Hillsborough, a concern for
17 some who fear Pasco's interest is being
18 overwhelmed by those in Hillsborough, the
19 population split between the two is roughly
20 equal, meaning that the voices of Pasco County
21 citizens will not be subordinated in the
22 proposal for District 15.

23 District 16 comprises the rural
24 communities of Osceola, Polk and Orange
25 Counties. The district uses as its border the

1 Polk County and Osceola lines, the Beach Line
2 Expressway, State Road 60 and is traversed by
3 the Florida turnpike and Interstate 4.

4 The District is also bordered by a
5 minority opportunity District, District 14.
6 Much like Districts 2, 3 and 7, we heard from
7 numerous members of the public in the region
8 requesting that we keep rural communities
9 together.

10 They pointed out the rural nature of much
11 of the Osceola County and Polk County outside
12 of Lakeland. The district accommodates that
13 interest and provides representation separate
14 and distinct from the cities of Orlando and
15 Tampa.

16 Additionally, the lines that define
17 District 16, that which define District 16
18 allow for a district to the north that follows
19 traditional race neutral redistricting
20 principles while also allowing for Hispanic
21 opportunities to have a voice in the political
22 process.

23 District 17 ties together the communities
24 of northern Pinellas, including the cities of
25 Bellaire, Bellaire Bluffs, Clearwater, Dunedin,

1 Largo, Olsmar, Safety Harbor and Tarpon
2 Springs.

3 The District is bounded by Pinellas County
4 line on the north and east and the Gulf of
5 Mexico and the intercoastal waterway to the
6 west and municipal boundaries on the south.

7 At our Largo public hearing we heard
8 public testimony advocating a district that was
9 located only in Pinellas County. The Committee
10 responded to the request of citizens in the
11 area and the Committee proposal locates
12 District 17 entirely within the county and does
13 not split a single municipality.

14 There were also a number of public
15 submissions that reflected the desire for a
16 district wholly within Pinellas County,
17 including map number 83 by Ryan Terrell, map
18 number 91 by John Libby, and map number 92 by
19 Michael Winebaum and map 07 by Henry Kelley.

20 The District uses political and
21 geographical boundaries for nearly all of its
22 borders.

23 District 18. District 18 ties the Space
24 Coast communities along US 1 and Interstate 95
25 in southern Brevard County with northern and

1 western Indian River County.

2 The District follows the borders of
3 Brevard and Indian River Counties on the west
4 and the south. It is bounded on the east by
5 the Atlantic ocean and Interstate 95 is bounded
6 on the north by the Beach Line Expressway, the
7 Cocoa City line and the barge canal that
8 crosses Merritt Island and empties into the
9 Atlantic ocean at Port Canaveral.

10 Citizens at our Melbourne public hearing
11 urged the Legislature to keep the Space Coast
12 region whole and to limit the divisions in
13 Brevard County. District 18 meets these
14 desires.

15 Brevard County is divided only twice and
16 the majority of the Space Coast is placed in a
17 single district. We received an e-mail --
18 e-mails from several individuals, including
19 Cindy Wherry and Tom Braidor who, pressed how
20 pleased they were with the divisions of Brevard
21 County.

22 The district does not divide any
23 municipalities and nearly its entire border is
24 made up of political and geographical
25 boundaries such as the Brevard County line.

1 District 19. District 19 ties urban
2 communities in Tampa Bay area of similar
3 socioeconomic characteristics. Though we
4 received vigorous testimony requesting that we
5 avoid districts that cross the Tampa Bay, we
6 also received testimony pointing out the shared
7 interest of the downtown communities in both
8 Tampa and St. Petersburg, as well as four
9 public submissions including map number 85 by
10 Andrew Ladd, map number 155 by the Florida
11 Conference of the NAACP, that included downtown
12 areas of both Tampa and St. Petersburg.

13 Additionally, the district, consistent
14 with traditional race-neutral redistricting
15 principles prevents the abridgment or denial of
16 the African-American and Hispanic communities
17 of the region's right to participate in the
18 process or their ability to elect a candidate
19 of their choice.

20 Hillsborough County is one of five
21 counties in the state covered by Section V of
22 the Voting Rights Act, thereby requiring the
23 county to avoid any retrogression, either in
24 intent or effect in this district.

25 Much of our north, northeast and central

1 Florida public hearings we heard from
2 individuals who expressed their concern for the
3 minority community in the region, including six
4 at our Largo public hearing and three at our
5 Tampa public hearing.

6 The district has a black voting age
7 population of 32.7 percent, and a Hispanic
8 voting age population of 27.4 percent. The
9 district uses political and geographical
10 boundaries over two thirds of its borders.

11 District 20. District 20 links
12 communities of the northern and western Pasco
13 counties with all of Hernando County and most
14 of Sumter County. The district is bounded by
15 the Gulf of Mexico on the west and boundaries
16 of Hernando and Sumter Counties on the north
17 and east, State Road 52, U.S. Highway 98, and
18 the city lines of San Antonio, St. Leo and
19 Pasco Counties on the south.

20 We heard from a number of individuals
21 requesting a strict east/west division of Pasco
22 County, but the Committee also reviewed
23 testimony from citizens who pointed out that
24 shared values of the rural portions of Pasco,
25 Hernando and Sumter counties.

1 The district uses political and
2 geographical boundaries for almost all of its
3 borders.

4 Mr. President, that includes the first 20
5 districts. Senator Negrón I think is going to
6 do Districts 21 through 40.

7 PRESIDENT HARIDOPOLIS: Senator Negrón,
8 before we begin with 21 through 40, just so
9 that for everyone's information, we are going
10 to go straight through today. We are not going
11 to take be taking a break for lunch.

12 However, if you wish there is now food in
13 the member's lounge that you can feel free for
14 both the Majority and Minority offices if you
15 choose to take a break and get something to eat
16 while Senator Negrón and Senator Thrasher, of
17 course, Senator Gaetz are working on this.

18 But as we have talked about from the
19 beginning and Senator Gaetz has led us to this
20 spot where we are being exhausted as far as
21 questions and answers, we are not going to
22 spare a minute on the floor so that we have
23 every opportunity for every single Senator to
24 ask every question they choose to ask.

25 So with that, members, you are recognized

1 to or if you would like you are more than
2 welcome to go back in the back and have lunch,
3 but we are going to stay in session and make
4 sure that all questions that will be asked will
5 be answered in due time.

6 So Senator Negrón, with that, you are
7 recognized to explain Senate Districts 21
8 through 40, and again, the members are
9 recognized if they would like to go out and
10 back and make sure they catch up with their
11 meal.

12 So with that, Senator Negrón, you are
13 recognized.

14 SENATOR NEGRÓN: Thank you very much,
15 Mr. President, Senate District 21 unites
16 Hillsborough County communities east and south
17 of Tampa including Brandon, Sun City Center and
18 Apollo Beach.

19 The district follows the boundaries of
20 Hillsborough County on the north and south,
21 Interstate 275, a minority opportunity district
22 that generally abuts Interstate 75, and Tampa
23 Bay on the west and State Road 39 and the
24 outskirts of Plant City on the east.

25 The district reflects the desires

1 expressed by members of the public at the Tampa
2 public hearing for a district in eastern
3 Hillsborough County that was primarily agrarian
4 and separate from the more urban interests west
5 of I-75.

6 The Florida Gulf Coast University
7 redistricting class plan is similar, but also
8 contains territory in Pasco and Polk Counties.
9 The district uses political and geographic
10 boundaries for over two-thirds of its borders.
11 It is located entirely within Hillsborough
12 County and splits no additional counties.

13 Senate District 22 ties the southern and
14 beach communities in Pinellas County with south
15 Tampa. The district is bounded on the west by
16 the Gulf of Mexico and follows city lines
17 across Pinellas County and Interstate 275,
18 State Road 60 and Tampa Bay in Hillsborough
19 County.

20 The Committee received testimony in Largo
21 about the commonality shared among the beach
22 communities in the western coast of Pinellas
23 County. The district combines these beach
24 communities from Bellaire Beach all of the way
25 to St. Pete Beach.

1 We received a great deal of testimony
2 urging that we refrain from drawing districts
3 that cross the bay, but we also received a
4 number of submissions from the public that did
5 just that, including one from Akiva Fischman
6 and also a proposal by the Florida Conference
7 of the NAACP.

8 Additionally, by drawing the district
9 across the bay we were able to draw the
10 minority opportunity District 19 to the south
11 and District 17 which is entirely located
12 within Pinellas County to the north.

13 The district uses political and geographic
14 boundaries for nearly all of its borders.
15 Every District in the area in the 2002 map
16 divided at least six cities.

17 The Committee's proposed District 22 keeps
18 14 cities whole and only divides three which is
19 a substantial improvement.

20 District 23 is composed of southern
21 Charlotte and eastern Lee Counties. The
22 district follows the county boundaries of Lee
23 and Charlotte Counties on the east and south
24 and the Loxahatchee River, the municipal
25 boundary of Cape Coral and Charlotte Harbor on

1 the west and is traversed by Interstate 75.

2 We heard extensive testimony from our
3 Lehigh Acres public hearing requesting that we
4 keep the communities of Lehigh Acres, Ft. Myers
5 and Bonita Springs whole.

6 Additionally, Ben Nelson of the City of
7 Bonita Springs suggested further that these
8 communities all shared common geographic
9 features and a common watershed. This district
10 combines these communities together including
11 all of Ft. Myers and over 97 percent of the
12 populations of Bonita Springs.

13 The district also allows for a coastal
14 District to its east that combines the like
15 beach communities in Lee and Collier Counties.
16 The District uses political and geographic
17 boundaries for over two-thirds of its borders.

18 Moving to Senate District 24, this
19 includes a portion of Manatee County not
20 included in the minority opportunity district
21 with communities in eastern Hillsborough and
22 western Polk County.

23 The district follows the boundaries of
24 Manatee County, follows highways and outskirts
25 of Plant City in Hillsborough County and

1 follows highways and passes between Mulberry
2 and Bartow in Polk County.

3 At the Tampa hearing the Committee heard
4 from members the public who testified that the
5 eastern Hillsborough County is agrarian and the
6 rural communities around Plant City associate
7 more closely with each other with neighboring
8 Tampa.

9 At the public hearing in Sarasota the
10 Committee heard similar testimony about the
11 rural communities of eastern Manatee, including
12 testimony that the rural communities of Mayaca
13 Head, Old Mayaca and Mayaca City and Manatee
14 share similarities with rural areas of southern
15 Polk and eastern Hillsborough Counties.

16 This district combines those two
17 communities together, creating a mostly
18 agrarian district that encircles the Tampa Bay
19 region. The district uses political and
20 geographic boundaries for over two-thirds of
21 its borders.

22 District 25 links the Treasure Coast
23 communities of Indian River, St. Lucie, Martin
24 and Northern Palm Beach Counties. The district
25 is bounded on the east by the Atlantic ocean

1 and is generally bounded on the west by the
2 Florida turnpike and Interstate 95.

3 Through e-mail and public testimony, 18
4 individuals came forward requesting that the
5 Treasure Coast communities be grouped together
6 because of their shared interest in coastal
7 concerns.

8 The Committee used public submitted maps
9 by Delena May as the basis for District 25.
10 The map also reflects public testimony favoring
11 a Treasure Coast district including the Palm
12 Beach County Commission to group northern Palm
13 Beach County into the Treasure Coast.

14 The 2002 map which we are currently using
15 draws districts which split eight or more
16 municipalities. By contrast, the Committee's
17 proposed District 25 splits only two
18 municipalities and uses county and city lines
19 for two-thirds of its boundaries.

20 District 26 includes rural agricultural
21 areas from the Kissimmee basin to Lake
22 Okeechobee and central Florida. The district
23 includes all of Hardee, Desoto, Glades,
24 Highlands and Okeechobee counties, as well as
25 southern Polk County, northern Charlotte County

1 and eastern Martin and St. Lucie Counties.

2 The district follows the western
3 boundaries of Hardee and Desoto Counties, the
4 southern boundaries of Glades and Martin
5 Counties, and the northern boundaries of St.
6 Lucie and Okeechobee Counties and follows State
7 Road 60 through much of Polk County and County
8 Road 74 through most of Charlotte county.

9 This district reflects the desires of
10 members of the public in the region such as
11 Russell Smith, Wachula City Commissioner who
12 requested that we group the inland rural
13 communities and counties like Hardee, Highlands
14 and Glades with each other as opposed to
15 joining them to coastal and urban communities.

16 The district splits only two
17 municipalities while keeping 15 cities whole.
18 The district uses political and geographic
19 boundaries for over two-thirds of its borders.

20 Senate District 27 includes communities in
21 southern and central Palm Beach County between
22 Interstate I-95 and the Florida turnpike.

23 The district is adjacent to the minority
24 opportunity district to the east, follows the
25 municipal boundaries of Boca Raton, Greenacres

1 and other cities, combines the Century Village
2 retirement communities in Palm Beach County, as
3 well as western Boca Raton and its suburbs.

4 It is traversed by major transportation
5 routes that run from north to south through the
6 heavily populated areas in Palm Beach County.

7 The 2002 map that we are currently under
8 split 11 municipalities. This current district
9 proposed in District 27 splits only four
10 counties and is located entirely within Palm
11 Beach County.

12 Following publication of the Committee
13 proposal for this district we received input
14 favoring how the district had been configured.
15 Public submission maps were received by Akiva
16 Fischman, Barbara Martin and Remzey Samarra
17 which use I-95 and the Florida turnpike for
18 eastern and western boundaries were used as
19 bases for the Committee's proposed district
20 lines. The district uses political and
21 geographic boundaries for over two-thirds of
22 its borders.

23 Senate District 28 includes all of
24 Sarasota County and the western portion of
25 Charlotte County. The district follows the

1 Gulf of Mexico on the west, the boundary of
2 Sarasota County on the north and east and
3 Charlotte Harbor on the south.

4 The district ties together the communities
5 of Longboat Key, Sarasota, Venice, North Port
6 and Port Charlotte and is traversed by
7 Interstate 75.

8 The Committee received varied public
9 testimony at our Sarasota hearing on the
10 question of grouping and divided the county.
11 Citizens requested that Sarasota comprise the
12 majority of one district, but some suggested
13 that Sarasota be grouped with Manatee and
14 others that it be grouped with Charlotte
15 County.

16 The Committee's proposal is to group
17 Sarasota with the coastal communities of
18 Charlotte County with a majority of the
19 population of the district being located in
20 Sarasota County.

21 The district splits only one municipality
22 and uses political and geographic boundaries
23 for nearly its entire border.

24 Senate District 29 recognizes the natural
25 linkage of the coastal communities of Broward

1 and Palm Beach Counties. The district is
2 adjacent to a minority operation district,
3 opportunity district to its west, and the
4 Atlantic ocean to the east and follows the
5 municipal boundaries of West Palm Beach and
6 Palm Beach Gardens on the northwest, the
7 Loxahatchee River on the northeast and the Ft.
8 Lauderdale City boundary in the south.

9 We heard extensive public testimony in the
10 region, including 17 individuals at our Boca
11 Raton public hearing who requested that we
12 group the coastal communities in Broward and
13 Palm Beach Counties together.

14 Additionally, the boundaries of the
15 district allow for a district to the west that
16 follows traditional race neutral redistricting
17 principles while also refraining from abridging
18 or denying in any way the African-American
19 community of the region's right to participate
20 in the process or their ability to elect a
21 candidate of their choice.

22 The district was designed to meet the two
23 desires of allowing for minority access
24 consistent with Federal laws and the Florida
25 Constitution, while respecting the wishes of

1 the public for a coastal district in South
2 Florida.

3 The Committee received four submissions
4 that draw the district in substantially the
5 same way with minor variation between them on
6 how far north or south they travel, including
7 plans by the Florida Gulf Coast University
8 redistricting class and also the Florida
9 Conference of the NAACP. The district uses
10 political and geographic boundaries for over
11 two-thirds of its borders.

12 Senate District 30 is comprised of the
13 coastal communities of Lee and Collier
14 Counties. The district is bounded on the west
15 by the Gulf of Mexico, on the north by the Lee
16 County line and on the south by the Collier
17 County line.

18 It is adjacent to a minority opportunity
19 district. The district includes all of Naples
20 and Marco Island in Collier County, it includes
21 the barrier islands west of the intercoastal
22 waterway and the entire city of Cape Coral in
23 Lee County and is traversed by Interstate 75
24 and the Tamiami Trail.

25 Similar to District 29 we received

1 testimony urging a division between the coastal
2 communities like Cape Coral, Marco Island,
3 Sanibel and Ft. Myers Beach on the one hand and
4 inland communities on the other hand which
5 testimony indicated had distinct needs and
6 different interests from representation than
7 coastal areas.

8 Also like District 29 the boundaries of
9 this district allow for a minority opportunity
10 district to the east. This district splits
11 only a small portion of Bonita Springs and no
12 other municipalities and uses political and
13 geographic boundaries for over two-thirds of
14 its borders.

15 District 31 ties together the inland
16 communities in north Broward County including
17 Coconut Creek, Coral Springs, Margate, North
18 Lauderdale, Parkland and Tamarac. The district
19 follows the Sawgrass Expressway on the west,
20 the Broward County line on the north, a
21 minority opportunity district on the east and
22 city lines on the south.

23 It is traversed by the Florida turnpike,
24 Interstate 95 and the Sawgrass Expressway. The
25 district is located entirely within Broward

1 County combining the inland communities located
2 in the northern part of the county.

3 We heard substantial testimony requesting
4 that Coconut Creek, Coral Springs, Margate,
5 North Ft. Lauderdale, Parkland and Tamarac be
6 kept whole, kept together and that their shared
7 common interests and amenities would be best
8 served by combining them into a single
9 district.

10 Consistent with this public input each of
11 these municipalities is kept whole and is
12 included in District 31. The Committee
13 utilized a publicly submitted map by Delena May
14 as the basis for proposed District 31.

15 District 32 includes the western portions
16 of Palm Beach and Broward county. The
17 District follows the Broward and Palm Beach
18 County lines to the north, south and west and
19 city lines on the east.

20 The district includes the cities of
21 Loxahatchee Groves, Royal Palm Beach, Southwest
22 Ranches, Wellington and Weston and portions of
23 Pembroke Pines, Davie and Sunrise.

24 The orientation the district reflects
25 public testimony at the Boca Raton meeting

1 where citizens pointed out that the areas of
2 Palm Beach County west of the Florida turnpike
3 had an agricultural interest distinct from the
4 economic focus of the communities east of the
5 turnpike and that western communities should be
6 grouped together.

7 Following this public testimony the
8 communities in western Palm Beach and western
9 Broward have been grouped together using the
10 public submissions by David Kulscar and Keith
11 Laytham as the basis.

12 The district uses political and geographic
13 boundaries for almost all of its borders. In
14 the 2002 map no district in the region splits
15 fewer than seven municipalities. By contrast,
16 the Committee's proposal today for District 32
17 only splits four, a substantial improvement in
18 keeping the cities together.

19 Senate District 33 includes communities in
20 northwest Miami-Dade County of similar
21 language, cultural and socioeconomic
22 characteristics.

23 The district follows the Miami-Dade County
24 boundary on the north and State Road 997 on the
25 west and is adjacent to minority opportunity

1 districts to the east and south.

2 The district includes the municipalities
3 of Hialeah, Hialeah Gardens, Miami Springs,
4 Medley, Miami Lakes, Virginia Gardens and most
5 of Doral.

6 We received public testimony at our Miami
7 hearings requesting that these communities be
8 grouped together. Additionally, consistent
9 with traditional race neutral redistricting
10 principles the district prevents the abridgment
11 or denial of the Hispanic community of the
12 region's right to participate in the process or
13 their ability to elect the candidate of their
14 choice.

15 We heard from 48 members of the public
16 during our southeast Florida public hearings
17 who all urged the maintenance of minority
18 opportunities in South Florida. This map is a
19 reflection of both this suggestion by the
20 public and the principles of Federal law and
21 the Florida Constitution.

22 The district has an 86.9 percent Hispanic
23 voting age population. The district splits
24 only a single municipality, is located entirely
25 within Miami-Dade County and follows political

1 and geographic boundaries for over two-thirds
2 of its border.

3 Senate District 34 ties together
4 communities of similar socioeconomic
5 characteristics along Interstate 95 and US-1 in
6 Palm Beach and Broward counties. Much as with
7 District 33, we heard from numerous individuals
8 requesting that we preserve minority
9 opportunities in the region.

10 Additionally, we received public
11 submissions by Micah Ketchel, by John Libby,
12 Delena May, Remzey Samarrai, and also a
13 proposal from the Florida Conference of the
14 NAACP that were used as the bases for drawing
15 this district from southern Palm Beach County
16 down to Ft. Lauderdale along Interstate 95.

17 This district is consistent with
18 traditional race neutral redistricting
19 principles and allows for a division between
20 the coastal communities to the east and the
21 more rural communities to the west.

22 It prevents the abridgment or denial of
23 the African-American community of their right
24 to participate in the process and their ability
25 to elect a candidate of their choice. The

1 District has a 55.8 percent black voting age
2 population.

3 Senate District 35 includes all of the
4 coastal communities in Miami-Dade County. The
5 district generally includes areas east of US-1
6 from the Miami-Dade County boundary on the
7 north to Homestead in the south and is bounded
8 on the east by the Atlantic ocean.

9 The district is the result of testimony in
10 South Florida regions similar to what we have
11 heard across the state requesting that we tie
12 coastal communities together because of their
13 shared interest which differentiates them from
14 more inland communities.

15 Additionally, several submitted plans have
16 coastal districts in Miami County, plan, Senate
17 plan 84 by Micah Ketchel, a plan by Andrew
18 Ladd, and the Florida Gulf Coast University
19 redistricting class plan that we have
20 previously referred to.

21 The district uses political geographic
22 boundaries for most of its boundary lines. We
23 heard from several individuals at our south
24 Miami public hearing who advocated the use of a
25 major highway artery such as US 1 for district

1 boundaries. The committee did in fact utilize
2 this input in drawing those lines.

3 Senate District 36 includes communities in
4 south Broward County including Cooper City,
5 Dania Beach, Davie, Hallendale Beach,
6 Hollywood, Miramar and Pembroke Pines.

7 The district followed the Broward County
8 line and the boundary of a minority district in
9 the south, the Atlantic ocean in the east and
10 the city boundaries and Interstate 595 on the
11 north and is traversed by Interstates 75, 95
12 and 595.

13 At our Davie public hearing we heard
14 testimony urging that Davie, Cooper City, Dania
15 Beach and Plantation all be grouped together in
16 one district as the Committee's proposal does.

17 The District is located entirely within
18 Broward County and its southern boundary is the
19 county line in the minority opportunity
20 District number 38. The district follows
21 political geographic boundaries for over
22 two-thirds of its border.

23 Next we have District 37. That ties
24 together neighborhoods of similar language,
25 cultural and socioeconomic characteristics,

1 consistent with traditional race neutral
2 redistricting principles, including among other
3 places, Allapattah, Little Havana, South Miami
4 and West Miami, the portions of Coral Gables
5 north of US 1 and the unincorporated areas of
6 Miami-Dade County south of the Miami
7 International Airport.

8 The district follows US 1, the South Miami
9 and Coral Gables City lines and Coral Way,
10 Southwest 97th Avenue and Southwest 107th
11 Avenue.

12 Plans submitted by Eric Pine, Mimi
13 Hernandez which tie south Miami and west Miami
14 together were used by the Committee in
15 developing District 37.

16 The district, consistent with traditional,
17 race-neutral redistricting principles and the
18 large body of public testimony on the matter
19 prevent the abridgment or denial of the
20 Hispanic community of the region's right to
21 participate in the process or their ability to
22 elect the candidate of their choice. This
23 district has a Hispanic voting age population
24 of 83.7 percent.

25 Next we have District 38. It recognizes

1 the linkage of communities in northern
2 Miami-Dade and south Broward counties of
3 similar socioeconomic characteristics.

4 The district includes all of Miami
5 Gardens, Opa Locka, Biscayne Park, West Park
6 and Pembroke Park, plus portions of North
7 Miami, North Miami Beach, Hallendale Beach,
8 Hollywood, Miramar and Pembroke Pines.

9 The district is based on the publicly
10 submitted map by the Florida Conference of the
11 NAACP. The district consistent with
12 traditional race neutral redistricting
13 principles prevents the abridgment or denial of
14 the African-American community of their right
15 to participate in the process and their ability
16 to elect the candidate of their choice. The
17 district has a black voting age population of
18 58.3 percent.

19 Next we have District 39. That recognizes
20 communities in western Miami Dade County of
21 similar language, cultural and socioeconomic
22 characteristics.

23 The district follows the Tamiami Trail,
24 the Dolphin Expressway, Southwest 97th Avenue,
25 Southwest 107th Avenue, the Homestead extension

1 and State Road 997.

2 The Committee used publicly submitted map
3 by Andrew Ladd in configuring this District.
4 This district and others in the area,
5 consistent with traditional race neutral
6 redistricting principles follows the unanimous
7 consent agreement reached in the Redistricting
8 Committee to instruct professional staff to
9 draw districts in which minorities are as
10 likely as in the current districts to elect the
11 candidates of their choice while taking into
12 account traditional redistricting principles as
13 found under the law. The district has a
14 Hispanic voting age population of 83.3 percent.

15 The district splits no municipalities and
16 is contained entirely within Miami-Dade County.

17 Senate District 40 includes the Miami
18 neighborhoods of Brownsville, Gladeview,
19 Liberty City, Little Haiti, Overtown, and
20 Pinewood, the City of El Portal, agricultural
21 and conservation areas in Miami-Dade and
22 Collier Counties, including the Everglades
23 National Park and the Big Cypress National
24 Reserve and all of Hendry and Monroe Counties.

25 Consistent with traditional race neutral

1 redistricting principles it prevents the
2 abridgment or denial of the minority
3 communities of this region to participate into
4 the process and to elect a candidate of their
5 own choice.

6 Specifically three counties within this
7 district, Collier, Hendry and Monroe Counties
8 all fall under Section 5 of the Voting Rights
9 Act.

10 Therefore, this district was drawn
11 specifically to avoid minority regression
12 either by intent or by result.

13 District 40 has an African-American voting
14 age population of 35.1 percent and a Hispanic
15 voting age population of 39.8 percent, and that
16 completes the explanation of Senate Districts
17 21 through 40.

18 Thank you, Mr. President.

19 PRESIDENT HARIDOPOLIS: Thank you, Senator
20 Negron, Senator Gaetz for --

21 SENATOR GAETZ: Thank you very much,
22 Mr. President. Mr. President, I ask unanimous
23 consent that the Senate do stand in recess for
24 five minutes.

25 PRESIDENT HARIDOPOLIS: Without objection,

1 without objection, we stand in recess for five
2 minutes.

3 (Brief recess taken.)

4 PRESIDENT HARIDOPOLIS: All right,
5 members, we are back. Are there questions with
6 the Senator from the 34th? Senator from the
7 34th, you are recognized for a question.

8 First I will recognize Senator Rich for a
9 question and then Senator Bullard, you will be
10 recognized after Senator Rich.

11 SENATOR BULLARD: Thank you.

12 PRESIDENT HARIDOPOLIS: Senator from the
13 34th, you are recognized, Leader Rich.

14 SENATOR RICH: Mr. President, and I just
15 have a few kind of general questions first
16 before a number of us have some questions on
17 individual districts, Senator Gaetz.

18 And I guess my first question would be,
19 are these districts all equal in population?

20 PRESIDENT HARIDOPOLIS: Senator from the
21 4th, you are recognized.

22 SENATOR GAETZ: Thank you, Mr. President.
23 They are not exactly equal but they are within
24 the one percent allowable by Federal law, well
25 within that one percent. So they are not

1 precisely equal, but they meet every legal and
2 constitutional requirement for one person, one
3 vote.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 34th, you are recognized for a question.

6 SENATOR RICH: Thank you, Mr. President.
7 Can you address the issue of how compactness is
8 measured in these maps?

9 PRESIDENT HARIDOPOLIS: Senator from the
10 4th, you are recognized.

11 SENATOR GAETZ: Compactness is, as you
12 pointed out, Leader Rich, is something that is
13 in the eyes of the beholder, and it seems to me
14 that -- it seems to me that it can be elusive.

15 You had suggested at one point that you
16 know it when you see it and while I know you
17 were being facetious, I think there was truth
18 in your statement.

19 Florida courts have not defined
20 compactness, Leader, but our committee
21 discussions, as you well know, and our review
22 of court decisions in other states have pointed
23 out a number of factors that need to be
24 considered when compactness is assessed.

25 First there is geometric consideration,

1 and here we ask questions like whether the
2 shape of the district is regular or irregular,
3 whether the territory of the district is
4 closely united, and equally important, there
5 are the so-called functional considerations of
6 compactness.

7 Districts after all have to be drawn for
8 real people who live in real neighborhoods with
9 real interests, and as indicated by your first
10 question, there is a necessity to make sure the
11 districts are approximately equal in
12 population, meet one person, one vote
13 requirements, and so that sometimes requires
14 something in terms of compactness or in terms
15 of geometric shape that is not precise.

16 And we have the ultimate objective, of
17 course, of providing effective and meaningful
18 representation to those voters. So therefore,
19 we have to consider these factors.

20 Whether constituents in the districts are
21 able to relate to and interact with each other.
22 Whether constituents in the district are able
23 to access and communicate with their elected
24 officials. Whether the district is
25 interconnected through commerce or

1 transportation, communication or culture, and
2 compactness is also influenced by physical
3 limitations.

4 You know, we are not Nebraska, we are not
5 shaped like Nebraska. So the shape of a
6 district may be affected by the physical
7 boundaries of the state, and Florida is one of
8 the least compact states when you look at the
9 map of the United States.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 34th, you are recognized for a question.

12 SENATOR RICH: Thank you, Mr. President.
13 Thank you for that explanation. I think that
14 there will be some questions on the individual
15 districts based on the issue of compactness.

16 I would like to know if the -- there was
17 data on party registration available to the
18 drafters, and I ask that because we continue to
19 talk about making sure that there is no
20 retrogression and that we don't impact our
21 racial or language minorities.

22 So I am trying to, you know, figure out
23 what was used to make sure that we get that
24 right.

25 PRESIDENT HARIDOPOLIS: Senator 4th, you

1 are recognized to respond.

2 SENATOR GAETZ: Thank you, Mr. President.
3 Thank you, Leader Rich. As you know, as a
4 member of the Committee, we made the decision
5 not to include any party registration or
6 electoral information in our software, and
7 therefore, the districts were drawn without
8 reference to party registration or electoral
9 successes or failures.

10 My understanding is that there might have
11 been alternative maps that some folks might
12 have developed, not the Committee, which
13 perhaps were developed by political parties, by
14 one political party in particular, where there
15 was an effort made to increase that political
16 party's ability to elect members of their
17 party. That was not the Committee and that was
18 not my party.

19 PRESIDENT HARIDOPOLIS: Senator from the
20 34th, you are recognized for a question.

21 SENATOR RICH: Thank you, Mr. President.
22 I know that you have repeatedly said that you
23 don't know where any Senators live on these
24 maps.

25 But I do have a question about how many

1 Senators, current Senators have been drawn.
2 Are there any that have been drawn into
3 districts with other incumbents in our map?

4 PRESIDENT HARIDOPOLIS: Senator from the
5 4th, you are recognized.

6 SENATOR GAETZ: Thank you very much,
7 Mr. President and Leader Rich. There was no
8 effort made to find out where incumbents lived
9 or where challengers lived. And so
10 consequently the lines were drawn without
11 reference to that and I can't tell you whether
12 there are incumbents or challengers who find
13 themselves inconvenienced.

14 According to what I read in the
15 newspapers, there are some, but our plans are
16 developed without reference to that convenience
17 or inconvenience.

18 PRESIDENT HARIDOPOLIS: Senator from the
19 34th, you are recognized for a question.

20 SENATOR RICH: Thank you, Mr. President.
21 And I guess if you could just reiterate how you
22 see these maps using communities of interest to
23 define boundaries.

24 PRESIDENT HARIDOPOLIS: Senator from the
25 4th, you are recognized.

1 SENATOR GAETZ: Thank you, Mr. President,
2 thank you, Leader Rich. Communities of
3 interest are, as you know, not specifically
4 mentioned in Amendments 5 and 6. Amendments 5
5 and 6 discuss in Tier 1 not having any
6 backsliding or retrogression in minority voting
7 capability, the ability to elect candidates of
8 their own choosing, not favoring or disfavoring
9 incumbents or political parties.

10 And then as well the Tier 2 requirements
11 of compactness and following geographic and
12 political boundaries. The term communities of
13 interest is not in Amendments 5 and 6.

14 However, there is no prohibition to the
15 Legislature using communities of interest as a
16 good redistricting principle if we have also
17 followed Amendments 5 and 6 and where public
18 testimony has been overwhelming in that regard,
19 we have attempted to follow the input and
20 direction we have heard from the public as to
21 communities that are linked together with
22 transportation, with commercial interest, with
23 cultural interest when we could do so without
24 violating Amendments 5 and 6 or the Federal
25 Voting Rights Act.

1 PRESIDENT HARIDOPOLIS: Senator 34th for a
2 question.

3 SENATOR RICH: Thank you, Mr. President.
4 Also I would like to know, was the census
5 geographic information, such as locations of
6 the metropolitan statistical areas considered
7 when drawing these maps?

8 PRESIDENT HARIDOPOLIS: Senator from the
9 4th, you are recognized to respond.

10 SENATOR GAETZ: Thank you very much,
11 Mr. President, and thank you, Senator Rich.
12 SMSA data specifically was not used. In other
13 words, we weren't, as you well know as a member
14 of the Committee, we weren't interested so much
15 in SMSAs as we were in city and county
16 boundaries and in the natural divisions that
17 are occasioned by rivers and harbors and
18 waterways and military reservations and major
19 thoroughfares.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 34th for a question.

22 SENATOR RICH: Thank you, and if you could
23 just share with the members the decision on
24 which districts were assigned which numbers
25 and, you know, the influence that that has on

1 how many years a Senator can serve.

2 PRESIDENT HARIDOPOLIS: Senator from the
3 4th, you are recognized to respond.

4 SENATOR GAETZ: Thank you very much,
5 Mr. President. The professional staff of the
6 Senate Reapportionment Committee developed a
7 plan which was designed to ensure that Senators
8 who had been elected to two year terms and
9 either the Florida Constitution, as you know,
10 provides that Senators are elected to four year
11 terms.

12 And so therefore, Senators who had just
13 been elected to for two years and then their
14 term was broken by the decennial census and the
15 consequent reapportionment were given four year
16 terms, and those who had been in four year
17 terms and up for election this year, those
18 districts were given two year terms for the
19 most part.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 34th for a question.

22 SENATOR RICH: Yes, we have a number of
23 Senators who would like to ask about specific
24 districts.

25 I would like to just start by -- by

1 looking at the panhandle and Districts 1 and 3,
2 and I guess my first question would be, would
3 you agree that District 1 is similar to the
4 current District 4?

5 PRESIDENT HARIDOPOLIS: Senator from the
6 4th, you are recognized to respond.

7 SENATOR RICH: And also to address what
8 the differences are.

9 SENATOR GAETZ: Thank you very much,
10 Mr. President, Senator Rich. District 1 is
11 similar to the old District 4, and as you know,
12 the weight of testimony from public hearings
13 suggested that there ought to be that division
14 between coastal and rural areas, and a
15 unanimous consent agreement directed staff to
16 follow that division. Consequently, you see it
17 in front of you in the proposed maps.

18 PRESIDENT HARIDOPOLIS: Senator from the
19 34th, you are recognized for a question.

20 SENATOR RICH: Thank you, Mr. President.
21 I actually did want to address that, because as
22 we went back to look at some of the comments on
23 those two districts, there were 21 comments, I
24 believe opposing and 21 -- and 21 in support of
25 splitting the districts the way you had

1 suggested.

2 The same thing on the other, on the other
3 side with the other district. So I guess I am,
4 you know, I wonder why they were drawn this way
5 because I recall at the committee meeting we
6 had an overwhelming number, a handful of
7 people, but all of those were certainly in
8 favor of the, I believe of the southern, the
9 north/south split.

10 But then when you go back and look at the
11 testimony it was different. So I wonder why,
12 you know, it ended up the way, you know, the
13 way it is now.

14 PRESIDENT HARIDOPOLIS: Senator, you are
15 recognized.

16 SENATOR GAETZ: Thank you, Mr. President,
17 thank you, Leader Rich. As noted when Speaker
18 Thrasher explained the configuration of
19 proposed Districts 1 and 3, we had -- we had
20 extensive public testimony from varied
21 interests and we weighed.

22 The varied interests included the head of
23 the Tea Party in the region, a Democratic
24 legislative candidate who is on the other end
25 of the political spectrum, an official of the

1 Tax Collector's Office, the leader of the
2 Regional Homeowners and Condo Association
3 Council, officers of the Farm Bureau and the
4 Supervisor of Elections all favored the split
5 which is before you which was directed to the
6 staff by unanimous consent agreement and you
7 were in the room.

8 So if you would have objected at the time
9 obviously it would not have been a unanimous
10 consent agreement.

11 PRESIDENT HARIDOPOLIS: Senator from the
12 34th, you are recognized.

13 SENATOR RICH: Yes, well, regardless of
14 that, as I look at the districts, each of those
15 districts splits five counties. So, you know,
16 our understanding is, of course, is that
17 Amendment 5 requires that we keep counties
18 whole wherever feasible.

