Exhibit J
SIMULTANEOUS MEETING OF SENATE COMMITTEE ON
REAPPORTIONMENT
AND HOUSE SELECT COMMITTEE ON REDISTRICTING
AUGUST 7, 2014

Transcribed by:
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Court Reporter
CHAIRMAN GALVANO: Good afternoon, members, let's take our seats if you would, please.

Okay. At this time I would like to call to order the Senate Committee on Reapportionment and ask the Senate Administrative Assistant to please call the roll.

SENATE ADMINISTRATIVE ASSISTANT: Senator Galvano.

CHAIRMAN GALVANO: Here.

SENATE ADMINISTRATIVE ASSISTANT: Senator Smith.

SENATOR SMITH: Here.

SENATE ADMINISTRATIVE ASSISTANT: Senator Bradley.

SENATOR BRADLEY: Here.

SENATE ADMINISTRATIVE ASSISTANT: Senator Gibson.

SENATOR GIBSON: Here.

SENATE ADMINISTRATIVE ASSISTANT: Senator Lee.

SENATOR LEE: Here.

SENATE ADMINISTRATIVE ASSISTANT: Senator Montford.

SENATOR MONTFORD: Here.

SENATE ADMINISTRATIVE ASSISTANT: Senator
SENATOR SIMMONS: Here.

SENATE ADMINISTRATIVE ASSISTANT: They are all present.

CHAIRMAN GALVANO: Thank you. Chairman Corcoran, I will defer to you to roll call at this point.

CHAIRMAN CORCORAN: Would the House please call the roll?

HOUSE: Chair Corcoran.

CHAIRMAN CORCORAN: Here.

HOUSE: Vice-Chair McBurney.

REPRESENTATIVE McBURNEY: Here.

HOUSE: Representative Berman.

REPRESENTATIVE BERMAN: Here.

HOUSE: Representative Caldwell.

REPRESENTATIVE CALDWELL: Here.

HOUSE: Representative Cummings.

REPRESENTATIVE CUMMINGS: Here.

HOUSE: Representative Fullwood.

REPRESENTATIVE FULLWOOD: Here.

HOUSE: Representative McGhee.

REPRESENTATIVE McGHEE: Here.

HOUSE: Representative Metz.

REPRESENTATIVE METZ: Here.
HOUSE: Representative Oliva.

REPRESENTATIVE OLIVA: Here.

HOUSE: Representative Passidomo.

REPRESENTATIVE PASSIDOMO: Here.

HOUSE: Representative Rodriguez.

REPRESENTATIVE RODRIGUEZ: Here.

HOUSE: Democratic Ranking Thurston.

REPRESENTATIVE THURSTON: Here.

HOUSE: Representative Young.

REPRESENTATIVE YOUNG: Here.

HOUSE: We have a quorum.

CHAIRMAN GALVANO: Thank you, Senators and House members. Welcome to the simultaneous meeting of both the House and Senate Committee on Reapportionment and Redistricting.

As you saw in memos earlier this week, today we are going to spend some time discussing the litigation with our legal counsel who are here with us today. We will have an opportunity to ask some questions, followed by some discussion, and then we will open it up for public comment.

But before we go there I would first like to thank Chairman Corcoran for his hard work already. Even though it has been a very short process given the time constraints that we are facing, we've had
to work very hard, very quickly already to make
some progress and get ahead of the curve so that we
can make some decisions as a committee and also as
a Legislature.

Also the Senate President and Speaker
Weatherford for their leadership and guidance in
putting this together.

Probably by now I have filed an amendment to
Senate Bill 2-A, which is an amendment that will be
taken up tomorrow. We intend to have a full day
tomorrow on the Senate Committee to discuss 2-A and
the amendment which is the proposed remedial plan
that I put forward as Chair, but certainly also to
consider any other amendments that may be filed or
have been filed when we convene tomorrow in the
committee.

And so, with that, Chairman Corcoran, do you
have any comments and then we will go into the
presentation by counsel?

CHAIRMAN CORCORAN: I would like to say it was
a pleasure working with you, Senator, and I think
that -- you have all seen our memo. I think we
have addressed some of the conversations that we
have had to date. We can get into that in more
detail, but look forward to working with you and
complying with the court order and creating a very constitutional and a map that answers the concerns of the Judge.

CHAIRMAN GALVANO: Okay. We will now move forward, and I will start by recognizing Justice Raoul Cantero. He is counsel for the Florida Senate. Good morning, Justice. We appreciate you being here, and you are recognized to give us an update as to where we are.

JUSTICE CANTERO: Thank you, Chair Galvano. It's my privilege to represent the Florida Senate and to present to you this afternoon. Can everybody here me okay? Is this mike working? Now is it working?

CHAIRMAN GALVANO: Yes. Now it is.

JUSTICE CANTERO: I understand that there may be some members here who were not present in 2012. So I am going to be -- at least start being very basic about what has happened in the past and how we got to this point, and then Mr. Meros, the House Counsel, will kind of talk to you about where we are going to go from here.

Under Article I, Section 4 of the Florida Constitution, the Legislature has a duty to reapportion Florida's Congressional districts after
each decennial consensus.

Following the 2010 census, Florida received two additional Congressional seats. So in 2000, we had 25 seats and, starting in 2010, we would have 27 seats.

And on the wall is a depiction of the map as it existed in 2002, as it was drawn in 2002, which we call the benchmark plan. You see the letters benchmark over there. You will see this is the plan that we are working off of, and pay particular attention to District 3 in the benchmark plan, because we will be talking about that district. That is the green district that comes down from Jacksonville through Gainesville and to Orlando. We will be discussing that district more in the next couple of days.

As some of you know in 2010, the Constitution was amended to add two particular requirements regarding redistricting. One has to do with the Florida legislative districts and the other nearly identical provision has to do with the Congressional districts, and each of these amendments contain two parts.

That's hard to read, but I will read it for you. Part A in the Congressional Amendment, which
is Article III, Section 20 provides for a few requirements. The first is no apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent.

And let me just stop there for a second. We call that the first requirement. You cannot disfavor -- you cannot favor or disfavor either a political party or an incumbent. Now, the Florida Supreme Court in a case we call Apportionment One from March of 2012, when it was considering the Florida legislative districts, warned that the Constitution prohibits intent but not effect, and every time you draw or redraw a line there is going to be a political effect. What is prohibited by the Constitution is an intent to either favor or disfavor a political party or an incumbent.

When we get to the next clause here it says, "Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process, or to diminish their ability to elect representatives of their choice." So that clause is intended to incorporate into the Florida Constitution Sections
2 and 5 of the Federal Voting Rights Act which
protect minorities from diminishment in their
ability to elect representatives of their choice,
and also from diluting their vote so that, instead
of having a district where they have a majority,
dilute the voting to two districts with less than a
majority in each. So this Constitutional provision
is intended to incorporate those minority voting
protections into the Florida Constitution.

Then, third, districts shall consist of
contiguous territory. Those are the three
requirements. The contiguous territory requirement
is not at issue in this case. And that is the
first section of the amendment and that is what we
call the Tier-One requirements. Those are
requirements that must be abided by.

Then Section B we call the Tier-Two
requirements and we call them Tier Two because they
are subordinate to the requirements of Tier One.

Let me go through some of those.

Unless compliance with the standards in this
subsection conflicts with the standards in
Subsection (1)(a) or with Federal law, districts
shall be as nearly equal in population as
practicable. So let me stop right there. So
districts have to be as equal in population as practicable. For purposes of Federal law and Federal Congressional seats, as nearly equal as possible means essentially equal. There can be virtually no deviation in population in the districts.

Each district in Florida right now with 27 seats and the population we have has to contain somewhere around 696,345 people, and you can only deviate to 344 or 346 for each district. And, again, that is not at issue here, but that is something that you need to know and that is why it makes it particularly challenging to draw Congressional districts because each district has to be equal in population. So, when you change one district, you are not changing just one, you are changing the districts around it, because now you have to either add or subtract population from those districts.

The second requirement in Tier Two is districts shall be compact, and I will talk a little bit more about that in just a second. But essentially it means kind of what you may just really understand it to be, which is as near as you can given the geographical makeup of the state as

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to a rectangle or a circle. Of course, you can't achieve that, but you are trying to get as close to that as you can.

And then districts shall, where feasible, utilize existing political and geographical boundaries. And the Florida Supreme Court has interpreted that to mean political boundaries are county boundaries and city boundaries, and geographical boundaries are things such as rivers, State highways, Federal highways, things like that. So as much as possible the boundaries have to use either a geographic or a political boundary.

Now the Florida Supreme Court also has said, or Subsection (C) of this Constitution also provides that, within a particular tier, the requirements are roughly equal to each other. In other words the compactness requirement doesn't trump geographic and political boundaries or vice-versa, and in Tier One standards they don't trump each other. They are equal among themselves within that tier, but Tier One is more important than Tier Two. So, if you have to sacrifice Tier Two standards like compactness in order to comply with Tier One standards, like minority voting protections, then that is okay.
You are going to hear a lot of things, a lot of talk in the next couple of days about compactness and compactness measurements. There are several ways to measure compactness. The first and most obvious way is what does it look like to the eye? Does it look compact to the eye or not? And the courts have looked at the visual compactness, they call it optical compactness, things like that. That, of course, is very subjective. You can't really measure that, except by looking at it and seeing, does this look compact or not?

Then other measures of compactness exist. Two that the Florida Supreme Court has especially blessed are called the Reock score and the convex hull score. Those are two different kinds of measurements of compactness and they are explained in this graph here.

If you look at the graph to the left which measures the Reock compactness, it is what is the smallest circle that can encompass that particular district? And you divide the area of the district by the area of the circle and you come up with a compactness score. It will always be less than one, because the district will always be smaller.
than the circle around it unless it is, in fact, a circle.

So when you look at Reock scores they generally talk about .25, .38, .4, measures of that nature, never approaching one. The convex hull score is going to be a higher score, because what that measures is if you can place a rubber band around the district so that there are straight lines going from every line to every line, in the district and then again you measure the area of the district divided by the area of that polygon, then you get a convex hull score. So convex hull scores are generally higher than a Reock score, and those are just different ways of looking at compactness.

Depending on the district, it may have a very high but very misleading measure of compactness. For example, a district that is a perfect rectangle that measures one inch by 100 miles would have a perfect convex hull score, because the rubber band would go exactly around that rectangle, but it would be very non-compact if one inch by 100 miles.

So these measurements are ways of determining compactness, but neither is exclusive and you really have to take into account everything, including the visual compactness of a district.
So after the 2010 Census, the Legislature got together and, as you may recall, the House and the Senate developed the State Legislative districts, but they were also responsible for developing the Congressional districts. And the House and Senate worked independently and developed their own maps of the Congressional districts, and came up with -- for the House, we call it the semifinal plan for the House was map number 9043, and the semifinal plan for the Senate was 9014, but now they had to reconcile those two maps and come up with a map that would be the Legislature's map for the Congressional districts for 2012.

So the Chairs from the two committees, redistricting committees met along with staff and they came up with a third version that would be the Legislature's map which the Legislature enacted on February 9th of 2012. On the extreme left you will see 9014. In the middle you will see 9043, and then at the extreme right you will see 9047 which is the enacted plan.

Again, if you look at -- in the enacted plan, pay particular attention to what is now District 5 which goes from Jacksonville to Orlando and District 10 which is just to the west of District 5.
in the Orlando/Orange County area. If you look at
the left and the middle maps you will see that
there are many areas in which they were very
similar and few, if any, changes had to be made in
the reconciliation meeting, but there were some
differences that had to be worked out, and we had
no choice but to work out those differences because
we had to produce one final map that would come
from the Legislature. And so that is what the
Legislature did is adopt 9047 in February of 2012.

Now, as for the litigation, just hours after
the Legislature adopted a plan, seven individuals
which we now call the Romo Plaintiffs, challenged
the new districts in Circuit Court in Leon County,
and eight days later the League of Women Voters,
the National Council of La Raza, which later
dropped out of the case, Common Cause of Florida
and four other individuals filed their own lawsuit,
which we call the League of Women Voters or
Coalition Plaintiffs lawsuit, and those two
lawsuits were consolidated into one in front of
Judge Terry Lewis in Tallahassee.

These complaints allege that the districts in
Florida have violated the new constitutional
provisions of Article III, Section 20, of the
Florida Constitution. There was no allegation in these lawsuits that there was any violation of Federal law. It was all based on Article III, Section 20 of the Florida Constitution.

Nor did the Plaintiffs claim that all districts were invalid. They specifically challenged 10 of the 27 Congressional districts, and these were District 5, 10, 13, 14, 15, 21, 22, 25, 26 and 27.

Here you have on this slide Section 5 which we talked about earlier, and I will talk a little bit about it again later. Note especially there was a part of District 5 towards the bottom of the district in the Orlando area that juts into Seminole County, Florida, and particularly into the city of Sanford.

And note also on District 10 -- here we have a better depiction of District 10. And, again, this is all in the enacted map, 9047. There is a portion that goes under District 5 and to the east of District 5 that is still part of District 10, and to the west and north of District 9 which is the Orange district that you see. And the Plaintiffs particularly objected to that extension.

The Plaintiffs also challenged Districts 13
and 14. They challenged the fact that 14 extended across Tampa Bay into Pinellas County. These are Districts 21 and 22 that the Plaintiffs challenged. These are 25 and 26 and that is 15. And that is 20 and 25. And I misspoke. These down here are 26 and 27, Monroe and Dade County. That's 15, and then the last one here is 25. So those were basically the districts that they contested.

Okay. During the litigation you may have read in the newspaper or you may have just kept track of the case, the Plaintiffs attempted to obtain what was at the time unprecedented discovery from the Legislature. They sought to -- they noticed the depositions of legislators and legislative staff, adopting the position that there is no legislative privilege in Florida.

The Legislature fought that discovery, signed a protective order from Judge Lewis, and Judge Lewis determined that there was legislative privilege but it was not absolute. It was only qualified and it only extended to subjective thoughts and impressions and not to objective data. So that legislators and staff would have to talk about objective conversations and any communications that did not contain subjective
impressions.

The Legislature appealed that order to the First District Court of Appeals, and the First District quashed that Order in its entirety and said that there was a legislative privilege in Florida and that the subjective-objective dichotomy was unworkable, there was an absolute legislative privilege, and that legislators and their staff should not have to even sit for a deposition to discuss the legislative process.

The Plaintiffs then took discretionary appeal to the Florida Supreme Court. The Florida Supreme Court accepted jurisdiction and held oral arguments in that case in September of 2013. In December of 2013, the Court issued an opinion essentially reverting back to Judge Lewis' understanding of the privilege. It acknowledged that there was a legislative privilege in Florida, that legislators do have a certain privilege, but it is not an absolute privilege. It protects against disclosure of subjective thoughts and impressions but not disclosure about objective facts.

So we proceeded after that with the litigation. There were some legislators and some legislative staff deposed in that case. There was
never an assertion of legislative privilege because those who testified felt that they had nothing to hide, and -- and so never asserting the privilege. We never went back to the Judge with any concerns or any disputes about the privilege.

The case was first set for trial in 2013. The Legislature, maybe foretelling a little bit this moment today, wanted to expedite the trial because, although it was confident that the Court would not find any of the districts invalid, if in fact the Court did find any of them invalid, we would need to withdraw them before the next election.

The Plaintiffs, however, sought several continuances that the Legislature objected to. The trial was postponed at the Legislature's objection from June 2013 to August 2013, from August 2013 to January 2014, and finally from January to May of this year.

The trial was held from May 19 to June 4th, of this year. At trial the testimony focused on the development of House Plan 9043 which I discussed as well as the -- and 9014 which was the Senate's semifinal plan, as well as the reconciliation process that led to the enacted plan. The Legislature presented evidence that the enacted
plan was the product of negotiations and reasonable
trade-offs between the two chambers.

Because the vote-dilution standard of the
Voting Rights Act and the Florida Constitution
required the Legislature to draw up
majority/minority districts where certain three
conditions were satisfied, the Legislature believed
that it was appropriate to draw CD 5 -- I am just
going to go back there for you. That's CD 5 -- to
draw CD 5 to include that portion of Seminole
County, which, by the way, had been a part of that
district since 1992. And including that part of
Seminole County, Sanford, in District 5 resulted in
a modest but we thought important increase in the
black voting age population from 49.9 percentage to
50.06 percent. So it made it just above a
majority/minority district.

The appendage that the Plaintiffs called in
District 10 was the product of two adjacent
minority districts. You see District 5 on the map.
That would be to the east, generally, of District
10, but then there is that part of District 10 that
juts east of District 5. We have already discussed
that District 5 was a black majority district.

The other district that that part is adjacent
to is District 9. District 9 was a new Hispanic
opportunity district. It is not a Hispanic
majority district and has never been, but the
Legislature thought that it was appropriate to give
Hispanics an opportunity at some point to elect a
candidate of their choice. And so that district
was drawn at 41 -- somewhere over 41 percent
Hispanic voting age population, and it was conceded
that 41 percent would not give Hispanics enough
votes to elect a candidate of their choice today,
but it was believed that with time and possibly in
the very near future, given population shifts and
the growth of Hispanic population in Osceola
County, it could be very soon that Hispanics would
be able to elect a candidate of their choice. So
that was the justification behind that jutting into
east of District 5.