19 So I, you know, would wonder and it
20 appears in other parts other than the
21 panhandle, other parts of the panhandle or the
22 Treasure Coast we didn't do that. So it just,
23 you know, I guess that begs the question about
24 why we did it here.

25 PRESIDENT HARIDOPOLIS: Senator from the

1 4th, you are recognized.

2 SENATOR GAETZ: Thank you, Mr. President.
3 With great respect, Senator Rich, that is not
4 what the Constitution requires. The
5 Constitution requires that we use political and
6 geographic boundaries.

7 Ninety-eight percent of the boundary that
8 separates this proposed District 1 or proposed
9 District 3 is a geographic or political
10 boundary. And so I would call your attention
11 to the precise wording of the Constitutional
12 Amendment.

13 PRESIDENT HARIDOPOLIS: Senator from the
14 34th, you are recognized for another question.

15 SENATOR RICH: I am going to -- I would
16 like to yield over to Senator Smith for the
17 next question and reserve the right, if you
18 will, to come back as we move along the
19 districts.

20 PRESIDENT HARIDOPOLIS: All right, Senator
21 Smith, you are recognized. You are recognized.

22 SENATOR SMITH: Am I on yet? Okay, thank
23 you, Mr. Chair. Just a quick question, a
24 couple of questions about the minority voting
25 districts and the data that was used.

1 What data, what minority data did we use
2 in looking at these access districts? Was
3 voting performance used or just minority census
4 population used?

5 PRESIDENT HARIDOPOLIS: Senator from the
6 4th, you are recognized.

7 SENATOR GAETZ: Thank you, Mr. President.
8 Thank you, Senator Smith. The, as a member of
9 the Committee, I am sorry, you were not on the
10 Committee. So you didn't have a chance to hear
11 the extended conversation about this very
12 topic. The decision that was used was voting
13 age population. That was the metric.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 29th, you are recognized for a follow up.

16 SENATOR SMITH: In interpreting the
17 Constitution for these districts did you
18 interpret it that these districts should have
19 no less than the minority age voting age
20 population as it did in 2002, or how did you do
21 that?

22 PRESIDENT HARIDOPOLIS: Senator from the
23 4th, you are recognized.

24 SENATOR GAETZ: Thank you, Mr. President.
25 Senator Smith, we took the words of the

1 Constitution seriously and we were guided by
2 the NAACP's analysis of what the Constitution
3 required us to do and guided by the direction
4 we received from Hispanic advocacy groups as
5 well.

6 And so consequently we felt that we should
7 be risk averse and we should not take the
8 chance of having any material backsliding in
9 minority voting opportunity.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 29th.

12 SENATOR SMITH: Thank you. Could you
13 define for me access seats or as opposed to
14 majority minority seats? How did we define
15 those?

16 PRESIDENT HARIDOPOLIS: Senator from the
17 4th.

18 SENATOR GAETZ: Thank you very much,
19 Mr. President. Senator Smith, my understanding
20 as a layman and this calls for a legal
21 conclusion, so I may want to defer to members
22 of the Bar who are on our committee, but as a
23 layman my understanding of a minority-majority
24 district is a district in which a majority of
25 the voting age population are members of

1 constitutionally recognized minorities.

2 Whereas an opportunity district, again,
3 this is my layman's understanding and I would,
4 I will soon yield to Senator Thrasher or
5 Senator Negron. My understanding as a layman
6 is that an opportunity district is a district
7 that would provide an opportunity, a reasonable
8 chance for minorities to select a candidate of
9 their choice.

10 That is my layman's understanding, but
11 with the President's permission I would yield
12 to either Senator Thrasher or Senator Negron,
13 if you would care to improve on that
14 explanation. They don't, that is very sad.

15 PRESIDENT HARIDOPOLIS: Senator from the
16 29th, you are recognized for a follow up.

17 SENATOR SMITH: Thank you. I guess I
18 would ask you to expand or somebody to expand
19 on reasonable chance, exactly how you defined
20 that or what were the numbers you looked at for
21 that?

22 SENATOR GAETZ: Senator.

23 PRESIDENT HARIDOPOLIS: Senator from the
24 4th.

25 SENATOR GAETZ: Mr. President, thank you.

1 Senator Smith, we tried to keep the minority
2 communities that were together, together, and
3 reasonable chance is my term. It is not a term
4 of art and it is not a legal term.

5 PRESIDENT HARIDOPOLIS: Senator from the
6 29th, you are recognized.

7 SENATOR SMITH: I guess that still begs
8 the question. Maybe over the next couple of
9 days I can get a definition of access, because
10 that, that is what would help me understand
11 what you mean by reasonable and what
12 percentages do we consider or did the Committee
13 consider as access or not.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 4th.

16 SENATOR GAETZ: Thank you, Mr. President.
17 That, Senator Smith, is a discussion that we
18 had at some length in the Committee, but as one
19 looks across the cases, and again, I am not a
20 lawyer, but as one looks across the cases that
21 have been argued in this matter, there is no
22 magic percentage.

23 And so consequently, what the Committee
24 decided to do with a bi-partisan vote and a
25 unanimous consent agreement, was not to take

1 the risk of having any backsliding.

2 PRESIDENT HARIDOPOLIS: Senator from the
3 29th, you are recognized.

4 SENATOR SMITH: Last question. I guess
5 when we were talking about, I guess the
6 question was asked about where do Senators live
7 in those particular districts, and we have
8 stated constantly that we don't know where they
9 live in those districts, but then when we
10 talked about the district numbers and the years
11 associated with that, it looks like that we did
12 look at who is in what district or in what
13 area.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 4th.

16 SENATOR GAETZ: Thank you, Mr. President.
17 I apologize if my answer gave you that
18 impression. Instead we looked at the
19 districts, themselves, and at the voters within
20 that district and whether they had elected an
21 individual for a four year term, a term that
22 was then bisected by the decennial census.

23 But in no way, shape or form did we draw
24 districts based upon where incumbents or
25 challengers live. Therefore, not favoring or

1 disfavoring them.

2 PRESIDENT HARIDOPOLIS: Senator from the
3 29th, you are recognized.

4 SENATOR SMITH: Yes, I apologize. I had
5 specific, about a specific district I had
6 forgot, that you were talking about it.

7 District, Senate District 8, which is the
8 Volusia County seat as Volusia, Brevard and
9 Orlando, I was wondering, it looks like that
10 district goes over now to take in University of
11 Central Florida, which is in, you know,
12 considered an Orlando based school, but is now
13 located in a coastal, a more coastal community.
14 What communities of interest do we tie those
15 two together with?

16 PRESIDENT HARIDOPOLIS: Senator from the
17 4th.

18 SENATOR GAETZ: Thank you, Mr. President.
19 To my knowledge there was not an effort made to
20 address communities of interest as it applied
21 to the University of Central Florida.

22 It simply fell within the district
23 boundaries which use political and geographic
24 lines for nearly all of its borders.

25 PRESIDENT HARIDOPOLIS: All right, the

1 Senator from the 39th, you are recognized.

2 SENATOR BULLARD: Thank you,
3 Mr. President. Members, yesterday we
4 celebrated MLK day and birthday and I say today
5 that I want to thank the hard work of those who
6 worked on this, in this process to come where
7 we are today.

8 To our Chairman, I want to thank you, to
9 our Leader Rich, I want to thank her and the
10 two, Senator Gardiner, all of whom and the
11 staff, all of whom have worked so hard on what
12 Senator Gaetz earlier explained and expressed.

13 There was transparency. I must admit to
14 you that I appreciate the transparency that was
15 shown, and to have explained earlier today the
16 process by which you took to get where we are,
17 I am saying to you at this moment, I appreciate
18 that as a Senator of this body.

19 I am here today because of the Voting
20 Rights Act, but I look at the districts. I
21 want to first look at District 39 and 40, and I
22 want to also thank Senator Simmons, Thrasher
23 and Benacquisto for assisting me as I have
24 walked through this process.

25 I know that in 2002, there was a switch in

1 the districts from 40 to 39, and I remember at
2 that time things were done much differently
3 than they are today.

4 So how will that impact the constituents
5 in terms of recognizing that when it is time to
6 vote, how long will we -- first I guess I want
7 to ask, how long will we be determining where
8 we are going to go with the maps?

9 Will they be available to constituents
10 timely? That is my first question. Let me
11 just ask that first.

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized.

14 SENATOR GAETZ: Thank you, Mr. President.
15 Thank you, Senator Bullard, for your leadership
16 on the Committee, for your passion and for that
17 question.

18 The maps have been substantively available
19 to the public since November 28th, and assuming
20 that this body acts favorably on the
21 Committee's bi-partisan, non-partisan
22 recommendation, the final maps would be
23 available as soon as the Legislature were to
24 adopt them.

25 But if you are a voter in your district

1 and any other district in the state or district
2 that is represented by anybody who is here,
3 those district lines have been substantively
4 available on the Internet since November 28th.

5 PRESIDENT HARIDOPOLIS: Senator from the
6 39th, you are recognized.

7 SENATOR BULLARD: Thank you. Thank you,
8 Mr. President, and Senator Gaetz, I appreciate
9 that, but, you know, there are so many people
10 who would never know how to read this.

11 I mean, I am having difficulty, so if I am
12 having difficulty I could not imagine what some
13 of the constituents would have, but
14 nevertheless, will they be informed if a
15 district has changed, if a number has changed,
16 how will the constituents of that district be
17 informed of that change?

18 PRESIDENT HARIDOPOLIS: Senator from the
19 4th, you are recognized.

20 SENATOR GAETZ: Thank you, Mr. President.
21 Thank you, Senator Bullard. The Supervisors of
22 Elections in each county will place in the
23 newspaper of record a notice and showing any
24 changes in voting precincts, in voting lines,
25 in voting districts well in advance of sending

1 out absentee ballots for the 2012 election.

2 So it is an obligation of the Supervisors
3 of Elections to inform people in the county of
4 any changes in where they would vote in
5 district lines or in district numbers, and our
6 professional staff director, Mr. Guthrie, has
7 been working very closely with the Supervisors
8 of Elections to ensure that that information
9 will get to voters in a timely fashion.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 39th, you are recognized.

12 SENATOR BULLARD: Thank you,
13 Mr. President, and Senator Gaetz. I want to
14 say that I would hope, and, because I have
15 experienced this, and to have a district change
16 and then by the time the individuals understand
17 that their district has changed, it is almost
18 into the next election cycle.

19 Will they receive voter registration cards
20 or some type of indication or announcement that
21 the districts have been changed via mail or via
22 the Supervisor of Elections, because that is
23 the only way they will know?

24 PRESIDENT HARIDOPOLIS: Senator from the
25 4th, you are recognized.

1 SENATOR GAETZ: Thank you, Mr. President.
2 Senator Bullard, the Supervisors of Elections
3 will provide in writing information to voters
4 through the newspapers of record, and if they
5 need to make a change in their voter card that
6 will be provided by the Supervisors of
7 Elections, but this process has also been
8 extraordinarily well covered by our friends of
9 the media and I am confident that through the
10 popular press there will be information
11 provided, but the specific legal information
12 provided in writing will be provided by the
13 Supervisors of Elections.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 39th, you are recognized.

16 SENATOR BULLARD: Thank you,
17 Mr. President. Okay, I have one little area in
18 my district which I might just -- I am speaking
19 39, which I am presently serving in.

20 Years ago, then the late John Cosgrove, he
21 was serving that area and one side of the
22 district, one half of the district, it was
23 Gools, Gools, you may not have ever heard of
24 that, but anyway, I have talked about it on
25 this floor before. One part was in 118 and the

1 other part was in 119.

2 Well, the people felt that they did not
3 know where to go for support because it was
4 drawn right down the middle.

5 So I want to know, when they speak of
6 splitting, have we covered that?

7 PRESIDENT HARIDOPOLIS: Senator from the
8 4th, you are recognized.

9 SENATOR GAETZ: Thank you, Mr. President.
10 Thank you for bringing that up. That is the
11 kind of neighborhood information that we gained
12 by listening to people at 26 public hearings
13 and then hear in Tallahassee.

14 In the Senate maps we followed city
15 boundaries, municipal boundaries faithfully in
16 that part of Miami-Dade County. I can't speak
17 for our partners in the House of
18 Representatives, I think it was House maps that
19 you just referenced.

20 I don't know what the House maps will be
21 like, but I can tell you that the Senate maps
22 that are before you today respected city and
23 municipal boundaries, and so therefore, that
24 confusion should not exist as a consequence of
25 Senate maps in that part of Dade County.

1 PRESIDENT HARIDOPOLIS: All right, any
2 other questions, members? Senator from the
3 33rd, you are recognized.

4 SENATOR BRAYNON: Thank you,
5 Mr. President. Mr. Chairman, I have a few
6 questions, some of which you may have heard in
7 the committee meeting.

8 The first question is, have we interpreted
9 the Voting Rights Act and the Constitution to
10 say that we have to draw the exact amount of
11 minority access and minority districts as were
12 drawn in 2002, or could we have possibly drawn
13 more?

14 PRESIDENT HARIDOPOLIS: Senator from the
15 4th, you are recognized.

16 SENATOR GAETZ: Thank you very much,
17 Mr. President. There are two minority,
18 majority districts in the Senate plan before
19 you. There are two minority, majority
20 districts in the 2002 foundational plan, that
21 govern our districts today.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 33rd, you are recognized.

24 SENATOR BRAYNON: So to follow up on that,
25 so we utilize the 2002 map, as a basis for how

1 we drew the minority access districts for this
2 map?

3 PRESIDENT HARIDOPOLIS: Senator from the
4 4th, you are recognized.

5 SENATOR GAETZ: Thank you very much,
6 Mr. President. Senator, let me be as clear as
7 I can. What we used were the voting age
8 population numbers. It happens that there were
9 two minority, majority districts in the 2002
10 maps. It happens that there are two now.

11 Within each district we, as I indicated in
12 response to prior questions, we were risk
13 averse in taking the risk of having any
14 backsliding, we agreed with the NAACP.

15 We agreed with the Hispanic interest
16 groups and Latino interest groups in their
17 interpretation of Amendments 5 and 6 that there
18 ought to be no backsliding.

19 But the basis for the plans that are
20 before you today are the voting age populations
21 in the state of Florida in various communities,
22 Amendments 5 and 6, the Federal Voting Rights
23 Act and the input we received from 3,000
24 Floridians.

25 PRESIDENT HARIDOPOLIS: Senator from the

1 33rd, you are recognized.

2 SENATOR BRAYNON: Thank you. That leads
3 me to another question. I know that we
4 mentioned public input quite a bit, and don't
5 get me wrong, I love the public as any other
6 elected public official does, but was that ever
7 mentioned specifically either in the
8 Constitution, Voting Rights Act or Amendments 5
9 and 6 that public input, and if it wasn't, then
10 where do we rank it, because I know we did a
11 ranking system that or we mentioned that
12 minority access to minority, with the minority
13 seats was ranked number one? Where do we put
14 public input when we created our maps?

15 PRESIDENT HARIDOPOLIS: Senator from the
16 4th, you are recognized.

17 SENATOR GAETZ: Vox populi, vox dei, the
18 voice of the people is the voice of God.

19 PRESIDENT HARIDOPOLIS: Senator from the
20 33rd, you are recognized.

21 SENATOR BRAYNON: I guess my Latin is a
22 little rusty, so I am still trying to figure
23 out exactly what it was.

24 SENATOR GAETZ: That is all I remember.

25 SENATOR BRAYNON: Okay, okay. Now to some

1 specific districts and I just want to ask some
2 very simple questions on.

3 On, currently on District 27 in the
4 current resolution, is the City of Boca Raton
5 kept whole in District 27? Since you are
6 opening to 27, I asked you the other question
7 so you can look there, too.

8 Boca Raton and Greenacres and how many
9 cities are split in District 27?

10 PRESIDENT HARIDOPOLIS: Senator from the
11 4th, you are recognized.

12 SENATOR GAETZ: Thank you very much,
13 Mr. President. Senator, the 2002 map out of
14 which we are operating now split 11
15 municipalities. This district proposed before
16 you splits only four and is located entirely
17 within Palm Beach County. The district follows
18 the municipal boundaries of Boca Raton.

19 PRESIDENT HARIDOPOLIS: Senator from the
20 33rd, you are recognized.

21 SENATOR BRAYNON: Greenacres.

22 SENATOR GAETZ: If you will give us a
23 second we will get to --

24 PRESIDENT HARIDOPOLIS: Senator from the
25 4th, you are recognized.

1 SENATOR GAETZ: Thank you, Mr. President,
2 thank your, Senator, for that question. The
3 City of Greenacres is entirely contained within
4 proposed District 27.

5 PRESIDENT HARIDOPOLIS: Senator from the
6 33rd, you are recognized.

7 SENATOR BRAYNON: Thank you, I wanted to
8 move to District 29. I know that when we
9 talked about District 29 we mentioned it as a
10 coastal, I think we said it was a coastal
11 community was what Senator Negrón mentioned. I
12 am trying to pull it up on my map.

13 But the crux of my question is, I know it
14 includes some communities such as Palm Beach
15 Gardens which are not along the coast. Can you
16 explain to me why there are some non coastal
17 cities within a coastal, what we called,
18 referenced a coastal community?

19 PRESIDENT HARIDOPOLIS: Senator from the
20 4th, you are recognized.

21 SENATOR GAETZ: Thank you very much,
22 Mr. President. District 29 as you have
23 referenced, Senator Braynon, does recognize the
24 natural linkage of the coastal communities of
25 Broward and Palm Beach County, but the district

1 is also adjacent to a minority opportunity
2 district to its west and the Atlantic ocean to
3 the east and attempts to follow municipal
4 boundaries.

5 We follow the municipal boundaries of West
6 Palm Beach and Palm Beach Gardens in the
7 northwest and the Loxahatchee River in the
8 northeast and the Ft. Lauderdale city boundary
9 on the south.

10 Those boundaries are not perfect and so
11 consequently you have a geometry there that is
12 not exactly what, you know, a geometry
13 professor might say is geometrically compact,
14 but we are trying to follow the mandates of
15 Amendments 5 and 6 as I have just described.

16 PRESIDENT HARIDOPOLIS: Senator from the
17 33rd, you are recognized.

18 SENATOR BRAYNON: Thank you. Would it --
19 could we have possibly drawn District 29 all
20 encompassing in West Palm Beach and we didn't,
21 and my question is why, why not?

22 PRESIDENT HARIDOPOLIS: Senator from the
23 4th, you are recognized.

24 SENATOR GAETZ: I don't know how to say
25 anything is possible in Latin. But yes,

1 Senator Braynon, I suspect it would be possible
2 to do so. Whether we would have wound up with
3 a district that met the same criteria and then
4 allowed us in the neighboring districts to meet
5 the requirements that we met, that I don't
6 know.

7 But we did not receive any amendment or
8 proposal to draw District 29 differently. So
9 consequently neither the professional staff nor
10 the Committee would have had an opportunity to
11 evaluate your suggestion, but certainly almost
12 anything is possible, although not everything
13 is legal or sensible.

14 PRESIDENT HARIDOPOLIS: All right, any
15 other questions? Any other questions, yes,
16 Senator from the 1st, you are recognized.

17 SENATOR GIBSON: Thank you, Mr. President.
18 Does an incumbent Senator live in District 10?

19 PRESIDENT HARIDOPOLIS: Senator from the
20 4th, you are recognized.

21 SENATOR GAETZ: I don't know.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 1st, you are recognized.

24 SENATOR GIBSON: Thank you, Mr. President.

25 Would you agree that the portion of this

1 district north of State Road 528 and I-4
2 contains an incumbent?

3 PRESIDENT HARIDOPOLIS: Senator from the
4 4th, you are recognized.

5 SENATOR GAETZ: If so it is news to me.

6 PRESIDENT HARIDOPOLIS: Senator from the
7 1st.

8 SENATOR GIBSON: Thank you, Mr. President.
9 Is a road used to connect the portions of this
10 district, District 10, east of I-4 with the
11 western part of the district?

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized.

14 SENATOR GAETZ: I apologize, Senator,
15 could you restate your question? Were you
16 asking whether a road is used to connect the
17 portions?

18 PRESIDENT HARIDOPOLIS: You are
19 recognized.

20 SENATOR GAETZ: Thank you, Mr. President.
21 District 10 certainly does use major
22 thoroughfares and political and natural
23 boundaries, but it is also, the district, you
24 need to understand sort of where it fits within
25 the context of the map.

1 District 10 is really the result of
2 several influences. District 12 and District
3 14 are minority opportunity districts.

4 District 12, as you know, ensures the
5 ability of African-Americans to elect a
6 candidate of their choice and that that
7 opportunity not be diminished, and District 14
8 reflects the Hispanic opportunity proposed by
9 Latino Justice.

10 And so Districts 12 and 14 are separated,
11 Senator, by an area that includes Edgewood,
12 Belle Isle and part of Orlando and Winter Park
13 and that area has to be represented by
14 somebody, and clearly it must either be
15 District 10 or District 13.

16 District 13 moves south from the northern
17 boundary of Seminole County, while District 10
18 moves east from the western boundary of Lake
19 County.

20 So as you see when you look at the map, we
21 followed political and geographic boundaries
22 where feasible, and therefore, Senator, to
23 ensure that District 10 and District 13 each
24 have the necessary population, District 10 and
25 not District 13 extends into the area between

1 the minority opportunity districts, and I
2 believe that is the reference that you just
3 made.

4 District 10, therefore, results from our
5 adherence to minority voting rights as required
6 by Tier 1 of Amendments 5 and 6, and also our
7 adherence to political and geographic
8 boundaries as required by Tier 2, Amendment 5.

9 PRESIDENT HARIDOPOLIS: Senator from the
10 1st, you are recognized.

11 SENATOR GIBSON: Thank you, Mr. President.
12 And with that said then, why are downtown
13 Orlando and Winter Park in the same district as
14 Windermere, Ocoee and western Orange County?
15 Is there public testimony that supports that,
16 Ocoee, I am sorry.

17 PRESIDENT HARIDOPOLIS: Senator from the
18 4th, you are recognized.

19 SENATOR GAETZ: Thank you very much,
20 Mr. President. As I just attempted to point
21 out, when you have two minority opportunity
22 districts, and therefore, you have created in a
23 sense the rest of the map as what is left, you
24 often have geometry which would not be pleasing
25 to a geometry professor.

1 But I can't expand upon or improve upon
2 the explanation of how those districts were
3 positioned, the explanation which I just gave.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 1st, you are recognized.

6 SENATOR GIBSON: Thank you, Mr. President.
7 And thank you for that explanation. Moving on
8 to District 13, can you tell me if the
9 population of Seminole County is 422,000, why
10 wasn't all of Seminole County kept in one
11 district?

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized.

14 SENATOR GAETZ: Thank you very much,
15 Mr. President. The answer to that question
16 comes from our unanimous consent agreement to
17 which you did not object, which provides that
18 we would ensure that areas that were, that
19 provided or circumstances, venues that provided
20 minorities with an opportunity to elect
21 candidates of their choice would not be
22 compromised.

23 And so if you look at the map of District
24 13 and of Seminole County, you will see that
25 the area in the north part of Seminole County

1 and the south part and south of Volusia County
2 and the north part of Seminole County is a
3 minority -- is an area that needed to be
4 included in a minority access district.

5 So that would be the reason, because we
6 were following the Constitution.

7 PRESIDENT HARIDOPOLIS: Senator from the
8 1st, you are recognized.

9 SENATOR GIBSON: Thank you, Mr. President.
10 And, no, I didn't object. I am just getting a
11 little bit of clarity.

12 And my next question is, why not connect
13 Seminole County with downtown Orlando area to
14 make up the population difference?

15 PRESIDENT HARIDOPOLIS: Senator from the
16 4th, you are recognized.

17 SENATOR GAETZ: Again, that is a
18 hypothetical question. Had an amendment to
19 that effect been introduced it could have been
20 vetted. Individuals who live in the area could
21 have testified for or against it.

22 The Committee staff could have determined
23 the extent to which it followed good
24 redistricting principles and we could have
25 voted it up or down, but a hypothetical

1 question about why we didn't do this or that
2 presupposes a debate which did not occur in a
3 presentation of a proposal which was not made.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 1st, you are recognized.

6 SENATOR GIBSON: Thank you, Mr. President.
7 My last couple of questions. Don't a lot of
8 people live in Seminole County and work in
9 Orange County and thereby would be better
10 benefited in a different district and aren't
11 the communities of Maitland and Winter Park in
12 both counties? Thank you.

13 PRESIDENT HARIDOPOLIS: Senator from the
14 4th, you are recognized.

15 SENATOR GAETZ: Well, Senator, as we have
16 examined Amendments 5 and 6 and as we have
17 examined the public testimony that we have
18 received from that area, we cannot find any
19 strong indication that we ought to have made a
20 change in the map based on the fact that some
21 people live in Seminole County and work in
22 Orange County.

23 We have the public testimony here. Could
24 you point, please, Senator, to the public
25 testimony that supports your question?

1 PRESIDENT HARIDOPOLIS: Senator from the
2 1st, you are recognized.

3 SENATOR GIBSON: I am sorry, point to the
4 public testimony?

5 PRESIDENT HARIDOPOLIS: That is what he
6 asked.

7 SENATOR GIBSON: The public testimony that
8 supports my question?

9 PRESIDENT HARIDOPOLIS: Go ahead, you are
10 recognized, Senator from the 4th.

11 SENATOR GAETZ: Thank you very much. Your
12 question presupposes that it would be in the
13 public's interest to have individuals from
14 Seminole County, from the northern part of
15 Seminole County, included in the Orlando
16 district or some part of Seminole County.

17 And I am simply asking you if you can
18 point to any part of Amendments 5 and 6, any
19 redistricting principles agreed to by the
20 Committee or any public testimony that would
21 support the premise of your question.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 1st, you are recognized.

24 SENATOR GIBSON: The premise of my
25 question is simply based on the maps the way

1 that they are drawn and my review of them as
2 well.

3 I didn't premise my question on the fact
4 that it was public testimony. I just simply
5 asked the question.

6 PRESIDENT HARIDOPOLIS: All right, Senator
7 from the 1st, you are recognized for a
8 question.

9 SENATOR GIBSON: Thank you, Mr. President.
10 I have already asked my question. Thank you.

11 PRESIDENT HARIDOPOLIS: All right, Senator
12 from the 4th, have you got follow up?

13 SENATOR GAETZ: Only to say,
14 Mr. President, that, that I can't improve on
15 the answer that I gave and we have to have a
16 reason why we do something, and unless there is
17 a reason, then with all great respect to the
18 Senator, it is a hypothetical question which
19 does not appear to have a reason or a premise
20 in the question.

21 The Senator has ever right to ask the
22 question, but the answer to the question as
23 best as we can determine it is there was no
24 reason to do so and no public testimony urging
25 us to do so.

1 PRESIDENT HARIDOPOLIS: All right, Senator
2 from the 19th, you are recognized.

3 SENATOR SIPLIN: Thank you, Mr. President.
4 And as I was sitting here, as I believe Speaker
5 Thrasher was describing the new 19 which is
6 number 12, of course, I was there during the
7 testimony.

8 Was there any specific reason why the
9 current contour of District 12 was developed
10 with respect to any African-Americans that I
11 heard when I was there at the meeting in
12 Orlando?

13 PRESIDENT HARIDOPOLIS: Senator from the
14 4th, you are recognized.

15 SENATOR GAETZ: Thank you. As best as I
16 can understand the question, the answer would
17 be no, but if you would like to follow up and
18 be more specific I would be happy to look in
19 the record and see if I can find any testimony
20 that would support the premise of the question.

21 PRESIDENT HARIDOPOLIS: Senator from the
22 19th, you are recognized.

23 SENATOR SIPLIN: Thank you, Mr. President.
24 I was asking Senator Thrasher during his
25 discussion he referred to communities, black

1 communities that wanted to be -- had the same
2 interest, wanted to be represented in the same
3 area, such as Ocoee, Winter Garden, and the
4 historical town of Eatonville.

5 SENATOR GAETZ: Mr. President.

6 PRESIDENT HARIDOPOLIS: Yes, Senator from
7 the 4th, you are recognized.

8 SENATOR GAETZ: Mr. President, with all
9 due respect I will be happy to yield to Speaker
10 Thrasher, but he was extending a courtesy to me
11 in reading the district descriptions, and if he
12 would care to comment that would be fine, but
13 otherwise I think your answer was laced into
14 the question.

15 And that is that there is a common
16 cultural and racial and ethnic characteristic
17 that unites the communities of that area.

18 PRESIDENT HARIDOPOLIS: All right, are
19 there any other questions? Any other
20 questions? Yes, Senator from the 15th, you are
21 recognized.

22 SENATOR DOCKERY: Thank you,
23 Mr. President.

24 Senator Gaetz, first of all, I want to
25 congratulate you on doing such a tremendous job

1 of seeking and gaining public input, and the
2 numbers and statistics that you read to us
3 earlier today were very amazing and I
4 appreciate you taking that input.

5 And it does seem from the reading of the
6 districts that some of that input was used in
7 the making of the districts, but I have to say
8 from the part of the state represented by Polk
9 County, I feel the need to speak up in -- on
10 behalf of my residents of Polk County in how
11 Polk County is treated in these maps.

12 I would preface this by saying that I
13 understand when you are drawing maps,
14 80 percent of the population of the state of
15 Florida lives within 20 miles of the coast, and
16 that you have to start from one point and work
17 your way inward.

18 Polk County not only is in the middle of
19 the state from north to south, but also in the
20 middle of the state from east to west and we
21 are used to having very strange looking
22 districts, and District 15 right now includes
23 five counties, one of which I skip over a
24 county to get to.

25 So we were hoping that under Fair

1 Districts that District 15 or whatever the
2 number associated with what would be District
3 15 would look a little bit more compact and
4 deal with communities of interest.

5 My direct question is this. Polk County
6 is split into four different Senate Districts.
7 Polk County has 602,000 residents, and a Senate
8 District is 470,000 residents.

9 Why was it necessary to split Polk County
10 into four different districts?

11 PRESIDENT HARIDOPOLIS: Senator from the
12 4th, you are recognized to respond.

13 SENATOR GAETZ: Thank you very much,
14 Senator Dockery. You accurately reflected the
15 difficulty of redistricting when one starts in
16 the northwest or if one starts in the southeast
17 or if one starts at either coast, you wind up
18 in Polk County and it is the place of
19 convergence.

20 In redistricting as you have suggested in
21 your question requires us to balance priorities
22 and this area of the state as you have
23 suggested does represent a convergence and a
24 reconciliation of many different priorities.

25 So I would ask with respect that you, that

1 you consider that there are three minority
2 opportunity districts in the vicinity.
3 District 19 of the Tampa Bay area, Districts 12
4 and 14 in central Florida. That is the first
5 consideration.

6 The second consideration is that District
7 16 and 21 follow the northern boundaries of
8 Hillsborough and Polk Counties consistent with
9 the Constitutional requirement to utilize
10 political and geographic boundaries where
11 possible.

12 Third, District 21 is based entirely in
13 Hillsborough County, respecting the county
14 boundary. These are all factors then that
15 drive what happens in Polk County.

16 Fourth, District 26 was designed to
17 reflect the rural interests of the interior of
18 the state.

19 And fifth, we sought to minimize city
20 splits along the boundary between District 16
21 and 26 and along this line the plan keeps, and
22 these are communities that you know well,
23 Bartow, Eagle Lake, Winter Haven, Dundee and
24 Highland Park whole, splitting only Lake Wales.

25 These various factors combined to result

1 in a district boundary in the Lakeland area,
2 and I would only say that we could have started
3 in Polk County and gone out.

4 And I think you make an excellent
5 argument, Senator Dockery, that we could have
6 done that, but at this point any change to this
7 part of the region would have ripple affects
8 throughout the entire area and in the bordering
9 districts, and we believe that this arrangement
10 that is in the proposal represented the best
11 reconciliation of priorities.

12 PRESIDENT HARIDOPOLIS: Further questions?
13 Senator from the 15th, you are recognized for a
14 question.

15 SENATOR DOCKERY: Thank you,
16 Mr. President. Senator Gaetz, understanding
17 that Polk County is split into four different
18 districts, also within the county, three
19 different cities in Polk County are split,
20 including Lakeland, and what concerns me the
21 most is that Lakeland, our population center,
22 is split into two districts that have a
23 minority percentage of representation of their
24 voters in Polk County.

25 So those two districts that would have

1 parts of Lakeland are being called rural
2 communities. However, if Lakeland had been
3 kept whole as I think Fair District Amendments
4 would have directed it to be, that that would
5 not have been a rural community, that would
6 have been our main population center.

7 PRESIDENT HARIDOPOLIS: Senator from the
8 4th to respond.

9 SENATOR GAETZ: That can you very much,
10 and Senator Dockery, I wish you could have had
11 the opportunity to be at the hearing that we
12 held in Lakeland and the other hearings, and I
13 think had you been there you would have, you
14 would have seen even more that the points you
15 make are accurate.

16 That there is a tension between the
17 various redistricting principles that are
18 included in Amendments 5 and 6 and the
19 expectations of those who supported Amendments
20 5 and 6.

21 I believe that Susan MacManus, who is a
22 political science professor is quoted in the
23 popular press today as saying that the
24 expectations of those who supported the Fair
25 Districts plans probably will not be met

1 because everyone had the expectation that in
2 their part of the state there would be no --
3 there would be no crossing of lines and that
4 somehow rather the district that they
5 envisioned for their neighborhood or for their
6 city would be perfect, notwithstanding its
7 affects on neighboring districts and the rest
8 of the state.

9 That is why, Senator Dockery, as we were
10 developing the Committee Substitute and
11 realizing the points that you have made we went
12 to the Supervisor of Elections of Polk County
13 and we said, given the givens, given the
14 variables that we are working with and the
15 characteristics of the community, what is your
16 evaluation of the work that we have done.

17 And I have her response here which I am
18 happy to share with you. She says, "This is
19 even better than I could have imagined. You
20 have captured the annexations by following the
21 city lines. I really appreciate that. Your
22 maps look great."

23 And then she goes on to say, "You have
24 managed to focus dealing with each and every
25 county in the state seems overwhelming, but you

1 have managed to focus on our exact concerns,
2 meaning the concerns in Polk County and help
3 with solutions, hats off to you, you are doing
4 a great job with these maps. Your work is very
5 much appreciated."

6 So again, it is hard to make everyone
7 happy and so that is why, given the concerns
8 that you have expressed which certainly are
9 legitimate concerns if one started,
10 particularly if one started in Polk County and
11 then spread out with a redistricting plan, that
12 is why we went to the Supervisor of Elections
13 who is the expert in this area and she felt
14 that the plan before you is a substantial
15 improvement.

16 PRESIDENT HARIDOPOLIS: Senator from the
17 15th for a question, you are recognized.

18 SENATOR DOCKERY: Thank you,
19 Mr. President, and thank you for that, Senator
20 Gaetz, but I would say that for every letter
21 that you can read from Polk County, I have some
22 that are very unhappy, and one community in
23 particular is Solivita.

24 Solivita is a mini villages that is on the
25 -- is wholly, resides wholly in Polk County but

1 is on the Osceola County border and they find
2 themselves clumped into the minority district
3 that goes into Osceola and Orlando and they are
4 not primarily Hispanic.

5 In fact, they are not Hispanic hardly at
6 all, and they have been used to being part of
7 the Polk County district. They did come and
8 testify. There are letters that have been
9 posted to the redistricting website, and they
10 are very unhappy about being in that district.
11 Can you explain why Solivita was lumped into
12 the Hispanic minority district?

13 PRESIDENT HARIDOPOLIS: Senator from the
14 4th, you are recognized to respond.

15 SENATOR GAETZ: Well, Senator Dockery, you
16 are right. There is a difference of opinion on
17 many points, and that is why when we try to
18 settle points of practicality and technical
19 points we have gone to, to the Supervisors of
20 Elections and asked them to help us, because
21 they understand the realities of redistricting,
22 but also the realities of running elections.

23 And that is why while you may have letters
24 from people who are unhappy and we may have
25 letters from people who are unhappy and happy,

1 all of the letters are here, by the way, and
2 unless they are in your personal file, the
3 Supervisor of Elections believes that what we
4 have here is an improvement.

5 As to why a particular community is in a
6 particular district, all I can say is that
7 sometimes, Senator, going back to a question
8 that Leader Rich asked earlier, it is necessary
9 to make sure that we have proximate equality of
10 voters in particular districts to adhere to the
11 Constitutional provision of one person, one
12 vote.

13 And so sometimes wherever you draw a line
14 some people are on one side of the line and
15 some people are on the other. Had you proposed
16 an amendment to rectify this problem, the
17 Committee could have looked at the amendment,
18 we could have taken public testimony on the
19 amendment and we could have voted it up or down
20 today, but sadly, we don't have an amendment
21 before us.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 15th for a question.

24 SENATOR DOCKERY: Mr. President, this will
25 be my last question. I have a list of the

1 counties that are split. There are 31 split
2 counties, 21 of which of them are split in two.

3 Polk County is split into four and while I
4 certainly understand that our county needs to
5 be split, my question or my concern is really
6 about the fact that it is split into four
7 different counties.

8 My question is, at this juncture in time
9 is there any way that the Senate maps could
10 keep Polk County communities of interest better
11 together than what we see in today's map?