The evidence also showed that the Legislature
designed Districts 13 and 14 to avoid diminishing
the ability of black and Hispanic voters in that
district to elect the candidates of their choice.
The evidence showed that, although neither
African-Americans nor Hispanics had a majority in
that district, together they did have the majority
and they seemed to vote together in elections. So
it was called a coalition district where two
minorities voted together to elect candidates of
their choice. And the only way we could keep that
together was to have District 14 go across Tampa
Bay into Pinellas County.

There was also evidence that the north/south
configuration of Districts 21 and 22 was logical,
producing the relatively compact districts that
divide no municipalities. And, in fact, many of
the districts others had proposed, including the
Plaintiffs in our case, had the same configuration
of Districts 21 and 22.

Districts 26 and 27 in south Florida,
Miami-Dade County and Monroe, were drawn carefully
to preserve the ability of Hispanics to elect
candidates of their choice. Those are majority
Hispanic districts, and the Legislature offered
expert testimony that alternative configurations
would jeopardize their ability to elect.

As far as District 15, the Legislature drew
that district to include both Bartow and Lakeland
in one district, which is certainly within the
discretion of the Legislature to do. And then, as
far as District 25, the Legislature retained the
boundary in Hendry County to ensure that all Hendry
County African-Americans who enjoyed an ability to elect in the benchmark plan, continued to enjoy ability to elect in District 20, which is adjacent to District 25, and that's why you see District 20 shaped the way it is. So District 25's configuration is really a product of District 20.

The Court issued its opinion in this case, its final judgment on July 10th, and it found that Districts 5 and 10 were drawn in contravention of constitutional mandates of Article III, Section 20, and that is from page 1 of the Final Judgment which I believe is in your meeting packet. And it said Districts 5 and 10 were drawn in contravention of constitutional mandates of Article III, Section 20, thus making the redistricting map unconstitutional as drawn. However, despite this ruling, all other claims were rejected. So the Court found no fault with 25 or Florida's 27 Congressional districts.

In District 5 the Court found that the Legislature's concerns about vote dilution under the Voting Rights Act, quote, "is not compelling without some showing that it was legally necessary to create a majority/minority district." And what quote, "event" here was that that district had already elected African-Americans to Congress
without going to a majority/minority district, and, therefore, the Legislature could not justify why it needed to go to 50 percent.

The Court concluded that the district unnecessarily subjugates Tier Two principles of compactness and, therefore, the district must be redrawn as well as any surrounding districts affected by the change. So two things in that sentence. We talked about compactness and we talked about Two Tier principles.

The Florida Supreme Court has said that you cannot subjugate Two Tier principles unless it is required by Tier One. And the Court believed that it was not drawn compact enough and it was not justified in having that kind of configuration by the minority voting protections.

The Court also found that District 10 -- and here is District 10 again -- unnecessarily subjugates Two Tier principles of compactness because it contains -- it included an odd-shaped appendage, and that is what we talked about, which is that area between District 5 and District 9.

The Court stated that the Plaintiffs have shown that the district could be drawn in a more compact fashion avoiding this appendage. The
Plaintiffs adduced multiple iterations emanating from the House redistricting suite which did not contain this appendage and were otherwise more compact.

As far as Districts 13 and 14, the Court found that the Plaintiffs failed to prove any Tier Two deviations in those districts. The Court found that the Plaintiffs did not demonstrate that the decision to include portions of Pinellas County in District 14 was a result of partisan now intent to benefit the Republican Party.

For Districts 21 and 22 the Court found that Plaintiffs had not met their burden of showing unnecessary deviation from Tier Two requirements, given the various trade-offs to draw compact districts in the region as a whole. The Court noted that an east/west configuration of the districts may violate Tier One requirements for minority protections in District 20.

For Districts 25, 26 and 27, the Court found that alternative plans could have a regressive affect on the Hispanic majority districts in south Florida, and that any Two Tier differences between the enacted plan and the Plaintiffs' alternatives were de minimus. Because the Plaintiffs abandoned
their challenge to District 15 during the trial, the Court did not address that district in its opinion.

So that was the Final Judgment on July 10. That judgment did not address at all what happens next. All it said was the districts would have to be redrawn. So the legislative parties filed a motion to amend or alter the judgment about a week later in which it asked the Judge to rule that it is too late for 2014, to do anything about these maps because the election process has already begun for 2014, and that the 2014 election should proceed under the 2012 map.

The Court held a hearing on that issue and last Friday, on August 1st, the Court issued the following order. And this is on page 5 and 6 of that order which I believe is also in your packet.

First, the Court ordered the Legislature to submit a remedial or revised map by noon on August 15.

Let me backtrack a little bit on that subject. When the Legislature filed its motion to alter or amend the judgment, the Plaintiffs in the case then submitted their own map to the Court and said to the Court, you can't wait. Here is the map that we
propose. Adopt this map for the election.

The Legislature said it is the Legislature's prerogative to draw a map, in the first instance, and the Legislature should have a chance to redraw these districts. You should not consider the Plaintiffs' maps at least until we have a chance to draw the maps. And so this order is a partial reaction to that position giving us the opportunity, albeit in a short amount of time, to redraw the districts.

In the order the Court also ordered the Secretary of State and the Supervisors of Elections to present by noon on August 15th, which is next Friday, a proposed special election schedule and comments or suggestions regarding the conduct of such an election assuming a revised map will be in place no longer than August 21.

And I should emphasize that in this order, if you haven't read it, the Court has not determined yet what to do about the 2014 elections and which maps should apply. The Court has expressed skepticism that it can do anything about these elections, but has asked the Secretary of State and the Supervisors of Elections to provide some alternatives to see if it is possible to have
elections in 2014 under a revised map, or whether it is simply too late at this point, but the Court has not made any decision on that issue yet. And, if you look further down the order, any objections to the remedial map or election schedule must be submitted by noon on August 18th, and then the Court will have a hearing on August 20th in order to decide on any objections and decide on the map.

That is all I have. I believe Mr. Meros will now address.

CHAIRMAN GALVANO: Yes, thank you, Justice. And what we will do is go into you, Mr. Meros, and, Mr. Bardos, I don't know if you have any presentation, and then we will take questions from the panel.

MR. MEROS: Thank you Chairs, members. George Meros and Andy Bardos from Gray Robinson. We had the honor and privilege to represent the Florida House of Representatives in this matter. Excuse me, I am a little hoarse, so hopefully my voice will last.

I wanted to focus a little bit on minority districts. CD 5, Congressional District 5 is at the heart of this case, and I wanted to give the committee some historical perspective on minority
districts, how they came about, why they are and what this Legislature should be thinking about with regard to a remedial map.

Most importantly, minority districts are not drawn to favor or disfavor Democrats or Republicans. They are drawn because, unfortunately, racial discrimination in voting persists in Florida and in other parts of the country and that is manifested in this way.

African-Americans in many parts of Florida, in many places elsewhere, vote cohesively for African-American candidates. Unfortunately, in portions of Florida and elsewhere, there is white block voting that continues to persist where whites block -- vote to block the African-American candidate. That often occurs in a Democratic primary where an African-American Democrat will lose a primary to a white Democrat and not ultimately be elected.

When you combine that with areas of Florida or elsewhere where there is a history of racial discrimination, where that history is a part of many of the socioeconomic and other challenges that the community might face, Federal law and Florida law, and, most specifically, Amendment VI says that
there must be an opportunity to have districts
where the African-American vote actually will count
and will not be diluted or diminished.

That -- I think most fundamentally the
committee needs to understand that in 2010, when
the voters passed Amendment VI, they said to this
Legislature that is the primary goal, the primary
Tier One admonition to this Legislature, and that
is the rights of African-Americans and other
minorities to have their vote count, will not be
diluted and will not be diminished. So that is
what -- that is a fundamental part of what the
Legislature has to do in coming up with a legal
map.

It is also important to understand that,
again, this is not a matter of historical artifact,
these things continue to exist. And there was some
very compelling testimony at trial from witnesses
from Marion County, from Alachua County, from
Orange County about the continuing problem with
white block voting and racial discrimination.

Evelyn Fox from Alachua, a representative from
the NAACP, testified that no African-American had
ever been elected county-wide in Alachua County.
African-Americans had tried to get elected to
Sheriff a number of times, had not been elected. Whitfield Jenkins, a champion of African-American rights and NAACP President for many years from Marion County, testified that no African-American has ever been elected to the County Commission since reconstruction. Since reconstruction in that area only three African-Americans have ever been elected to the City Commission. Those are areas encompassed within a minority district. That is the sort of testimony, the sorts of reality that continues to exist not only in Florida, but elsewhere. That is why we have to be very careful about the Tier One requirements.

Now, let me go to CD 5 specifically and the history of CD 5, and unfortunately I am old enough to be able to tell you what happened because I was there in the litigation from 1990. And in 1990, we had a situation where in Florida there had not been an African-American Congressperson since reconstruction.