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized to respond.

14 SENATOR GAETZ: Thank you very much,
15 Mr. President. Senator Dockery, I think you
16 make -- you have an excellent point of view and
17 it is a valid point of view.

18 But the Reapportionment Committee
19 established amendment deadlines and the
20 amendment deadlines provided substantial public
21 notice so that there would be no surprises, no
22 gotchas, no people running in with handwritten
23 amendments at the 11th hour changing the
24 political landscape of Florida.

25 And then on this floor, on the first day

1 of session we agreed by unanimous consent to an
2 amendment deadline. The answer to the question
3 is, you know, had there been an amendment filed
4 prior to the amendment deadline to which we all
5 agreed we could have debated it and voted it up
6 or down.

7 Short of that I don't know any way that we
8 could change the maps as a Senate. Obviously
9 the next step, as I indicated in my opening
10 remarks, the next step is that we will send our
11 Bills, if we adopt them, over to our friends in
12 the House and they will add the House Districts
13 and send it back to us for a final vote.

14 I would imagine that at that time the
15 President would allow, the Rules Chair would
16 allow further amendments, and I would imagine
17 that should the courts decide that there is a
18 constitutional reason why your arguments would
19 suggest that our maps are constitutionally
20 invalid, that then there could be a remedy.

21 But short of that on this floor today I
22 fear that we don't have a vehicle for achieving
23 the goal that you would like to achieve, nor do
24 we have a vehicle for debating the merits of
25 which you would like to achieve.

1 PRESIDENT HARIDOPOLIS: Other Senators who
2 would like to ask questions. Senator Smith,
3 you are recognized for a question.

4 SENATOR SMITH: Thank you, Mr. President.
5 Looking back again, Senator, I want to take you
6 to District 7.

7 I noticed that in District 7 you have, we
8 have included Clay County, significant parts of
9 Clay County with Alachua County and I was
10 looking up in the Census Bureau, Clay County is
11 considered part of the Jacksonville
12 metropolitan area.

13 What interest or why did we put Clay
14 County within Alachua County basically?

15 PRESIDENT HARIDOPOLIS: Senator from the
16 4th, Senator Gaetz, you are recognized.

17 SENATOR GAETZ: Thank you very much,
18 Mr. President, and thank you for that question.
19 As reflected in the record of public testimony
20 which you are welcome to review, citizens from
21 Alachua, Bradford and Clay Counties requested
22 that we group their counties with others like
23 them so that they would not be lumped in with
24 larger municipalities such as Jacksonville or
25 Orlando, and thereby lose their ability to be

1 effectively an fairly represented in the
2 legislature.

3 I am a former resident of Clay County, and
4 while I think that you are correct that, that
5 demographers in Washington may consider Clay
6 County to be part of the Jacksonville
7 metropolitan area, I would give the same answer
8 I gave when I asked about SMAs before.

9 And that is while SMAs are a convenient
10 way for demographers to group populations,
11 SMSAs don't necessarily reflect what actually
12 goes on on the ground.

13 That is why we went to Jacksonville, that
14 is why we went to northeast Florida and took
15 public testimony. Certainly, Senator Smith, we
16 could have, we could have grouped Clay County
17 in with Jacksonville, but it seemed based upon
18 the commonality of interest that were expressed
19 in testimony and the fact that we could
20 accomplish this district in conformance with
21 constitutional and legal requirements, that it
22 was best to listen to what people told us and
23 to act on their testimony.

24 PRESIDENT HARIDOPOLIS: Senator from the
25 29th, Senator Smith, you are recognized for a

1 question.

2 SENATOR SMITH: In District 8, somebody
3 said earlier, this sparked my interest, you
4 said that you used a percentage of 69 percent
5 when it came to Volusia County.

6 Did you mean that 69 percent of Volusia
7 County is in District 8 or 69 percent of
8 District 8 is Volusia County?

9 PRESIDENT HARIDOPOLIS: Senator from the
10 4th, you are recognized to respond.

11 SENATOR GAETZ: Thank you very much,
12 Mr. President. Over 69 percent of District 8
13 is made up of residents of Volusia County and
14 not a single Volusia municipality is divided.

15 PRESIDENT HARIDOPOLIS: Further questions,
16 Senator from the 33rd, Senator Braynon for a
17 question. You are recognized.

18 SENATOR BRAYNON: Thank you,
19 Mr. President. I want to go back to a question
20 that I asked earlier, a little bit about
21 coalition seats. And is it possible -- is it
22 possible for a minority -- we mentioned
23 minority performance seat.

24 Would it be possible to draw a minority
25 performance seat with the standards that we

1 used with it not being majority voting age
2 population minority?

3 PRESIDENT HARIDOPOLIS: Senator from the
4 4th, you are recognized to respond.

5 SENATOR GAETZ: Thank you, Mr. President.
6 I never used the term minority performance
7 district. That is not a term of art or a term
8 of law.

9 PRESIDENT HARIDOPOLIS: Senator from the
10 33rd for a question. You are recognized.

11 SENATOR BRAYNON: So we never -- so -- if
12 I take out minority performing, I said district
13 that allows access to, what is your term that
14 you used? I don't know it specifically by
15 word, but we have used it, Senator Thrasher
16 used it.

17 PRESIDENT HARIDOPOLIS: Senator from the
18 4th, you are recognized to respond.

19 SENATOR GAETZ: Again, you are an attorney
20 and I am not, so please -- you are not, well
21 then I like you even better, and I say that
22 with a son as an attorney.

23 Well, then, layman to layman, the terms
24 that I used in the explanation were
25 minority-majority districts and minority

1 opportunity districts. I believe those are
2 terms of art.

3 PRESIDENT HARIDOPOLIS: Senator from the
4 33rd for a question. You are recognized.

5 SENATOR BRAYNON: Let me rephrase my
6 question using those terms. If you -- if a --
7 if a district does not have a majority,
8 minorities, could it be a minority access
9 district?

10 PRESIDENT HARIDOPOLIS: Senator from the
11 4th, you are recognized for a response.

12 SENATOR GAETZ: I am afraid that calls for
13 a legal conclusion, and I would, Senator
14 Negrón, if you are with us, Senator Thrasher, I
15 don't know the answer to that question.

16 I think it is a legal question that -- is
17 there -- do either of you have a comment on
18 that? Senator Negrón?

19 PRESIDENT HARIDOPOLIS: Senator from the
20 33rd, if you can -- again ask the question to
21 the Senator from the 28th, that might be
22 beneficial.

23 SENATOR GAETZ: I yield, Mr. President.

24 PRESIDENT HARIDOPOLIS: So Senator from
25 the 33rd, if you can rephrase your question for

1 the Senator from the 28th, then we may can help
2 out.

3 SENATOR BRAYNON: I will repeat it and try
4 to give an example so maybe it is clearer. I
5 asked, could you create a minority access seat
6 or a minority coalition or minority -- what was
7 the other -- minority-majority seat if the
8 voting age population was not
9 majority-minority.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 28th.

12 SENATOR BRAYNON: And I said I was going
13 to give an example, too, I am sorry.

14 PRESIDENT HARIDOPOLIS: Okay, please,
15 Senator from the 33rd, please give us an
16 example.

17 SENATOR BRAYNON: I guess an example is we
18 have a district currently that performs as a
19 minority, is an African-American seat, but the
20 minority, but they are the minority of that
21 district at 28 percent. But yet there is a
22 minority candidate elected in that seat, as an
23 example.

24 PRESIDENT HARIDOPOLIS: Senator Negrón,
25 you are recognized to respond.

1 SENATOR NEGRON: Thank you, Mr. President,
2 thank you, Senator Gaetz. I think you are
3 asking a demographic question and not a legal
4 question, because the law is very clear in the
5 Constitution that based on Amendments 5 and 6
6 that the districts shall not be drawn to
7 diminish the ability of minorities to elect
8 representatives of their choice.

9 And then you remember that Senator
10 Thrasher talked about the Tier 1 and 2
11 standards. There is not a clear bright line
12 test as to what that means, but some of the
13 questions that we would ask is, you know, does
14 the proposed map make it more difficult for
15 minorities to elect their preferred candidates.

16 Do minorities in these districts, would
17 they be less likely or as likely to elect their
18 preferred candidates whether the proposed map
19 makes safe, makes minority districts less safe.

20 So in our maps, meaning our, the maps that
21 we are considering today, we did not diminish
22 the ability of minorities to elect candidates
23 of their choice, and as you know, we followed
24 substantially the suggestions by the NAACP on
25 minority districts.

1 So I think you are asking a very good
2 question, but I don't think it is a direct
3 legal constitutional question. It is a
4 question of could a candidate who is a minority
5 attract other members of other races to vote
6 for him or her.

7 I think the answer for that is we have
8 seen is yes, but I think it doesn't go into the
9 legalities of how we draw the districts.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 4th, you are also recognized to respond.

12 SENATOR GAETZ: Thank you very much,
13 Mr. President. And the second part of your
14 question, Senator Braynon, said could a
15 minority-majority district be created or be
16 established without a majority of minorities.

17 And the answer is definitionally, no. By
18 definition a minority-majority District has a
19 majority of minorities. I apologize for the
20 rhetorical flourish there, but nonetheless, the
21 answer to your question there is definitionally
22 it would not be possible.

23 PRESIDENT HARIDOPOLIS: No further
24 questions? Senator Gaetz, the floor is yours.
25 What is your pleasure?

1 SENATOR GAETZ: Mr. President, I
2 appreciate the questions that members of the
3 Senate have asked crossing all political
4 boundaries and all parts of the state, and I
5 appreciate, Mr. President, your willingness to
6 allow questions to the point where everyone's
7 questions have been exhausted.

8 If everyone's questions have been
9 exhausted, then, Mr. President, I would ask
10 your permission to roll to third reading on
11 Senate, on this Senate Joint Resolution before
12 us in order that we may engage in debate.

13 PRESIDENT HARIDOPOLIS: Well, let me first
14 ask, are there any further questions that
15 people, Senators would like to ask before I
16 entertain the motion to roll to third reading?

17 Are there any other further questions on
18 Senate Bill 1176?

19 Okay, Senator Rich, you are recognized if
20 you would like to make some comments.

21 SENATOR RICH: Thank you, Mr. President.
22 I appreciate the desire to roll to third
23 reading, but there were a lot of questions, a
24 lot of very thoughtful answers and I would like
25 the Minority members who did ask questions

1 today and to have an opportunity to think about
2 the debate and to be able to come back tomorrow
3 and debate the Bill before its final vote.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 4th, you are recognized.

6 SENATOR GAETZ: Thank you, Mr. President.
7 I respect the Minority Leader's point of view,
8 but there is no way to predict that the debate
9 would not go on until tomorrow, and that is why
10 we entertained every question that everyone
11 had.

12 These maps have been publicly available in
13 their substantive entirety since the 28th of
14 November. The majority of the Senate is, are
15 members of the Senate Reapportionment
16 Committee.

17 There are no surprises here. There is no
18 new information here. There are no amendments
19 here, and therefore, Mr. President, I would ask
20 the Minority Leader to withdraw her objection
21 to roll to third reading, and failing that, I
22 would suggest the absence of a quorum and
23 request that a two-thirds vote roll to third
24 reading.

25 PRESIDENT HARIDOPOLIS: Senator from the

1 34th, you are recognized to respond.

2 SENATOR RICH: Thank you, Mr. President.

3 It is true that we have had these maps, but the
4 discussion today sheds light in different
5 areas, certain concepts that we would like to
6 be able to discuss before having an opportunity
7 to debate on the issue. So I do not withdraw
8 my opposition to rolling it today.

9 PRESIDENT HARIDOPOLIS: All right, all of
10 those -- first I would like to make a -- the
11 Secretary please have a quorum call.

12 THE CLERK: Quorum call.

13 PRESIDENT HARIDOPOLIS: Quorum call.

14 THE CLERK: Senators, please indicate your
15 presence.

16 PRESIDENT HARIDOPOLIS: Senator Flores and
17 Senator Bullard. Senator Flores.

18 Senator from the 4th, you are recognized.

19 SENATOR GAETZ: Thank you, Mr. President.

20 While we are engaging in a quorum call, some
21 Senators as you indicated they could have left
22 the floor in order to attend other Senate
23 business, and therefore, Mr. President, I ask
24 that the Senate do stand in recess for five
25 minutes so that all Senators present may answer

1 the quorum call.

2 PRESIDENT HARIDOPOLIS: Objection? The

3 Senate is in recess for five minutes.

4 (Brief recess taken.)

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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 1 through 169 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 23rd day of January, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

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November 13, 2014

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SENATE FLOOR DEBATE
2012 REGULAR SESSION
JANUARY 17, 2012

VOLUME II
Pages 171 - 340

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 THE SECRETARY: Quorum call, please
3 indicate your presence.

4 PRESIDENT HARIDOPOLIS: The Secretary has
5 opened up the board once again for a quorum
6 call.

7 THE SECRETARY: A quorum is present,
8 Mr. President.

9 PRESIDENT HARIDOPOLIS: A quorum being
10 present, Senator Gaetz has asked a question.
11 You are recognized, Senator Gaetz.

12 SENATOR GAETZ: Thank you, Mr. President.
13 Mr. President, I move that by two-thirds
14 majority of the Senate roll the pending Bill to
15 third reading.

16 PRESIDENT HARIDOPOLIS: All those in favor
17 say yea.

18 (Chorus of Ayes.)

19 PRESIDENT HARIDOPOLIS: All those opposed
20 say nay?

21 (Chorus of Nay.)

22 PRESIDENT HARIDOPOLIS: The motion is
23 adopted. Seeing five hands, Secretary unlock
24 the board and Senators prepare to vote. All
25 those in favor? All those opposed.

1 PRESIDENT HARIDOPOLIS: Secretary, lock
2 the board and announce the vote.

3 THE SECRETARY: Twenty-seven yea's, 12
4 nay's, Mr. President.

5 PRESIDENT HARIDOPOLIS: And by your vote
6 the Bill passes by the required two-thirds.

7 We are now on third reading.

8 THE SECRETARY: Committee Substitute for
9 Senate joint Resolution 1176, a Joint
10 Resolution of Apportionment.

11 PRESIDENT HARIDOPOLIS: All right, all
12 those who would like to be heard in debate, if
13 you just raise your hand. I would be happy to
14 take those in debate.

15 Senator Bullard? Others who would like to
16 be heard in debate? Senator Joyner. Others in
17 debate, Senator Braynon. Others who would like
18 to be heard in debate, Senator Sobel. Others,
19 Senator Smith. Senator Rich, Senator Bennett,
20 Senator Thrasher, Senator Negrón. Others who
21 would like to be heard in debate. And, of
22 course, Senator Gaetz, you are going to close.

23 And Senators, anyone else who would like
24 to be heard, obviously we are not going to
25 delay any opportunities at debate. We will

1 stay in debate as long as you would like to
2 stay in debate.

3 I would request that you let it be known
4 through the Minority Leader or Majority Leader
5 if you would like to debate or if you can get
6 my attention.

7 So let's start with Senator Joyner, you
8 are recognized in debate, followed by Senator
9 Bullard.

10 SENATOR JOYNER: Thank you, Mr. President.
11 I rise in opposition to this reapportionment
12 plan, because I believe that it was prepared in
13 violation of Florida's Redistricting standards.

14 Specifically I believe the Legislature is
15 poised to use the pretext of minority
16 protection to advance an agenda that seeks to
17 preserve incumbency and pack minority seats in
18 order to benefit a particular party.

19 Packing a district with more minority
20 voters than is necessary to create an
21 opportunity to elect representatives of choice
22 bleaches surrounding districts and limits the
23 influence of minorities overall.

24 In Florida for the last 20 years this sort
25 of packing of African-American voters has been

1 used to ensure the election of a
2 disproportionate number of Republican
3 candidates.

4 Each of Florida's districts that have
5 elected African-American representatives
6 contains substantially more African-American
7 population than is needed to allow
8 African-Americans an opportunity to elect their
9 preferred representatives.

10 I believe this practice violates the
11 constitutional mandate to avoid partisan
12 favoritism and protect minority rights at the
13 same time. The plan we are considering does
14 this by employing a standard of retrogression
15 that requires the same level of packing as
16 currently exists.

17 Our maps actually fail to create new
18 opportunities for minorities to participate in
19 the political process and elect their
20 representatives of choice. While this plan
21 does guarantee a certain number of black
22 Legislators will be elected, it also ensures
23 that we will be in a perpetual minority in the
24 House and the Senate with little ability to
25 advance an agenda that will benefit the very

1 people we represent.

2 I believe this approach will, as it has in
3 the past, continue to diminish the ability of
4 our communities of color to impact the
5 legislative process. The Legislature has shown
6 a clear indifference to many of the issues we
7 have fought for because we are a part of such a
8 small minority. They just do not have to
9 listen to our constituents.

10 Florida has one of the highest rates of
11 uninsured in healthcare, one of the lowest per
12 pupil expenditures for public education and
13 makes it more difficult than nearly any other
14 state in the Union for felons to have their
15 civil rights restored and the list goes on.

16 As I sat through the redistricting
17 committee process I heard repeatedly how the
18 Committee and this Legislature wanted to
19 protect minority voting rights. Ironically at
20 precisely the same time so many were declaring
21 their support of the Voting Rights Act.

22 I am not aware of a single member of the
23 Legislature who spoke out against the current
24 Secretary of State's efforts to declare Section
25 V of the Voting Rights Act inapplicable to the

1 regions in Florida that have had heightened
2 histories of racism.

3 While I appreciate the openness of the
4 process and the accessibility of the Chairman
5 and staff of the Reapportionment Committee,
6 ultimately I cannot support a product that will
7 perpetuate exactly the practices that the new
8 Fair Districts standards sought to outlaw.

9 PRESIDENT HARIDOPOLIS: Senator Bullard,
10 you are recognized in debate.

11 SENATOR BULLARD: Thank you,
12 Mr. President. I stand not to take down what
13 -- a process that has really demonstrated that
14 we have transparency, one that we have
15 struggled, many members of this august body.
16 We have worked hard.

17 I unfortunately was unable to be there for
18 the many hearings throughout the state, but
19 when we have worked so very hard on a product
20 such as the one that has been put before us in
21 the past, what, 10:00 this morning until now,
22 1:00, approximately 1:30, and probably will
23 carry on and on and on, it is difficult for me
24 to, I guess I ask the question, what more
25 should we do on the floor today, except just

1 debate it?

2 I respect my Minority Leader and I have a
3 great deal of respect for her and I will
4 continue to watch as this moves through the
5 process. I would hope that it will move
6 through the process in such a way that everyone
7 will be recognized and everyone will be
8 represented fairly in this state.

9 We, as I said earlier and I did put part
10 of my debate into the form of a question. I am
11 here today as a result of a Voting Rights Act,
12 and we have now before us Amendments 5 and 6
13 which we have tried very hard in committee to
14 adhere to.

15 The long hours spent from 1:00 to
16 6:00 o'clock in committees. I mean, the
17 longest committee meetings I believe we had
18 since I have been in the process other than
19 budget.

20 So with that type of work that members of
21 this body, many of you because we all, I
22 believe that we had a real, real big committee
23 there and we had a committee that was cross
24 bi-partisan, we had people who were thinking,
25 who were visionaries and we worked together.

1 Senator Gaetz, the Chairman of the
2 Committee, I will tell you, he gave everyone an
3 opportunity to speak and to say whatever they
4 felt without being disrespectful to one
5 another, but he allowed us to speak to the
6 issues.

7 Yes, this -- there are some problem areas,
8 and I am certain those problem areas, according
9 to what I am told is going before the Court.
10 So why am I going to stand here today and
11 debate what might end up in the courts anyway?

12 So with that said, Mr. President, and
13 members of this body, I will say to you that we
14 need to, to just breathe and settle down and
15 know that if there is anything that we have
16 done as a body that is unconstitutional, it
17 will certainly fall in the hands of the other
18 branch of government, and that is the judicial
19 branch.

20 But at this point I don't see any changes
21 by my voting no. So because I was a member of
22 the Committee and because I worked with you,
23 Senator Gaetz, and because of people such as I
24 told him he was a very smart man, Senator
25 Simmons, you are very smart, and Benacquisto,

1 Senator Benacquisto and my Former Speaker
2 Thrasher, you were fair with me.

3 I asked you questions, you found the
4 answers. You didn't always have the answer
5 right there, but because you are attorneys, and
6 I don't know, Simmons, whether you are an
7 attorney, I don't know or not, he is an
8 attorney, too, but regardless of what,
9 Mr. Chair, Mr. President, I just need to get it
10 all out.

11 Regardless, and President Margolis, you
12 know, you don't have to ask President Margolis
13 how she feels. She looks at you. She just
14 stares to let you know that is how she feels.

15 President Margolis, who I have a great
16 deal of respect, the greatest deal of respect
17 for in this process because she has been in the
18 processes so long, I want to say that she sat
19 and she -- I looked at her, I shook her hand on
20 some occasions, asked her what her feelings
21 were about it and we worked together in a
22 bi-partisan fashion.

23 We had differences, well, I disagreed
24 initially with some things that were in the
25 Bill, but now we have a product that a whole

1 lot of work has been put into, and as I said to
2 you yesterday, we celebrated MLK, and I reflect
3 on that because I know that the Voting Rights
4 Act and all of those things came on the backs
5 of many of us in this room, and they were not
6 just blacks.

7 There were people of different cultures
8 who stood on the front lines to see that what
9 is right is what is right. When I was elected
10 to this body I was talking to Mr. Guthrie, who
11 came to my desk and assist me on some questions
12 that I had prior to the questioning of Senator
13 Gaetz earlier.

14 And I said to him that when I was elected
15 to office, reapportionment was in 2002. I
16 remember then Speaker -- he was Speaker Mario
17 Diaz -- no, Rubio, and he was up for
18 Speakership, and then Representative Mario
19 Diaz-Balart, they ran to my office and they
20 asked me, please, tell us where we can get some
21 blacks out of your district, because we need
22 some blacks.

23 And I said, well, here they are. This is
24 where they are. I call them pockets. Now,
25 what they found was this, that I had 58 percent

1 white district and it was the balance was like
2 equal with Hispanic and black.

3 Now, I will tell you today that people
4 elected me, I was unopposed, I was reelected,
5 reelected, and you know why? Because they
6 said, Bullard is a fair person. She is going
7 to vote in the best interest of all people.

8 When I stand here today I wonder what has
9 happened to that thought pattern. What has
10 happened to that culture of voting? All of us
11 and I am looking at faces, the majority of us,
12 I would say the majority of us, we were in the
13 '60s, we grew up in the '60's era, we know what
14 happened during that time, so we know the need
15 to do something and to do it right.

16 So I ask you today that we move forward,
17 get this work done so that we can go about
18 dealing with the other issues that we are
19 confronted with, and each of us know that we
20 have some very, very serious issues that we
21 must address other than reapportionment. This
22 is the most important, but we have others.

23 So I ask you, members, to assist, to
24 assist today in moving this legislation forward
25 so that we can move on to the other legislation

1 that we have before us, this 2012 session.

2 Thank you.

3 PRESIDENT HARIDOPOLIS: All right, Senator
4 Bennett, Senator from the 21st District, you
5 are recognized.

6 SENATOR BENNETT: Thank you,
7 Mr. President. You now, members, I was here in
8 2000. I was over in the House, and there was a
9 lot of actual local debate whether my seat was
10 drawn as a product of gerrymandering. I was
11 there.

12 There was a little issue between the
13 Senate President at that time and one of the
14 members and the district came out very, very
15 much in my favor. It was done in the back
16 room. It was done quietly, there were no
17 public hearings. There was no public debate,
18 there was no inclusion, there was nobody
19 invited to the desk to give their opinion.

20 To be quite frankly, I don't think anybody
21 cared about your opinion or mine or anybody
22 else's. So along comes Senator Don Gaetz and
23 Senator Mike Haridopolos and a few other people
24 who say, you know what, we can do something
25 different.

1 We can make the most inclusive
2 redistricting ever happen in the entire United
3 States. We are going to keep it open for
4 everybody. We are going to include everybody.
5 And the last time I saw this much inclusion was
6 really kind of interesting. I think a lot of
7 you were here a couple of years ago when my
8 good friend, Senator Jim King was standing up
9 on the Senate floor and talking about the
10 budget and the Democrats had made up their mind
11 at that time they were going to vote in mass
12 against the budget, and Senator King pointed
13 out that that budget was built by all of us, it
14 included all of us, Republicans, Democrats,
15 everybody had a seat at the table.

16 He gave you what you wanted. He asked for
17 what you wanted. He took your input and he put
18 it into the budget, and everybody worked on
19 that budget together, and about half of the
20 Democrats in the room said, you know what, that
21 is true, we were treated fairly, and they
22 switched their vote and we passed that budget
23 out because everybody realized that it was an
24 open process, it was an inclusive process.

25 There were no secrets, there were no

1 hidden agendas. It has never happened like
2 this before. Something else was interesting
3 because the Senate President and I spoke about
4 me coming into the current position I am in.

5 He said what about redistricting? And he
6 said would you chair that? And we talked about
7 that and we realized that the Senator President
8 disliked Don Gaetz a little bit more than he
9 disliked me, so he decided that that is
10 probably the way it should go, and it was a
11 correct decision, because Senator Gaetz did
12 something that never had been done before in
13 redistricting in the state of Florida.

14 He and the incoming Speaker of the House
15 got together and said, you know what, let's
16 change the whole process. Let's change the
17 process, include everyone's ideas and so to get
18 here today and think that you were not
19 included, you did not get to ask your
20 questions, that you did not get to look at the
21 map, that you did not get to talk to the people
22 in your district, is totally a false
23 impression.

24 This was the right thing to do. It is the
25 right thing to do today. Let's vote it out of

1 here, let's get it out and something Senator
2 Bullard pointed out. There are some areas of
3 contention that may go down to some legal
4 decisions and we could be back here doing this
5 again, because when you change one district you
6 have got to just about change them all, okay,
7 but Senator Bullard pointed out, let the courts
8 decide those issues that they are going to have
9 a serious problem with.

10 But I think that that is what we should be
11 doing today is pass the process out, let's pass
12 the Bill out, we don't need to debate this
13 thing forever, on and on and on. You have been
14 included, you have been asked and Senator
15 Gaetz, I congratulate you and the entire team,
16 both sides of the aisle, both parties, for a
17 wonderful, wonderful process. I think you guys
18 did a great job. Thank you.

19 PRESIDENT HARIDOPOLIS: All right, Senator
20 Sobel, Senator from the 31st District, you are
21 recognized.

22 SENATOR SOBEL: Thank you, Mr. President.
23 First of all, I want to thank Senator Gaetz,
24 Vice Chair Margolis, Leaders Rich and Gardiner
25 and committee members and the public that

1 participated in this process.

2 I also want to thank the wonderful staff
3 that worked very hard and all of the vacation
4 time they gave up and I thought that it was
5 really important to express my gratitude.

6 This summer I had the opportunity to visit
7 the Clinton Museum in Little Rock, Arkansas and
8 I saw this quote, "Every election is about the
9 future", and that was said by Secretary of
10 State Hillary Clinton.

11 Secretary Clinton surely knows what is
12 going on on the other side of the ocean. What
13 is going on with elections, and she is very
14 much aware about what is going on here today.

15 So in retrospect we need to move this
16 redistricting process forward, to culminate
17 with informed voter decisions. I believe that
18 is really our objective. We know that the
19 courts will be involved and it is important to
20 be timely.

21 We have this timeline and we should abide
22 by it. I will vote yes to move this process
23 forward so that we can plan for the future in
24 an orderly fashion. Thank you.

25 PRESIDENT HARIDOPOLIS: All right, the

1 Senator from the 28th District, you are
2 recognized.

3 SENATOR NEGRON: Thank you very much,
4 Mr. President, and I wanted to just briefly
5 comment on Senator Joyner's statements that she
6 made in debate, and obviously I have, as we all
7 do, have enormous respect for Senator Joyner
8 for the fact that she was a pioneer, not only
9 in the African-American community, but I don't
10 think she just belongs to the African-American
11 community, I think she belongs to the community
12 of Florida and the history of Florida and I
13 have enormous respect for her.

14 She served as my Vice Chair when I Chaired
15 the Judiciary Committee a couple of years ago.
16 So I am somewhat puzzled by what I think are
17 very incendiary remarks about intent to harm
18 African-Americans in particular and minorities
19 in general.

20 If you look at the population, the voting
21 age population of Florida roughly of
22 African-Americans is about 15 percent. There
23 are six African-American Senators, which is
24 about 15 percent.

25 I would hope for and want a day when it

1 could be more than that or less than that or
2 frankly it wouldn't matter whether a person was
3 black, white, Hispanic or of any particular
4 ethnicity. I know many of us in our districts
5 that even aren't majority African-American take
6 the same time and interest in our constituents
7 whether they are black, white, or Hispanic or
8 Asian or any other ethnicity for that matter.

9 But I think Section II of the Voting
10 Rights Act does clearly require that we not
11 diminish the number of African-Americans in
12 majority, minority seats, and I can only
13 imagine what the allegations would be if we, in
14 fact, diluted those seats, particularly with
15 the growth in Florida which is occurring more
16 in non African-American populations than in
17 other populations.

18 So if we didn't insist on having districts
19 where African-Americans can be elected, over
20 time we would continue to dilute those seats
21 more and more and we may end up with less than
22 the African-American representation that we
23 have.

24 I would also like to say that the Bill
25 that Senate Gaetz is proposing today very much

1 mirrors the NAACP maps that they recommended to
2 us. In fact, it preserves the exact same
3 majority, minority districts that our proposal
4 preserves.

5 So I think that any allegation that there
6 is somehow an attempt to harm a particular
7 group of individuals based on their race, I am
8 simply not persuaded by that and I don't think
9 there is any evidence that it is either the
10 intent or the result of what we have done here
11 today.

12 Secondly, you know, it is one thing to
13 criticize a plan and frankly, the criticism
14 today has been pretty muted, but the majority
15 of folks in the minority party who have spoken
16 so far said they are going to vote for it and
17 the majority of minority party members voted
18 for it in the Committee.

19 But if you do oppose it and there is
20 always grounds to oppose things. I mean, there
21 is two sides to most stories, it would have
22 been nice if someone would have actually filed
23 an amendment to the plan, either in Committee
24 or on the floor.

25 If you feel so strongly that a plan is,

1 will result in a loss of racial diversity in
2 the Senate which is no one's intent or you feel
3 it has other defects, why wouldn't a member of
4 the Committee file an amendment, either in the
5 Committee or on the floor.

6 And my final point, Mr. President, is
7 related to this. You are a member of those who
8 traveled the state and sat through public
9 testimony and I brought my notes from several
10 of the hearings that we took, and how many
11 people did we hear, principally from the League
12 of Women Voters, but from others as well, where
13 are the maps. How come we don't have maps.
14 Why are we having a hearing without maps, where
15 are your maps.

16 Well, now, isn't it ironic that when we
17 have had an opportunity for maps in the
18 Committee and on the floor, the people who
19 object to this plan, there are no maps.

20 So the people that were yelling at us to
21 have maps apparently couldn't get maps filed in
22 a timely manner to be considered, and I think
23 that it is reasonable for us to question the
24 authenticity of that criticism when they didn't
25 follow their own advice.

1 So when you look at this entire process,
2 how it was driven by where the evidence was,
3 where members of the public spoke, and as
4 someone who cares about the rights of
5 minorities, who cares about people who are
6 charged with crimes, who cares about people
7 that society says we shouldn't care about, you
8 know, I want to make sure that when I vote for
9 a plan that it is fair to African-Americans.

10 That is important to me as someone who is
11 not African-American, but I care about that,
12 and I would never support a plan that took away
13 the voice of any group, and I think the track
14 record in this body, and I know Senator Joyner
15 and I have worked on a number of things
16 together that disproportionately effect
17 African-Americans and I will continue to do
18 that.

19 I think this plan is fair. It is drawn in
20 such a way that it gives equal opportunity to
21 every candidate to participate and for every
22 citizen to have their vote count in the way
23 that they see fit.

24 Thank you, Mr. President.

25 PRESIDENT HARIDOPOLIS: All right, the

1 Senator from the 29th District, you are
2 recognized.

3 SENATOR SMITH: Thank you, Mr. President.
4 Over the weekend my son came to me and said,
5 daddy, I made my bed, I took a bath, I brushed
6 my teeth, I did all of those things this
7 morning. Can you go buy me a new video game?

8 And I said, Christopher, those are things
9 you are supposed to do. You don't get extra
10 credit for doing what you are supposed to do.

11 Having open meetings, having input, having
12 people be able to get up and criticize, going
13 around the state talking to actual voters, that
14 is what you are supposed to do. You don't get
15 extra credit for that.

16 You don't get a yes vote just because you
17 did what you are supposed to do. The beauty of
18 this Legislature is that we all have input.
19 The beauty of this country, the beauty of this
20 Constitution is that everybody has input.

21 So I applaud those that did what they were
22 supposed to do, but by no means think that we
23 should vote for it because you did what you
24 were supposed to do.

25 Secondly, we hear and I am sure we are

1 going to hear more about, well, you didn't file
2 amendments, you didn't do your own map, you
3 didn't do that. I wish that was the rule of
4 this Legislature, because I have filed Bills
5 for 12 years and have had no one come up to me
6 with an amendment.

7 I filed a Bill for 12 years, have no one
8 come to me for input, but I have seen a lot of
9 red go up on the board when my Bills come up.
10 I have seen a lot of no's in committees when my
11 Bills come up.

12 So just because I don't have an
13 alternative map, just because I don't have an
14 alternative amendment don't mean that I have to
15 vote for this map.

16 So my friends, I have voted for a lot of
17 your Bills through the years and I have voted
18 against a lot of your Bills, but it is because
19 I believe in certain things. It is not a
20 disregard or a disrespect for all of the work
21 you have put into it. That is what you are
22 supposed to do.

23 Now, as it comes to these maps. It is
24 hard to do redistricting, there are a lot of
25 laws and Senator Gaetz and our committee

1 especially should be applauded for having to
2 take on the task of weighing through the
3 Constitution and the amendments and these court
4 decisions and these court decisions. It is so
5 hard to do that, and they put together a work
6 product that I disagree with.

7 I can't point out and I don't have time,
8 being that we asked questions today and I don't
9 have time to say the litany of reasons, but I
10 will just use what Justice Stewart said in the
11 Supreme Court years ago when discussing
12 obscenity.

13 I can't define it but I know it when I see
14 it. I can't give you 1,000 reasons why this
15 map is bad. I can just look at it and see some
16 of those districts and some of the way they are
17 drawn to know that it is bad.

18 So my friends, I will sit here today and I
19 will vote against the map, but please don't
20 take it as a disrespect or a sign that I don't
21 respect the work that you did, that I don't
22 respect that you had input from all over the
23 state, that I didn't dare give an amendment,
24 because you supposed to do those things.

25 You don't get extra credit, Christopher,

1 for doing what you supposed to do. Thank you.

2 PRESIDENT HARIDOPOLIS: All right, the
3 Senator from the 7th District, you are
4 recognized.

5 SENATOR LYNN: Thank you, Mr. President.
6 Senator Smith, I am so glad you got your Bills
7 with red on the board because I have to tell
8 you, most of my Bills don't even make it to the
9 floor, so you are in better shape than I am.
10 Yes, sir, that is true, Mr. Rulesman.

11 And in terms of supposed to do, I was here
12 the last time, too, and I guess each in
13 previous years I have kind of followed the
14 process, and I have to tell you, supposed to do
15 has nothing to do with it. We never did this
16 before. We have never done this before.

17 We all tell everybody we are here to
18 represent the people, we all are here and I
19 say, I vote, and you know that is true of me, I
20 vote certain ways, sometimes not always in
21 favor with everybody, because I know that the
22 people I represent want me to vote a certain
23 way and that is what I do.

24 So we all believe that we are here to
25 represent the people and yet there are times

1 over the years we have not done that in
2 redistricting, and so this is something very
3 unique.

4 And when people came before us and
5 everybody here traveled and traveled and
6 traveled and traveled, and that was an endless
7 process, and if you sat through those long
8 meetings I will tell you, it was very endless,
9 and then we listened to every single person who
10 had an idea, sometimes way out, I mean, really
11 way out, and those that were absolutely serious
12 and determined, they sent those maps in.

13 How many was that, 170, 155? I mean, that
14 is a lot of maps and we had staff go over each
15 and everyone of those maps to see how could we
16 incorporate some of the good ideas that also
17 represented what all of those people had said.
18 How could we do that and try to make sure that
19 people would recognize that they were being
20 heard.

21 Now, I will have to tell you, when I was
22 in the House I had a very interesting district.
23 It was more Democratic than it was Republican,
24 and it was so compact, I loved it. I also had
25 a very large minority population and I served

1 that population very well.

2 Most of them had known me for 1,000 years
3 and we were very close, and I did represent
4 them well and many of you on this floor know I
5 have continued to protect that population,
6 whether it was historically black colleges or
7 whatever, I have tried to always protect that
8 population.

9 And so it continues in my position on this
10 Committee. I still believe that is a very
11 important thing to do. It has nothing to do
12 with the Constitutional requirement. It is
13 something, as you say, you believe in and you
14 want to have good representation.

15 Well, I will tell you, my district went
16 from that 50/50 to a Republican so-called
17 district in the Senate, but guess what, it was
18 50/50, but probably more Democratic than
19 anything else, and that is what I was given as
20 a Republican.

21 And it was also two hours in that
22 direction and two hours in another direction
23 and it was an endless waste, a waste of time to
24 have to travel all of that distance, but yet I
25 did.

1 I got to all of those districts as you do,
2 too, no matter how far away they are. You went
3 and you do and I look around and, I don't know
4 where Senator Dean, my gosh, 13 counties. How
5 do you do that?

6 Well, people didn't like a lot of things
7 and certainly in my district when they got me
8 they said, oh, you don't live in my district,
9 oh, God, a Senator who doesn't even live even
10 here, a Senator who doesn't know anything about
11 us.

12 And then my own district said, how many
13 Senators have we got in this district. This is
14 ridiculous, and every place we went, every
15 place I went, even before we started, leave me
16 whole, I want one Senator, I want one
17 Representative, they know me, and we went
18 through trying to explain everything.

19 You need a certain number of people, you
20 need a certain geographic protection. We went
21 through all of those things, and I will tell
22 you this is not an easy process. Well, we
23 listened and we listened and people got pretty
24 much what they wanted.

25 Volusia County is now dropped down to I

1 think it would be approximately three Senators,
2 Senator Gaetz, I believe that would be it.
3 Volusia County is left whole and I have to tell
4 you, as I look around, people accuse, oh, you
5 are protecting it for the Republicans, or you
6 are -- I can see a lot of districts and I will
7 point them out for you that are probably very
8 easily going to turn Democratic.

9 I don't hear anybody complaining about
10 that part, not one person has stood up and
11 talked about that part. And then we talk about
12 the minority districts, and in my wildest
13 dreams I never thought when we had a
14 constitutional requirement to protect
15 minorities, and I know I want to protect
16 minority districts, in my wildest dreams I
17 never thought we would end up on this floor
18 with minorities complaining, complaining about
19 the fact that they don't like the majority
20 districts that they have, not that they have,
21 that whoever is going to get it will have.

22 How could you stand up and talk about
23 minority districts when you are supposed to be
24 protecting them, not only constitutionally, but
25 as minorities, you want to protect what you

1 had, and I look at some of those districts and
2 do I like the way they drip, go down like this?

3 It is not my favorite, not my -- the
4 people I represent, they don't particularly
5 like that either, and I mentioned it, didn't I
6 Senator Gaetz, but you know what, it was the
7 way to protect the constitutional requirement
8 take we protect minority districts.

9 Unbelievable that people would stand up
10 and say, oh, well, you know, why didn't you
11 have a few more here or a few more there.
12 Unbelievable to me, but that is the way it is.
13 That is the way it is in the Legislature. We
14 never have a lot of happiness in here.

15 Unhappy members, we sure seem to have
16 them. I don't know why, but I am sorry. I
17 cannot go along with the fact that we spent
18 months on maps, not one, the League of Women
19 Voters, friends of mine, we support each other,
20 and they complained about maps. They
21 complained about a lot of things, fair
22 districts, and yet, Senator Gaetz, I believe it
23 was after the date that we got in the League of
24 Women Voters' maps, but the most disappointing
25 to me of all was that the Democrats never got

1 the maps in.

2 Now, forgive me. I represent a 50/50
3 district don't forget, and if I am going to
4 protect my Democrats as well as my Republicans,
5 if the Democrats want a map, then I think the
6 Democrats have to get in a map, and if the
7 Democrats want to protect the minorities, then
8 the Democrats have to get in amendments or maps
9 that protect those.

10 How they would have done it better in
11 terms of minorities, I simply do not know. All
12 I know is that we are here and it is time to
13 move this Bill. If you love it, you don't like
14 it, I will tell you, if I were running now I
15 would love it. I love Volusia County the way
16 it is right now, but it is also a Democratic
17 area, I think, very Democratic, hard to run as
18 a Republican and I can pick out places all
19 over, all over Florida that are like that.

20 Most amazing. So when people stand up and
21 say, oh, I heard the word gerrymandered by the
22 way, used in our meetings on several occasions,
23 and I am thinking, wow, I don't think this is
24 very gerrymandered.

25 So members, when you vote today if you

1 vote against it, you are voting against a
2 process that is nothing like ever, you are
3 voting against a map that could be equally
4 Democratic as well as Republican in some areas.

5 If you vote against it, you are voting
6 against protected minority districts and how
7 you can do that, I do not know because I could
8 not do that.

9 And so, members, I would ask you to please
10 join with me, get the process on the road, let
11 people know where they are going to run for
12 heaven sakes. People are collecting money like
13 crazy, making contacts in areas they are not
14 even going to serve possibly.

15 It is not fair for campaigns. It is not
16 fair for those incumbents or those who are
17 running, absolutely unfair. It is time,
18 members, get this process moving and vote for
19 this, what I think is a good Bill, but whether
20 you think it is great or not, it is the process
21 that needs to move on.

22 PRESIDENT HARIDOPOLIS: All right, the
23 Senator from the 9th District, the Majority
24 Leader, you are recognized.

25 SENATOR GARDINER: Thank you,

1 Mr. President, and members. I will be very
2 brief, I know we are winding down and we have
3 another work product that we are going to
4 address today.

5 I know Senator Bennett and I think Senator
6 Negron and a couple of others talked about ten
7 years ago. A lot of us were young freshmen at
8 the time, just starting out in the process and
9 we had an opportunity to get involved in the
10 redistricting discussion.

11 One of the things that I have mentioned
12 many, many times as we traveled around and we
13 talked about redistricting is the reality was,
14 is ten years ago there was not a map even
15 presented until January 22nd or January 23rd.

16 In fact, the League of Women Voters
17 actually submitted a little bit closer time
18 frame than what we actually did. I don't
19 think, and it has been said a couple of times,
20 but I do want to address this because I was
21 able to travel ten years ago and traveled a
22 little bit this time.

23 Members, I don't think we comprehend or
24 really understand the amount of time that
25 Senator Gaetz has put into this proposal.

1 Twenty-six locations around the state of
2 Florida. I know that the way it was
3 structured, some of us what go to an area that
4 was in our location or some of us would go to
5 north Florida.

6 Senator Gaetz went to everyone of those
7 hearings, everyone, and if you watched Senator
8 Gaetz, he sat there and he took notes. He
9 interacted with the individuals when they stood
10 up and talked to him. Everyone of them, and
11 if, as you listened to his testimony in
12 presenting this proposal before us today, it
13 references individuals, constituents that came
14 before that Committee, how they testified.

15 Those are from his notes. Those are from
16 what he heard as he was before the state of
17 Florida. I know that sometimes facts get lost
18 in the political spin that is going to happen
19 when we leave here, but there are some things
20 that I think are very, very important, for
21 those that even on our committee now that are
22 bringing up questions take they never brought
23 up in committee.

24 There is a couple of things that I think
25 it is important to remember. June 7th of last

1 year we started this process. The League of
2 Women Voters, Common Cause and others were
3 reached out to and asked for their input, show
4 up to the Committee, just testify, give us your
5 opinion, give us your ideas. Nothing.

6 The Committee, even some that are here now
7 upset and concerned about the process,
8 unanimously agreed that November 1st, would be
9 the date when maps would be submitted, and why
10 November 1st?

11 Because Senator Gaetz wanted to make sure
12 and the Committee would agree and I think
13 Senator Bullard would agree and others, we
14 wanted to make sure that everybody had an
15 opportunity to review those maps, everyone of
16 them, and make sure that if we missed something
17 or something needed to be changed there would
18 be the opportunity for input.

19 We came back a little bit later in
20 November, and we published maps. Contact was
21 paid with the League of Women Voters, Common
22 Cause and others, asking for their input,
23 asking for their testimony, show up to
24 Committee to speak on them, just speak on them.

25 What is your opinion? Silence. There has

1 been a lot of discussion about other maps and
2 other proposals. The reality was there was an
3 amendment filed. Unfortunately it wasn't
4 debated.

5 The League of Women Voters submitted a
6 proposal 65 days after the November 1st
7 request. Whether it is the Rich proposal or
8 the League of Women Voters, go study them, look
9 at them. They diminish minority access in the
10 seats.

11 They went completely against what we as a
12 Committee unanimously agreed we would do. The
13 Rich plan and the League of Women Voters
14 diminished that.

15 Members, I am going to leave you with one
16 last date and I want to read you a quote from
17 the League of Women Voters who chose not to
18 participate at all, except for 65 days after
19 the deadline, and this was a comment from the
20 President of the League of Women Voters, Deidre
21 Macnab, suggested "that we draw maps early in
22 the process, debate and discuss them in
23 Committee meetings in the fall and vote on them
24 in the first week of session in early January
25 of 2012."

1 Now, granted, the League of Women Voters
2 didn't submit anything until January 6th. So
3 they didn't each follow their own advice, but
4 here we are, and I am going to leave you with
5 one last date.

6 March 19th, ten years ago, March 19th is
7 when the Senate passed their map, and here we
8 are in January, early in January, with
9 everybody having the opportunity every step of
10 the way, every hearing, every committee had the
11 opportunity to participate.

12 Some chose not to. Some are going to take
13 the risk at the next stop. But at the very
14 least, members, I went over to Senator Gaetz
15 earlier as he was presenting and showing every
16 aspect of the state and I am more convinced
17 than ever, when you are quoting testimony from
18 individuals who testified, I went to Senator
19 Gaetz and I said this is a really good map, a
20 really good map, and we should all be proud of
21 it, Republican and Democrat.

22 So members, I, you know, there is going to
23 be a lot of political dialogue when we leave
24 here, but let's not lose sight of the facts,
25 let's not lose sight of deadlines that were, we

1 all agreed to, everybody, and the input, this
2 is a good product, members.

3 And in closing we all travel a lot, but
4 Senator Gaetz, you have seen parts of the state
5 take some of us have never seen and I want to
6 thank you for your leadership on this issue, as
7 somebody as I said who has been through this,
8 to see you sit through everyone of those
9 committees and take your own notes and refer to
10 them, refer to those individuals in your
11 opening remarks is a true testament to you as
12 an individual and as a leader and thank you for
13 bringing this forward. Thank you, members and
14 I hope you vote for this good Bill.

15 PRESIDENT HARIDOPOLIS: All right, the
16 Minority Leader, the Senator from the 34th, you
17 are recognized.

18 SENATOR RICH: Thank you, Mr. President,
19 and I have a few comments, just a few responses
20 about some comments that were, that were made.

21 First, I would like to say to Senator
22 Gaetz, we may not agree on the outcome, but you
23 worked really hard to make this a process that
24 was for many, many people were involved, unlike
25 the last go around ten years ago, and I know

1 that you wanted to get a product out sooner
2 than later so that we would have time for the
3 courts to take a look at it and for it to make
4 its way through the process. So I commend you
5 for that and appreciate the comments you
6 continually make.

7 Particularly I will say, the other day
8 when you reminded the Committee that we had
9 unanimous consent on when amendments could be
10 put in, the time frame, and actually came to my
11 side on that, and I appreciate that, and one of
12 the reasons our maps are in the record for
13 those of you who are not aware of that, but I
14 have to say that I really didn't care to expose
15 the Senate to the vitriol that we experienced
16 in the Committee this last week. But as I
17 said, the amendments are there and people can
18 look at them.

19 The other thing I would like to mention
20 about that is that it is somewhat distressing
21 that people, people keep referring or
22 suggesting that the Democrats would do anything
23 to dilute minorities in this process, because
24 the last time I checked, actually all of the,
25 at least the African-American minority in this

1 Legislature is a part of the Democratic Party
2 and their community in general does vote
3 Democratic.

4 So the last thing I think we would be
5 wanting to do would be to dilute minority
6 voting, whether it is Hispanic or
7 African-American, and I would just suggest that
8 many of the questions that we have asked that
9 have not been answered with regard to
10 minorities, whether it is what constitutes
11 retrogression, whether or not you can adjust
12 districts based on the changing demographics of
13 minorities, those are all things that I believe
14 the Court will ultimately determine when they
15 come out with their decision on this map.

16 But I will be voting against the map
17 because I believe, just as I did when we, when
18 it was passed through the Committee that it
19 doesn't comply with the specific standards that
20 are now a part of our Constitution as a result
21 of the 63 percent of Florida's voters.

22 They told us that they didn't like the way
23 that we created the districts in the past. We
24 were directed by them to allow the voters to
25 select their elected officials, not the other

1 way around, and as Senator Gaetz said, well,
2 months ago I think now it seems like, a very
3 long time ago, that the 2002 maps were
4 extremely gerrymandered, in which I think we
5 can all agree to.

6 However, these maps are tremendously
7 familiar to those maps, because we started with
8 the 2002 maps, and I think that the voters told
9 us that they wanted us to start with a clean
10 slate, and not make, not a map that to which we
11 made adjustments that was gerrymandered from
12 ten years ago.

13 The only districts that I believe looked
14 really tremendously different are the termed
15 out seats where there is no incumbent, and I
16 know that it has been said that we did not deal
17 with where people lived and where the
18 incumbents lived, but it is certainly odd that
19 we, unlike the House, have no members that are,
20 who are not termed out that are not in conflict
21 with each other or really have significantly
22 moved their districts.

23 I believe the map does favor incumbents
24 and political parties and it achieves incumbent
25 protection, and it is a little distressing

1 because to me because the words
2 self-preservation are always used in the
3 redistricting process.

4 Certainly ten years ago, I would say it
5 was the highest priority for everybody, at
6 least that is what I saw ten years ago, but it
7 is a form of incumbent protection. And as I
8 said, I think unfortunately that this map does
9 that.

10 It effectively, I also believe that it
11 effectively disenfranchises the voters. So I
12 think that we do need to gain the confidence of
13 the voters and I don't believe that this map
14 does that.

15 I believe we will be back here again, as
16 Senator Gaetz suggested and hopefully because
17 the map is out sooner than later we will have
18 an opportunity to review it and comply with the
19 amendments that are now a part of our
20 Constitution.

21 I don't think that we have done what the
22 voters mandated us to do, and it is all about
23 the voters, not about us. So I will be voting
24 against the Bill and will look forward to, I am
25 sure many months of still dealing with this

1 issue before we finally let the voters know
2 where their districts will be and who will be
3 running in them.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 8th, Rules Chair Thrasher, you are recognized
6 in debate.

7 SENATOR THRASHER: Thank you,
8 Mr. Chairman. You know, the context I would
9 like to make my remarks in basically go back to
10 last year.

11 I would be the first to tell you that I
12 was not in favor of Amendments 5 and 6. I
13 didn't think we needed them. I thought we had
14 adequate precedent. I thought there were good
15 case laws, we had the Voting Rights Act, but we
16 got Amendments 5 and 6 and we spent all last
17 year really talking about how do we implement
18 Amendments 5 and 6, how do we do that.

19 And then we came to this year and we
20 started the actual process of working on
21 Amendments 5 and 6, and we all know, we all
22 know what they were, you know, we are not going
23 to diminish minority voting rights districts.
24 We are going to make sure that we don't favor
25 incumbents and political parties, that we try

1 to draw districts that are compact and that we
2 use geographical boundaries as much as
3 feasible.

4 And so we started this extensive process,
5 this extensive process of public hearings, of
6 debate in committees, and on and on and on as
7 many of you described, but I would remind you,
8 one of the things in Amendments 5 and 6 that I
9 think when it ultimately gets, Senator Bullard,
10 to the courts, they are going to look at, is
11 what was the intent of this Legislature when
12 they drew these maps in respect to Amendments 5
13 and 6.

14 What was our intent, and I have not heard
15 one bit of evidence in the Committee or on the
16 floor of this Senate that suggests that there
17 was any intent not to protect racial
18 minorities, to protect, no intent to protect
19 political parties or incumbents. Certainly no
20 intent to not draw districts where they are
21 compact because we are drawing them much more
22 compact than we did ten years ago, and
23 certainly to use additional, the geographical
24 boundaries.

25 There has -- there have been a lot of

1 conclusions provided by certain members of this
2 floor that they don't like the maps because
3 they do this or do that, but nobody, nobody can
4 point to one bit of evidence that shows we have
5 not faithfully in this body, in this committee
6 followed the Constitution of the State of
7 Florida and the Voting Rights Act of the United
8 States Constitution.

9 So I simply say to you, and this, we have
10 done good work on this Bill. Senator Gaetz,
11 staff, everybody has used this process in a way
12 that has been more open, more transparent and
13 more inclusive than any process that I have
14 ever seen in this Legislature during the times
15 that I have been here.

16 So when we get to the courts they are not
17 going to look at conclusions, they are going to
18 look at what was the intent of this body, and I
19 feel very, very comfortable today telling you
20 that I believe we abided with Amendments 5 and
21 6 and we abided with the Constitution of the
22 United States of America, and with that I would
23 urge each and every member of this body to vote
24 in favor of this very good Bill.

25 PRESIDENT HARIDOPOLIS: Before we go to

1 the Senator from the 4th let me just make a
2 couple of comments.

3 First, I think we owe a huge round of
4 applause of our Reapportionment Chair, Senator
5 Don Gaetz. He has done an incredible job and I
6 think and to the credit of everyone, however
7 you choose to vote this afternoon I think we
8 all recognize your good work and I think all of
9 the Senators' work.

10 Everyone participated in this process and
11 those who have been around, I know I was a part
12 of the last process as many of us were in this
13 room, this has been as advertised, the most
14 open, transparent, technologically advanced
15 reapportionment process and I think probably in
16 America, and especially in light of what we
17 have seen recently in California, in Texas, in
18 Illinois, that is a stark contrast with those
19 other states that I think all Floridians would
20 be proud of that effort.

21 And so when Speaker Cannon and I, of
22 course, asked you and Representative
23 Weatherford to handle this very difficult
24 process, we are incredibly grateful of the time
25 you put in personally, and most importantly,

1 all of the time put in by all of the Senators
2 on that effort.

3 And so it is with great pleasure I ask
4 Senator from the 4th to close on the Senate
5 maps as we get ready to send those over to the
6 House of Representatives.

7 So Senator Gaetz, you are recognized,
8 Senator from the 4th, to close on your Bill.

9 SENATOR GAETZ: Thank you very much,
10 Mr. President, and thank you all for your
11 support. And reserving the privilege to close
12 may I yield for a few moments to the Vice Chair
13 of our committee, President Margolis.

14 PRESIDENT HARIDOPOLIS: President
15 Margolis, Senator from the 35th, you are
16 recognized.

17 SENATOR MARGOLIS: Senator Gaetz, I
18 certainly appreciate the opportunity. I guess
19 John Guthrie and I have been through
20 reapportionment a couple of very dramatic
21 times. In the '80s, we went from multi member
22 districts to single member districts, heard the
23 same arguments that we heard today.

24 In the '90s, we adopted the Voting Rights
25 Act and as a result of the Voting Rights Act we

1 now have several black faces in the
2 Legislature.

3 Prior to that time there were two, and
4 just to give you some idea of what, what I have
5 gone through here. So now we have a new issue,
6 Article 5 and 6.

7 Now, let me tell you something. The
8 courts never throw out a whole plan unless it
9 is really vile plan, I mean, something
10 atrocious would have had to happen.

11 The courts deal with -- with issues within
12 -- within very, very small areas. They dealt
13 with the Corrine Brown issue at one time, it
14 was a re-vote, she won again or it was changed
15 a little bit, there was a re-vote, she won
16 again.

17 They haven't done very much as far as
18 telling us what to do. In 1992, when we did
19 reapportionment, I am just kind of giving you
20 some history, we had a 20/20 vote on the
21 Congressional Reapportionment. It wasn't
22 Legislative Reapportionment. It was
23 Congressional.

24 I personally on July 3rd, sent it to the
25 Supreme Court and said, you draw it, and they

1 did. Did they draw it any different than our
2 plan? Maybe some iota in one or two
3 Congressional Districts but it didn't change
4 very much. It really didn't change very much.

5 So I have had all of that experience.
6 Then I did the Dade County Reapportionment the
7 last, the last time because I was in Dade
8 County, but I have seen -- I have seen this a
9 lot, and number one, I, too, want to thank
10 Senator Gaetz because he has really, really
11 been an outstanding Chairman and really tried
12 to work within, with all of us to deal with the
13 problems that we thought we had with our
14 districts and this was uniform, everybody,
15 everybody was able to talk to the staff and try
16 and get problems resolved early.

17 So I want to tell you something. I sat
18 here through all of this conversation today and
19 I didn't hear any problems. I did not have one
20 person say, this is a particular problem that
21 has happened to me or has happened to my
22 district. I haven't heard that.

23 My district isn't everything that I love
24 but I love to have the district, it is a
25 wonderful district. It is a good one, and I am

1 pleased. I really am pleased. It is compact,
2 and I think -- I think the issue may be if
3 there is any problem with this map, which I
4 really can't see it, compactness in certain
5 areas might be an issue. So the courts will
6 look at it and they will draw a little change
7 here or there or they will send it back and say
8 we will take this little area and perhaps you
9 ought to rearrange the way this and this
10 happens, but that is what the courts do.

11 They don't take a whole map and rewrite
12 it. It doesn't happen that way. It really
13 doesn't happen that way. So, you know, as you
14 are thinking about it, understand that we all
15 did the best we can. We all sat through the
16 hearings, we all were very, very patient with
17 the Senator who kept calling more meetings and
18 more meetings and more meetings, and we
19 appreciate that, and certainly the people of
20 the state of Florida should appreciate that.

21 So all in all, without one specific issue
22 addressed today I can't see any reason in the
23 world not to start the process, not to
24 immediately start the process so the courts can
25 do their work, so if we have to do our work or

1 a little bit of work in the future we can, and
2 we can give the people of the state of Florida
3 the opportunity to know exactly what the
4 districts look like and that is the important
5 thing.

6 So good luck, folks, I think we are going
7 to have a good vote here today.

8 PRESIDENT HARIDOPOLIS: Thank you, Madam
9 President. Senator from the 4th, you are
10 recognized to close.

11 SENATOR GAETZ: Thank you very much,
12 Mr. President, and thank you for your kind
13 comments.

14 Let me begin by answering a question that
15 I don't think I fully answered that Senator
16 Dockery asked.

17 She asked about the community of Solivita
18 and why it was not kept together, and Senator
19 Dockery, the fact is that in our proposed
20 Committee Bill Solivita was split, but in the
21 Committee Substitute, thanks to the help and
22 guidance of the Supervisor of Elections,
23 Solivita is entirely in one Senate district.

24 So if I had led you to believe in my
25 answers that we were not sensitive to Solivita,

1 thanks to the Supervisor of Elections of Polk
2 County, we were.

3 Let me -- let me answer a couple of
4 comments that were made, and I answer them at
5 some length because they were made with great
6 sincerity.

7 We heard complaints from Senator Joyner,
8 complaints that were sincerely and passionately
9 laid out, complaints of packing. One would
10 believe in listening to her comments that our
11 proposals contained districts with black voting
12 age populations in excess of 60 or 70 percent,
13 but that is simply not true. Those aren't the
14 facts.

15 The facts are stubborn things, and our
16 Senate map contains only two majority
17 African-American districts and our
18 Congressional map which we will get to at the
19 President and the Chamber's pleasure, contain
20 only two majority African-American districts.

21 The Senate district with the largest
22 African-American population in the proposal
23 before you is District 38, at 58.3 percent.
24 The Congressional District with the largest
25 black population is District 17 at 56.3

1 percent.

2 Look at the maps and you will find that
3 these two districts both in Miami-Dade County
4 are among the most geographically compact
5 districts in the entire state of Florida. In
6 both districts, the African-American population
7 is less than in the benchmark plan. Let me say
8 that again.

9 In both of the districts the
10 African-American districts, the Senate District
11 and the Congressional District that are before
12 you today, there has been no packing. Indeed,
13 there actually are fewer African-Americans in
14 those districts going forward than there are
15 today, and less than in the plan filed in
16 Committee by Senator Rich.

17 And so therefore if packing occurred, if
18 there was an intent to pack and I don't believe
19 there was, Senator Rich actually has more
20 African-Americans in those districts than the
21 Committee plan does, and I would never, ever
22 suggest that Senator Rich's intent was to pack.

23 In Senator Rich's plan the black
24 population of the Congressional District was
25 56.6 percent, and the black population of the

1 Senate District was 63.5 percent. The
2 proposals before you today contain not one
3 district with an African-American population in
4 excess of 60 percent.

5 The charge of packing is factually not
6 true. Those who repeat the packing mantra seem
7 to consider all majority-minority districts as
8 packed. There is no support for this view in
9 this debate. There is no support for this view
10 in the plans before you.

11 Majority-minority districts are a common
12 staple of redistricting in this country. In
13 fact, three years ago the United States Supreme
14 Court ruled that Section II of the Voting
15 Rights Act protects only majority-minority
16 districts. Our Section II districts examples
17 of illegal packing, certainly not.

18 Sixty-six days after our November 1st
19 deadline for the submission of maps, the League
20 of Women Voters finally at the end with a
21 surprise submitted proposed maps that do
22 violence to existing minority opportunity
23 districts.

24 Let's take one example, and I dwell on
25 this point only because it is critical that as

1 you consider how you will vote, that you not
2 believe that there is any minority packing.

3 To take one example from the League's
4 proposed plan which came in as I said 66 days
5 after the deadline that we all agreed upon, the
6 League's Congressional plan would remove more
7 than 85,000 African-Americans from current
8 Congressional District 3 which has elected the
9 minority preferred candidate for 20 years, and
10 divide those 85,000 people among districts that
11 clearly do not have the ability to elect
12 minority preferred candidates.

13 In this one case alone, 85,000
14 African-Americans would have lost their
15 constituent relationship with an
16 African-American member of the United States
17 Congress. The league provided no voting rights
18 analysis to assure us that this momentous
19 change would not weakened minority voting
20 strength.

21 Worse of all, the League actually argues
22 that its plan would quote, create new
23 opportunities for minorities, end quote, but
24 when I look at the plan proposed by the NAACP,
25 which takes the approach that our maps take, I

1 conclude that the NAACP does not want the
2 quote, new opportunity that would come by
3 shifting minorities to districts where their
4 candidates would obviously be defeated.

5 The NAACP doesn't want that new
6 opportunity that the League would give them.
7 The Florida NAACP's map preserves the same
8 majority, minority districts that our proposal
9 preserves. I accept the Florida NAACP's
10 approach to minority districts and I have to
11 reject that of the League of Women Voters and
12 that the arguments of Senator Joyner who was
13 sincere and passionate, but inaccurate.

14 Nothing in the Constitution requires us to
15 dismantle districts that are barely
16 majority-minority and transfer them into other
17 districts.

18 Senator Smith talks about the practice of
19 the Senate and says that just because you don't
20 offer an amendment doesn't mean you are not
21 engaged in the process. Well, I have only been
22 here, this is now only my sixth year. Most of
23 you in this Chamber have far more experience in
24 the Legislature than I do, but I can give you
25 100 examples of where a member of the House or

1 the Senate, a Democrat or Republican offers an
2 amendment to a Bill, even if they believe the
3 amendment might fail, Senator Fasano is a
4 perfect example.

5 But hear this, now. Senator Fasano offers
6 amendments in order to raise issues in the
7 public square and make us all confront those
8 issues and make us vote on them. And so
9 therefore, I would say to Senator Smith, it is
10 well within the traditions and the practices of
11 this Senate to offer an alternative, even if
12 you are not quite sure that the alternative
13 would be accepted. Otherwise we would simply
14 be a rule by those who have offered the first
15 Bill and that is not the way we operate.

16 He quotes Justice Stewart, Senator Smith
17 does, saying that he can't define why he is
18 against something, only that he knows that he
19 is against it because that he sees that it is
20 bad.

21 Well, Senator Smith, I have a son and a
22 daughter, too, and I have had the supposed to
23 conversations with them more than once, but you
24 are supposed to offer alternatives. That is
25 why we have a deliberative process. You are

1 supposed to offer amendments. You are supposed
2 to bring your ideas into the public square and
3 let them be debated and examined and vetted by
4 people who have different opinions so that we
5 come out with the best answer in the end.

6 You are supposed to be constructive.
7 Senator Rich says that these maps are all too
8 familiar, that they are familiar to the 2002
9 maps. If that were true it would be a serious
10 question that ought to be on your minds, but
11 again, with all due respect to the Minority
12 Leader, the facts don't bear her out.

13 Instead, let's look at the facts. In the
14 2002 maps that we have now there are 22
15 counties that have only one district. In the
16 proposal before you, 36 counties have only one
17 district, a huge difference, an improvement.
18 Counties split into more than one district in
19 the 2002 maps, 45. In our maps, 31, a
20 substantial improvement.

21 The aggregate number of county splits have
22 gone down from 126 to 86. The aggregate number
23 of county splits with population have gone down
24 from 126 to 86. The cities split in the 2002
25 maps and far less in the maps that we have now.

1 Cities split into more than one district,
2 126, in the foundational plan or the 2002 plan,
3 54 in the plan before you. Average or rather
4 aggregate number of city splits, 300 in the
5 plan that we operate under now, just a shade
6 over 100 in the plan that is before you.

7 These are not the 2002 maps. These are
8 better than the 2002 maps, substantially,
9 materially better and different, and Leader
10 Rich's analysis, with all due respect to her
11 great passion and her dedication to this issue,
12 her analysis is factually wrong.

13 When Amendments 5 and 6 were being debated
14 during the 2010 election, proponents said how
15 easy it would be to implement them. I remember
16 one advocate in a forum that I attended said,
17 like falling off a low log, that easy. I
18 wouldn't say so and neither would Leader Rich
19 who tried with the help of her party and
20 nationally reputed demographers to fashion an
21 alternative to the Committee Bill.

22 She worked hard to draw maps that would be
23 more compliant with Amendments 5 and 6, more
24 faithful to the goal of fair districts, no one
25 wanted an alternative plan more than Senator

1 Rich. If anyone could have developed an
2 alternative that was convincing and more
3 compliant with the law, it would have been
4 Senator Rich and those working with her.

5 She engaged in the process. She didn't
6 sit on the side lines. She had the integrity
7 and the courage to enter the public square and
8 offer her plan. She withdrew it, not for lack
9 of commitment or lack of trying, but because,
10 as she said, her plan had some problems. It
11 just didn't work.

12 In the abstract it may be easy, but in
13 reality it is hard to reconcile the competing
14 interests of Amendments 5 and 6, protecting
15 minority voting rights, but not having the
16 intent to favor or disfavor incumbents or
17 political parties, compactness or following
18 natural boundaries that are often squiggly
19 lines.

20 Have you looked at the rivers of Florida?
21 Optically pleasing geometry or following city
22 boundaries, city maps that can often look like
23 Rorschach bots. The Committee has interpreted
24 Amendments 5 and 6 the same way the NAACP and
25 the Latino and Hispanic Justice groups have

1 interpreted them and no alternative has been
2 offered which passes muster with the
3 Constitutional requirements to not diminish the
4 ability of minority groups to elect
5 representatives of their choice.

6 In fact, no alternative has been offered
7 at all. Thirty-two, times, thirty-two times
8 our Committee asked those who sponsored
9 Amendments 5 and 6 to join constructively, to
10 engage in a search for solutions.

11 Some responded, like the NAACP, the Latino
12 and Hispanic groups and Democratic and
13 Republican Senators on this floor engaged and
14 offered their insights and helped us develop
15 better maps. Their criticisms or suggestions
16 and proposals have made the Committee proposal
17 before you better, fairer, but some did not
18 respond.

19 Apparently unwilling to expose their
20 proposals to public scrutiny in fair and open
21 debate in committee or on this floor. One
22 organization, the most strident voice for early
23 deadlines didn't show up with its own plan
24 until more than 60 days after unanimously
25 agreed deadline.

1 Why not? What were they afraid of? And
2 even that last minute surprise proposal was so
3 flawed that not one Democrat, not one
4 Republican would introduce it as an amendment,
5 no one would put their names next to it, it was
6 so flawed, but we have seen the positive
7 affects of Amendments 5 and 6. We have seen
8 the positive affects those amendments have had
9 on redistricting.

10 The proposed districts do not undermine,
11 rather they protect minority voting rights.
12 The proposed districts as I have tried to
13 demonstrate, are more compact, far more closely
14 follow political and natural boundaries than
15 ever before and we went through everyone of
16 those boundaries with you, and keep whole many
17 more counties and hundreds more cities than
18 ever before.

19 Is the Committees's plan infallible?
20 Hardly. Is it constitutional? Absolutely.
21 Have the cynics and the critics so free with
22 their criticisms in the press come forward with
23 any alternative they are willing to show to the
24 public and defend on this floor? No, they
25 haven't, and so now we come to the vote.

1 If there were an alternative I would
2 understand that it might have supporters who
3 would vote for it. Amendments, alternatives
4 are offered every day in this Senate. The plan
5 before you is not a Republican plan or a
6 Democratic plan, though both Democrats and
7 Republicans have helped fashion it with their
8 suggestions, their criticisms and their
9 insights.

10 This is truly a non-partisan plan,
11 blending the insights of members of both
12 parties and informed as the President said, by
13 the most inclusive transparent and open
14 redistricting process of any state in any year.
15 And so the vote we will now take is not a
16 Democratic vote, and it is not a Republican
17 vote. This is truly a non-partisan vote.

18 This is a vote for fairness. So with
19 thanks and respect to the members of the
20 Reapportionment Committee, Democrats and
21 Republicans, Senator Rich and Senator Gardiner,
22 and certainly President Margolis.

23 With thanks and respect for all of their
24 efforts I ask for a favorable vote on the
25 pending legislation.

1 Thank you, Mr. President.

2 PRESIDENT HARIDOPOLIS: The Secretary will
3 unlock the board and Senators will prepare to
4 vote. Have all Senators voted? Have all
5 Senators voted? Lock the board and record the
6 vote.

7 THE SECRETARY: Thirty-four yeas, six
8 nays, Mr. President.

9 PRESIDENT HARIDOPOLIS: And by your vote,
10 CS/SJR 1176 passes. Read the next Bill.

11 THE SECRETARY: Committee Substitute for
12 Senate Bill 1174, a Bill to be entitled an act
13 relating to establishing the Congressional
14 District of the state.

15 PRESIDENT HARIDOPOLIS: Senator from the
16 4th, you are recognized on the Bill.

17 SENATOR GAETZ: Thank you, Mr. President.
18 We now are on Committee Substitute for Senate
19 Bill 1174, which is the Congressional
20 redistricting plan.

21 If we compare the current Congressional
22 plan, if we compare the Congressional map in
23 Senate Bill 1174 with current districts or what
24 we call the benchmark districts, it is obvious
25 that Amendment 6 made a difference.

1 The new map decreases the number of split
2 counties. The current plan that we have kept
3 37 counties whole in a single Congressional
4 District. The Committee Substitute before you
5 keeps 43 counties whole. It is a better plan.

6 The new map decreases the number of split
7 cities. There were 110 split cities in the
8 benchmark or current plan. There are 45 in the
9 new plan, a decrease of split cities of more
10 than 50 percent.

11 The new district lines better follow
12 county and city boundaries as well as
13 geographic boundaries, like water bodies and
14 major roads. Relative to Senate Bill 1174, the
15 Committee Substitute has filed, the Committee
16 incorporates feedback from the public and
17 importantly from Supervisors of Elections.

18 Specifically the Committee Substitute
19 removes coastal Charlotte County from a rural
20 District, modifies the boundary of a Hispanic
21 opportunity District in central Florida and
22 adjusts the boundaries of districts in the
23 Tampa Bay area and in Alachua County.

24 Based on direction provided at our
25 January 11th committee meeting, and on

1 technical input from the Clay County Supervisor
2 of Elections, professional committee staff
3 prepared an amendment which is Bar Code 236642
4 to correct minor deficiencies.

5 Mr. President, with your permission I
6 would like to explain the Bill in the context
7 of that technical amendment.

8 PRESIDENT HARIDOPOLIS: Well, let's first
9 take up the technical amendment. Without
10 objection read the amendment.

11 THE SECRETARY: Bar code 236642 by Senator
12 Gaetz, delete lines 309 through 16 -- I mean,
13 through 6314.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 4th, you are recognized to explain the
16 amendment.

17 SENATOR GAETZ: Thank you, Mr. President.
18 This is a technical amendment based on input
19 from the Clay County Supervisor of Elections,
20 and also from two of the members of our
21 Committee.

22 The first part of the amendment addresses
23 a concern raised by Senator Sobel and Senator
24 Bullard and rejoins Opa Locka Airport with the
25 City of Opa Locka. No population, no voters,

1 no people are affected by this change.

2 Second, the amendment better follows
3 actual municipal and geographic boundaries
4 around Green Cove Springs, making the
5 recommended changes causes no net change in
6 population, 16 people are moved into District
7 6, 16 people are moved out of District 6, based
8 on precise technical feedback from the
9 Supervisor of Elections and that is the
10 amendment.

11 PRESIDENT HARIDOPOLIS: Questions on the
12 amendment? See no questions, the amendment is
13 adopted.

14 We are now on the Bill as amended.
15 Senator Gaetz, you are recognized to further
16 explain the Bill.

17 SENATOR GAETZ: Thank you, Mr. President.
18 With your permission we will go through each of
19 the districts, one by one so that you will
20 understand those districts and how they are
21 configured.

22 Congressional District 1 contains the four
23 western most counties of the panhandle,
24 Escambia, Santa Rosa, Okaloosa and Walton. To
25 achieve the ideal population the district also

1 includes the western part of Holmes County.