What happened there and elsewhere is that districts were drawn in all of the areas with a minority population of from 10, 15, 20, 30 percent that elected a white Democrat. The NAACP, the Lawyers Committee for Civil Rights, and others said
enough is enough and brought suit in Federal court
to compel the drawing of a district that would
elect an African-American candidate.

A three-judge Federal court in 1990 did just
that. It drew the original CD 5. That CD 5 you
will see is certainly not a model of compactness,
and if -- Jeff, if you can, and I believe that's
number one, yes. And you will see there in 1992
that that district goes from Orange to Duval and
then around like a horseshoe down to Marion County,
clearly not a model of compactness, but here is why
that district looked that way: Without combining
these minority communities the white block voting
was sufficient to never permit African-Americans to
be elected.

Now, in 1996, after decisions came down from
the U.S. Supreme Court saying that districts cannot
be drawn solely or predominantly on account of race
under the Equal Protection Clause, there was a
challenge to that district as drawn in the
horseshoe. The Federal Court found that it
violated equal protection and a Federal District
Court drew the district that you see before you as
a remedy for that, as a remedy to challenge the
sort of contentions that you hear now. So, in 1996
that district was drawn.

  Now, notably that district was drawn in that
fashion by a Florida Legislature as a remedy for
the Federal Court that was a bipartisan
Legislature. The House had a Republican majority.
The Senate had a Democratic majority, and all but
three House Representatives voted for that and 40
Senators voted for that.

  And what you will see since then is similar
iterations from Duval to Orange County. If you go
to 2002, you see what Justice Cantero said is the
benchmark plan that goes from Duval over to Alachua
and Orange. And notably in 2000, again, I had the
honor to represent the House of Representatives.
At that time, we were sued by Democratic interests
alleging that that district did not have enough
African-American population. It was approximately
47 percent, I could be wrong, but we were sued for
that and we had to defend against that suit. We
were successful in defending that suit, but,
nonetheless, we were sued. And then in 2012, the
enacted map looks like this.

  Now, one immediately might wonder why combine
those communities. Well, what you will see is you
are combining African-American communities in
Duval, Marion, Alachua, Putnam Counties and Orange Counties for historical reasons that are not by accident and not by simply grabbing population.

Dr. Robert Cassanello, a specialist in African-American history from the University of Central Florida, testified in this case.

And he testified -- and this is his area of research -- about the historical migration patterns of African-Americans in the early 20th century that were -- that went along railroad lines and river lines because of discrimination in employment and discrimination in zoning matters, and that one will see in the development of this part of Florida in that time that the railroad lines from Duval County to Orange were exactly consistent with the migration of the population, that river routes consistently were similar as well to Alachua.

And so it was -- these were communities that were -- by virtue of the circumstances in which they found themselves, were forced into areas that were not necessarily geographically compact. And that is one of the standards and analysis that you have to do when it comes to a minority area, and that is: Are there similar interests and shared concerns among the African-American population, and
if there is, and if there are, then compactness is not a matter of aesthetics or geographic compactness. Compactness is a matter of whether the communities share concerns and common interests, and, if so, one can be compelled, at risk of Federal lawsuit or State lawsuit, to divide that community.

So that is basically the history of CD 5 and the history as to why it is drawn in the north/south configuration and why it is drawn in a way that is not necessarily aesthetically pleasing.

Now, going to the Tier Two standards that this Legislature must deal with in the next few days and that is I want to focus on the issue of diminishment. Diminishment -- the law says that one shall not diminish the opportunity of African-Americans or other minorities to elect their candidates of choice. What that means is the following: It is an analogue to Section V of the Federal Voting Rights Act, and what it means in essence is you take the ability of a minority group in the predecessor map, the 2002 map, the benchmark, and you assess what opportunity did that population have to elect a candidate of choice. You then impose the 2010 population into that same
area, and then you look at the district that is being proposed, and you have to assess whether the population in that area is more, less or just as able to elect a candidate of choice. And, if it is less able to elect a candidate of choice, that is diminishment.

That is a remarkably strict standard which the people of Florida imposed on this Legislature. What it means is not necessarily, if you have 100 -- exactly 100 minorities in a hypothetical district, you cannot take it to 99 African-Americans. But what it means is, if there is some lessening of the ability to elect, then that population cannot backslide. It cannot go backwards.

Now, others who want to dismantle minority districts would say that it is only diminishment if you take a district from being 100-percent likely to elect an African-American candidate and you take that to a tossup district, a 50/50 district, then that is not diminishment. It is only if you make it less likely than before that it is a diminishment. That is plainly, in my view as counsel and my counsel to you, to be contrary to what the Florida Supreme Court said, what the
language of diminishment is, what the supporters of Amendment VI told this Legislature in a combined session.

So one has to remember that in areas of significant minority population if you draw districts and makes it less likely to elect, that violates the State law that compels us to preserve.

Now, there are, there have been assertions and there may well be in this session about dismantling that district, taking Alachua County out, taking Marion County out, taking parts of Putnam County out and having an east/west configuration of a district that would run from Duval County to Chattahoochee.

I would counsel this committee, these committees, Senators and Representatives, to reject that notion because it is my considered opinion that that violates not only the first tier of Amendment VI, but the Tier Two compactness requirements. And the map you have in front of you there is a map that has been filed in court as a proposed remedy by the Plaintiffs. And, as you can see, that goes from -- well, you can't see it, but I will tell you that it goes from Duval County all the way to Chattahoochee, Florida, a distance of
206 miles.

Now, the Legislature has been criticized for creating a district of CD 5 of 140 some miles. That's 206 with a remarkable perimeter.

Now, first, looking at the Tier One issues, the question is, does that diminish the opportunity of the minority population to elect a candidate of choice? The first thing you have to do there is to assess that against the 2002 benchmark, and when you do that what you see is that, along all measures of political performance and election performance, that district is less likely to elect a candidate of choice than the benchmark 2002 district.

If I can find my chart there and ask you to go to that -- well, I have a highlight here. Not in your packet but available to you as a one page of diminishment that we have available, but I was just going to provide you with a highlight of that if I can flop around here and find it. Yes. So it is 10, 11, 12.

CHAIRMAN GALVANO: Mr. Meros, I believe we all have a handout.

MR. MEROS: Okay. You have the handout as well. These are simply excerpts from the handout.
So the handout gives you the full picture. These are simply excerpts.

And what you will see with regard to black voting age population in the benchmark district is 49.9 percent in the benchmark and a reduction in an east/west district of almost five percent. Hispanic voting age population a reduction of four and a half percent. And, very notably here, a white voting age population in the east/west CD that is 8.6 percent higher than in the benchmark district.

Now, in my view looking at this alone, there is no question that it makes it less likely for an African-American candidate to win in an east/west configuration than in the benchmark. And if you go to the next slide, which is African-American voter turnout, you will see that in the 2012 general election, in the east/west configuration 47, it was only 47 -- the black population was only 47.6 percent of the turnout, a 4.2 percent difference, and then look down at the 2010 Democratic Primary, a 7.9 percent difference, again, clearly weakening, lessening the ability of the African-American population.

If you go to election results, you will see
the benchmark and Kendrick Meek, Marco Rubio and Charlie Crist, and there you will see that in benchmark CD 3, Kendrick Meek had a margin of victory of 16.2 percent, in the east/west CD 5 a margin of victory of 4.5 percent.

If you look at the election results with Kendrick Meek, he received 48.9 percent in the benchmark and only 40.5 percent in the east/west configuration. So all of those are absolute red flags.

Now, the last -- and we have been up here a long time and I will try to rush through this. But I want to go back to the Tier Two problems with an east/west configuration.

Compactness is fundamentally a visual matter first, and you will see here notably -- you talk about appendages, you talk about irregular lines, this to me looks like a surf board that was attacked by jaws in any number of different places and that is the sort of thing, when you see that, you have to say why. Is it justified? Is it justified under Tier One? No, it is not justified under Tier One because it is a diminishment. Its end-to-end length of 206 miles is extraordinary. And let's reconfigure that to show just how far
that is. That is the same district that goes from Jacksonville to Sebring.

The next configuration goes from Miami to Dunedin, and the next, which is my favorite, goes from Naples to Havana. One is hard pressed to say that that is a reasonably compact district that serves as a reasonable alternative to a district that was created by a Federal court in 1992 and 1996.

And, lastly, when one does an east/west configuration like that, the impact it has on the surrounding districts is dramatic. And you see here, if there is an east/west district, you see what District 2 would look like. End to end District 2 here is 241 miles, now 100 miles longer than the Legislature's CD 5, and it has a perimeter of 1,010 miles. If one were to open up that perimeter and have it as string, that string would run from Tallahassee to Toronto, and there is no reason to do that because in the other iterations Districts 1, 2 and 3 are exceedingly compact. People don't have to drive 241 miles to their Congressperson, and the Congressperson doesn't have to drive 241 miles to their constituents. These are among the issues that I would counsel in terms
of minority districts and have them comply with the Amendment VI requirements.