2 And here, Senators, it is important to
3 understand a difference that relates back to a
4 question that Leader Rich asked. I believe
5 that she asked the question as to whether or
6 not Senate Districts in the Bill that have just
7 passed were equal.

8 My answer was they were approximately
9 equal, but we have a little bit of room. We
10 have taken less than one percent difference,
11 whereas with Congressional Districts,
12 Mr. President, there the Supreme Court has
13 found and the courts of competent jurisdiction
14 under the Supreme Court have found that
15 anything that really is different at all in
16 population as between one district and another
17 constitutes less than a one person one vote
18 compliance with the law.

19 So to give you an example, Congressional
20 Districts that have differed by as few as 11
21 voters have been declared unconstitutional and
22 sent back to the Legislature of some states, of
23 a state, I believe it was Georgia, to be fixed.

24 So to achieve ideal population, to achieve
25 the one man, one person, one vote compliance,

1 it is necessary in some cases to split
2 counties, but only in order to achieve that
3 constitutionally required one person one vote
4 population.

5 Nearly the entire perimeter of
6 Congressional District 1 consists of political
7 and geographic boundaries. The district
8 contains 21 whole cities and splits no cities.

9 Because Congressional Districts contain
10 substantially larger populations than Senate
11 Districts, we did not use an east/west
12 panhandle configuration in the Congressional
13 map.

14 Instead, moving from west to east we
15 preserved counties whole as requested in our
16 public hearings in Pensacola and Ft. Walton
17 Beach. Lynn Laird, Jeff Bergosh, Marilyn
18 Bodessa, Gail Honea, Ed Winkelseth, Gail
19 Jacobson and Albert Perez who all attended
20 those hearings, representing a wide variety
21 ever political opinions in the panhandle, each
22 requested notwithstanding their different
23 political philosophies, a whole county
24 configuration for the panhandle Congressional
25 maps.

1 The more compact configuration which the
2 Committee recommends now before you for
3 District 1 eliminates the long finger of
4 another district that stretches across three
5 counties all of the way to my community of
6 Niceville.

7 Several of the publicly submitted maps
8 contain a similar district in the western part
9 of the panhandle. These were maps submitted by
10 Sean Phillippi, by Jeffery Carmen, John Libby
11 and Matthew Boyle. We used those maps as the
12 basis for our proposed Congressional District
13 number 1.

14 Congressional District number 2,
15 Mr. President, proceeds east across the
16 panhandle. It contains 12 whole counties from
17 Bay and Washington on the west, to Taylor on
18 the east. It also includes the eastern part of
19 Holmes County, and again, to achieve the
20 constitutionally required equal population,
21 western Madison County.

22 Like the boundaries of District 1, the
23 boundaries of District 2 consist almost
24 entirely of political and geographic
25 boundaries. The district contains 43 cities

1 and splits no cities. This district eliminates
2 a finger as well that currently extends from
3 Tallahassee to Niceville, a distance of nearly
4 150 miles.

5 At our public hearing in Tallahassee we
6 heard testimony in opposition to the current
7 non compact configuration, and you will see
8 when you look at Congressional District 2 that
9 we heeded that testimony.

10 District 2 also gives effect to public
11 testimony in Panama City, requesting that
12 counties such as Gadsden and Bay be kept whole.
13 We reduced the number of divided counties in
14 District 2 from six as we presently have, to
15 two.

16 The district follows the alignment of
17 District 2 in the map submitted by Sean
18 Phillippi who is a Broward County citizen, but
19 took a substantial interest in how the
20 panhandle was to be mapped and configured.
21 District 2 also unites similar rural Florida,
22 north Florida interests.

23 District 3 preserves the core of an
24 existing minority opportunity District. It
25 satisfies the mandate of the Constitution and

1 the unanimous agreement of the Committee that
2 2012 redistricting not diminish the ability of
3 minorities to elect candidates of their choice.

4 The black voting age population of the
5 proposed District 3 is 50 percent compared to
6 49.9 percent in the current District 3, hardly
7 packing. District 3 also finds support in
8 traditional race neutral or redistricting
9 principles.

10 It combines communities in northeast
11 Florida with similar socioeconomic
12 characteristics. These communities include
13 portions of Jacksonville, Gainesville, Sanford,
14 Apopka and Orlando and all of Palatka and Green
15 Cove Springs.

16 We took care to ensure that race neutral
17 principles were not subordinated to
18 considerations of race. Especially noteworthy
19 are the submissions of the NAACP and Latino
20 Justice regarding this District and their
21 timely and constructive participation in this
22 process.

23 These organizations responded to the
24 Committee's invitation to engage directly in
25 drawing districts. District 3 is among the

1 districts that rely heavily on maps and
2 testimony submitted by the NAACP and Latino
3 Justice.

4 We heard testimony, Mr. President, at our
5 public hearings in Orlando and Jacksonville,
6 including testimony from Glorious Johnson, a
7 former Jacksonville City Council member and
8 former National NAACP, Chairman Ben Chavis,
9 that the Legislature should not diminish adult
10 voting age population in Congressional District
11 three. The Committee's proposal accomplishes
12 this goal.

13 Frankly, we also heard testimony in
14 opposition to District 3's configuration. Some
15 asked us to dismantle it. Others would
16 weakened its ability to elect a minority
17 preferred candidates. As Senator Lynn
18 indicated in her remarks earlier, some of the
19 geometry of some districts makes one kind of
20 scratch one's head, but when you look at the
21 Constitutional requirements for not diminishing
22 minority access, then you have to conclude that
23 the plan that is before you is preferable.

24 For example, and by comparison, the plan
25 submitted by the League of Women Voters, albeit

1 a plan that was submitted late and therefore
2 could not be considered because not one single
3 member was willing to offer it as an amendment,
4 that plan would remove approximately 70,000
5 African-Americans of voting age from District 3
6 and these proposals would elevate asthetics
7 over the protection of minority voting
8 opportunities, inverting the order of priority
9 established unanimously by our Committee and
10 established by the Constitution of the State of
11 Florida, and that is Congressional District 3.

12 District 4 occupies the northeast corner
13 of the state. Except where District 3 enters
14 Duval County, District 4 follows county
15 boundaries along its entire perimeter. We
16 received numerous requests at our public
17 hearing in Jacksonville that Baker and Nassau
18 Counties be kept whole.

19 A representative of the Baker County
20 Chamber of Commerce testified at our Committee
21 meeting on December 6th, to the same effect.

22 This district responds to that
23 overwhelming public testimony and preserves
24 Baker and Nassau Counties whole. This district
25 also eliminates another finger that currently

1 runs from Duval to Leon County, to literally to
2 the steps of the Capitol. By increasing the
3 district's share of populous Duval County we
4 have decreased its geographic reach, making the
5 district much more compact.

6 While current District 4 has a perimeter
7 of 739 miles, the proposed District 4 has a
8 perimeter of 451 miles, a 40 percent increase
9 in compactness.

10 Though the district splits the large
11 municipality of Jacksonville in order to
12 respect District 3 as a minority access
13 district, every other city in Congressional
14 District 4 is kept whole.

15 Congressional District 5 combines
16 neighboring Pasco and Hernando Counties in
17 their entirety. To achieve the legally
18 required equitable population it also includes
19 about 60,000 people in Polk County.

20 District 5 closely follows political and
21 geographic boundaries. In fact, county
22 boundaries constitute nearly 90 percent of the
23 district's perimeter.

24 At our public hearing in Wesley Chapel,
25 seven people, including Brian Corley, the

1 Supervisor of Elections of Pasco County,
2 supported a Congressional District
3 configuration that kept these similarly largely
4 rural communities together.

5 Substantial testimony at Wesley Chapel
6 emphasized the similarities linking the rural
7 portions of Hernando and Pasco Counties and
8 further testimony urged a Congressional
9 District which would allow Pasco County to
10 influence Congressional elections or to elect
11 one of their own to Congress.

12 The Committee's proposal responds to those
13 concerns by uniting neighboring counties with
14 similar rural and agricultural interests and by
15 confining the district within a geographically
16 concentrated area.

17 Congressional District 6 combines the
18 largely rural and agricultural areas of north
19 Florida. It includes nine whole counties,
20 Hamilton, Columbia, Suwannee, Lafayette, not
21 Lafayette, but Lafayette, Dixie, Gilchrist,
22 Levy, Union and Bradford and parts of four
23 others.

24 More than 90 percent of the district
25 perimeter consists of political or geographic

1 boundaries, compared to less than two-thirds of
2 the perimeter of the current District 6. On
3 the north District 6 runs along the border with
4 Georgia. On the south it meets the Gulf of
5 Mexico, elsewhere it follows county boundaries.
6 In Marion County it follows Interstate 75, the
7 Ocala City line and State Road 200.

8 At the Gainesville hearing the Committee
9 was urged to keep the smaller rural counties of
10 the area, such as Bradford, Clay, Gilchrist and
11 Union Counties in a separate district from
12 Orlando and Jacksonville.

13 Public testimony at our Gainesville
14 hearing also supported placing the Santa Fe
15 River and the Suwannee River areas in the same
16 Congressional District. So the proposed map
17 for Congressional District 6 responds to this
18 public testimony, preserving the small rural
19 counties in a separate district and providing
20 local representation for their interests.

21 The Committee relied upon a publicly
22 submitted map by Alex Posada and it was map
23 number 133 in developing District 6 boundaries.

24 District 7 contains the area east of
25 District 3, the minority opportunity district.

1 District 7 contains all of St. Johns and
2 Flagler Counties, the portion of Putnam County
3 that is not in 3, and as much of Volusia County
4 as necessary to again achieve the legally
5 required population for a Congressional
6 District.

7 The proposed district compares favorably
8 to current District 7. Current District 7
9 contains no whole counties compared to two
10 whole counties in proposed District 7. Current
11 District 7 splits ten cities, proposed District
12 7 splits only one city.

13 Current District 7 utilizes political and
14 geographic boundaries a long two-thirds of its
15 border, proposed District 7 follows political
16 and geographic boundaries along 90 percent of
17 its perimeter.

18 District 7 also implements the testimony
19 we received in St. Augustine and Daytona Beach.
20 Six members of the public requested that
21 Flagler and St. Johns Counties be placed in the
22 same district. We also received testimony
23 about the commonalities of the coastal
24 communities in northeast Florida.

25 The district responds to this testimony by

1 combining similar communities, not only in
2 Flagler and St. Johns, County but along the
3 east coast.

4 District 8 includes portions of Orange,
5 Polk and Lake Counties. In Orange County the
6 district includes the area between two minority
7 opportunity districts, 3 and 27. It then
8 extends to Lake County toward the Florida
9 turnpike, into Polk County along Interstate
10 four.

11 The Committee's proposal for Congressional
12 District 8 carefully respects cities
13 boundaries.

14 Page, could you come over here a moment?
15 The Committee's proposal for Congressional
16 District 8 carefully respects the city
17 boundaries. The district boundary in Lake
18 County navigates between Mascotte, Groveland,
19 Howey-in-the-Hills, and Astalula, which are
20 outside of the district and Clearmont, Minneola
21 and Monteverde which are within the district.

22 In Orange County the district boundary
23 closely follows city boundaries. Despite the
24 close proximity of many small cities in this
25 area, District 8 contains 14 whole cities and

1 only five partial cities, and three of the
2 partial cities were split along the boundary
3 with District 27, a Hispanic opportunity
4 district.

5 District 9 unites northern Pinellas and
6 northern Hillsborough Counties. By any measure
7 it shows significant improvement over the
8 current District 9. Current District 9 splits
9 seven cities.

10 Proposed District 9 splits but two cities.
11 Current District 9 protrudes into Pasco County.
12 Proposed District 9 follows the Pinellas and
13 Hillsborough lines for the entire length of its
14 northern boundary and does not invade Pasco.

15 Current District 9 has a perimeter of 284
16 miles. Proposed District 9 has a perimeter of
17 185 miles, a 34 percent increase in
18 compactness. Current District 9 follows
19 political and geographic boundaries for barely
20 half of its perimeter, proposed District 9
21 follows political and geographic boundaries for
22 80 percent of its perimeter.

23 We ought to bear in mind, Senators, that
24 the shape and location of District 9 are
25 influenced by the shape and location of

1 District 11.

2 District 11 is within one of the five
3 counties covered by Section 5 of the Federal
4 Voting Rights Act and has a substantial
5 minority population.

6 District 10 is contained entirely within
7 one county, Pinellas County, and it wholly
8 preserves 19 cities within Pinellas County.

9 The district divides only two cities, both
10 on its border with District 11, a minority
11 opportunity district. Almost the entire
12 perimeter of District 10 consists of political
13 and geographic boundaries.

14 At our Largo meeting we heard from six
15 individuals, including Rich Piper, a professor
16 emeritus of government at the University of
17 Tampa who urged us to create one Congressional
18 District based entirely in Pinellas County and
19 this district does exactly that.

20 Congressional District 11 preserves the
21 core of an existing minority opportunity
22 district and ensures that minority voters,
23 African-American and Hispanic in the Tampa Bay
24 area will continue to have a voice in the
25 Congress.

1 Like the current district, proposed
2 District 11 contains a combined minority voting
3 age population of 53 percent, 27 percent
4 African-American and 26 percent Hispanic.

5 District 11 as we have proposed it
6 includes part of Hillsborough County which is
7 one of the five counties covered by Section 5
8 of the Federal Voting Rights Act. Section
9 five, as you know, prohibits retrogression in
10 the ability of minorities to elect candidates
11 of their choice.

12 District 11 is also based on traditional
13 race neutral redistricting principles. We have
14 increased the use of political and geographic
15 boundaries in the construction of District 11.
16 In the existing district barely half of the
17 perimeter of District 11 consisted of political
18 and geographic boundaries. That proportion
19 increases to about three-fourths in this
20 proposal.

21 In both Tampa and Largo, we heard from
22 members of African-American and Hispanic
23 advocacy groups who passionately advocated for
24 the interests of their minority communities.

25 The Committee's proposed District 11 conforms

1 to that testimony and to the requirements of
2 Federal and State law and the Committee's
3 unanimous consent guidelines. I yield to
4 Speaker Thrasher.

5 PRESIDENT HARIDOPOLIS: Senator Thrasher,
6 you are recognized.

7 SENATOR THRASHER: Thank you, members, we
8 are on Congressional District number 12. The
9 Committee's intention with District 12 is to
10 recognize that the rural agricultural
11 Congressional District in the interior and the
12 state is an appropriate configuration for a
13 Congressional District.

14 This district combines similar interests
15 of Glades, Okeechobee, Highlands, DeSoto,
16 Hardee Counties and the rural areas of
17 Charlotte, Polk, Hillsborough, Manatee, Lee and
18 Sarasota Counties.

19 The initial Committee Bill introduced on
20 December 6th, District 12 extended to the Gulf
21 of Mexico and Charlotte County public input and
22 comment was, urged the Committee to remove
23 western Charlotte county which is urban from
24 District 12. The Charlotte Sun Herald made the
25 same point.

1 The Committee heeded to these comments and
2 the Committee Substitute which exchanged
3 western Charlotte County for the eastern and
4 more rural parts of the, of Manatee and
5 Sarasota Counties. Interstate 75 became a
6 convenient boundary on the west side of the
7 district.

8 In Wachula we heard extensive testimony in
9 favor of keeping rural communities together.
10 Similarly, we heard testimony in Orlando
11 suggesting that the Okeechobee area belongs to
12 the more rural counties, District 12 is
13 faithful to this testimony.

14 Unlike District 16, the proposed district
15 does not connect interior counties with the
16 east coast.

17 Congressional District 13. This district
18 unites the coastal communities between Tampa
19 Bay and Charlotte Harbor. It follows
20 Interstate 75 and the city boundary of North
21 Port on the east and the Charlotte County line
22 on the south.

23 Proposed district lines were modified in
24 response to public comment received after the
25 introduction of the Committee Bill and as we

1 discussed, we heard that urban eastern
2 Charlotte County should be a coastal district
3 and not a rural district and not a rural
4 interior district.

5 This proposal gives effect to the wishes
6 expressed by the public in response to the
7 publication of our initial Committee Bill.

8 District 13 also is responsive to the
9 public testimony at our Sarasota hearing
10 requesting that Sarasota and Manatee Counties
11 be contained in the same district.

12 This proposal combines the more densely
13 populated portions of Sarasota and Manatee
14 Counties, for portions west of Interstate 75 in
15 a single district.

16 Additional public testimony at the
17 Sarasota hearing pointed out the similarities
18 of the coastal communities. In Sarasota and
19 Charlotte Counties, District 13 ties these
20 communities together as well. District 13 is
21 faithful to the political and geographical
22 boundaries which comprise more than 90 percent
23 of the district boundary.

24 The most significant exception is to the
25 north where a minority opportunity District,

1 District 11, extends into the Manatee County.

2 District 14, this district contains the
3 southwest coast of Florida. It includes eight
4 cities, including Bonita Springs, Cape Coral,
5 Ft. Myers and Naples and does not divide any
6 cities.

7 In Collier County the western boundary of
8 District 14 is defined by District 21, a
9 minority opportunity district that comes within
10 the protection of Section 5 of the Voting
11 Rights Act.

12 In Naples the Committee heard testimony
13 from citizens who asked that the interest of
14 the west coast be represented by a member of
15 Congress based upon, in the west coast.
16 Similarly, the Committee heard testimony in
17 Lehigh Acres, public hearing arguing that the
18 communities along the coast had a shared
19 interest that was divergent from more inland
20 communities such as Lehigh Acres. This
21 district ensures west coast representation,
22 these like minded communities.

23 Congressional District 15, District 15 is
24 the Space Coast District. At the Melbourne
25 hearing the Committee heard testimony from many

1 individuals, including Stewart Gorin, Karen
2 Dove, Diane Marcum requesting that Brevard
3 County and the Space Coast area should be one
4 Congressional District and not divided.

5 In response to the Committee's proposed
6 District 15, in that response, the Committee's
7 proposed District 15 includes all of Brevard
8 and Indian River Counties, and a small part of
9 Orange County.

10 District 15 makes extensive use of
11 political and geographical boundaries with a
12 90 percent of its perimeter consists of
13 political or geographical boundaries.

14 One effect of the Committee's -- one
15 effect of the Committee's respect for political
16 and geographical boundaries is that cities and
17 counties are kept intact to the greater degree
18 than before. Current District 15 divides five
19 counties and ten cities, while proposed
20 District 15 divides only one county and no
21 cities.

22 The design of District 15 promotes
23 effective representation. It is not only -- it
24 not only combines similar communities, but
25 contains travel routes such as Interstate 95,

1 U. S. Highway No. 1, State Road A1A and that
2 unite the district from north to south.

3 The proposed district reflects the
4 submission of Michael Danish, who's map, 042
5 contains a nearly identical district.
6 Following the Committee's publication of its
7 proposed map for the district, the Committee
8 received numerous e-mails and messages from
9 individuals living in the area, commenting
10 favorably on the district's configuration in
11 relation to Brevard County and the wider Space
12 Coast region.

13 District 16. District 16 combines St.
14 Lucie, Martin Counties with southwest
15 Okeechobee and northeast Palm Beach counties.
16 This district eliminates the current districts,
17 unasthetic connection between the Treasure
18 Coast and the interior of the state, across to
19 Charlotte Harbor.

20 The Committee received extensive testimony
21 that the Treasure Coast communities be grouped
22 together because of their shared interest in
23 coastal concerns. The current district divides
24 five counties, while the proposed district
25 divides two.

1 This proposal also reduces the district's
2 area from 5,250 square miles to 2,000 square
3 miles, and its perimeter from 616 miles to
4 232 miles. From these numbers it becomes clear
5 that the proposed district is far more
6 concentrated and respectful of political
7 subdivisions than the current district.

8 At our hearing in Stuart the Committee,
9 the Palm Beach County Commission sent an
10 official communication emphasizing that the
11 residents in northern Palm Beach County share
12 common interests and should be in the same
13 district with residents of Martin County.

14 District 17 preserves the core of an
15 existing minority opportunity district in the
16 Miami-Dade and Broward Counties. District 17
17 ensures consistent with Amendment 6, that the
18 ability of minorities to elect candidates of
19 their choice is not diminished.

20 Like the current district, proposed
21 District 17 is a majority African-American
22 District with a black voting age population of
23 56.3 percent. It is also clear that
24 traditional race neutral redistricting
25 principles were not subordinated to the

1 considerations of race.

2 The district is geographically
3 concentrated, preserves the core of an existing
4 district and thus provides continuity,
5 continuity of representation and unites
6 neighborhoods of similar characteristics,
7 Interstate 95, US Highway 1 facilitate travel
8 through the district.

9 District 17 follows city boundaries and
10 major roadways for a considerable extent of its
11 perimeter. In fact, proposed District 17 more
12 than triples the proportion of the district
13 perimeter that utilizes political boundaries.

14 In Miami the representatives of several
15 advocacy groups, including ethnic
16 organizations, low income housing groups,
17 homeowners associations spoke in favor of
18 drawing a district similar to the Committee's
19 proposed map for District 17.

20 Additionally, the Committee heard
21 extensive testimony from individuals at our
22 southeast public hearings that urged the
23 maintenance of both African-American and
24 Hispanic voting opportunities in the region.

25 District 18, Congressional District 18

1 preserves the core of an existing Hispanic
2 opportunity district that receives protection
3 from Section 5 of the Federal Voting Rights
4 Act.

5 The proposed district includes coastal
6 Miami, Miami-Dade County and the Florida Keys.
7 District 18 has a Hispanic voting age
8 population of 70 percent, comparable to the
9 existing district. It also combines in a
10 single district populations with similar
11 cultures and language.

12 The district also follows political and
13 geographical boundaries for nearly the entire
14 extent of its perimeter. It carefully follows
15 the city boundaries of Homestead, Cutter Bay,
16 Palmetto Bay and extensively utilizes well
17 known roads, such as the Homestead Extension,
18 the Florida turnpike, US Highway 1 in
19 Miami-Dade County.

20 This district reflects public input
21 received at the public hearings and in the form
22 of publicly submitted redistricting maps. At
23 the south Miami hearing 15 speakers requested
24 that we maintain or increase the number of
25 Hispanic majority districts. Another 15

1 individuals at the Miami public hearing urged
2 the maintenance of minority opportunities in
3 the region.

4 Two public submissions, those of Andrew
5 Casademunt and Virginia Hitchcock, one was map
6 number 050, and the other was map 049 were used
7 by the Committee in developing proposed
8 District 18.

9 Congressional District 19 contains areas
10 in Palm Beach and Broward Counties from
11 Wellington to Coral Springs. The district is
12 bordered on three sides by a minority
13 opportunity District, District number 23, that
14 is protected by Section 5 of the Federal Voting
15 Rights Act.

16 The boundaries of the proposed district
17 are straighter and more faithful to the
18 political and geographical boundaries than
19 those of the current District 19.

20 First, while the district's area increased
21 from 134 to 264 square miles, its perimeter
22 decreased significantly from 191 to 116 miles.

23 Second, the use of political and
24 geographical boundaries increased from about
25 one-third of the district's perimeter to more

1 than one half. The District is also responsive
2 to public testimony.

3 Following the publication of the
4 Committee's proposed maps we received -- the
5 Committee received only positive input on how
6 Palm Beach County is treated in the proposal
7 before you.

8 Ashley Wingate and Cathleen Brandenburg,
9 Brandenburg's written testimony is illustrative
10 of this support. The district also unites
11 similar communities along familiar routes of
12 travel, the Florida turnpike and U. S. Highway
13 441.

14 Congressional District 20 occupies
15 southern Broward County and coastal portions of
16 Miami-Dade County. The shape and location of
17 District 20 are substantially influenced by
18 adjacent districts on the northwest and the
19 south.

20 District 20 is surrounded by four minority
21 opportunity districts, District 17, 18, 21 and
22 23, two of which are protected by Section 5 of
23 the Voting Rights Act, Districts 21 and 23.

24 District 20 is an excellent example of the
25 Committee's increased utilization of political

1 and geographic boundaries. Current District 20
2 follows political boundaries for one quarter of
3 its perimeter.

4 Proposed District 20 follows political
5 boundaries for nearly two-thirds the its
6 perimeter. Proposed District 20 follows the
7 boundaries of 14 cities. Also the Committee
8 heard testimony at the Davie hearing requesting
9 that Davie and Cooper City be placed in the
10 some Congressional District.

11 District 20 combines those cities to an
12 extent that is consistent with the preservation
13 of minority opportunities in adjacent
14 districts.

15 District 21 is one of two majority
16 Hispanic districts that includes territory
17 covered by Section 5 of the Federal Voting
18 Rights Act. It is a Hispanic voting age
19 population of 71.3 percent.

20 The district includes parts of Hendry,
21 Collier Counties which are among the counties
22 to which non retrogression standards of Section
23 5 applies, and parts of Broward and Miami-Dade
24 Counties between Interstate 75 and State Road
25 41.

1 The Committee directed the professional
2 staff to avoid any retrogression in minority
3 voting rights that might result in the denial
4 of pre-clearance by the U.S. Department of
5 Justice.

6 To avoid retrogression the district
7 includes that portion of Collier County that is
8 currently a majority Hispanic District.
9 Consistent with traditional race neutral
10 redistricting principles, District 21 combines
11 communities of similar cultures and language
12 and uses political and geographical boundaries.

13 In Naples the Committee heard testimony
14 from Hispanic advocacy groups requesting that
15 the Committee preserve the voting rights of the
16 Hispanic community in Collier County.

17 The district responds to that testimony by
18 uniting Hispanic communities in Collier County
19 in a single district with the Hispanic
20 communities of Miramar and Hialeah.

21 The Committee also received testimony at
22 the Miami public hearing that Hialeah, Hialeah
23 Gardens, Miami Lakes and Medley share many of
24 the same services and have some of the same
25 needs, like the enterprise zones and

1 historically under utilized business zones that
2 are best addressed by being combined in a
3 distinct district. The majorities of these
4 communities are all located in proposed
5 District 21.

6 District 22 unites coastal communities in
7 Palm Beach, Broward and Broward Counties. Its
8 shape and location are determined largely by
9 District 23, a minority opportunity district
10 protected by Section 5 of the Voting Rights
11 Act.

12 The boundaries of District 22 are more,
13 are straighter, more faithful to the political
14 and geographical boundaries of those of current
15 District 22. This proposal decreases the area
16 of the district from 499 to 382 miles,
17 decreases the district perimeter from 379 to
18 212 miles and utilizes political and
19 geographical boundaries along nearly two-thirds
20 of its perimeter, compared to less than half in
21 the current District 22.

22 More than a dozen people testified in Boca
23 Raton that the coastal communities of southeast
24 Florida had different needs and concerns than
25 the inland communities. This district also

1 reflects the district proposed by the Florida
2 NAACP in map 0154.

3 District 23. District 23 preserves the
4 core of an existing minority district. This
5 district has a black voting age population of
6 51.8 percent. This is in harmony with the
7 extensive public testimony we received
8 throughout our southeast Florida public
9 hearings requesting that we preserve minority
10 opportunities within the region.

11 District 23 is protected by Section 5 of
12 the Federal Voting Rights Act because the
13 current district includes portions of Hendry
14 County, one of Florida's five covered counties.

15 While the district preserves without
16 diminution the ability of minority voters to
17 elect the candidates of their choice, it also
18 reflects the application of race neutral
19 redistricting principles.

20 The district is more concentrated
21 geographically. It no longer includes portions
22 of Martin and St. Lucie Counties, but is
23 limited to Hendry, Palm Beach and Broward
24 Counties. The Committee decreased its area
25 from 3,703 to 2,690 miles and its perimeter

1 from 605 to 427 miles.

2 The Committee also increased the
3 utilization of political and geographic
4 boundaries from about two-fifths to about
5 three-fifths of the district perimeter. The
6 Florida NAACP submitted a proposal within a
7 similar district with one exception.

8 The Florida NAACP district, like the
9 current district, included territory north of
10 Palm Beach County. The Committee believes that
11 the proposed District 23 is faithful to the
12 spirit of the District proposed by the Florida
13 NAACP and we again thank the Florida NAACP for
14 its constructive participation in the process.

15 District 24 includes communities north of
16 Orlando in Orange and Seminole Counties and the
17 cities of Deltona, DeBary, Lake Helen, Orange
18 City in Volusia County.

19 The district follows the boundary of
20 Seminole County along much of its western and
21 southern boundaries. It is bounded on the east
22 by Brevard County and is traversed by Seminole,
23 the Seminole Expressway and Interstate 4.

24 The district keeps the majority of
25 Seminole County together excepting the part

1 located in minority opportunity District 3.

2 This District does a far better job of any
3 job, than any district in the same location in
4 the 2002 map at avoiding splitting cities.
5 Current maps split six cities while proposed
6 District 24 splits only Apopka and Sanford,
7 while keeping 12 cities whole, including
8 Deltona.

9 The Daytona hearing included overwhelming
10 testimony in favor of not splitting Daytona,
11 Deltona, but keeping it whole within one
12 Congressional District. Proposed District 24
13 is faithful to that goal, shared by the
14 individuals across the political spectrum.

15 Congressional District 25 recognizes
16 neighborhoods in western and south Miami-Dade
17 County of similar language, cultural,
18 socioeconomic characteristics consistent with
19 traditional race neutral redistricting
20 principles.

21 The District preserves the core of
22 existing, of existing, of a minority
23 opportunity District. It satisfies the mandate
24 of the Constitution and the unanimous consent
25 agreement of the Reapportionment Committee that

1 we not diminish the ability of minorities to
2 elect candidates of their choice.

3 The district has a 74.1 Hispanic voting
4 age population. As stated in regard to our
5 other South Florida minority districts, we
6 received a wealth of testimony at our hearing
7 in Palm Beach, Davie, Miami and South Miami
8 requesting that we preserve minority
9 opportunities in southeast Florida.

10 District 25 reflects that testimony,
11 though not at the expense of traditional race
12 neutral redistricting principles. Over
13 90 percent of the borders of District 25 are
14 political or geographical boundaries.

15 The district is confined wholly within
16 Miami-Dade County and the district splits no
17 cities. The District is bounded by the
18 Miami-Dade County line on the west and the
19 south by U.S. Highway 41 on the north and by
20 portions of Homestead, of the Homestead
21 Extension of the Florida turnpike, US Highway 1
22 and city lines on the east.

23 Congressional District 26 and 27 are two
24 new Congressional Districts which Florida has
25 allocated based upon our substantial

1 disproportionate increase in population during
2 the last decade.

3 District 26 comprises central Florida
4 communities in Citrus, Lake, Marion and Sumter
5 Counties. The district does not split a single
6 municipality, 20 entire cities are wholly
7 included within the Committee's proposed
8 District 26.

9 This District keeps The Villages community
10 within a single district. This is in response
11 to the overwhelming testimony at our public
12 hearing at The Villages where members of the
13 public pointed out the shared interest and
14 amenities of the community and urged that it be
15 kept together in a single Congressional
16 District.

17 The district follows the boundaries of
18 Citrus and Sumter Counties and Interstate 75
19 and the Ocala City line through Marion County.
20 The district also groups similar rural
21 communities in the four counties separating
22 them from more urban areas of Orlando and
23 Tampa.

24 And lastly, District 27. District 27 ties
25 communities of similar language, cultural,

1 socioeconomic characteristics in Orange,
2 Osceola and Polk Counties including parts of
3 southeast Orlando, Kissimmee, Haines City and
4 Lake Wales.

5 The district was created consistent with
6 traditional race neutral redistricting
7 principles resulting in using political and
8 geographic boundaries for over two-thirds of
9 its borders, and including all of Osceola
10 County.

11 The District has a 41.3 Hispanic voting
12 age population. Beginning with our June 20th
13 Committee meeting in Tallahassee and continuing
14 through our central Florida public hearings the
15 Committee heard from a large number of
16 representatives of the Hispanic community and
17 the Hispanic interest groups.

18 These organizations, much, much like the
19 NAACP, did not sit on the side lines and
20 criticize the process, but engaged
21 constructively as it turned out successfully.

22 The Committee was persuaded that the
23 significant Hispanic population increase and
24 the concentration in the area justifies
25 proposed Congressional District 27.

1 The Committee's proposal draws heavy on
2 several maps submitted by Latino Justice. Once
3 the Committee's proposed Bill was published in
4 November we received only favorable public
5 comment on the district and the Hispanic groups
6 continue to be engaged in a positive and
7 constructive manner as the Committee finalized
8 its Bill which is now before you.

9 PRESIDENT HARIDOPOLIS: Thank you, Senator
10 Thrasher. Senator Gaetz, before we go on to
11 that I am assuming we want to go to the
12 question.

13 SENATOR GAETZ: Yes.

14 PRESIDENT HARIDOPOLIS: On the districts.
15 All right, members, here is what we are going
16 to do. We are going to do exactly what we did
17 on the Senate seats, okay, we are going to open
18 it up for questions to Senator Gaetz, and
19 Senator Gaetz will take the questions unless he
20 yields to someone else, and Senator Bullard,
21 you are recognized for questions.

22 SENATOR BULLARD: Yes, sir, thank you,
23 Mr. President. Senator Gaetz and Senator
24 Thrasher, I came in unfortunately, I had to
25 make a little run, but anyway, I came in at the

1 explanation of the Senate District 25, and I
2 believe that that Senate District 25 it touches
3 on Miami-Dade community, is that correct?

4 PRESIDENT HARIDOPOLOS: Senator Gaetz, you
5 are recognized.

6 SENATOR GAETZ: Thank you, Mr. President.
7 Yes, Senator Bullard, you are absolutely
8 correct.

9 SENATOR BULLARD: Thank you.
10 Mr. President?

11 PRESIDENT HARIDOPOLOS: You are
12 recognized, Senator Bullard.

13 SENATOR BULLARD: Will either of the two
14 new districts that are presently drawn, will
15 they recognize the fact that I may run some
16 day?

17 PRESIDENT HARIDOPOLOS: Senator Gaetz. Do
18 you want to go ahead and touch that one?

19 SENATOR GAETZ: Thank you, Mr. President.
20 Should you decide to move to those parts
21 towards of Florida, Senator Bullard, I am
22 confident that you would be well-received and
23 undoubtedly be a strong candidate for Congress.

24 PRESIDENT HARIDOPOLOS: The record for
25 additional questions, Senator Smith, Senator

1 Smith, you are recognized.

2 SENATOR SMITH: Senator Gaetz, basically
3 the same question I had for the Senate map
4 regarding the data used. Did you use on for
5 the minority access seats, did you use voting
6 age population or did you use any voting
7 performance data?

8 PRESIDENT HARIDOPOLOS: Senator Gaetz.

9 SENATOR GAETZ: Thank you very much,
10 Mr. President. Senator Smith, same answer to
11 your question as before, voting age population.

12 PRESIDENT HARIDOPOLOS: Any additional
13 questions, Senator Dockery?

14 SENATOR DOCKERY: Thank you,
15 Mr. President. Senator Gaetz, same situation
16 with Polk County and the Congressional seats.
17 In the introduction of this Bill it was stated
18 that 43 counties were not split at all.

19 Polk County was split four times, and of
20 those districts, District 5 has 9.78 percent of
21 Polk. District 8 has 44.85 percent of Polk,
22 District 12 has 30.17 percent of Polk and
23 District 27 has 15.2 percent of Polk.

24 Could you give the rationale for why Polk
25 County was split into four different

1 Congressional seats in light of the fact that
2 the two new districts that Florida had earned
3 were both based around Polk County area, and in
4 fact, Senate District 15 was one of the largest
5 growth districts and that was a great portion
6 of Polk County?

7 PRESIDENT HARIDOPOLIS: Senator from the
8 4th, you are recognized to respond.

9 SENATOR GAETZ: Thank you very much, and
10 Senator Dockery, I would say that if we were
11 doing jokes by number I would say you have
12 asked number 67 and we should all respond
13 appropriately.

14 I have no new information to present to
15 you as to splits in Polk County other than the
16 information I presented to you when we were
17 discussing the Senate Districts.

18 The same arguments apply, and I believe
19 that your points are well made. If we had
20 started in Polk County and gone out instead of
21 starting in the coastal areas of Florida and
22 going in, it very well may have been the case
23 that Polk County would have been treated
24 differently, but the same explanations apply.

25 PRESIDENT HARIDOPOLIS: Senator 15th, you

1 are recognized for a question.

2 SENATOR DOCKERY: Thank you,
3 Mr. President. Well, because we have parts of
4 four counties it is fixable that Polk County
5 could, without disturbing much of the rest of
6 the map, be reduced to two counties or at a
7 maximum, three counties split rather than the
8 four, and I am hoping that since the House is
9 going to weigh in on these maps that you would
10 be amenable to helping that happen. Could I
11 have your comment on that?

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized.

14 SENATOR GAETZ: Thank you very much.
15 Senator Dockery, your proposal is an
16 interesting one. It is intriguing. I can't
17 give you comfort that there would be no
18 consequences for other districts, but rather
19 that a Congressional District could be created
20 in that area without any other implications for
21 other districts.

22 We don't get 28. We only get 27, but, and
23 so therefore, I can't assure you that our
24 partners in the House will see things
25 differently.

1 I can tell you that our gentle persons
2 agreement with the Speaker Designate is that we
3 will focus on Senate maps and the House will
4 focus on House maps, but it is always possible
5 that the House of Representatives might decide
6 to change the Senate maps in which case I will
7 ask the President to reconvene the Senate
8 Reapportionment Committee so that we can devise
9 House maps. I doubt that that will occur.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 15th, you are recognized for a question.