CHAIRMAN GALVANO: Thank you, Mr. Meros.

Okay. Members, we are going to go into questions from any of the presenters today.

Before we do that, I would remind both presenters and the panel that we do have a pending lawsuit. So there may be areas that involve strategic decisions or privilege or other protections. So feel free to raise that with counsel if that is the case and we will try to watch out from the dais.

So, with that, Leader Smith, you are recognized for a question or a comment.

LEADER SMITH: A quick question. I guess it keeps coming up and no one has really addressed it.

And especially I would like to hear from Senate counsel, former justice, if the Court's finding that these districts, say CD 5 and 10 -- would you characterize the Court's finding that these districts are unconstitutional? Is that how you would --

JUSTICE CANTERO: As they were drawn, yes.

LEADER SMITH: So now, going back to the timeline of elections, how can we have citizens
vote in an unconstitutional -- for an
unconstitutional drawn seat? How do we propose to
deal with the timeline if, in fact, it is the
finding of the courts that they're
unconstitutional?

JUSTICE CANTERO: There are many cases that
have held that elections can proceed under
unconstitutional districts where insufficient time
remains to redraw the districts before the upcoming
election. And we had testimony at the last hearing
before Judge Lewis that this 2014 election has
started already, that overseas ballots have been
sent and returned. People have actually voted in
the primary elections in this state already, and
courts have held that, when such is the case, it is
appropriate because there is no other alternative
to hold the upcoming election under the old map.

CHAIRMAN GALVANO: You are recognized.

LEADER SMITH: You gave a good analysis of the
Court's finding and how the Court came to that.
What about some of the other findings because,
as we move forward, I am a little concerned that
some of the other findings that you didn't discuss.
That were findings that there were collusions and
others?
 Were you counsel for the Senate during this
time, during the time that we drew the last maps?

JUSTICE CANTERO: No, sir, I came in -- when
the Florida Supreme Court invalidated the Senate
map in March of 2012, I was hired just after that.

LEADER SMITH: Could I ask then, Mr. Meros,
were you counsel during this time?

MR. MEROS: Was I counsel for the House?

LEADER SMITH: For the House.

JUSTICE MEROS: Absolutely, yes. So I will be
happy to answer any questions you have.

LEADER SMITH: Were there in fact other --
some of these findings of facts -- and I am not
saying this just to be sensational, but I am saying
this, as we move forward, that I'm -- you know, I
understand the process as we move forward on.

What is your take on some of the findings of
fact that some of these meetings were held and we
were getting maps secondary to strategists to
getting maps?

MR. MEROS: Let me first say that the Judge
made no findings that House or Senate leadership,
House or Senate members or staff received specific
information and acted on that information from
outside sources.
In fact, the Court found and credited the credibility of all of the map drawers and lauded Senate and House leadership from -- by their ability to keep them away from outside influences. There is no question that it came out and, unbeknownst to all of us, that draft maps were being sent by a member in the House Redistricting Suite to a political consultant.

He testified that he did so because political consultants make their living on trying to find out what is going to happen, but, nonetheless, it was absolutely the wrong thing to do. He admits it. No issue about that. The political consultants did share maps, share evaluations, obviously tried to get into the process, but I would hasten to add there is no finding that the Court said that one person, one legislator or one staff member or one lawyer ever did anything at the behest of a political consultant.

What he found was, I choose to infer that because I see the shape of the district, that there was an improper intent in drawing it that way because there was not a sufficient justification under Tier Two. Was the Judge happy with the political emaciations going on by the consultants?
No. Were we happy with it? No.

SENATOR GIBSON: Thank you, Mr. Chair. And this is for Justice Cantero. Thank you for your very good explanation of the ruling on which I have a question.

In your explanation and in the Order, I guess, where it says, "I find that Plaintiffs have proved that District 5 unnecessarily subjugates Tier Two principles of compactness," and when -- my question is in terms of this Order for the benefit of proceeding on a map, is the Judge in your opinion saying that the subjugation of the Tier Two principles of compactness deals more with performance than it does with any of the shape scores that you mentioned, because I don't -- there is no Reock score mentioned in here and there's no -- I forget the name of the other one. So is the compactness that is referred to in here based solely on the performance figures that precede that particular paragraph?

CHAIRMAN GALVANO: Justice.

JUSTICE CANTERO: Thank you. Senator Gibson, I believe that the Order mentions, but if it doesn't mention, the evidence showed that District 5 had a Reock score of .09, and I think the Judge
based his decision more than anything on the fact that District 5 jutted into Seminole County. He compared the Senate version or the enacted version of the plan which jutted into Seminole County with the House's 9043 version which did not have that extension into Seminole County and, because of the lack of extension, the black voting age population was reduced from 49.9 percent in the benchmark plan to 48.03 percent in 9043. But the Judge noted that the House had conducted a functional analysis of that district and that it would still perform for minorities at 48.03 percent. So that is why he decided that it was not necessary to go into Seminole County in order to protect minority voting rights, therefore, that going into Seminole County was unjustified.

CHAIRMAN GALVANO: Follow up, you are recognized.

SENATOR GIBSON: Thank you, Mr. Chair. And in all of that and in his order then, there is no mention that I see that would require us to propose a plan that goes all over the state essentially because the compactness is pretty limited.

JUSTICE CANTERO: The Order does not suggest an alternative. In fact, in the August 1 Order,
the Judge agreed with the Legislature that it
wasn't the prerogative of the Court to give
direction necessarily about how to redraw the
districts.

His only authority was to determine whether
the districts as drawn were constitutional or not.
The judgment also does not ever indicate that a
minority district going from Jacksonville to
Orlando would be unconstitutional and that a
minority district going from Jacksonville west
towards Gadsden County would be constitutional or
would be necessary to remedy any constitutional
defects in the plan.

CHAIRMAN GALVANO: Leader Smith, a quick
comment.

LEADER SMITH: Mr. Justice, I guess it would
be a short turn around, but at least by Monday or
Tuesday -- by Monday could you get me some of those
cases that you mentioned earlier that the courts
have allowed voting in unconstitutional
circumstances?

JUSTICE CANTERO: Yes, Your Honor. If you
would let me know where you would like me to send
it, I could do it by today.

CHAIRMAN GALVANO: Justice, we will facilitate
that. We will make sure staff gets you what you need.

Are there any questions? Representative Rodriguez, you are recognized.

REPRESENTATIVE RODRIGUEZ: I guess as a House member, I guess it could be from either Senate or House counsel, but as a House member, I will direct it to House counsel.

And this is -- for clarification for us, we are here in special session to basically fix what the Court has said about the District 5 and 10. And my question relates specifically to how the Tier One standard is applied. And, in listening to your presentations of how Section 20 and the Voting Rights Act combine with respect to minorities, I got the sense that -- I think it was Senate counsel who mentioned majority/minority districts a few times. I know it was in reference to the Voting Rights Act, which is extremely complicated obviously now as to how it has been changed or interpreted by the Executive, by the court system and by the Congress.

And my understanding is that many of -- you know, much of the jurisprudence talks about coalition districts, opportunity districts,
minority influence in terms of how districts are evaluated under the Voting Rights Act, and, of course, this is a case of first impression in terms of Section 20, but if you could give us clarity, you know, as simple and straightforward as possible in terms of how we should apply the Tier One standard, both, you know, obviously incorporating the requirement that we comply with Federal law.

MR. MEROS: Sure.

REPRESENTATIVE RODRIGUEZ: And just to be clear, because, you know, again, we're going to -- you know, if there is a map that comes before our respective committees, we are going to need to apply Tier One in deciding on that map. And, based on your presentations, it is not 100 percent clear to me exactly what the standard is in terms of retrogression, dilution or whatever is new under Section 20 with respect to how we should decide that.

CHAIRMAN GALVANO: You are recognized.

MR. MEROS: Sure, that's a daunting task, and so I won't to spend 30 minutes on it, but let me give you outline.

First of all, I would suggest that you look at that portion of the Florida Supreme Court decision
from May 9 of 2002, which was on the State House and Senate plans. And the Court lays out and authoritatively construes Amendment V and VI in a substantial way in a number of these things, and comes up with some very direct definitions or direct instruction.

But going to your question with regard to the Tier One minority requirements, the first portion of that language is effectively Section 2 of the Federal Voting Rights Act which is a vote dilution standard. And a vote dilution standard, in as simple terms as I can make it without it being too long, is that, if you have a minority population that is sufficiently large and geographically compact to constitute an African-American or minority population of at least 50 percent, and there is racially polarized voting and there is white block voting and there are some other considerations, then Section 2 would say that the failure to do so is a violation of the rights of a member of that population whose vote has been diluted.

Now, let me give you an example of how that might apply specifically in this instance. You will recall that there was testimony from Justice
Cantero about the Seminole County -- the incursion of CD 5 in Seminole County in taking African-American population out of Sanford into CD 5 as it has been.

In the negotiations -- in the ultimate negotiations, the House had drawn a Congressional District 5 of around 48 and a half percent. The Senate had drawn over 50 percent. Ultimately the parties came together at doing it at over 50 percent. Because it is at least arguable and one cannot say whether it's -- who would win on either side, but it is at least arguable that, because of the Bartman v. Strickland case which said, if it's less than 50 percent, there are no Section 2 rights, that it is at least arguable that one could say that that population has to remain in a 50 percent district or they could sue under Section 2 for failure to have a district of 50 percent. And so the House said that is a reasonable argument. We thought that we would do it this way. You thought to do it this way. Either side has a reasonable argument, but we are happy to err on the side of avoiding that sort of litigation, but that would be an example.

Diminishment and retrogression is, of course,
different, as I said, but the Supreme Court has
said that it is the standard -- it is effectively
the Section 5 standard, importantly, as explained
in the Congressional authorization of the 2006
Congressional authorization Voting Rights Act.

And in that the Court, the Supreme Court
expressly said that the diminishment standard is
whether or not the minority community is less able,
just as able, or not as able or more able to elect
a candidate of choice.

So it is a sliding scale. It is not as some
people say a dichotomous value. The Supreme Court
has made that explicit. So that is the
diminishment standard and those are two very
different standards.

Now the one thing I would add with regard to
that is the intent, the prohibition against intent
to favor or disfavor clearly does not apply when
one is required by the racial protections to --
under Tier One to protect a district, whether it is
a majority/minority district or it is a
historically performing less than 50 percent
district.

In other words, you have to look at minority
performance in trying to assure in drawing a
district that the African-American will have an
opportunity to elect a candidate of choice. In a
non-racial area, in an area with a small number of
minorities, if you were to do that and to do an
analysis that says, okay, how can I make sure that
this Senator is elected, that would be a violation
of the intent standard. With regard to minority
protections, that is not an improper intent to
favor or disfavor.

CHAIRMAN GALVANO: Follow up, you are
recognized.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr.
Chair, in following up with respect to each of the
districts. So with respect to District 5, please
correct me if I am wrong, but is it your opinion
that as a matter of law in drawing District 5, it
has to be at least 50 percent minority voting age
population?

MR. MEROS: It is a debatable point. That's
exactly what happened when the House had 48 and a
half and the Senate had 50. You recall in that
2009, Bartman v. Strickland came out and said that
Section 2 only protects populations if it's at
least 50 percent. So that is a bright-line rule as
of that time.
So then the question is, when you are drawing a district and you have -- and, by the way, everyone concedes in this litigation that there is racially polarized voting in northeast Florida and that there is white block voting. So that is satisfied. Everyone concedes that there is a history of racial discrimination in voting in that area and other areas.

So then the question is, well, might the circumstances support the other pre-conditions and the other Senate factors and be a viable or winning lawsuit. There is no way to tell until that litigation occurs. So the answer is you don't know until you are sued.

And what the Legislature tried to do was say, let's take away the possibility of that suit by taking it to 50 percent. And where we are now is there will be a District 5 that is less than 50 percent and the Legislature will be potentially subject to a Federal lawsuit because of that, and no one knows.

CHAIRMAN GALVANO: You are recognized.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Chair. And with respect to, I guess it would be District 10, in that case -- again, correct me if I
am wrong -- but it would be the diminishment factor. And if you could talk through how we would apply that diminishment standard in that case.

MR. MEROS: The diminishing standard would apply to District 10 because District 10 does not have a significant minority population to have the ability to elect.

CHAIRMAN GALVANO: Yes, follow up question.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Chair. And the Judge said that in the opinion. And is that -- and this is a follow up on something that I believe you had mentioned in your presentation which is that, in making the analysis with respect to District 10, that you would use the benchmark, but 2010 population numbers.

I guess what I am getting at is, with respect to what the Judge was looking at was based on data four years old or 14 years old? Does that make sense?

CHAIRMAN GALVANO: Mr. Meros.

MR. MEROS: You were talking about a diminishment standard which uses a benchmark, but that doesn't apply to looking at District 10 because, whether it was 10 years ago or now, that is not a district where there is anywhere near a
sufficient minority community to elect a candidate of choice. So you only do that in areas where minorities have had some chance.

What the Court was saying with regard to District 10 is, okay, the House had a district that was more compact than the Senate. In negotiations, again, part of the negotiation was we have an emerging Hispanic population in central Florida that didn't exist before, and so what to do with that population.

And, in a reasonably compact District 9, you could take that district from 39 percent, which was what the House did, to approximately 42 percent, which is what the Senate suggested, and make that district a -- pretty soon, a Hispanic performing district.

Now when you do that and increase the Hispanic population, there is a population of non-Hispanic, non-black in the southern and eastern portion of lower CD 5 that has to be placed somewhere, and that's one of things things in redistricting, there is trade-offs, you have to get to zero population, zero plus one.

The best of not-so-good alternatives was putting that appendage in District 10, but we
argued to the Judge that was that was precisely in order to enable the Hispanic population to elect a candidate of choice as soon as possible, and, in addition, what the Legislature did remarkably well in the end of the negotiations was, while these changes were being made, staff was able to go back and decrease city splits, decrease county splits, and improve preservation of those entities by a factor of, for about eight or 10 cities and counties, better metrics than any other map had ever had.

The Court said, well, that is laudable, but I still think this is non-compact. Non-compactness to me is a standard that is somewhat higher than city or county splits, and because CD 9, the Hispanic district is not yet at 50 percent and, thus, not protected under the Voting Rights Act, there wasn't a compulsion to do so. So I find that you violate Tier Two standards in CD 10 by virtue of this non-compact appendage.

CHAIRMAN GALVANO: Senator Montford, you are recognized.

SENATOR MONTFORD: Thank you, Mr. Chair. If I may go back to the Plaintiffs' east/west proposal --
JUSTICE MEROS: Yes.

SENATOR MONTFORD: -- I appreciate your analysis of that, but help me understand where that fits in the process. Where are we in terms of that particular proposal in the scheme, the whole scheme?

JUSTICE MEROS: Well, I imagine -- well, first of all, the Court has before it a request by the Plaintiffs to have an east/west configuration imposed on the Legislature. The Court has said the Legislature has the right to draw the map, and so now it is before the Legislature.

I would imagine that there will be a proposal that has that east/west configuration before the Legislature to draw, and so that's how I think it will come up.

SENATOR MONTFORD: Thank you, Mr. Chair.

CHAIRMAN GALVANO: Senator Simmons, you are recognized.

SENATOR SIMMONS: Good afternoon.

JUSTICE MEROS: Good afternoon.

SENATOR SIMMONS: Mr. Meros, obviously we have to look at this from the perspective that there is a court order and, whether we believe it is right or wrong right now, that is the court order and
that is the set of parameters within which we are dealing.

And so I am looking at -- at the Final Judgment, and I am on page 25, if you want to follow along.

JUSTICE MEROS: I think I might have memorized it, but go ahead.

SENATOR SIMMONS: And I am in the last paragraph of page 25, and this is the prelude to my question to you.

It is talking about the fact -- and he spent a lot of time talking about the fact that -- first, that he had looked at the ability -- he had the ability to judge the demeanor of the staff. That's on page 22, and he found them to be frank, straightforward and credible. There was no infiltration.

And, as a matter of fact, I read this as a case in which the conduct of political operatives was, in fact, imputed to the Legislature, and he says on page 25 at the last paragraph, "The reality and the irony is that there would be absolutely nothing wrong about the attendees at those meetings submitting proposed maps or partial maps. The difference is, if done in the open, then those
reviewing the submissions could take into account the source in evaluating whether it was neutral or whether it might tend to favor or disfavor a political party or an incumbent. One of the political consultants lamented that, if he had submitted maps in his own name, he would probably have come under attack, accused of trying to favor his party or its incumbents. Well, of course, his submission might be closely scrutinized in the same way that a proposed map submitted by the Florida Democratic Party might be taken with a grain of salt. That's how it should be if one is concerned about improper partisan intent influencing the drawing of the map."

Then he goes on and he says --

CHAIRMAN GALVANO: Senator Simmons, is there a question?

SENATOR SIMMONS: Okay. My question is, he ends up talking about it and he ends up saying that ultimately resolving that we have to know who and what -- who is ultimately submitting a map. And if, in fact, we don't inquire -- because if we turn to page 27, that is basically what he says. "If you choose, however, to accept and perhaps rely upon publicly submitted maps, it seems to me that
you should have a way to address the possible, nay, probable partisan intent of the drafters of at least some of those maps. The Legislature's answer was apparently to ignore it."