12 SENATOR DOCKERY: Thank you,
13 Mr. President. And I would say that we are
14 glad there is not a 28 seat because then Polk
15 County would probably be in five. But having
16 said that, could you do me a favor and read
17 from the script the description of District 12
18 that Senator Thrasher read with respect to
19 Charlotte County?

20 PRESIDENT HARIDOPOLIS: Senator from the
21 4th, you are recognized to respond.

22 SENATOR GAETZ: Thank you, Mr. President.
23 Thank you, Senator Dockery. Senator Thrasher
24 read the following. "the committee's intention
25 with District 12 is to recognize that the rural

1 agricultural Congressional District in the
2 interior of the state is an appropriate
3 configuration for a Congressional District.
4 This district combines the similar interests of
5 Glades, Okeechobee, Highlands, Desoto, and
6 Hardee Counties and the rural areas of
7 Charlotte, Hillsborough, Manatee, Lee, Sarasota
8 and a portion of Polk County."

9 In the initial Committee Bill introduced
10 on December 6th, District 12 extended to the
11 Gulf of Mexico in Charlotte County. We
12 received public comment and the public comment
13 urged us to remove western Charlotte County,
14 which is urban, from rural District 12.

15 The Charlotte Sun Herald editorialized
16 making the same point, and so therefore,
17 Senator Dockery, we discussed this in
18 Committee. I am sorry you weren't able to
19 attend that meeting, but we discussed it in
20 Committee. We heeded these comments in the
21 Committee Substitute which exchanged western
22 Charlotte County for the eastern and more rural
23 parts of Manatee and Sarasota Counties.
24 Interstate 75 became a convenient boundary on
25 the west side of the district.

1 In Wachula at our hearing there we heard
2 extensive testimony in favor of keeping rural
3 communities together, and similarly we heard
4 testimony in Orlando suggesting that the
5 Okeechobee area belongs with more rural
6 counties.

7 District 12 is faithful to that testimony
8 as it applies to those counties. Unlike the
9 current District 16, the proposed district does
10 not connect the interior counties with the east
11 coast. It instead is a more compact district,
12 and that is what Speaker Thrasher read into the
13 record.

14 PRESIDENT HARIDOPOLIS: Senator for the
15 15th, you are recognized for a question.

16 SENATOR DOCKERY: Thank you,
17 Mr. President. So in light of what was read,
18 it appears that the community, and I think you
19 left out a few of the words, but the community
20 that considered itself urban was removed from
21 what is considered a rural district, District
22 12, so that like communities would be together.

23 The community I believe that you removed
24 is Port Charlotte. Port Charlotte has a
25 population of 54,000 individuals. Lakeland has

1 a population of over 100,000, so one could
2 argue Lakeland is even more urban than Port
3 Charlotte, yet Lakeland was left in rural
4 District 12. Can you explain?

5 PRESIDENT HARIDOPOLIS: Senator from the
6 4th, you are recognized to respond.

7 SENATOR GAETZ: You could have made an
8 even greater argument using even more extreme
9 examples. For example, Jacksonville, which has
10 a population of which I think is close to a
11 million people, is divided in two, and there is
12 a reason for it, just as there was a reason for
13 dividing Charlotte County.

14 The reason for dividing Jacksonville is
15 because of a minority district issue that
16 invades Jacksonville and includes part of Duval
17 County.

18 The reason that was given by members of
19 the public and by the newspaper in Charlotte
20 and other media outlets, for dividing Charlotte
21 County was that the coastal portions of
22 Charlotte County were deemed by those who
23 shared their views with the Committee, as I
24 described, to be more in keeping with the
25 coastal communities. And so that would be the

1 reason.

2 It had less to do with population and more
3 to do with the nature of the testimony that we
4 received.

5 PRESIDENT HARIDOPOLIS: Further questions?
6 Senator from the 34th, Senator from the 23rd,
7 and Senator Braynon, do you have questions as
8 well? Okay.

9 Let's start with Senator Rich, followed by
10 Senator Detert, followed by Senator Braynon.
11 Senator Rich, you are recognized for a
12 question.

13 SENATOR RICH: Thank you, Mr. President.
14 I want to go back to the actual data that was
15 used in these maps.

16 We had a conversation at one of the
17 Committee meetings about the fact that Mr.
18 Guthrie had mentioned that the staffs of both
19 the House and the Senate had gotten together on
20 these maps and collaborated.

21 So I think that there may be some other
22 data that was used or certainly was available
23 on the House side that we didn't have, but
24 because they collaborated it was available.

25 So I would like to go back and have a

1 response to the question about what kind of
2 data was used.

3 PRESIDENT HARIDOPOLIS: Senator from the
4 4th, you are recognized to respond.

5 SENATOR GAETZ: Thank you, Mr. President.
6 Thank you, Leader Rich. If the implication of
7 your question is that the House and the Senate
8 professional staffs exchanged data in their
9 discussion of Congressional Districts, that did
10 not include any political registration or
11 political data.

12 Instead, my understanding of the extent of
13 the conversations between House and Senate
14 professional staff had to do with differences
15 in the way that districts were configured and
16 reasons why. But I may -- I will assure you on
17 the floor as I have assured you in Committee,
18 that there was no interchange of political data
19 between the House and the Senate, and there was
20 no intent and no effect of using political data
21 to develop Congressional Districts anymore than
22 Senate Districts.

23 PRESIDENT HARIDOPOLIS: Senator from the
24 34th, you are recognized for a question.

25 SENATOR RICH: Thank you, Mr. President.

1 Does the actual voting performance in an area
2 effect an minority's ability to elect a
3 candidate of their choice?

4 PRESIDENT HARIDOPOLIS: Senator from the
5 4th, you are recognized to respond.

6 SENATOR GAETZ: I cannot -- thank you,
7 Mr. President. I cannot give you a better
8 answer than I gave to Senator Smith, and that
9 is that voting age population was used in
10 configuring districts. Performance, political
11 performance of districts we leave to political
12 parties.

13 PRESIDENT HARIDOPOLIS: Senator from the
14 34th, you are recognized for a question.

15 SENATOR RICH: Thank you. Do you
16 interpret the Constitution and the Voting
17 Rights Act to require that the boundary lines
18 of minority districts must be as close to
19 possible as the 2002 districts, you know,
20 adjusting for obviously, population?

21 PRESIDENT HARIDOPOLIS: Senator from the
22 4th, you are recognized to respond.

23 SENATOR GAETZ: No.

24 SENATOR RICH: Okay. Those are -- so let
25 me just follow up with this then. This is kind

1 of the same, on the same kind of path.

2 In Congressional District 3 which is
3 protected by the Voting Rights Act, so you then
4 at this point, according to what you said, I
5 just want to clarify this, you would say that
6 you haven't analyzed what percentage of
7 minority voters is sufficient in the
8 Jacksonville area for minorities to elect a
9 representative of their choice?

10 PRESIDENT HARIDOPOLIS: Senator from the
11 4th, you are recognized to respond.

12 SENATOR GAETZ: Thank you, Mr. President.
13 On the contrary.

14 SENATOR RICH: So could you share that
15 with us then?

16 SENATOR GAETZ: On the contrary, yes.
17 Obviously, voting age population of minorities
18 in Duval County in the Jacksonville area, it
19 was certainly taken into account by the
20 Committee.

21 PRESIDENT HARIDOPOLIS: Senator from the
22 34th, you are recognized for a question.

23 SENATOR RICH: Thank you, and just lastly,
24 I just want to go back to this one other thing
25 about working the Congressional maps together,

1 because the Staff Director did use the word
2 collaborate and we are now going to, as was
3 mentioned by Senator Dockery, we will be going
4 back and working with the House on the
5 Congressional map.

6 So how can we then say that we will not be
7 using the data that the House used, if you
8 heard that question?

9 PRESIDENT HARIDOPOLIS: Senator from the
10 4th, you are recognized to respond.

11 SENATOR GAETZ: Thank you very much,
12 Mr. President. Leader Rich, I cannot improve
13 upon my answer. As you know because you were
14 there in the Committee and you asked and the
15 question was answered.

16 There was one sheet of paper that was
17 apparently brought by the House that showed
18 Hispanic voting age population, but it was not
19 an information that had anything to do with
20 party registration.

21 SENATOR RICH: Thank you.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 23rd, Senator Detert, you are recognized for a
24 question.

25 SENATOR DETERT: Thank you, Mr. President,

1 and I hate to offer any changes. I think those
2 of us who have carefully listened today
3 understand the amount of work that has gone
4 into this.

5 I serve on the Committee, so I know how
6 much you have put into it and every little
7 change is going to create a domino effect.

8 But when you talk about minority
9 districts, I rise to talk about Boca Grande,
10 which is as big as a minute and has one road in
11 and one road out, so single ingress and egress,
12 and is now going to be divided into two
13 Congressional Districts which is going to kind
14 of fly in the face of common sense.

15 I think there is probably only 2,000
16 people on the whole island. So it is going to
17 seem silly. I did ask staff about it and they
18 said it would also effect the Senate and the
19 House seats.

20 So do we have a formula that says the same
21 group of people have to have the same
22 Congressman, the same Senator, similar
23 representation, or is there any other reason
24 why we can't make Boca Grande just one part of
25 probably District 13, frankly?

1 PRESIDENT HARIDOPOLIS: Senator from the
2 4th, you are recognized to respond.

3 SENATOR GAETZ: Thank you, Mr. President.
4 Thank you, Senator Detert. I know you raised
5 this issue in Committee, and it is a very
6 legitimate issue.

7 We were caught between competing
8 requirements of redistricting principles. On
9 the one hand it makes perfect sense. I visited
10 Gasparilla Island, I know that everything you
11 say is absolutely true, but the fact is that
12 Gasparilla Island is divided into two counties,
13 sadly, and I am not sure why it was divided
14 into two counties.

15 So on the one hand there was the notion
16 that you have which I think is a common sense
17 notion for a solid notion that this island that
18 contains 2,000 people ought to be in one
19 Congressional District.

20 On the other hand, we have political
21 boundaries which Senator Norman reminds me we
22 have to talk about county and city boundaries.
23 People think that political boundaries are
24 somehow made up by Democrats and Republicans.
25 Political boundaries are really city and county

1 boundaries for the most part.

2 And therefore we chose to follow the
3 county boundaries in Gasparilla Island which
4 divides the island in two, but it doesn't do
5 anymore violence than whoever crafted county
6 lines dividing the two islands.

7 So in the Congressional maps and Senate
8 maps and House maps, in an attempt to follow
9 county lines, Gasparilla Island is divided, and
10 just in -- just as in my response to Senator
11 Dockery, you could make a case for dividing
12 Gasparilla Island not at all, but keeping it
13 whole, but then you would have one more county
14 that, county split.

15 And if you had one more county split, is
16 that the straw that breaks the camel's back in
17 the eyes of the public, in the eyes of a court
18 somewhere? I don't know. So I think your
19 argument is just as sound as the argument that
20 says don't make county splits.

21 It was my understanding, Senator Detert,
22 that you were sanguined as to the map going
23 forward and consequently there was no amendment
24 on this matter, but I believe that the argument
25 that you make on behalf of the people of

1 Gasparilla Island is a sound one.

2 It is just unfortunate that when counties
3 were created in that area that there was a
4 county line that bisected the island.

5 SENATOR DETERT: Thank you.

6 PRESIDENT HARIDOPOLIS: Senator from the
7 23rd, you are recognized for a question.

8 SENATOR DETERT: Well, just to thank you
9 and I wanted to bring it up and I did not file
10 an amendment because we don't want to create a
11 domino effect based on this small island, but
12 it was a concern, and I think your answer is
13 perfectly acceptable, thank you.

14 PRESIDENT HARIDOPOLIS: Further questions?
15 Senator Braynon. Senator Braynon, you are
16 recognized for a question.

17 SENATOR BRAYNON: Thank you,
18 Mr. President. Not to belabor a point, but I
19 know that I asked a question in Committee and
20 Senator Rich asked a question and the answer
21 was to another question.

22 So let me ask the question in another way,
23 and I will give examples so that you understand
24 exactly what I am talking about.

25 When we talk about interpreting the Voter

1 Rights Act, my real question is, what
2 information was used or is commonly used to
3 interpret how to create a minority performing
4 district?

5 I know that we use voter -- we use voter
6 age population. Is it -- has it traditionally
7 been used or is it used in other times? Is it
8 used in other places that they use, and when I
9 say performance, I don't mean who they voted
10 for, what party they are registered for, but
11 did they vote? Are they registered -- are even
12 registered to vote?

13 PRESIDENT HARIDOPOLIS: Senator from the
14 4th, you are recognized to respond.

15 SENATOR GAETZ: Thank you, Mr. President.
16 Senator Braynon, I apologize to you, but I have
17 no -- I have no background in how this issue
18 was dealt with ten years ago. Perhaps those
19 who were on the floor then could respond to
20 your question, nor do I have a particular
21 understanding as to what some other states may
22 have done.

23 We took what we considered to be the most
24 legitimate metric, which was voting age
25 population, and we didn't attempt to predict. I

1 think it would have presumptuous to attempt to
2 predict whether people would vote or not.

3 It is a fact that African-Americans voted
4 in greater numbers when Barrack Obama was on
5 the ticket than when Dwight Eisenhower was on
6 the ticket, but -- and so there may be factors
7 that influence why African-Americans or
8 Hispanics may cast a vote.

9 My understanding is that Hispanics voted
10 in greater numbers in Miami-Dade when Governor
11 Bush was on the ticket than when Governor
12 Chiles was on the ticket.

13 The point simply is, we use voting age
14 population. If there is some other metric that
15 someone else wants to use or argue on the basis
16 of some other metric, that may be -- they are
17 certainly -- their choice to do so, but we use
18 voting age population which we were advised by
19 counsel is the appropriate method to use.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 33rd, you are recognized for a question.

22 SENATOR BRAYNON: I think the last part of
23 the answer was really kind of what I was, what
24 I wanted to know.

25 Is this -- would voting age population be

1 considered legally sufficient as a metric, I
2 guess you would say, to say you follow the
3 Voting Rights Act?

4 PRESIDENT HARIDOPOLIS: Senator from the
5 4th, you are recognized to respond.

6 SENATOR GAETZ: Thank you very much.
7 Again, I apologize. I can't improve on my
8 answer. Yes, but thank you very much for
9 persisting with the point. It is a very
10 important one.

11 PRESIDENT HARIDOPOLIS: Further questions?
12 Senator Bullard, you are recognized for a
13 question.

14 SENATOR BULLARD: Thank you,
15 Mr. President. Senator Gaetz, is the census
16 used in any way in terms of measuring what
17 happens?

18 I know that those census forms are sent
19 out and there are times when people do not fill
20 them out and as a result of it, it does, in
21 fact, it has diminished their representation.

22 So is that one of the measurements or one
23 of the, some part of the process that
24 determines what happens in the reapportionment?

25 PRESIDENT HARIDOPOLIS: Senator from the

1 4th, you are recognized to respond.

2 SENATOR GAETZ: Thank you, Mr. President.
3 Thank you, Senator Bullard. We are obliged to
4 use the census by Federal law, and I grant your
5 contention that there are those who are not
6 counted, that there are those who are under
7 counted for a variety of reasons, but we have
8 no other basis for drawing districts and we
9 have no other basis for many of the other
10 public policy decisions we make that rely upon
11 knowing who is where, other than the census.

12 So we are obliged to use it and the census
13 data was used and it was the very first body of
14 data that was placed on our Redistricting
15 Website.

16 PRESIDENT HARIDOPOLIS: Further questions?
17 Further questions? Still on second reading.
18 Are there further questions?

19 Senator Gaetz, would you like to move to
20 third reading?

21 SENATOR GAETZ: Mr. President, I move that
22 we roll to third reading.

23 PRESIDENT HARIDOPOLIS: Okay, all those in
24 favor say aye.

25 (Chorus of ayes.)

1 PRESIDENT HARIDOPOLIS: All those opposed
2 say nay.

3 (Chorus of nays.)

4 PRESIDENT HARIDOPOLIS: The motion is
5 adopted. We are now on third reading. All
6 those who would like to be heard in debate just
7 raise their hands and I would be happy to --
8 Senator Latvala.

9 Senator Braynon. Others who would like to
10 be heard in debate? Senator Smith, Senator
11 Rich. Others who would like to be heard in
12 debate? Senator Dockery. Others? Senator
13 Thrasher, Senator Negron.

14 Okay, we are going to begin with Senator
15 Latvala followed by Senator Braynon and we will
16 put the list order behind me accordingly.

17 Senator Latvala, you are recognized in
18 debate.

19 SENATOR LATVALA: Thank you very much,
20 Mr. President.

21 PRESIDENT HARIDOPOLIS: I am sorry, I
22 apologize, let's read the Bill for a third
23 time.

24 THE SECRETARY: Committee Substitute for
25 Senate Bill 1174, a Bill to be entitled an act

1 relating to establishing the Congressional
2 Districts of the state.

3 PRESIDENT HARIDOPOLIS: Senator from the
4 16th, you are recognized.

5 SENATOR LATVALA: Thank you very much. I
6 am sorry I missed all of the fun this morning
7 so I wanted to get in on it this afternoon.

8 I am feeling better and I appreciate all
9 of you that asked me. You know, I watched part
10 of this morning's debate between naps on TV,
11 and I heard all of the conversation about how
12 horrible the maps from ten years ago looked.

13 And so when it comes to the Congressional
14 maps from ten years ago I want to stand up
15 right here and take full responsibility for
16 those maps, since I was the Senate
17 Congressional Redistricting Chairman ten years
18 ago.

19 But that was then, and under the rules
20 that we operated then I did my job and I did it
21 well, but this year we operate under some
22 different rules, and I want to tell you that I
23 have observed the process of redistricting in
24 Florida as a political operative and as a
25 Senator and as a lobbyist and so forth,

1 probably this is -- this is the fourth cycle
2 that I have observed the process, and without a
3 doubt it is the best job anybody ever did on
4 it, was the job that Senator Gaetz did this
5 year in the Florida Senate.

6 The process from start to finish, the
7 inclusiveness that was felt by all of the
8 members of this body from start to finish has
9 just, I think, been wonderful.

10 Senator Gaetz knew what his responsibility
11 was. He knew what the constraints were that
12 the Committee had to operate under, and he has
13 done a fabulous job of operating under those
14 constraints, and under the new constraints that
15 were put on us that I didn't have ten years
16 ago.

17 I could just pretty much sit with the
18 Congressman or sit with other members and we
19 would sit in an office. I even had a special
20 office over in the Knott Building that nobody
21 knew anybody about so nobody could find me, and
22 we sat over there and we drew the lines just
23 exactly the way we wanted to draw them.

24 Well, this year that process has been
25 cleaned up and we all have seen the product

1 that has come out of that process this year.
2 It is a product that frankly didn't regard the
3 incumbents.

4 I think the last I heard we had four or
5 five incumbent Congressmen that were either put
6 in the same district or put outside of their
7 preferred district that they currently serve.

8 So if you do that we didn't do that ten
9 years ago. We put everybody in their district
10 and that is where some of this strange screwy
11 which lines came from, to try to connect folks
12 to the districts that they live in.

13 Senator Gaetz didn't do that this year.
14 The staff didn't do that this year. We played
15 it straight up, and I think in the process
16 created a very good map for the future of our
17 state.

18 We reduced dramatically the number of
19 counties and cities that were split. There is
20 a lot more logic to the way the maps look, and
21 I just wanted to be the first one here in
22 debate today to stand up and commend Senator
23 Gaetz for this map and to urge a positive vote
24 on this Bill today.

25 PRESIDENT HARIDOPOLIS: Thank you.

1 Senator Braynon, you are recognized in debate.

2 SENATOR BRAYNON: Thank you,
3 Mr. President. I am going to be very brief
4 because I, and I want to thank Senator Gaetz
5 for the amendment today which put Opa Locka
6 Airport back in the City of Opa Locka. I am
7 sure the residents of Opa Locka enjoy that they
8 will have the same Congress person representing
9 them that represents their airport, but I want
10 to go back to the public comment.

11 You say that you used public comment -- I
12 think my Latin is rusty, but you said vox
13 populi or something to that effect. I traveled
14 to several of the meetings and one of the
15 things that I heard consistently was that
16 Congressional District 3 was meandering and
17 gerrymandered, and that we needed to find a way
18 to make it more compact and that it was
19 possible to make it a more compact district and
20 still have a minority -- allow the minorities
21 in that district to vote for their -- a
22 candidate of their choice.

23 And as I drove through Jacksonville when
24 we went to Jacksonville, I drove -- we went
25 from wherever we were to visit the port, and as

1 we drove by I looked out my window and I saw
2 many African-American communities.

3 So I went back to my computer using the
4 technology that we were given that was made so
5 accessible to us from the staff and I noticed
6 that there is a rather large African-American
7 population in Jacksonville, and subsequently
8 after that, Jacksonville elects a Mayor that is
9 African-American, which Jacksonville
10 encompasses the entire county of Duval.

11 So through all of this I realized, is
12 there a way for us to draw a seat that is all
13 in Duval or is more compact that would allow us
14 to elect an African-American of their choice
15 and possibly allow us to elect an
16 African-American of our choice in central
17 Florida.

18 I think that is possible. I am not sure
19 that our map does that. I mentioned it in our
20 Committee. I mentioned it at the, and I heard
21 it mentioned at every, almost every single
22 Committee meeting -- public hearing meeting
23 that we went to, and I know we say that the
24 voice of the people is whatever the Latin quote
25 was.

1 Well, if the voice of the people is, how
2 come we didn't listen to it in drawing
3 Congressional District 3?

4 Thank you, Mr. President.

5 PRESIDENT HARIDOPOLIS: Thank you.

6 Senator Negron, you are recognized in debate.

7 SENATOR NEGRON: Thank you, Mr. President,
8 and I would say respectfully to Senator Braynon
9 then, why didn't you file an amendment? If you
10 didn't like the way District 3 was drawn, you
11 get one vote just as I do and as Senator Gaetz
12 does and everybody else.

13 If there was a way to improve the product,
14 I would hope that whether it is Medicaid
15 Reform, whether it is PIP Reform, whether it is
16 any issue, especially one that we only do every
17 ten years, it is a pretty important Bill other
18 than the budget is the only thing we have to do
19 this session, then I would say that you should
20 have an amendment here for us to consider.

21 The second point I wanted to make,
22 Mr. President, and obviously Senator Rich will
23 take time in a few minutes to make her argument
24 and I will listen respectfully to it as I know
25 all of us will, but I think it is only fair to,

1 when someone is taking a shot at something,
2 saying this is why it is not good, then it is
3 fair game to say, well, let's look at the
4 product you did and see how well that went.

5 That is how cases are tried. That is how
6 people decide what products to buy. I mean,
7 once you put opposition to something into play,
8 then it is fair game to look respectfully at
9 your plan.

10 So let's look at the plan that Senator
11 Rich filed and ultimately withdrew.

12 District 3, Congresswoman Brown who is a
13 person of historic significance in the state of
14 Florida. It takes voting age population of
15 African-Americans, which is at 50 percent and
16 reduces it by over 25 percent. It is over
17 25 percent reduction to 36.2 percent.

18 So how is that showing a commitment to
19 make sure that African-Americans have members
20 of Congress, which by the way, they didn't use
21 to. For many decades in Florida there were no
22 African-Americans in the United States Congress
23 from Florida, and she was one of the pioneers.

24 Well, how does it help the cause of
25 African-Americans to reduce the number of

1 African-Americans of voting age population from
2 50 percent to 36.2 percent?

3 Secondly, if you look at District 23,
4 Congressman Hastings' district, his voting age
5 population that are African-American also is
6 diminished, and it removes from his district in
7 its entirety five counties, of the five
8 counties that are protected under the Voting
9 Rights Act.

10 That is almost certainly would lead to the
11 Justice Department denying pre-clearance when
12 you have taken the very five counties that we
13 are supposed to monitor and make sure we treat
14 them fairly and you have taken them out of the
15 current district that they are in.

16 And then finally, on a more technical
17 nature, but it is important because it is in
18 Amendments 5 and 6 and we have been told over
19 and over and we have been encouraged and
20 sometimes lectured by people to follow 5 and 6,
21 follow 5 and 6.

22 Well, I have noticed in life a lot of
23 times the people who are telling you the most
24 to do something are doing it in fact the least.
25 So let's look at what this amendment does that

1 Senator Rich ultimately withdrew.

2 It is important that Amendments 5 and 6
3 has the language in there about trying to keep
4 cities and counties together where feasible.

5 Well, in her proposal it split 72 cities
6 in the Congressional map compared to 45 for our
7 map. So by any definition it is, it goes
8 against the intent of 5 and 6. It also has 156
9 distinct city splits compared with 103 in the
10 map that Senator Gaetz worked on and the
11 Committee map that we are voting on today.

12 So those are just three areas where the
13 proposal that Senator Rich filed as an
14 amendment does things that most of us in this
15 room consider to be ill-advised, considered not
16 to be good policy and in some cases be against
17 Amendments 5 and 6.

18 So I would just ask that while people have
19 every right to criticize products, and I don't
20 think you have any obligation, as, you know,
21 you go to trial, you don't have to put on a
22 case, but once you do put on a case then people
23 are going to look at it and I think when we
24 look at the amendment that was filed by the
25 Minority Leader, that it does not live up to

1 the expectations that all of us have, which I
2 think points out the superior product in the
3 Committee Bill that we are currently
4 considering. Thank you.

5 PRESIDENT HARIDOPOLIS: Senator from the
6 29th, Senator Smith, you are recognized in
7 debate.

8 SENATOR SMITH: Mr. President, and I would
9 like my good friend, learned counsel Negrón, I
10 won't get up and argue against the dissent,
11 because the dissent is what is not the law.

12 I will argue against the Bill that is
13 before us, not something that was presented and
14 withdrawn that we are not even discussing
15 today.

16 I will vote against this Bill today
17 because I think there are some opportunities we
18 could have done something different. I didn't
19 offer up those opportunities, but I reserve the
20 right as a member of the Legislature to vote
21 against it if I don't think it is done right.

22 Right now when we talk about minority
23 populations and talk about voting age
24 populations of minority districts, I think we
25 have all talked about at different times that

1 you don't need as many minorities to make a
2 minority district.

3 I have been trying to find out how exactly
4 are we doing this, is it a majority, minority
5 district or is it a minority access district,
6 because those are two separate things, and I
7 think we keep intertwining those two meanings,
8 and I wish during the closing someone could
9 really discuss the methodology whether they
10 considered creating or keeping minority access
11 seats or majority-minority seats, because in
12 order for a minority to be elected you don't
13 need a majority-minority in a district.

14 I think we have seen that. There are
15 examples of that everywhere to have full access
16 to a seat. So for those reasons I think there
17 were a couple of concerns with this map also.
18 I can't fully agree with the map so I will be
19 voting against the map today. Thank you.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 10th, Senator Storms, you are recognized in
22 debate.

23 SENATOR STORMS: Thank you, Mr. President.
24 Well, I wanted to say a couple of things and so
25 just let me say at the outset to particularly

1 Senator Joyner, not by way of lecturing, and my
2 friends who are in the Senate who have paid
3 with their sweat and with their blood and with
4 their freedom on this issue, so this isn't by
5 way of lecturing, but by way of explanation of
6 why I arrived at the conclusion that I arrived
7 at today.

8 Yesterday I listened to the entire text,
9 the entire presentation of Dr. King's speech on
10 the Mall, and I heard words that I had never,
11 that had never really touched my heart the way
12 they touched my heart yesterday, and I thought
13 that they were dispositive in our conversation
14 today because it speaks directly to the
15 comments that Senator Smith was making and the
16 comments that Senator Braynon was making and
17 certainly the comments that Senator Joyner made
18 earlier when we talked about the Senate.

19 And if you would just indulge me for a
20 second I will read the exact text. It is just
21 two lines, so I am not going to read the whole
22 thing, and I don't want anybody to be worried
23 about that, but it is the language where
24 Dr. King spoke about this.

25 "We cannot be satisfied as long as a Negro

1 in Mississippi cannot vote and a Negro in New
2 York believes that he has nothing for which to
3 vote."

4 So Mississippi, the people in Mississippi
5 could not vote. That was the poll tax. That
6 was come in here and tell me how many marbles
7 are in this glass container and then you will
8 have the right to vote.

9 Tell me how many bubbles a man can blow if
10 he makes bubbles with soap, and people would go
11 in and they would be desperate to vote and they
12 didn't have the right to vote, and they
13 couldn't vote and everybody here is familiar
14 with that aspect of the Voting Rights Act and
15 what the Voting Rights Act said is you couldn't
16 use those questions. You couldn't do that.
17 You couldn't deny people to vote.

18 But for the first time, and maybe because
19 I didn't live it, because I didn't go to jail,
20 because I wasn't denied it, I never heard
21 Dr. King's speech when he spoke about the
22 people in New York who had no one for whom to
23 vote. They didn't have anybody to cast their
24 vote for, and I never understood what that
25 meant.

1 And so yesterday for the first time I
2 understood what it meant and it seems like an
3 appropriate place to plug it in today. What it
4 means, at least what it meant to me, is that
5 people of color, language, and
6 African-Americans wanted somebody that looked
7 like them. They wanted to be able to go to the
8 polls, even that they were in New York and they
9 had the ability to vote, they wanted somebody
10 who looked like them, who had their
11 experiences, who knew what their children, what
12 their little girls and their little boys
13 experienced, who knew the unique
14 characteristics of what it meant to live in
15 that experience.

16 And so to me yesterday when I listened to
17 Dr. King speak and what, just me, little Rhonda
18 Storms saying that it doesn't make any
19 difference, but it was an extraordinary, all of
20 these years later, an extraordinary speech and
21 withstands the test of time, but it seems like
22 that is what we are trying to do here in
23 redistricting.

24 At least that is what I am trying to do.
25 So for the people who are standing up and

1 saying what about this, what about dilution,
2 for me in my experience I take those words and
3 I plug them in here and I say what does it mean
4 if we try and dilute, when the courts talk
5 about voter dilution, when they talk about
6 racially polarizing, what does it mean to
7 dilute the power of a minority to elect people
8 that, that shall be drawn, to elect, not to
9 diminish their ability to elect representatives
10 of their choice. What does that mean?

11 Well, it does mean that you don't take the
12 minority and subrogate their ability to vote
13 for people by submerging them in a majority
14 district, and to me that is what Dr. King
15 meant, and I knew that that -- I knew that that
16 is part of what we were trying to do here
17 through redistricting when we started this
18 whole process and people heard me talk about
19 this before.

20 I went to Beesville which is my district.
21 Beesville is a historic African-American
22 community that was settled by emancipated
23 slaves. And so when we very first started this
24 project I went to my district, months and
25 months ago, more than a year ago and I had a

1 meeting in Beesville with folks and I said,
2 here is what we are doing.

3 If we do this and the end result is you
4 can run an African-American in a race, but an
5 African-American can never get elected, does it
6 matter to you if it is still that person of
7 your same party affiliation, or does it matter
8 to you that you could say to your sons, look,
9 son, there is Senator Chris Smith, an
10 African-American man, or look at my sweet
11 princess daughter, there is Senator Joyner or
12 Senator Bullard, an African-American woman.

13 Does it matter? I think it does matter,
14 and I think that is what to me, not having had
15 that experience and I want to say again, not by
16 way of lecturing, but just by way of
17 explanation, that is how I have arrived at this
18 process to say I want to be a blessing and not
19 a curse.

20 Sometimes I am a curse in spite of that,
21 but I want to be a blessing and not a curse,
22 and I want to do everything that I can to be
23 responsible to the Constitution to say, yes,
24 the Voting Rights Act means that we are not
25 going to engage in poll taxes, we are not going

1 -- we are going to give people the opportunity
2 to show up at the polls on election day and
3 vote without any hassle, without having to go
4 through dogs, without having to guess marbles,
5 that is that part of it.

6 But the other part that we are going to do
7 is we are going to say, you have an opportunity
8 to represent and to elect people, a realistic
9 opportunity to elect people who look like you,
10 who think like you, and who are members of the
11 minority party or the minority population so
12 that we altogether will make the best possible
13 decisions.

14 So for those of you who are my friends and
15 you understand my heart, I wanted to share
16 those thoughts with you so you would understand
17 at least the Senator from the 10th District,
18 how I arrived in the position that I am today
19 to vote on these issues to protect the minority
20 interests in the best way possible.

21 Thank you, Mr. President.

22 PRESIDENT HARIDOPOLIS: Thank you.

23 Senator from the 15th, Senator Dockery, you are
24 recognized in debate.

25 SENATOR DOCKERY: Thank you,

1 Mr. President. Members, the ballot summary
2 language states the following, "Legislative
3 districts or districting plans may not be drawn
4 to favor or disfavor an incumbent or political
5 party.

6 Districts shall not be drawn to deny
7 racial or language minorities the equal
8 opportunity to participate in the political
9 process and elect representatives of their
10 choice. Districts must be contiguous. Unless
11 otherwise required, districts must be compact,
12 as equal in population as feasible and where
13 feasible must make use of existing city, county
14 and geographical boundaries."

15 In looking at these Congressional maps, 43
16 out of 67 counties are not split at all. That
17 is a great number, and I congratulate you on
18 being able to do that, Senator Gaetz, and to
19 the Committee as a whole. But one county, Polk
20 County, is split four ways.

21 District 12 has been described as a rural
22 district, and to further prove that point, a
23 Charlotte County city of 54,000 people was
24 removed because it was deemed urban.

25 In the comments made on the floor it was

1 stated that the Committee's intention with
2 District 12 is to recognize that the rural
3 agricultural Congressional District in the
4 interior of the state is an appropriate
5 configuration for a Congressional District.

6 The district combines similar interests of
7 Glades, Okeechobee, Highlands, Desoto and
8 Hardee Counties and the rural areas of
9 Charlotte, Polk, Hillsborough, Manatee, Lee and
10 Sarasota Counties.

11 Members, Polk County has over 600,000
12 people. The City of Lakeland has over 100,000
13 people. The portion of Polk County that is in
14 this supposed rural district includes Lakeland.
15 Lakeland is the home of Publix Supermarkets,
16 one of the largest employers in the state.

17 Polk County is also home to Babcock, to
18 State Farm Insurance, and those areas are
19 included in this rural Senate District 12.

20 In following the directives of the Fair
21 District Amendments I would submit to you that
22 the Congressional District 12 does not meet the
23 requirements to be compact, nor does it meet
24 the requirement to make use of existing county
25 boundaries.

1 Likewise, the other three districts in
2 Polk County, 5, 8 and 27, as it relates to Polk
3 County might also run afoul of the goals of the
4 Fair District Amendments.

5 To my colleagues who have made comments
6 about why don't you submit an amendment. I
7 would state that when you are not a member of
8 the Redistricting Committee, today is the first
9 true entry point in this discussion and in
10 being able to participate in this.

11 There was a group of individuals who was,
12 who were putting together an amendment that was
13 supposed to be filed for this, and I did
14 participate with them in trying to address the
15 needs and the concerns I have in the central
16 Florida area for the sole purpose of trying to
17 make this redistricting map, which may be
18 perfect in all of the other counties, other
19 than the four that I have concerns with.

20 The problem is to submit an amendment is
21 to submit an entire redistricting map. You are
22 not able to just change that portion which you
23 think does not meet the guidelines of the Fair
24 Districts Amendment.

25 So I don't have expertise in the

1 panhandle. I don't have expertise in South
2 Florida, but I do know my communities of
3 interest in central Florida, and I have been
4 trying to make corrections to that.

5 My goal today is not to be an
6 obstructionist and it is not to criticize a
7 good work product which the rest of the state
8 may be perfect. It is to point out that there
9 are problems with the central Florida regions
10 and I don't believe that they meet the criteria
11 that I read to you from the ballot language for
12 the Constitutional Amendment.

13 That leaves me kind of a Hobson's choice.
14 Do I support a map which, if I believe the rest
15 of you that the other counties are all perfect
16 at the expense of the county that I represent
17 and less parochial as a State Senator who
18 supported the Fair District Amendments which
19 passed with an overwhelming majority of voters,
20 do I support a redistricting map where I truly
21 believe that the area that I represent does not
22 meet the guidelines of Fair Districts?

23 So I bring before you questions and
24 concerns of the district that I represent, the
25 fact that it is not the areas that you have

1 included are not rural areas and that we are
2 just beginning as a full Senate to debate the
3 merits of a redistricting map and we don't have
4 the opportunity to make tweaks, we need to vote
5 it out one way or the other today and then it
6 goes over to the House.

7 I would submit it makes more sense to
8 correct it before it goes to the courts than to
9 wait for the courts to send it back to us. So
10 with those concerns on the record I just would
11 hope that we as a body could treat Polk County
12 in the center of the state like we have treated
13 the other 67 counties in the state.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 8th, Senator Thrasher, you are recognized in
16 debate.

17 SENATOR THRASHER: Thank you,
18 Mr. President. You know, Senator Dockery,
19 there is some, if I looked at it objectively,
20 there is some problems with some of the
21 districts in my area, but also remember the
22 fact that we are State Senators, we are State
23 Senators, and that we ought to be looking at
24 what is in the best interest of the people of
25 the State of Florida.

1 And again I go back and I think it has
2 been said multiple and multiple times, the
3 process has been one that has been inclusive,
4 transparent and open to anybody. I understand
5 you weren't on the Committee and I respect
6 that, but I will tell you this, I think any
7 member of this Senate could have gone to the
8 professional staff and asked for assistance in
9 correcting issues that they thought were
10 inappropriate.

11 I just believe that. I have known John
12 Guthrie longer than I want to admit and I know
13 him to be somebody who will work tirelessly to
14 ensure that any member of this Senate has the
15 opportunity to ensure that their ideas and
16 their proposals are heard before the full
17 Senate or certainly in the Committee.

18 So I regret that you had that experience,
19 but I would also say that our staff stood ready
20 and willing to help any single Senator who had
21 an issue in this particular map.

22 You know, Senator Smith, I just want to
23 talk to you a minute about the Constitution of
24 Florida, and, you know, what we are dealing
25 with here is we have talked earlier is not

1 hyperbole, it is not speculation, it is not
2 stuff that, you know, that perhaps we pull out
3 of the air, but it is honest to goodness
4 constitutional law and the Federal Voting
5 Rights law.

6 You know, you can't just push those aside.
7 They are there. Senator Dockery said she was
8 for Amendments 5 and 6. I said earlier I was
9 against Amendment 5 and 6 for the reason I
10 thought we had enough clear law on these issues
11 for the State of Florida to do its job, and
12 this Legislature to do its job, but they passed
13 and everywhere we went, everywhere we went in
14 the state of Florida, everybody at least in
15 every location I went to got up and said, you
16 know, be true to Amendments 5 and 6.

17 Some of them were each sophisticated
18 enough to understand that we also needed to
19 apply the Voting Rights Act, Section 5, and I
20 will tell you in my opinion, I may, and
21 whatever the folks across the street do, they
22 do. We know that, and they have done it
23 before, but I agree with Senator Margolis, I
24 think this plan is probably a good plan.

25 There might be some tweaks to it that they

1 might want to send back to us, I don't know,
2 none of us know, because nobody has ever
3 interpreted yet Amendments 5 and 6, but I will
4 say this.

5 The one thing that stands out to me and
6 the reason that I pushed for it in our
7 Committee to ensure that minority districts
8 were protected and looked at was the language
9 that is in our Constitution which basically
10 says, and whether it is minority,
11 minority-majority, you don't know how -- I
12 don't know how to interpret that either, but I
13 do know what the Constitution says, and it says
14 districts, districts shall not be drawn to
15 diminish the ability of minorities to elect
16 representatives of their choice.

17 That is pretty dadgum clear to me, and I
18 know, Senator Braynon, we have got a new Mayor
19 in Jacksonville and I am proud of him. I know
20 that if we pass the Senate plan in Duval County
21 where I don't live, but I represent part of it,
22 Senator Gibson, Senator Gibson will be the only
23 Senator who resides in Duval County
24 representing that area.

25 So I know there have been a lot of

1 changes, but you can't push aside the
2 Constitutional Amendments that were passed,
3 Amendments 5 and 6, and I don't believe you can
4 push aside the Voting Rights Act.

5 So I think what we have done in that
6 regard should prevail, and I got to tell you,
7 we shouldn't weaken minority voting strength in
8 the state of Florida and anybody who comes with
9 a suggestion that we do that, in my opinion,
10 comes with a heavy, heavy burden, and I haven't
11 heard that today.

12 Again, in all due respect, I haven't heard
13 that. So I think we have been true to the
14 Constitution. I think we have been true to
15 Amendment 5 and I think Senator Gaetz, again,
16 has done a masterful job with the staff of
17 making sure that we are in the posture to send
18 the most correct piece we can within the
19 confines of Amendment 5 and 6 to the Florida
20 Supreme Court and the Justice Department, and I
21 would urge your favorable vote of this good
22 Bill.

23 PRESIDENT HARIDOPOLOS: Senator from the
24 34th, Senator Rich.

25 SENATOR RICH: Thank you, Mr. President.

1 I am kind of feel like I am repeating myself
2 from before, but I am going to do it anyway.

3 I had a couple of -- just a couple of
4 quick comments before I start to express my
5 remarks. I just want to say, Senator Storms, I
6 agree with you.

7 We all should be concerned about minority
8 voting, and in my opinion we all should have
9 been concerned about that when we passed
10 legislation last year and many states around
11 the country did that will help prevent
12 minorities from voting in the next election.

13 Also, Senator Negron, it is very
14 interesting, I know you mentioned about the
15 five counties, about the difference in the
16 counties, but I brought up that same comment
17 about Districts 1 and 3 in the Senate map and I
18 was told that, you know, that really wasn't a
19 part of the Constitution. Although Senator
20 Dockery read it and I read it as certainly as
21 counties are certainly one of the most
22 geographical boundaries that we have.

23 So we should -- we should make it fair on
24 both sides, not using it, you know, for one
25 person's purposes or another, either it is or

1 it isn't.

2 Two years ago, as I said before, the
3 voters could not have spoken louder or with
4 more clarity. They said they were tired of
5 elected officials drawing seats that favored
6 themselves or their party of choice and their
7 voices could not have been stronger.

8 In an election when our Governor failed to
9 get even a majority of the electorate,
10 Floridians agreed on the Fair District
11 standards by 63 percent, yet we are here today
12 considering maps that I believe are drawn in
13 violation of Fair District standards.

14 First, while the Committee spent much time
15 and energy hosting the meetings across the
16 state and listening to speakers and inviting
17 submission of maps from the public, actually I
18 look and I see the examples and voices were
19 actually cherry picked when you look at certain
20 comments that were made at different
21 redistricting meetings.

22 For the most part I think those comments
23 were selected because they do support a
24 person's point of view or not. While everybody
25 professed their great desire to support

1 minority voters, I agree with my friend,
2 Senator Joyner, who believes that for too long
3 the so-called protection of minority voters has
4 been used by this Legislature as a pretext to
5 draw seats that preserve incumbency and advance
6 the interest of a particular political party.

7 Bleaching seats in the name of minority
8 protection is a practice that must be resisted.
9 It ultimately diminishes the impact minority
10 voters have in the governance of this state and
11 makes it easy for communities of color to be
12 neglected by the vast majority of elected
13 officials.

14 The Fair Districts criteria I believe
15 contemplated more competitive elections. The
16 idea that after all of this work we ultimately
17 produce maps, I believe, that favor the party
18 in power and sitting incumbents, and that means
19 to me that we have not complied with Amendments
20 5 and 6.

21 Amendment 6 gave this Legislature both an
22 opportunity and a mandate to start over, to
23 wipe the slate clean and to remake the
24 redistricting process. And for all of the talk
25 of openness and public participation we have

1 heard throughout the process, and I do give
2 tremendous credit to Chairman Gaetz for the
3 plentiful opportunities for input that were
4 provided.

5 In spite of all of that I believe the maps
6 that are being passed out today look a lot like
7 the ones the voters were hoping would be gone
8 when they passed Amendment 6. This plan still
9 protects incumbents. It still gerrymanders, it
10 still has districts that meander around the
11 state with no apparent logic and it will still
12 very likely result in a Congressional
13 delegation that is grossly disproportionate to
14 the partisan makeup of this state.

15 So for those reasons I will be opposing
16 the map today.

17 PRESIDENT HARIDOPOLIS: Before we go to
18 Senator Gaetz to close, is there anyone else
19 who would like to be heard in debate before we
20 go to Senator Gaetz?

21 With that, Senator Gaetz, you are
22 recognized to close on the Bill.

23 SENATOR GAETZ: Thank you, Mr. President,
24 and thank you all who have stayed this long day
25 to participate in designing the political

1 landscape of Florida for the next decade, it is
2 serious business. Thank you for your serious
3 attention. Thank you for your serious debate.

4 Senator Braynon says that Congressional
5 District 3 meanders and is gerrymandered, and
6 he talks about all of the African-Americans who
7 he encountered in Duval County and that we
8 ought to pay attention to them. We did.

9 While there was testimony in opposition to
10 the current configuration of Congressional
11 District 3, there was not one single
12 African-American, not one who testified against
13 maintaining Congressional District 3 as a
14 district where there should be no backsliding,
15 there should be no diminution, there should be
16 no reduction in minority voting strength.

17 Not one African-American testified to that
18 effect. So having lived in Jacksonville,
19 understanding that city to some extent, I agree
20 that there certainly are plenty of
21 African-Americans in Jacksonville, lots of
22 them, but none of them came to the hearing and
23 testified as Senator Braynon suggested would be
24 the case.

25 Senator Smith reserves the right to vote

1 against something that he just doesn't think is
2 right, even though he offers no alternative,
3 and that is his right. It is his right to vote
4 no without offering an alternative, but you are
5 supposed to be a constructive engager in the
6 public process.

7 If you don't like what is being proposed
8 there were 32 separate formal invitations to
9 offer an improvement, and I would just -- I
10 would just remind my friend, Senator Smith,
11 that many members of the Democratic Party on
12 this floor and the Republican Party took up
13 that invitation and offered insights, offered
14 guidance, offered criticism that helped us
15 create better Congressional maps.

16 I wish Senator Smith would have engaged as
17 well. I know that his insights would have been
18 respectfully listened to and I am sure he could
19 have made a contribution had he chosen to be
20 engaged.

21 Senator Smith tells us that we don't need
22 a majority of minorities to elect a minority,
23 and that is agreed. It is agreed by the
24 evidence that he provided, an African-American
25 who is Mayor of Jacksonville, and an

1 African-American is President of the United
2 States, a country that certainly does not have
3 a majority of African-American voters, but to
4 substantially decrease minorities in a district
5 that historically has been able to elect
6 minorities to national office is simply wrong.

7 It is violative of the Constitution. It
8 is violative of the Voting Rights Act and it
9 violates the unanimous consent agreement that
10 we established in our committee. There ought
11 to be no backsliding, there ought to be no
12 reduction, there ought to be no diminishment of
13 minority voting opportunities in this plan.

14 That is what we said and that is what we
15 did. The alternative proposals that were
16 offered and then withdrawn, in every case
17 reduced minority voting opportunities and
18 reduced substantially by the scores of
19 thousands the opportunity for minorities to
20 choose candidates of their choice.

21 I noticed that the NAACP did not seize
22 upon this opportunity to have black voter
23 rights diminished. Instead, they filed maps
24 which we followed to ensure that the hard won
25 gains that so many Senators have spoken of so

1 eloquently on this floor would not be
2 diminished and would not be lost.

3 Senator Dockery says that coastal
4 Charlotte County was removed from a Senate
5 District in a Committee Substitute because it
6 is urban. I am sorry that she, that I didn't
7 make myself as clear as I could have or should
8 have in our discussion earlier when I said that
9 that portion of Charlotte County that is
10 coastal was not removed and placed into a
11 coastal district because it was urban, but
12 rather because it was coastal.

13 That was the input we received from the
14 public. That was the input we received from
15 the newspaper and the media in Charlotte County
16 and so that is what we did.

17 Senator Dockery talks about Publix
18 Supermarkets in Lakeland as being a significant
19 employer and she is right. A representative of
20 Publix Supermarkets informed me today that
21 Publix is just fine with the Congressional and
22 Senate maps that have been proposed. His name
23 is Mike Mitchell. You can give him a call,
24 Senator.

25 And then Senator Dockery suggests to us

1 that if it were true, we ought to really be
2 concerned. Senator Dockery suggested was that
3 today was the first point of entry, the first
4 entry point she said into this debate, and that
5 is why there was no amendment.

6 Well, I am sorry, respectfully, Senator
7 Dockery is wrong on the facts. I have here two
8 memoranda which were sent to her office. One
9 on September 27th, 2011, and one on
10 November 18th, 2011, which invited her
11 specifically to offer any amendments, and on
12 the day that amendments were to be filed, the
13 last day, which was Friday, again, by unanimous
14 consent agreement of the Committee, Mr. Guthrie
15 from our professional staff called Senator
16 Dockery's office because he heard she was
17 concerned.

18 Called once, called twice, called three
19 times, called four times, asking if there was
20 anything the professional staff could do to
21 help her fashion an amendment to take care of
22 her concerns, and the response was nothing.

23 So to come on this floor and suggest that
24 today is the first point of entry is just
25 factually wrong. And then Senator Dockery asks

1 rhetorically, should I vote for something if it
2 is wrong for my community.

3 We have had a long process, as Speaker
4 Thrasher has indicated. We have had multiple
5 opportunities for people to offer improvements
6 and we have accepted those improvements. That
7 is the thing that I hope the Senate will
8 understand.

9 We have accepted criticism, comments,
10 suggestions and improvements day after day,
11 time after time from Senators on this floor,
12 from members of the public, from interest
13 groups. Sadly, nothing from Senator Dockery,
14 and so she is left then wondering whether she
15 should vote for or against and she has decided
16 to vote against and I think she should.

17 Senator Rich offers the same analysis she
18 did in opposition to the Senate plans. She
19 says the maps are drawn in violation of the
20 Fair District standards, but sadly, and I say
21 this respectfully, because Senator Rich has
22 engaged in this process, she offers no
23 evidence.

24 She offers not a scintilla of evidence as
25 to why the proposal before you violates any

1 standards of the Fair Districts Amendments that
2 were passed by 63 percent of voters.

3 She says that the Congressional maps in
4 front of you favor the party in power and favor
5 incumbents, but she failed to listen apparently
6 to Senator Latvala who brings the voice of
7 experience and talks about how, in contrast to
8 2002, in this set of Congressional maps that
9 are before you, incumbents are not favored. We
10 don't even know where we live, where they live,
11 but by reading the newspapers we find that
12 there are four or five incumbents who don't
13 even live in the districts that we have drawn.

14 Tough luck. We have drawn districts not
15 for incumbents or challengers, not to favor or
16 disfavor them, but in conformance with the law
17 and good redistricting principles.

18 There is no evidence that the party in
19 power is favored or that incumbents are favored
20 and if there were such evidence she would have
21 presented it on this floor. She would have
22 forced us to confront it, but there is no
23 evidence.

24 Our President said to me some months ago,
25 if there is compelling evidence, if there is

1 persuasive testimony, if the numbers show that
2 we ought to do it, then we ought to have a
3 Hispanic opportunity seat in central Florida.

4 Now, let me offer the only partisan
5 comment I will offer in this debate. I figure
6 as a Republican her chances of winning that
7 seat aren't really good, and my guess is the
8 Senate President figured the same thing, but it
9 was the right thing to do.

10 So without fear or favor or disfavor, he
11 said if the numbers show that this is the right
12 thing to do, do the right thing, and so the
13 maps before you include a Hispanic seat in
14 central Florida.

15 Senator Latvala is right, there has been
16 no reference to the interests of incumbents.
17 Some incumbents will be out of their districts.
18 Tough luck. Some incumbents will find that
19 they will have to introduce themselves to
20 scores of thousands of new voters. So what.

21 These are fairer districts than you have
22 seen before. Every metric and I have laid them
23 out for you, they have been laid out in answers
24 to questions. They have been laid out in
25 explanation of this Bill. Every single metric

1 shows that these are fairer, better, more
2 compact districts than we have had before,
3 making greater use of city and county
4 boundaries and natural boundaries than ever
5 before.

6 Mr. President, I can't conclude without
7 again thanking our professional staff, John
8 Guthrie and his staff members who have been
9 available to every Senator, Democrat or
10 Republican.

11 I can tell you that over the holidays they
12 were available to Democrats, they were
13 available to Republicans, they were available
14 to interest groups, they were available to
15 ordinary citizens who just said, you know, I
16 have an idea or a criticism or an insight that
17 I want to share with you.

18 These are individuals who are
19 professionals. They are not politicians. They
20 were available to each of us, and so you have
21 before you, not a perfect plan, but a
22 Constitutional plan.

23 A plan that is fair, a plan that stands I
24 think in stark contrast to the suggestions and
25 the allegations and the charges made against

1 it, all of them without evidence or foundation.

2 So it is with thanks to the President for
3 the opportunity which he gave me to Chair this
4 Committee and with gratitude to Senator
5 Margolis, President Margolis for her wisdom,
6 her insight and her leadership to every member
7 of this Committee, no matter how they vote, to
8 every member of the Senate, no matter where
9 they are engaged in this process and with
10 appreciation to the best professional staff
11 that I believe exists in any redistricting
12 effort in this country, that I ask for a
13 favorable vote.

14 PRESIDENT HARIDOPOLIS: That concludes.
15 The Secretary will unlock the board and
16 Senators will prepare to vote.

17 Have all Senators voted? Have all
18 Senators voted? Secretary, lock the board and
19 announce the vote.

20 THE SECRETARY: Thirty-four yea's, six
21 nay's, Mr. President.

22 PRESIDENT HARIDOPOLIS: And by your vote
23 CS for Senate Bill 1174 passes by the required
24 number.

25 SENATOR GAETZ: Thank you.

1 PRESIDENT HARIDOPOLIS: Senator Gaetz, you
2 are recognized for a motion.

3 SENATOR GAETZ: Thank you, Mr. President,
4 I move that the rules be waived and Committee
5 Substitute for Senate Joint Resolution 1176 and
6 Committee Substitute for Senate Bill 1174 be
7 immediately certified to the House of
8 Representatives.

9 PRESIDENT HARIDOPOLIS: Without objection
10 the motion is adopted. Well done, Senator
11 Gaetz, well done, Senators, for a thoughtful
12 debate today.

13 We have a couple of Bills to withdraw from
14 further consideration. The Secretary will
15 please read the Senator's name and Bill number.

16 THE SECRETARY: Senator Hays, Senate Bill
17 1894, Office of Financial Regulations of the
18 Financial Services Commission. By Senator
19 Bennett, Senate Bill 1002, Shark Fins.

20 PRESIDENT HARIDOPOLIS: Without objection
21 show the Bills withdrawn from further
22 consideration and their Committees of
23 reference.

24 Are there any other items for the good of
25 the order before I go to Senator Thrasher?

1 Senators, let me get your attention if I could,
2 please.

3 As you all know from the calendar this
4 week, we had planned on being on the floor
5 today, tomorrow and perhaps even Friday. Due
6 to the good work of the Committee and of course
7 the Senators as well, we are now beyond
8 reapportionment here in the Senate and we look
9 forward to seeing the House's plan for their
10 House Districts.

11 So tomorrow the only agenda item is
12 Senator Thrasher's committee. I believe it
13 meets from 1:15 to 2:00, the Rules Committee.
14 Beyond that, of course, Senators can meet with
15 individuals as they wish tomorrow, and of
16 course, we resume our normal schedule on
17 Thursday, and this will mean on Friday there
18 will be no legislative session.

19 So just for the housekeeping, you have a
20 full day to catch up on work or whatever you
21 need to do tomorrow throughout the day, just
22 the Rules Committee will be meeting.

23 Beyond that are there any other items
24 before I go to the Rules Chair, Senator
25 Thrasher? With that, Senator from the 8th, you

1 are recognized.

2 SENATOR THRASHER: First of all, a motion
3 on some referencing. I move the rules be
4 waived and that the references to the following
5 Bills be corrected as follows.

6 Senate Bill 1144, to government over-site
7 and budget; Senate Bill 1212, to government
8 over-site and budget; Senate Bill 1214 to
9 government over-site and budget; and Senate
10 Bill 1502 to Criminal Justice, health
11 regulation and budget.

12 PRESIDENT HARIDOPOLIS: Without objection
13 show that adopted.

14 SENATOR THRASHER: Ready to pack it in,
15 Mr. President? Mr. President, I move that the
16 Senate stand in recess until Tuesday,
17 January 24th, at 9:00 a.m. or upon the call of
18 the President for the purpose of holding
19 meetings and conducting other Senate business.

20 PRESIDENT HARIDOPOLIS: Without objection
21 the Senate is now in recess.

22 (Whereupon, the proceedings were
23 concluded.)

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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 171 through 339 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 23rd day of January, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014

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2012 REGULAR SESSION
FEBRUARY 9, 2012

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 PRESIDENT HARIDOPOLOS: All right, we will now
3 continue with the daily business. Other reports or
4 committees?

5 THE SECRETARY: None on the desk, Mr. Press.

6 PRESIDENT HARIDOPOLOS: Are there motions
7 relating to the Committee's reference?

8 THE SECRETARY: None on the desk, Mr.
9 President.

10 PRESIDENT HARIDOPOLOS: Are there messages
11 from the Governor or other executive
12 communications?

13 THE SECRETARY: None on the desk, Mr.
14 President.

15 PRESIDENT HARIDOPOLOS: Are there messages
16 from the House of Representatives?

17 THE SECRETARY: On the desk, Mr. President.

18 PRESIDENT HARIDOPOLOS: Read the message.

19 THE SECRETARY: "The Honorable Mike
20 Haridopolos. President, I am directed to inform
21 the Senate that the House of Representatives has
22 passed Committee Substitute for Senate Bill 174
23 with amendments and request the concurrence of the
24 Senate. Committee substitute for Senate Bill 1174.

25 A Bill to be entitled, An Act Establishing the

1 Congressional Districts of the State. House
2 Amendment Bar Code 832579."

3 PRESIDENT HARIDOPOLOS: Senator from the
4 Fourth District, Senator Gaetz, you are recognized
5 to explain your message.

6 SENATOR GAETZ: Thank you very much, Mr.
7 President. Today what we will do is first talk
8 about the Congressional maps, and as the message
9 indicated, the House of Representatives accepted
10 the Senate's Congressional maps which you approved
11 on this floor and then added amendments. Those
12 amendments were negotiated and we will explain them
13 in detail today.

14 And then the second item of business which the
15 President has agreed to place on the agenda today
16 in a message from the House, is a return of the
17 legislative maps.

18 The Senate as you will recall passed the
19 Senate maps. There is no change in the Senate
20 maps. The House of Representatives accepted the
21 Senate maps without any amendment whatsoever, but
22 they added the House districts has been agreed to
23 and as I explained on this floor.

24 And so we will receive a second message later
25 in our conversation today having to do with

1 legislative maps.

2 I know that this Chamber and also Senators
3 were extremely patient and very kind as we took a
4 great deal of floor time with this discussion and
5 debate when it came before us for initial voting.
6 And I apologize to you in advance for taking
7 additional floor time today, but I ask your
8 indulgence because there are some things that we
9 need to say to make sure there on the record, give
10 everyone an opportunity to ask questions.

11 Our friends in the minority have a series of
12 questions that they intend to ask and we want to
13 give them every opportunity to ask those questions
14 and give thoroughgoing answers.

15 Mr. President, on January 17th of this year,
16 the Senate passed Committee Substitute for Senate
17 Bill 1174 and Committee Substitute for Senate Joint
18 Resolution 1176 with an overwhelming bipartisan
19 majority. Both measures were adopted by a vote of
20 34 to 6, with the majority of Democrats and all but
21 one Republicans voting in the affirmative.

22 By your votes then we sent the
23 Senate's redistricting plan for the Senate and the
24 Senate's redistricting plan for Congress to the
25 House of Representatives.

1 In the days following those actions on this
2 floor, the House and Senate professional staffs and
3 Chairman Weatherford and I met frequently to
4 negotiate financial agreements on Congressional
5 maps.

6 We already had an agreement that the House
7 would accept the Senate maps and the Senate if you
8 concur today, will accept the House maps. That is
9 because the Congressional map passed by the Senate
10 and the Congressional map under consideration by
11 the House contained some differences. So
12 consequently we are here today to tell you what
13 those differences are and ask your concurrence.

14 I must tell you that in the discussions that
15 we have had with the House, both Chairman
16 Weatherford and I were instructed by our Presiding
17 Officers, I by President Haridopolos and he by
18 Speaker Cannon and we were instructed by our
19 respective Chambers that what we finally arrived at
20 must meet the requirements of both federal and
21 state law.

22 Now, from time to time there have been
23 differences in interpretation or differences of
24 opinion. That is inherent in the process. We saw
25 them on this floor and there were between the

1 Chambers as we discussed the Congressional maps.

2 However, nothing but good faith, good will and
3 good intentions have characterized the relationship
4 between Chairman Weatherford and me, between our
5 professional staffs and between our respective
6 committees.

7 Consequently, the Congressional map which is
8 before us today is not a House plan, it is not a
9 Senate plan, just as it is not a Democratic plan or
10 a Republican plan. It is bicameral, it is
11 nonpartisan.

12 Amendments 5 and 6 provide, and I quote, "No
13 reapportionment plan or district shall be drawn
14 with the intent, with the intent, to favor or
15 disfavor a political party or an incumbent", end
16 quote.

17 This prohibition against intentionally seeking
18 partisan or personal advantage was our guiding
19 principle as we applied Amendment 6 to the
20 Congressional districts. Perhaps for the first
21 time in our state's history we drew maps not to
22 help or harm incumbents or political parties, but
23 to give effect to the will of the people and to the
24 publicly expressed collaboratively developed views
25 of our two committees and most importantly, in

1 accordance with the law.

2 The maps prepared by the Senate were drawn by
3 professional staff with the Senate's District
4 Builder Web application, the same web application
5 available to the public and used by the public.

6 All members of the press and public can verify
7 for themselves that the District Builder software
8 that we used contains no election results and no
9 voter registration data.

10 The Senate database provides neither visual
11 nor statistical information about incumbents nor
12 political parties. We have no list of incumbents
13 or prospective challengers home addresses and were
14 are not interested in them.

15 Discussions between the Legislators and
16 professional staff were governed by a rule, a rule
17 that partisan or personal advantage would not be
18 discussed or considered. When setting appointments
19 with members of this body we expressly communicated
20 that rule in writing to members of this body who
21 wish to discuss redistricting with our professional
22 staff or with me, and every Democrat and every
23 Republican abided by those rules throughout this
24 process.

25 I would like to make three points if I may

1 with respect to this constitutional standard
2 dealing with intent. First, the Constitution
3 prohibits intent to favor or disfavor a political
4 party or an incumbent.

5 Now, the fact that a district has such an
6 effect does not necessarily prove that it was drawn
7 with improper intent. Let me repeat that, because
8 it is a critical legal principle.

9 Just because it can be argued by some that a
10 district line may have the effect of favoring or
11 disfavoring an incumbent does not prove wrongful
12 intent.

13 Indeed, every line drawn in every map has to
14 be drawn without -- can be drawn without somebody
15 being able to argue that an incumbent or a
16 challenger was favored or disfavored. All
17 districts in all plans have some political effects
18 no matter who draws the lines.

19 For example, the Congressional maps before us
20 today are said by some to have the effect of
21 disfavoring some Republican members of Congress.
22 The maps drawn, for example, by the League of Women
23 Voters were reported by the media to have the
24 effect of favoring some Democratic party
25 candidates, but effect doesn't prove intent.

1 Effect can result from a party neutral, incumbent
2 neutral effort to keep communities together.

3 Population distributions of the correlation
4 between race and party affiliation might also prove
5 un-voidable, but unintended political effects.

6 The second point I would make about this legal
7 principle is that some argue that having drawn the
8 maps without regard to party affiliation, we ought
9 to now revise them with the intent to create
10 partisan proportionality, but this would violate
11 the Constitution.

12 We would then be engaged in an intentional
13 effort to engineer a specific partisan result and
14 that is exactly what the Constitution prohibits.
15 The Constitution requires partisan blindness, not
16 partisan parity.

17 Finally, we know that the House, unlike the
18 Senate, included election results and voter
19 registration data in its web application. It ought
20 to be understood that our decision to exclude such
21 information in no way impeaches the House's
22 decision to include it, and to use that information
23 to create effective minority opportunity districts.

24 We excluded this political data out of an
25 abundance of caution, and frankly, because we saw

1 no need for this type of information. We know that
2 our minority opportunity districts do not diminish
3 minority voting strength.

4 Why do we know that first? Because we
5 preserved our minority opportunity districts with
6 little statistical or geographical change. The
7 continuity of these districts ensures the continued
8 and undiminished ability of minorities to elect
9 their preferred candidates.

10 Moreover, we followed the lead of groups such
11 as the Florida NAACP and LatinoJustice, in whose
12 assessments we placed considerable confidence and
13 we patterned our minority opportunity districts
14 after the districts proposed by these minority
15 groups.

16 But the House's decision to use election
17 histories and use voter registration data to
18 safeguard minority opportunities is consistent with
19 accepted practice in other states.

20 In fact, the United States Department of
21 Justice uses such data to assess minority voting
22 strength under the Federal Voting Rights Act.

23 The Chair of Fair Districts, Ellen Freidin,
24 told your committees and I quote, "There is no
25 prohibition against using voting data in order to

1 accomplish the permissible goal of protecting
2 minority rights", end quote.

3 By all accounts, the House of Representatives,
4 Chairman Weatherford, were scrupulously respectful
5 of the prohibition against political favoritism and
6 the fact that we took additional precautions is no
7 criticism of the House.

8 Now, Amendments 5 and 6 guarantee, and I
9 quote, "The equal opportunity of minorities to
10 participate in the political process", end quote.
11 And Amendments 5 and 6 prohibit the creation of
12 districts that, quote, "diminish their ability to
13 elect representatives of their choice", end quote.

14 Here the record that this Chamber has created
15 speaks for itself. Our committee unanimously in a
16 bipartisan unanimous agreement agreed to create
17 districts consistent with traditional race neutral
18 principles in which minorities are as likely as
19 before to elect candidates of their choice, where
20 under the benchmark plan, the plan we have now in
21 place, minorities were able to elect candidates of
22 their choice, the new plan as well preserves that
23 ability without diminishment.

24 In those districts we carefully avoided
25 changes that would make it more difficult for

1 minorities to elect the candidates of their choice
2 or decrease the likelihood that minority preferred
3 candidates would be successful.

4 Now, some opponents have argued packing, but
5 those critics have not produced one single decision
6 from any court in the land holding that simple
7 majority-minority districts constitute an unlawful
8 packing practice.

9 Neither the Senate map which you have
10 approved, nor the Congressional map which is now
11 before us today, contains even one district in
12 which the African-American voting age population
13 exceeds 60 percent. The largest African-American
14 population in any House district is 62.9 percent.
15 Such districts are entirely commonplace.

16 Those who would reduce minority populations in
17 minority districts would bear a heavy burden to
18 prove that the reductions they propose would not
19 diminish minority preferred candidates' likelihood
20 of success.

21 We have seen no credible, comprehensive voting
22 rights analysis to support the position that anyone
23 ought to depopulate minority district. Therefore,
24 the plan before you today adheres to the
25 constitutional mandate to, quote, "not diminish",

1 end quote, minority voting opportunities.

2 We not only preserved existing minority
3 opportunity districts, this Senate created a
4 hispanic majority Senate district and a hispanic
5 plurality Congressional district in central
6 Florida.

7 The exceptional growth in the hispanic
8 population of central Florida supports the creation
9 of these districts which were proposed during
10 public hearings by LatinoJustice.

11 Now, Amendment 6 and Amendment 5 require that
12 districts, quote, "be as nearly equal in population
13 as is practicable", end quote. The Congressional
14 districts that are before you today achieve the
15 nearest approximation to equality that is possible,
16 one person.

17 In other words, there is no greater deviation
18 than one human being in the Congressional districts
19 that are before you today. The Senate districts
20 have an overall population deviation of plus or
21 minus one percent, and the House districts that
22 will come over to us today that have come in
23 message have an overall population deviation less
24 than four percent, well within the 10 percent range
25 suggested by Federal case law for legislative

1 districts.

2 Compactness, the definition of compactness we
3 found can be elusive. Florida courts have not
4 defined compactness and there is no uniform bright
5 line rule in other states, but our committee
6 discussion in our review of court decisions in
7 other jurisdictions have pointed out a number of
8 factors that ought to be weighed and balanced when
9 compactness is assessed.

10 First there are geometric factors, three of
11 them. Whether the shape of the district is regular
12 or irregular.

13 Second, whether the territory of the district
14 is closely united.

15 Third, whether the shape of the district was
16 influenced by the physical boundaries of the state.
17 Florida doesn't look like Nebraska on the map.

18 Florida is among the least compact, least
19 geometric states on the map of the United States.

20 Equally important in defining compactness or
21 assessing it are our functional considerations.
22 Districts after all have to be drawn for real
23 people in real neighborhoods with real interests
24 and the purpose of the compactness requirement is
25 to provide effective and meaningful representation

1 to the voters.

2 And therefore, we have to consider whether
3 constituents in a district can relate to each other
4 and interact with each other. Whether constituents
5 in a district are able to access and communicate
6 with their elected officials. Whether the district
7 is interconnected through commerce, transportation,
8 communication.

9 And finally, Mr. President, compactness must
10 be harmonized with other legal constraints. We
11 have to ask whether the shape of the district was
12 impacted by the one person, one vote requirement in
13 light of uneven population distributions. It is
14 hard to ask people themselves to move for our
15 convenience. We have to move the lines where they
16 live.

17 By adjacent minority districts established
18 under Voting Rights Act or Amendments 5 and 6, that
19 is an impact that we have to consider and we must
20 also consider whether legal requirements of equal
21 importance, such as the requirement to use
22 geographic and political, geographic and political
23 boundaries are impacted.

24 The most practicable definition is the
25 definition that takes account in one way or another

1 of all of these factors and does so on a district
2 by district basis and that is what we did.

3 At each of our public hearings we heard
4 extensive testimony about the representational
5 needs of voters. We learned from our constituents,
6 3,000 of them provided written or verbal testimony
7 to our committee.

8 We learned from our constituents how to create
9 effective voting districts. I believe our plans
10 accomplish that purpose. We are obliged as well to
11 utilize political and geographic boundaries.

12 Amendments 5 and 6 require that district,
13 quote, "where feasible utilize existing political
14 and geographic boundaries", end quote, and this
15 requirement enables voters to oriented themselves
16 to their knew districts and minimizes the
17 opportunities for arbitrary or self-serving
18 districting decisions.

19 The plans before us today utilize political
20 and geographic boundaries to a much greater extent
21 than the benchmark plans. In other words, the
22 plans that were developed in 2002, under which we
23 operate today.

24 District boundaries have been constructed to a
25 greater degree from county and city boundaries,

1 from lakes and bays and rivers and well-known
2 demarcations, such as interstate highways, military
3 reservations and major roads.

4 I should note that the Constitution does not
5 mandate that we preserve political subdivisions at
6 all costs. This is a common misconception. The
7 Constitution leaves the Legislature a choice to use
8 geographical boundaries even if the geographical
9 boundary bisects secrets a political subdivision.

10 Nevertheless, each of the three final plans,
11 the Senate plan to which the House has concurred,
12 the House plan which will be before us in a few
13 minutes and the Congressional plan which is before
14 us now substantially increases the number of cities
15 and counties that are kept whole and not bisected.

16 Based on our shared and common understanding
17 of what the law requires, Chairman Weatherford and
18 I directed professional staff of our respective
19 committees to combine their best works into a
20 single Congressional map and a joint resolution of
21 apportionment.

22 Plan C9047 is the Congressional map that
23 emerged from those discussions. On January 25th,
24 that plan was posted on the House and Senate
25 redistricting websites. So since January 25th, it

1 has been available to the public, to the press, to
2 all of us, together with a full compliment of maps,
3 statistics and downloads.

4 The House Redistricting Committee passed plan
5 C9047 as a Committee Substitute on the 27th of
6 January, and at that meeting Chairman Weatherford
7 announced that on February 2nd and 3rd, the House
8 would take up and amend the Senate redistricting
9 Bill consistent with the transparent and inclusive
10 process that Senator Haridopolos, our President,
11 has insisted upon.

12 I sent an advisory to all Senators and to the
13 media listing all of the ingredients that were able
14 to us at that time.

15 Last week the House of Representatives adopted
16 Plan C9047 as an amendment to Senate Bill 1174.
17 Last evening the returning message was delivered to
18 the Secretary of the Senate.

19 Today I will ask the Senate to consider two
20 actions. First, that the Senate concur in the
21 House's amendment, which is an amendment worked on
22 by our staffs together, by Chairman Weatherford and
23 myself, and with the voices of those who testified
24 before us and the voices of those who debated on
25 this floor ringing in our ears.

1 Secondly, I will ask that we do so as we did
2 before in a bipartisan fashion, because I believe
3 as I said, that this is not a Republican plan or a
4 Democratic plan, this is not a House plan, this is
5 not a Senate plan, this is a fair plan for Florida.

6 Now, in most areas Plan C9047 which is the
7 House amendment, we will call it the House
8 amendment, looks very much like the proposed
9 Committee Bill originally published by Senate
10 professional staff way back on November 28th.

11 Members of the Reapportionment Committee know
12 how the Senate's Congressional plan evolved and
13 improved based on public input, feedback from
14 Supervisors of Elections and direction provided to
15 our professional staff by our committee at open
16 public committee meetings.

17 Today, we combine the best work product that
18 emerged from the Senate's work and careful
19 deliberation with the best that the House designed.
20 What we have before us in the form of the House
21 amendment is a significant improvement over the
22 benchmark plan and an improvement even over the
23 plan that the Senate approved on January 17th.

24 Allow me now to explain the similarities, the
25 changes and the improvements proposed by the House

1 amendment to the Congressional plan which is before
2 us today.

3 First, the Congressional boundaries in House
4 amendment to which you will be asked to concur,
5 generally are the same in northwest Florida, along
6 the eastern seaboard of our state and in most of
7 southwest Florida, except where the Senate map
8 split Manatee, Sarasota, Charlotte and Lee Counties
9 along I-75 and we will explain that.

10 The House amendment keeps the general
11 configuration of the Senate's Congressional
12 district borders in Orange and Seminole Counties
13 and in all of northeast Florida.