We cannot ignore who ultimately prepared and is presenting the Plaintiffs' maps. If, in fact, the Plaintiffs' maps -- if we don't get into who does that, then we can't consider it according to the way I read his, his ruling.

And so we must ask, number one, who actually prepared Plaintiffs' map. Was it paid for by the Democratic Party, and all matters relating to that. Is there an answer to that so that we can then take it with a grain of salt?

JUSTICE MEROS: Well, Senator, I think that you well identify a dilemma because, on the one hand, if you inquire and interrogate, then you are going to discourage public participation. You will also require staff to spend half of its time trying to probe into the possible motivation of what could be many, many people.

I think for present purposes, unfortunately because of the way this is, that the Legislature has to at least try to be cognizant of when maps are submitted to this Legislature in this
legislative session. One has to be careful about the motivations behind those submitting it, unfortunately.

CHAIRMAN GALVANO: Can I come back to you because Chair Corcoran wanted to make a comment? Thank you, Senator.

CHAIRMAN CORCORAN: Thank you, Senator. I just want to -- you know, Leader Smith had mentioned it to me -- at our session when we convened, I had a discussion with Leader Thurston and some of my colleagues on the Democratic side, and to Leader Smith's earlier comments, I mean, clearly what I would like to say is that I think that some of -- the genesis is that's what Justice Lewis said, how do we, you know -- to my colleagues that have mentioned, how do we -- how is this going to be different? We heard it was going to be -- that wasn't going to be something that was at issue. How is this going to be different?

I mean, I would just like to start by saying that both Senator Galvano and myself sent out memos to all of our colleagues and we made it clear, which was not done in the past, that you will have no conversations with congressional members, no conversations with congressional members or staff.
You will have no conversations with political consultants.

To the extent that those conversations at any point in time take place in a partisan manner, you will report it to us directly and disregard it completely to our staff.

In addition to that, to your point, Senator Simmons, we said, if you do submit a plan -- and we gave a lengthy list -- we want to know specifically the identity of every person in the drawing, the reviewing, the directing and the approving of the proposed plan, the criteria they used, the sources of the data in the creation of the map and the data other than what is in My District Builder, should explain the nature of any functional analysis performed and that the proposal satisfies all the Constitutional criteria.

I say all of that in that, and speaking on behalf of Senator Galvano, I think that what you all have voiced is readily apparent, and to that extent we clearly know it's -- we wouldn't even be here if there wasn't something that constitutionally was viewed as awry by a Circuit Court Judge.

He was very deliberative, but we believe that
in this process we have enforced it thoroughly. We also recognize that the likelihood all of us would be deposed is probably pretty great, and my answer to a deposition that may or may not occur in the future or here in this room is we have had zero conversations with political consultants, zero conversations with Congressional members. We will not have those conversations.

We will ask where you got your maps and what the genesis were. I mean, we will put forth what our genesis was and where we got our maps, how we worked it out, and I think that this process will be truly, hopefully something that can be replicated in the future, but I just -- I think we are going to get a lot of this, I think they are legitimate and I had this conversation with Leader Thurston, but I think, if you look at the memos that we outlined and if you look at the direction we have given to people who may or may not submit maps, we are going to follow the call of the session. We are going to follow the order of Judge Lewis and we are going to do so under the confines of the memo that we sent out that hopefully will remove any aspect of the nature of your comments.

CHAIRMAN GALVANO: Thank you. Senator
Simmons, you are recognized.

SENATOR SIMMONS: And that, Mr. Chair, is one of the reasons that I raise this question is the dilemma that we are confronted with here. His order says that we basically need to do that. The order also condemns doing it, and that is the reason I believe, as a person who is trying to see if we can comply with the Judge's order, that it is facially unconstitutional because the United States Supreme Court, as is evidenced in the case of McIntyre vs. Ohio Elections Commission, which is a 1995 case, ends up concluding, "Under our Constitution, anonymous pamphleteering is not a pernicious fraudulent practice, but in the honorable tradition of advocacy and of dissent. Anonymity is a shield from the tyranny of the majority and, thus, exemplifies the purpose behind the Bill of Rights and the First Amendment in particular to protect unpopular individuals from retaliation and their ideas from suppression at the hand of an intolerant society."

The simple fact of it is, is that the conduct of these Republican operatives, it was Constitutional free speech, but we are being told under this order that there is something wrong with
it when there was nothing wrong with it. We may
not like it. As a matter of fact, the U.S. Supreme
Court even discussed, and I will quote, "But
political speech by its nature will sometimes have
unpalatable consequences."

The fact of it is is that we are sitting here.
We are being told by the Judge not to consider or
being condemned for having considered some free
speech and having it imputed to us and then later
on being told that we need to go ahead and inquire
as to any maps that are submitted to us other than
the maps that are submitted by our own staff, I
guess, and, fortunately, in compliance with the
Judge's order, that's what we are doing. We are
having staff without any contact by anybody out in
the public to be able to do this, and that, of
course, violates the Florida Constitution which
says that people shall have the right to --
peaceably to assemble, to instruct their
representatives and to petition for redress of
grievances which, of course, means that we need to
be open and free -- and have free access to the
people. We are not the judiciary. We are the
Legislature.

I only point this question out is to ask the
question, is that I think, Mr. Meros, what we are all doing is we are having staff be free -- just as Chair Corcoran said, that we are going to be free of any kind of influences from anybody in the drafting of these maps, and that is what I heard him say.

I know we are complying with the Judge's order. I am just saying that in my mind I think that the Judge's order is facially unconstitutional.

CHAIRMAN GALVANO: Would you like to respond, Mr. Meros?

MR. MEROS: I don't know what to say other than it was a true or false question. Well said, but I certainly have not assessed the constitutionality of the Order.

CHAIRMAN GALVANO: Justice Cantero, do you have a response?

JUSTICE CANTERO: I would like to further respond to Senator Simmons' question regarding the committee's consideration of the Plaintiffs' proposal in court.

First, there is no such map that has been presented to this committee for approval. So I don't think that the committee needs to address
that at all at the moment. If and when such a
proposal is submitted, then you may consider what
the background of that map was and maybe question
the proposer about the origin of that map.

However, the House and Senate counsel felt an
obligation to bring to your attention that the
Plaintiffs have submitted this proposed remedy to
the Court after the judgment and had asked the
Court to adopt that remedy without even considering
what the Legislature would do.

I should point out that on July 29th, the
NAACP, which is also a party and intervened as a
defendant, meaning in defense of the districts that
the Legislature drew, filed in opposition to the
Plaintiffs' proposed remedy and specifically to any
configuration of the majority or of District 5 that
would go east/west from Jacksonville to Gadsden
County. And I can provide you with copies of that
submission, but I think that if you are interested
in why the NAACP objects, I think that is good
reading for you.

And I would just summarize that the NAACP,
which presented evidence at trial, pointed out that
black voters in the region that extends from
Jacksonville to Orlando are struggling with the
lack of affordable housing, segregated housing and segregated schools, glaring disparities in the criminal justice system, lack of city services and urban renewal encroaching on affordable housing, and significantly they face the persistent inability to consistently elect black candidates in local elections.

Then it goes on to say that Plaintiffs have proffered no evidence that such a district is necessary in an entirely different part of the state. So we felt that we are obliged to present that map to you, but that -- because it was presented to the Court, but really there is nothing for you to consider at the moment regarding that configuration.

CHAIRMAN GALVANO: Representative Fullwood.

REPRESENTATIVE FULLWOOD: Thank you, Mr. Chair. I have a question for either the Senate or House counsel. As I struggle and maybe others are with this sort of balancing act between this issue of diminishment versus Amendments V and VI of our Florida Constitution and trying to figure out what trumps what, my question is essentially, if we draw new districts that are more compact, the Judge says, while these are more compact, however, they
may be in violation of the diminishment clause of
the Voting Rights Act. So we could be okay with
this Judge and find ourselves in the middle of a
Federal lawsuit is what I sort of got from what you
are saying, if you could clarify that.

MR. MEROS: Sure. And that is a great
question because there is a need to clarify.
Section 5 of the Voting Rights Act, with not the
Section 2, which is the vote dilution standard,
applies only in six counties in Florida, or it
applied in only six counties in Florida.

The U.S. Supreme Court found the formula for
determining who is subject to Section 5
requirements or not -- found that to be
unconstitutional, and so now at present Section 5
of the Federal Voting Rights Act does not apply
anywhere in Florida; however, what the voters did
in Amendment VI was to create a Section 5
diminishment standard statewide in all 67 counties.