14 The House amendment also keeps the general
15 configuration of the Senate's Congressional borders
16 in Pinellas County. The House amendment joins
17 Hernando County with Citrus, Sumter and Marion
18 Counties in one district and it joins Pasco County
19 with northern Pinellas and Hillsborough Counties in
20 another district.

21 District boundaries in Lake, Hillsborough and
22 Manatee Counties are reconfigured to better follow
23 county lines. The amendment also reconfigures Polk
24 County in a manner that keeps Lakeland whole, along
25 with Bartow in a district with Plant City and puts

1 all of Haines City, Davenport and Lake Hamilton in
2 the hispanic opportunity district.

3 The amendment keeps Sarasota and Charlotte
4 Counties within single districts. The amendment
5 joins Monroe County with West Miami-Dade County,
6 the amendment keeps Okeechobee County, Okeechobee
7 County within a single district, those are changes.

8 Other changes between the two plans were very
9 minor in nature and were driven by professional
10 staffs' intent and I speak here both of the House
11 and Senate professional staffs, to follow political
12 and geographic boundaries wherever feasible.

13 The House amendment to which we will ask you
14 to concur keeps 46 of Florida's 67 counties within
15 single Congressional districts. This is more than
16 the Congressional map passed by the Senate and it
17 is 19 more than Florida's current Congressional
18 plan.

19 The House amendment to which we will ask you
20 to concur also keeps 383 of Florida's 410 cities
21 within single Congressional districts. This is 19
22 more than the Congressional plan passed by the
23 Senate, and 83 more than Florida's current
24 Congressional plan. So you can see the
25 improvements that are emerging from the process of

1 working together.

2 The districts in the House amendment follow
3 political and geographic boundaries to about the
4 same extent as those in the Congressional map
5 passed by the Senate and to a much greater extent
6 than those in Florida's current Congressional plan.

7 I think there is a slide overhead which ought
8 to show you an 83 percent coincidence in plan C9047
9 which is before you, compared to a 69 percent
10 coincidence in the benchmark with political and
11 geographic boundaries.

12 The average end to end of Congressional
13 districts in the House amendment is 81 miles, which
14 is slightly less than the Congressional map passed
15 by the Senate and significantly less than the
16 98-mile average for Florida's current Congressional
17 districts, more compact.

18 The average perimeter of Congressional
19 districts in the House amendment is 301 miles,
20 which again is less than the Congressional map
21 passed by the Senate and substantially less than
22 the 402-mile average among Florida's current
23 Congressional districts.

24 In other words, we have reduced the perimeter
25 of the average Congressional district in Florida by

1 100 miles.

2 Mr. President, that concludes by explanation
3 of the amendment, and I now move that the Senate
4 concur with House amendment number one. I stand
5 ready for questions.

6 PRESIDENT HARIDOPOLOS: Members, are there any
7 questions? Yes, and there will be no need to go
8 through the Chair as you ask questions to the
9 Senator from the Fourth. You can just have the
10 colloquy.

11 So Senator from the First -- Third, you are
12 recognized.

13 SENATOR BULLARD: It is on, can you hear me?
14 Senator Gaetz, I listened carefully to what you,
15 and I know this is a very, very important issue and
16 there is one thing that I really stand by, and I
17 will tell you all this before I ask my question.

18 And that is my word, and my word is my bond
19 and I will tell each of you that if I have
20 something to say to you regarding an issue as big
21 as this one, I am going to come to you straight and
22 I am going to tell you the truth.

23 In all of the 20 years that I have served in
24 this process, I have not lied to one Legislator in
25 the House or the Senate and I stand by that. I

1 have always come straight and if I had to change my
2 mind, I came to you first. So I want to preface my
3 question with that.

4 Now, I listened to what you were saying and I
5 just want one question answered. Did you say to me
6 or to us that this -- this map, the Senate map has
7 not changed and the House has accepted the Senate
8 map?

9 SENATOR GAETZ: Senator Bullard, in the same
10 spirit of candor with which you asked the question,
11 let me answer it.

12 The House has concurred entirely in the Senate
13 map, and consequently there are no changes to the
14 Senate map that we passed on this floor, not one
15 jot, not one tittle, not one inch, not one part at
16 all has been changed. It is exactly the map that
17 we passed and the House has concurred in that map.

18 SENATOR BULLARD: Thank you.

19 PRESIDENT HARIDOPOLOS: Yes, the Senator from
20 the 29th, you are recognized.

21 SENATOR SMITH: Thank you, Mr. President. And
22 I have a series of questions I would like your
23 indulgence to engage in dialogue with Senator
24 Gaetz, so we can get through the questions.

25 SENATOR GAETZ: Okay.

1 SENATOR SMITH: Thank you. Senator Gaetz,
2 what definition of compactness was applied in
3 constructing this plan, and how does your plan
4 reflect the definition of compactness?

5 SENATOR GAETZ: Thank you very much, Mr.
6 President, thank you, Senator Smith. The
7 definition of compactness as I mentioned can be
8 elusive, perhaps facetiously, perhaps not, Leader
9 Rich suggested the you know it when you see it
10 definition of compactness, but there is truth in
11 her suggestion.

12 Florida courts have not defined compactness,
13 but our committee discussion and our review of
14 court decisions in other states have pointed out a
15 number of factors that have to be considered when
16 compactness is assessed, and I believe that if I
17 list those considerations hopefully I will be
18 responsive to your question.

19 First, there are geometric considerations, and
20 here we ask questions like whether the shape of the
21 district is regular or irregular. Whether the
22 territory of the district is closely united, but
23 equally important, Senator Smith, there are
24 so-called functional considerations.

25 Districts after all must be drawn for, as I

1 said, real people who live in real neighborhoods,
2 and with the ultimate objective for providing
3 effective and meaningful representation to voters.

4 So we have to consider, Senator Smith, whether
5 constituents in the district are able to relate to
6 or interact with each other, are they able to
7 access and communicate with their elected
8 officials, whether the district is interconnected
9 with commerce, transportation and communication.

10 Compactness as we have approached it is also
11 influenced by physical limitations. The shape of a
12 district has to be influenced by the physical
13 boundaries of the state, and Florida as I
14 mentioned, is one of the least compact states on
15 the map.

16 And finally, compactness must be assessed in
17 light of other legal constraints. And so we have
18 asked ourselves whether the shape of the district
19 was affected by the one person, one vote
20 requirement in light of uneven population
21 distributions.

22 Whether the shape of the district was affected
23 by non compact minority districts established under
24 the Federal Voting Rights Act or Tier 1 of
25 Amendments 5 and 6, and whether the shape of the

1 district is affected by good faith consideration
2 and balancing of other legal requirements of equal
3 importance, such as the requirement to follow
4 political and geographic boundaries where feasible.

5 The most practical definition and the one most
6 conducive I think to good governance, Senator
7 Smith, is a definition that balances all of these
8 factors on a district by district basis.

9 PRESIDENT HARIDOPOLOS: Senator from the 33rd,
10 you are recognized.

11 SENATOR BRAYNON: Thank you, Mr. President. I
12 just want to make a recognition, and then I think
13 Senator Smith wanted to continue.

14 In the east gallery we have, we have my
15 Chamber, the Greater Miami Chamber of Commerce,
16 they're here today and the Chairperson Penny
17 Shaffer, if you could please stand up for me. The
18 Greater Miami Chamber of Commerce.

19 PRESIDENT HARIDOPOLOS: All right, the Senator
20 from the 29th, you are recognized to continue your
21 questioning.

22 SENATOR SMITH: Thank you, Mr. President.
23 Senator Gaetz, based on publicly available
24 historical election data as certified by the
25 Secretary of State, the Congressional plan

1 overwhelmingly favors Republicans creating,
2 creating 16 Republican seats and 11 Democratic
3 seats.

4 Based on a fair plan and based on a 50/50
5 statewide partisan vote, this state should allow
6 for 13 Republicans and 14 Democrats. Why doesn't
7 this plan do that?

8 SENATOR GAETZ: Thank you very much, Senator
9 Smith. That is because people in different parts
10 of the state are different and they vote
11 differently.

12 In order for us to have an equal number of
13 districts and equal numbers of people in those
14 districts, we would have to convince a lot of folks
15 in your neck of the woods to move to my neck of the
16 woods and back.

17 That is not practical and it is not called for
18 in the Constitution. The last time that was tried
19 was in the partition of India and Pakistan and it
20 didn't work out too well.

21 PRESIDENT HARIDOPOLOS: Members, please give
22 your attention to the questions and answers here.

23 SENATOR SMITH: Senator Gaetz, how many cities
24 are split into multiple districts in this 2012
25 plan, Congressional plan?

1 SENATOR GAETZ: There was an overhead that was
2 presented, Senator Smith, and in that overhead you
3 will see that there were under the current
4 arrangement adopted in 2002, 37 whole counties in
5 Congressional districts, and now the action before
6 you today keeps 46 counties wholly within one
7 Congressional districts. That is an improvement of
8 24 percent.

9 The number of split counties has gone down
10 markedly. There were 30 split counties in the
11 benchmark plan. There are 21 split counties in
12 this plan, a reduction of split counties of
13 30 percent. And then did you ask about cities,
14 Senator Smith?

15 SENATOR SMITH: Yes, sir.

16 SENATOR GAETZ: Whole cities kept within one
17 Congressional district in 2002, 300. Whole cities
18 kept in one Congressional district in the plan
19 before you, 383, or an increase of 28 percent, but
20 here I think is the telling statistic.

21 Split cities were 110 in 2002, but in the plan
22 before you only 27 of Florida's more than 400
23 cities are split, a reduction in split cities of
24 more than 75 percent.

25 SENATOR SMITH: Thank you. Senator Gaetz, you

1 mentioned that we did not use performance data in
2 the Congressional maps.

3 How do we know if the plan favors or disfavors
4 a party without the use of performance data?

5 SENATOR GAETZ: Thank you, Senator Smith, for
6 that question. We know our minority districts
7 don't diminish minority voting strength because we
8 preserved our minority opportunity districts with
9 little statistical or geographical change.

10 This continuity in our minority districts
11 ensures the continued and undiminished ability of
12 minorities to elect their preferred candidates, but
13 secondly, in those districts we followed the lead
14 of groups such as the NAACP and LatinoJustice in
15 whose assessments of their communities we place
16 considerable confidence.

17 The minority districts in the Senate plan are
18 patterned after those in the plans submitted by the
19 NAACP and by LatinoJustice.

20 SENATOR SMITH: So was performance data used
21 in these plans?

22 SENATOR GAETZ: No.

23 SENATOR SMITH: Were there plan models that
24 included member residences in the Congressional
25 plan?

1 SENATOR GAETZ: No.

2 SENATOR SMITH: Were there any discussions
3 with members about their residence being in their
4 district?

5 SENATOR GAETZ: No.

6 SENATOR SMITH: What is the definition of
7 retrogression as applied in these plans?

8 SENATOR GAETZ: Retrogression to me, and I am
9 not a lawyer like you, Senator Smith, but
10 retrogression to me means not backsliding. It
11 means that if you have a district in which
12 minorities are able to elect the candidates of
13 their choice, minorities should not be placed in a
14 weaker possible than before, and that is the
15 position which our committee took unanimously by a
16 bipartisan agreement.

17 SENATOR SMITH: What is your definition of a
18 minority district in these plans?

19 SENATOR GAETZ: There is no specific
20 threshold, Senator Smith, no mathematical formula.
21 The Florida Constitution refers to, and I quote,
22 "The ability of minorities to elect representatives
23 of their choice", end quote. We considered each
24 district individually to determine whether
25 minorities in the district are able to elect a

1 candidate of their choice.

2 SENATOR SMITH: The language of the
3 Constitution now requires that districts cannot be
4 drawn to diminish the ability of minorities to
5 elect candidates of their choice.

6 If a district packs 80 percent minorities into
7 one district when data shows that those voters
8 could elect two representatives, does that violate
9 the Florida Constitution?

10 SENATOR GAETZ: Thank you very much, Senator
11 Smith. First of all, there are no packed districts
12 of the kind that you describe. Not one Senate or
13 Congressional district contains an African-American
14 voting age population in excess of 60 percent.

15 I believe 80 percent was the premises of your
16 question. And only one House district contains an
17 African-American voting population of over
18 60 percent, I believe that is in the neighborhood
19 of 64 percent.

20 The majority-minority districts in these plans
21 are barely majority-minority. The Senate plan
22 contains only two majority African-American
23 districts and the Congressional plan which is
24 before you contains only two majority
25 African-American districts.

1 The Senate district with the largest black
2 population is District 38, at 58.3 percent, not
3 80 percent. The Congressional district with the
4 largest back population is District 17 at
5 56.3 percent, not 80 percent.

6 The House district with the largest black
7 population is District 108, slightly more than
8 60 percent, not 80 percent.

9 If you will look at the maps you will find
10 that each of these districts, all three of them in
11 the same area of Miami-Dade County are among the
12 most geographically compact districts in the entire
13 state.

14 PRESIDENT HARIDOPOLOS: Members, if you have
15 conversations, takes them to the bubble, please.
16 Give the attention that these two Senators from the
17 4th and the 29th deserve.

18 SENATOR SMITH: What is the definition the
19 Committees used to determine if districts were
20 racially fair?

21 SENATOR GAETZ: Senator Smith, I can't improve
22 upon the answer I gave to the question that you
23 asked before. We believe that any, and we did this
24 by unanimous consent in our committee, we believe
25 that any backsliding would be unfair.

1 SENATOR SMITH: Does this not represent the
2 greatest number of minority or coalition districts
3 that could have been drawn?

4 SENATOR GAETZ: Senator Smith, there is no law
5 that we are aware of that requires that we maximize
6 the number of minority districts. Instead, we drew
7 districts that follow the requirements of Section
8 20 and 21 of Article III of the Florida
9 Constitution and the Federal Voting Rights Act.

10 SENATOR SMITH: That is it for my questions.

11 PRESIDENT HARIDOPOLOS: All right, members,
12 are there any other questions? Any other
13 questions, members? Okay.

14 Members, is there any debate? Any debate,
15 members?

16 All right, all those in favor of the motion to
17 concur in House Amendment Bar Code 832579 say yea.

18 (Chorus of Yeas.)

19 PRESIDENT HARIDOPOLOS: Show the motion --
20 well, all those opposed say no.

21 (Chorus of Nos.)

22 PRESIDENT HARIDOPOLOS: The motion carries,
23 show the motion as adopted.

24 We are now on final passage of CS/SB 1174 as
25 amended. The Secretary will please read any pair

1 votes that have been filed with the Secretary's
2 Office for CS/SB 1174.

3 All right, there are none.

4 PRESIDENT HARIDOPOLOS: You are recognized,
5 Senator Gaetz.

6 SENATOR GAETZ: Mr. President, I believe that
7 our distinguished Minority Leader didn't catch the
8 call for debate, and I would ask that we would take
9 time for her to debate.

10 PRESIDENT HARIDOPOLOS: Without objection, no
11 problem. Madam Leader, you are recognized in
12 debate.

13 SENATOR RICH: Thank you, Mr. President, I
14 appreciate the courtesy. I discussed most of the
15 concerns that I had with the proposed redistricting
16 maps when the Senate passed the maps a few weeks
17 ago, but I would like to just, I am not going to
18 spend a lot of time rehashing that, but I have a
19 few concerns I would want to mention, and actually
20 you will see it is a little repetitious because I
21 will be repeating it on the Senate and House maps
22 as well.

23 I believe we have an obligation both to the
24 people of Florida and to our State Constitution to
25 follow the provisions of Amendment 6 in this case

1 on the Congressional map, and unfortunately this
2 plan I think simply doesn't comply with those
3 requirements.

4 Whether you like it or not, the voters went to
5 the polls in 2008, and told us that they didn't
6 like the way the districts have been drawn in the
7 past.

8 They said they wanted districts that didn't
9 favor or disfavor an incumbent or political party,
10 districts that enable minorities an equal
11 opportunity to elect the candidates of their
12 choice.

13 Districts, districts that are compact and
14 contiguous and where possible districts that don't
15 divide cities, counties and other geographical
16 boundaries. Sixty-three percent of Florida voters
17 supported these requirements and two Federal courts
18 degree that Amendments 5 and 6 are appropriate
19 standards for the people of Florida to insist the
20 Legislature follow in drawing legislative
21 districts.

22 It all comes down to fairness. What the
23 people were saying when they passed these
24 amendments is that they were tired of the game
25 being rigged so that the outcome of elections is

1 determined not at the ballot box on election day,
2 but here in the Legislature with the gerrymandering
3 of legislative districts.

4 It is our obligation to produce politically
5 fair maps. So when I take a look at this map, and
6 I would ask you to ask yourself whether you really
7 believe that this map is fair.

8 As you ponder that question put yourself in
9 the place of members of the minority party, both in
10 this Chamber and among the people across the state
11 where our party is in fact the plurality.

12 Despite the fact that staff reported that they
13 did not use political data when drawing maps, we
14 now know the political impact of this plan.

15 According to an analysis by the Tampa Bay Times
16 with this Congressional plan the margins would be
17 16 Republicans and nine Democrats.

18 It is very difficult to believe that these
19 maps which preserve political power for the current
20 ruling party in proportions completely out of line
21 with the actual political affiliations of the
22 people of this state were drawn without the intent
23 to do just that.

24 These maps I believe are also unfair to
25 minority voters. This map places minority voters

1 in districts to a degree that goes beyond what is
2 necessary to ensure racial and language minorities
3 have the ability to elect candidates of their
4 choice.

5 The proponents of these maps argue that they
6 cannot reduce the percentage of minority voters in
7 a minority district, but that is simply not true.

8 Avoiding retrogression is not an excuse to
9 continue placing minority voters into a minimal
10 number of districts. By doing so you are in effect
11 limiting the number of minority candidates who have
12 a fighting chance to be elected to the Legislature
13 or Congress, and I believe that that is not fair.

14 And I welcome the enthusiasm the proponents of
15 these plans have now for defending minority voting
16 rights. I look forward to working with each of you
17 to eliminate some of the barriers to voting enacted
18 last year by this Legislature that
19 disproportionately effects minorities.

20 The bottom line though is I don't believe the
21 map complies with the Florida Constitution and does
22 not respect the right of minority voters to elect
23 their chosen candidates.

24 I believe we have an obligation to change
25 these maps and since we don't seem to be doing

1 that, I will be voting no on them.

2 PRESIDENT HARIDOPoulos: Thank you. Senior
3 Gaetz, do you want to be recognized before we go to
4 our vote?

5 SENATOR GAETZ: Just briefly, sir.

6 PRESIDENT HARIDOPoulos: You are recognized
7 Senator from the 4th, you are recognized to close.

8 SENATOR GAETZ: Thank you very much, and thank
9 you very much, Senator Rich, our Minority Leader
10 for your comments and for your collegial work with
11 us throughout this entire process.

12 The Leader says that we should follow the
13 provisions of Amendment 6 and indicts us for not
14 doing so, but sadly, she provides no evidence of
15 non-compliance, she provides not one single example
16 of non-compliance, not one.

17 If you, if you look at the facts of the matter
18 you will find that there is no diminishment of
19 minorities to participate in the political process
20 or elect candidates of their choice. That is in
21 Amendment 5 and that is in Amendment 6.

22 The Leader has been unable to show us,
23 although she has alleged it is there, she has been
24 unable to show us in allegation after allegation
25 anywhere, where there is any favoritism or

1 disfavoring of incumbents or challengers and I
2 don't know where incumbents or challengers live,
3 but I read the newspaper and if it is in the
4 newspaper, of course, it must be true.

5 And the newspaper says that all sorts of
6 incumbent Congressmen are screwing around because
7 they are discovering that these district lines have
8 been drawn not for their convenience, but in many
9 cases, for their inconvenience. So what?

10 We did not look in any way at favoring the
11 opportunities for incumbents to remain elected or
12 for challengers to unseat incumbents.

13 And then as I indicated in my answers to
14 Senator Smith, Mr. President, in the other metrics
15 of performance to which the Minority Leader
16 referred, we have fewer split counties by a long
17 shot. We have fewer split cities by more than 100.

18 So therefore, in every one of those areas
19 called for in Amendment 6, in every one of both the
20 top tier and the second tier requirements of
21 Amendment 6 we have complied and the Minority
22 Leader, although she makes allegations that we
23 haven't complied with Amendment 6, offers not one
24 example, offers not a shred of evidence.

25 She says that the effect of these maps are

1 political, but as I tried to indicate in my
2 comments, effect is irrelevant, intent is what is
3 talked about in the Constitution.

4 And again, our intent as demonstrated time and
5 time again has been to be fair and the effect is
6 irrelevant legally and constitutionally.

7 So let's talk about effect for a second. The
8 last statewide election that we had in Florida,
9 even though there are more registered Democrats
10 than Republicans, every single statewide
11 constitutional office was held by a Republican
12 after the election, and after the last Presidential
13 election the Democratic candidate, President Obama
14 received many, many, many votes from Republicans
15 and from Republican areas.

16 You can't predict how people will vote and you
17 can't draw a redistricting plan that will require
18 people to act in a certain political way. That
19 effect is irrelevant, that effect is uncontrollable
20 and that effect is unconstitutional.

21 Then the Minority Leader says that we have
22 limited voting opportunities for minorities. She
23 didn't say packing, but she has implied packing in
24 her other comments, but yet no voting analysis has
25 been provided in all of these debates, in all of

1 these discussions for more than a year that would
2 suggest in any way, shape or form that there is any
3 intentional or affected packing of minorities in
4 any district.

5 Instead, we have demonstrated on this floor
6 with evidence that minority voting, that minority
7 districts in this state are barely minority
8 districts and there has been no attempt to pack
9 more minorities.

10 What we have tried to do and I think succeeded
11 is making sure that there is no diminishment of
12 minority voting rights and we have been successful
13 in that regard.

14 I think we have an obligation as members of
15 the Senate when we believe something is wrong to
16 offer alternatives and the Minority Leader has
17 engaged constructively, she has been part of this
18 process from the very beginning, yet no alternative
19 has been offered in this Chamber, on this floor to
20 any plan that has come forward from our bipartisan
21 committee. And indeed in the last vote a majority
22 of Democrats supported the plan.

23 So consequently I believe while the Minority
24 Leader is entailed to her opinion, everyone is
25 entitled to their opinion, but not everyone is

1 entitled to their onset of facts, and the facts
2 support the plan and I urge your yes vote.

3 PRESIDENT HARIDOPOLOS: We are now on final
4 passage of CS for Senate Bill 1174 as amended. If
5 the Secretary will please read the pair votes that
6 have been filed with the Secretary's Office for CS
7 for Senate Bill 1174.

8 THE SECRETARY: In accordance with Senate Rule
9 5.4 Senator Smith is paired with Senator Bennett on
10 Committee Substitute for Senate Bill 1174. If
11 Senator Bennett were present he would vote yes and
12 Senator Smith would vote no.

13 PRESIDENT HARIDOPOLOS: With that, the
14 Secretary will unlock the machine and Senators will
15 prepare to vote.

16 Have all Senators voted? Have all Senators
17 voted? Secure locked machine and announce the
18 vote.

19 THE SECRETARY: Thirty-two yeas, five nays,
20 Mr. President.

21 PRESIDENT HARIDOPOLOS: By vote the Bill
22 passes.

23 Take up and read the next message.

24 THE SECRETARY: The Honorable Mike
25 Haridopolos, President. I am directed to inform

1 the Senate that the House of Representatives has
2 passed the Committee Substitute for Senate Joint
3 Resolution 1176 with amendments and request the
4 concurrence of the Senate. Committee Substitute
5 for Senate Joint Resolution 1176. A Bill to be
6 entitled a Joint Resolution of Apportionment, House
7 Amendment Bar Code 601757.

8 PRESIDENT HARIDOPOLOS: Senator from the 4th
9 District. Senator Gaetz, you are recognized to
10 explain the message and to make a motion.

11 SENATOR GAETZ: Thank you very much, Mr.
12 President. The Committee Substitute for Senate
13 Joint Resolution 1176 that is now before us include
14 State Senate districts exactly as the colloquy
15 between Senator Bullard and I indicated, exactly as
16 they passed here on February 17th.

17 Moreover, the House plan inserts or the House
18 amendment inserts into the Joint Resolution legal
19 definitions for 120 state representative districts.

20 Those districts like the 40 State Senate
21 districts are based on the 2010 Census and on the
22 standards on Federal and State law.

23 We are prepared, Mr. President, to go through
24 each of the 120 House districts in detail if it is
25 the prerogative of the Chair to direct us to do so,

1 or if it is the desire of the minority that we do
2 so.

3 Otherwise, Mr. President, I do move that we
4 concur in the pending action which is before us,
5 which is House amendment one to Committee
6 Substitute for Senate Joint Resolution 1176.

7 PRESIDENT HARIDOPoulos: And that is Bar Code
8 601757 to CS for SJR 1176.

9 Are there questions? Senator from the 29th,
10 Senator Smith, you are recognized for a series of
11 questions.

12 SENATOR SMITH: Yes, sir.

13 PRESIDENT HARIDOPoulos: All right, I would
14 like to go back and forth as we did earlier, and
15 you are recognized, Senator Smith, for a series of
16 questions.

17 SENATOR SMITH: Thank you, Mr. President. Was
18 the definition of compactness applied to
19 constructing this plan?

20 SENATOR GAETZ: Mr. President, Senator Smith,
21 the answer is the same that I gave to you when you
22 asked about the Congressional plan.

23 SENATOR SMITH: Thank you. This is the House
24 plan?

25 SENATOR GAETZ: Senator Smith, what is before

1 you at the moment is the Joint Resolution which
2 includes the Senate plan and the House plan
3 inserted into the Joint Resolution. And my answer
4 would be that the definition of compactness that I
5 gave you before pertains to this Joint Resolution
6 as well, sir.

7 SENATOR SMITH: How many cities are split in
8 the 2012 plan and counties, as compared to 2002
9 plan?

10 SENATOR GAETZ: Thank you very much, Senator
11 Smith. In proposed State House districts which is
12 before you, in the benchmark plan which is what we
13 have right now, there are 21 whole counties and 46
14 split counties.

15 In the House's plan which we ask you to
16 accept, there are, there is a substantial
17 improvement. Thirty-seven whole counties are
18 included within House districts, that is a 76
19 percent improvement, and the number of split cities
20 is down by 56 percent, from 170 to 75.

21 SENATOR SMITH: Senator Gaetz, were members
22 asked how to improve a district?

23 SENATOR GAETZ: I am sorry, I didn't realize
24 that we could just talk back and forth.

25 Senator Smith, members were not asked how they

1 could improve their district, but as I indicated in
2 my comments there were Senators who engaged with
3 professional staff and engaged with me, and in
4 every single case, Democrat or Republican, we
5 maintained the rule that there would not be any
6 discussion of favoritism or improving a district
7 for an incumbent or disfavoring a district for an
8 incumbent.

9 However, what we did do is say, if you have
10 suggestions or criticisms for us on how we can be
11 more compliant with Federal and State law, we want
12 to hear those suggestions and criticisms and we
13 received some from members of your caucus and we
14 received some from members of the Republican
15 caucus.

16 SENATOR SMITH: Were member districts modified
17 based on this input?

18 SENATOR GAETZ: Senator Smith, yes, there were
19 circumstances in which plans that were presented by
20 the public to our committee were considered, and
21 when we received input from members in committee
22 meetings and we received input from members in the
23 discussions that I described, we were able to make
24 improvements in the plan in the sense that those
25 improvements made the plans more consistent with

1 Federal and State law.

2 SENATOR SMITH: Did professional staff have
3 access to performance data?

4 SENATOR GAETZ: No, sir.

5 SENATOR SMITH: Did any group, organization,
6 association or political party provide you or your
7 staff with performance data?

8 SENATOR GAETZ: No, sir.

9 SENATOR SMITH: How can we know if a plan
10 favors or disfavors a party without performance
11 data?

12 SENATOR GAETZ: Senator Smith, we didn't use
13 performance data, because we didn't want to either
14 know or be credited or blamed with favoring or
15 disfavoring a political party or an incumbent or a
16 challenger.

17 SENATOR SMITH: Were there plan models that
18 included members' residences?

19 SENATOR GAETZ: No, sir.

20 SENATOR SMITH: Were there any discussions
21 with members regarding their residence?

22 SENATOR GAETZ: No, sir.

23 SENATOR SMITH: Could you again under this
24 plan give your definition of retrogression?

25 SENATOR GAETZ: Senator Smith, the same answer

1 would apply that I gave in our discussion of the
2 Congressional plan.

3 We have no different definition of
4 retrogression that we applied in the development of
5 the legislative plans.

6 SENATOR SMITH: Would that be the same answer
7 for a definition of minority district?

8 SENATOR GAETZ: Yes, sir.

9 SENATOR SMITH: The language in the
10 Constitution now requires that districts cannot be
11 drawn to diminish the ability of minorities to
12 elect candidates of their choice.

13 Is it possible that packing minorities into
14 one district violates this provision?

15 SENATOR GAETZ: If we packed it would, but we
16 didn't. Therefore, the premise of your question
17 would be incorrect in the intent and affect of the
18 plan.

19 SENATOR SMITH: Some districts must be drawn
20 to allow minorities to elect representatives of
21 their choosing, but having the 2002 districts
22 change, do you maintain that 2,000 minority
23 districts were drawn to reelecting incumbents?

24 SENATOR GAETZ: Senator Smith, I was not here
25 in 2002, you were. You would be a better source

1 for the answer to that question than would I.

2 SENATOR SMITH: What was the definition the
3 Committee used to determine racially fair?

4 SENATOR GAETZ: I apologize, Senator Smith,
5 could you repeat that?

6 SENATOR SMITH: What was the definition that
7 the Committee used to determine if a district was
8 racially fair?

9 SENATOR GAETZ: Senator Smith, I would give
10 you the same answer I gave before, and that is that
11 we took the simple view that there ought to be no
12 backsliding in the ability of minorities to be
13 represented or to elect candidates of their choice.
14 That would constitute fairness in our view.

15 SENATOR SMITH: Would this in essence benefit
16 an incumbent by using that definition?

17 SENATOR GAETZ: Not to my knowledge, no, sir.

18 SENATOR SMITH: There is much talk in the
19 Committee about preserving minority districts.

20 Is this a numerical formula to determine that
21 if we were diminishing minorities' districts?

22 SENATOR GAETZ: Senator Smith, there was not
23 just talk about diminishing minorities' districts,
24 there was a unanimous bipartisan agreement not to
25 diminish minority districts, and the answer that I

1 gave in discussion of Congressional districts would
2 apply in this case as well.

3 There was no numerical formula, instead there
4 was a district by district analysis done using the
5 criteria and maintaining the variables in mind that
6 I indicated before.

7 SENATOR SMITH: If a plan packs large
8 minorities of Democratic voters into some
9 districts, isn't that evidence of an overall plan
10 intended to favor Republicans or disfavor
11 Democrats?

12 SENATOR GAETZ: Senator Smith, if that were
13 true then the premise of the question could be
14 discussed, but as I mentioned to you before, in my
15 part of Florida in that benighted area of the
16 northwest, we have a very overwhelming Republican
17 super majority.

18 And consequently, we could not be I think
19 rightfully accused of packing Republicans into a
20 district in northwest Florida, because no matter
21 where you would draw the lines, Republicans hold a
22 majority.

23 The same would apply in areas in southeast
24 Florida where Democrats are overwhelmingly in the
25 majority.

1 Therefore, in order to not have districts with
2 overwhelming Republican majorities in northwest
3 Florida, in order to not have districts with
4 overwhelming Democratic majorities in some areas of
5 southeast Florida, one would have to draw districts
6 that were not compact and not contiguous, and
7 therefore, not constitutional.

8 SENATOR SMITH: Does this not represent the
9 greatest number of minority coalition districts
10 that could have been drawn?

11 SENATOR GAETZ: No, I don't believe, Senator
12 Smith, that one would make that argument. Instead
13 I believe that the map represents a fair and
14 accurate attempt to have no diminishment in
15 minority voting percentages and minority voting
16 rights. There was no attempt to expand or
17 contract, but rather to be fair.

18 SENATOR SMITH: That is all the questions I
19 have on this matter.

20 PRESIDENT HARIDOPOLOS: Are there further
21 questions? Those that would like to be heard in
22 debate?

23 Senator from the 34th, Senator Rich, you are
24 recognized in debate.

25 SENATOR RICH: Thank you, Mr. President, and I

1 will not repeat all of what I said before so that
2 Senator Gaetz will not have to come back and repeat
3 what he said before.

4 But I want to just mention that again I think
5 it is our obligation to produce politically fair
6 maps, and I know that people want to discredit some
7 of the news media out there that did analyze these
8 maps, but I am kind of glad that they did, because
9 nobody else was doing that and they were able to at
10 least highlight the fact that there was a problem
11 in terms of the balance with regard to seats that
12 were drawn that had realistic chance of electing a
13 Democrat or a realistic chance of electing a
14 Republican.

15 And I mentioned in the Congressional debate
16 what the districts were. So I will just say that
17 according to the analysis that was done by the
18 Tampa Bay Times, there are only 14 Senate districts
19 where a Democrat has a realistic chance of being
20 reelected, while 24 seats would likely be won by
21 Republicans.

22 In the House plan 66 Republicans to 46
23 Democrats and a paltry number of seats in each plan
24 would actually be competitive for either party.

25 So again it is very difficult to believe that

1 these maps which preserve political power for the
2 concurrent ruling party in proportions complete the
3 out of line with the actual political affiliations
4 of the people of the state were drawn without the
5 intent to do just that.

6 And I do want to just mention again about the
7 minority seats, because the issue there and Senator
8 Smith asked many questions about this, but my
9 feeling is that actually by doing what was done, by
10 placing minority voters into a minimal number of
11 districts, by doing so in affect you limit the
12 number of minority candidates who have a chance of
13 being elected to the Legislature or to Congress.

14 And again, I don't think that that is what the
15 intent was of fair districts. So again I don't
16 think, I don't believe that this map, these maps
17 again comport with the Constitutional amendments
18 and I will say that I am glad for one thing and I
19 congratulate Senator Gaetz on getting these maps
20 out early and on their way through the process,
21 because I believe in the end the courts are the
22 ones who will determine whether or not we actually
23 did follow Amendments 5 and 6.

24 PRESIDENT HARIDOPOLOS: Thank you. Others in
25 debate?

1 Senator from the 4th, you are recognized to
2 close on your Bill.

3 SENATOR GAETZ: Thank you very much, Mr.
4 President, and thank you, Senator Rich, our
5 Minority Leader for your comments.

6 I am pleased to note that the Minority Leader
7 has indicated on the record that it was the media
8 and only the media which found a political affect
9 in these maps. There certainly was no political
10 intent as we demonstrated in our arguments on this
11 floor today.

12 I would only say that to suggest that just
13 because there is not a majority of
14 African-Americans in an area, that the
15 African-Americans, therefore, would not be able to
16 select a candidate of their choice is belied by the
17 election of Barack Obama as President of the United
18 States.

19 We cannot pass a law that requires Democrats
20 to vote for Democrats or African-Americans to vote
21 for African-Americans or Jewish citizens to vote
22 for Jews or whites to vote for whites.

23 We go into a voting booth, we pull the lever.
24 We have here the Senator from the 3rd, Senator
25 Dean, who is a Republican, who represents a

1 district that has more Democrats than Republicans.

2 Senator Oelrich from the 14th represents a
3 district where there are more Democrats than there
4 are Republicans, but the fact is that they were
5 able to mount better campaigns and make better
6 arguments and present a more persuasive message
7 than their opponents and that is why they're here
8 and that is what is great about the American
9 electoral process.

10 We select candidates based on our own free
11 will, not based on some formulaic equation
12 developed by politicians in Washington or
13 Tallahassee.

14 Mr. President, I want to thank you for
15 insisting that this process be transparent, open,
16 participatory and that we get it done. That is
17 what you kept saying to me over and over, are we
18 done, can you get this done. Can you make sure
19 that we will be on time, that we will meet the
20 expectations of the voters and of this Chamber and
21 of the courts and we have.

22 I thank your professional staff led by John
23 Guthrie, I thank our partners from the House of
24 Representatives, particularly the Speaker Designate
25 Will Weatherford, who has worked with us with

1 graciousness and cooperation throughout, and Mr.
2 President, I ask that the Senate concur.

3 PRESIDENT HARIDOPOLOS: Thank you, Senator
4 Gaetz.

5 All those in favor of the motion to concur on
6 House Amendment Bar Code 601757 say yea.

7 (Chorus of yeas.)

8 PRESIDENT HARIDOPOLOS: All those opposed say
9 nay.

10 (Chorus of nays.)

11 PRESIDENT HARIDOPOLOS: Show the amendment
12 adopted, the motion adopted.

13 We are now on final passage of CS for SJR 1176
14 as amended. There are no pairs.

15 The Secretary, please unlock the machine and
16 Senators prepare to vote.

17 Have all Senators voted? Have all Senators
18 voted?

19 Secretary lock the board and announce the
20 vote.

21 THE SECRETARY: Thirty-one yeas, seven nays,
22 Mr. President.

23 PRESIDENT HARIDOPOLOS: And by your vote the
24 Bill passes.

25 Congratulations, Senator Gaetz. Read the next

1 message.

2 THE SECRETARY: None on the desk, Mr.

3 President.

4 (Whereupon, the proceedings were concluded.)

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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 58 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 10th day of February, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014