Now, with regard to the question of how does
compactness interact with that, you have to look at
it and make an assessment at whether one could
slightly reduce the minority population in an area
without making it less likely that the
African-American candidate can win, and if one can
do that and make a district more compact or more compliant with city and county splits, then one should consider that and the Court can say that you need to do that.

For instance, the House made a determination, in its iterations of CD 5, to have a district of approximately 48.5 percent, the benchmark CV 5 was at 49.9 percent, and we reduced that to 48.5 while improving the compactness and the other metrics, but keeping it high enough to where we did not believe there was a credible argument that it made it less likely to elect a candidate of choice. So there is interplay at times between Tier One and Tier Two.

Mr. Chairman, if I may, I just want to correct the record, because I am advised that I stated, I think to Senator Smith, that there was a member of the redistricting suite that was providing draft maps to political operatives. That is incorrect.

It was a member of -- it is a staffperson in the Speaker's Office that did that. It is absolutely clear and the Judge found that the redistricting suites were completely walled off and did things the right way.

CHAIRMAN GALVANO: Okay. Representative
Fullwood for follow up?

Okay. Leader Thurston, you are recognized.

LEADER THURSTON: Thank you, Mr. Chairman.

Now I certainly want to thank you gentlemen for the presentation and certainly I have a different opinion of the Judge's order than Senator Simmons, but I note the writings of the Judge here. He talked about -- on page 1 when he talked about associations and parties, he says they will become quote "engines by which ambitious and unprincipled men will enable -- will be enabled to subvert the power of the people."

And I think that what is his concern was in his ruling, but I want you to tell me what your understanding is of his ruling about the erased e-mails.

CHAIRMAN GALVANO: Justice Cantero, you are recognized.

JUSTICE CANTERO: Thank you, Mr. Chair. I will answer that question. The Judge did not focus very much on the erased e-mails. It is on page 23. There is only one paragraph on the erased e-mails, and I am not sure if it was on this paragraph, itself, or another where the Judge said that legislators had erased their e-mails and, while
there was nothing wrong with that, they didn't violate any rules, they didn't violate any laws, he just wondered why they would do that.

And he said it made him a little suspicious, but he did not say that there was anything legally or morally wrong with regularly, in the ordinary course of business, erasing e-mails. We have asked -- in an abundance of caution and to make sure there is no even appearance of impropriety and that the Legislature cannot be criticized, we have asked that you not erase e-mails from now on, but the evidence at trial was simply that legislators erased e-mails in the ordinary course of business in 2012 just as anybody would erase e-mails. Some e-mails were retained for archival purposes. Most were not, but there was no actual finding that what was done in 2012 was nefarious, illegal or wrong; however, we want to avoid in the future even being criticized for doing so.

LEADER THURSTON: Follow up, Mr. Chair?

CHAIRMAN GALVANO: You are recognized.

LEADER THURSTON: When you said "we have asked," is there some rule that is in place now that wasn't in place in 2010 that would prevent that from happening?
JUSTICE CANTERO: I believe that there was a letter or e-mail from the Chairs.

CHAIRMAN CORCORAN: Yes, that was a Chair's recommendation. There has not been a modification to the Senate rules and to my knowledge not to the House rules.

LEADER THURSTON: Follow up, Mr. Chair?

CHAIRMAN GALVANO: Yes, you are recognized.

LEADER THURSTON: You made -- and I am not sure which one, but someone said that you had ruled out the possibility of the east/west district because of the minority population and how it would be affected, and you referenced the NAACP letter.

Several members from the Orlando community have some questions about that. Are you saying that the drop in the minority population would not allow you to consider an east/west district?

JUSTICE CANTERO: Under the configuration of the east/west district, the NAACP has shown that in, in the 2010 election, which is a midterm election without Barrack Obama on the ballot, similar to what will be seen in 2014, white voters constituted 52.68 percent of the electorate while black voters only constituted 42 percent of the electorate.
And, therefore, the NAACP was not confident, in fact, very skeptical that a district that ran east/west could elect a black candidate.

LEADER THURSTON: One last follow up.

CHAIRMAN GALVANO: You are recognized.

LEADER THURSTON: The correction was made that the operative who was releasing the map was from the Speaker's Office and not from the redistricting office.

Was it ever determined in terms of the map that was submitted and the college student's name who actually submitted that map?

JUSTICE CANTERO: It was -- there was some circumstantial evidence about who submitted it, but there was no direct evidence. It was -- there was evidence at trial that the Alex Pasolva map was very similar to maps that had been drawn by some political consultants, but there was never any direct evidence of who actually submitted those maps other than Alex Pasolva.

CHAIRMAN GALVANO: Leader Smith for a quick follow up.

LEADER SMITH: The numbers you just quoted for the east/west, were those primary or general numbers? It was 52 white and 40 something black.
Was it primary or general numbers?

CHAIRMAN GALVANO: It doesn't specify. It is on page 5 of the NAACP's opposition to Plaintiffs' proposed remedy.

CHAIRMAN CORCORAN: Representative McGhee, you are recognized.

REPRESENTATIVE MCGHEE: Thank you, Mr. Chair.

Sir, on page 22 of the Final Judgment, the Court basically honed in on a -- more of a, in the Court's word, and the question that the Court placed before was about is whether or not the leadership or the Legislature in general was either duped by these operatives or joined in the plans, and thus far we have been able to make a determination that three individuals, Alex Kelly, John Garcey and Jason Pasada acted in a way that was very -- that shouldn't come in because of their hard work and their way of making sure that nothing came within this body that would have caused it to be questioned, and so my hats off to them for the great work. But if the Court has already ruled out that those three were not part of this conspiracy, the word that the Court used, then that leaves us with the last parameter to deal with, is whether or not they are were duped, the remaining parties were
duped by these political operatives.

My question to you is: If these political operatives were in the process of duping or duped some of the individuals who were responsible for the maps, should those political operatives be held responsible in a criminal -- in the criminal field and/or in the civil field?

JUSTICE CANTERO: Representative, I am not sure that I am the right person to expound on the criminal law. All I know is that there has been no finding of criminal activity on the part of the political consultants, and, while the Judge criticized them for filing maps without putting their names on it, I don't think either the Judge or even the Plaintiffs ever suggested that what they were doing was illegal.

REPRESENTATIVE MCGHEE: Follow up?

CHAIRMAN GALVANO: Follow up.

REPRESENTATIVE MCGHEE: Thank you, Mr. Chair. If someone can answer this question, who was responsible for paying these political operatives to be a part of this process?

CHAIRMAN GALVANO: What was her name, I don't think that is a question for legal counsel, and, members, if we are going to have questions on this,
I think it is important we have our lawyers here, but I think it would also behoove us to use our time wisely.

We are here to comply with the joint proclamation, which in essence asked us to redraw two districts, CD 5 and CD 10, and, in doing so, to comply with the State Constitution, the Federal Constitution and the concerns raised by the Circuit Court. And, in order to do that, I thought it was appropriate, as did Chair Corcoran, that we have legal counsel here to give us guidance so that, when we have that discussion, we are able to move the ball forward and to create districts that will comply and will be acceptable to the Circuit Court.

And so while I understand we have counsel here and I will allow questions, I think we need to remember what the task at hand is and perhaps be a little more focused.

REPRESENTATIVE MCGHEE: Thank you, Mr. Chair. Thank you, Mr. Chair. Then -- which brings my question to this in addition to what the Chair was speaking of: What parameters have our counsel's comment brought forth or proposal that would prevent such actions that we find inside of this that lays in front of us that specifically talk
about conspiracies, shadows, political operatives having access? What parameters are being placed before us this day to ensure that something of this nature would never happen again?

JUSTICE CANTERO: I believe the Chairs of the committees have asked the members of the committees and of the separate Houses not to have contact with political consultants regarding this process, not to have contact with Congress members throughout this process, et cetera.

CHAIRMAN GALVANO: Thank you. And before I recognize you, Senator Gibson, then I would also add that the Order did not require us to do anything other than -- at this point other than to modify CD 5 and CD 10.

Senator Gibson you are recognized.

SENATOR GIBSON: Thank you, Mr. Chair. And to that point I just want to revisit really quickly the Reock score test. I believe, Justice, you said District 5, as drawn today, has a Reock of .09.

JUSTICE CANTERO: Yes.

SENATOR GIBSON: So, in terms of the Judge's order and the decisions we have to make in complying with that order, we will be allowed to use Reock scores. And is there a measurement of
those appendages, if you will, that would impact
the Reock score of either of the districts, well,
particularly District 5 in terms of compactness?
So how -- I am trying to phrase it so
understandable.

JUSTICE CANTERO: I think I know your question
and, if I answer and it doesn't answer your
question, please let me know.

The House's version of CD 5 did not contain
that incursion into Seminole County that was in
9043, and the Reock score for that map was .11. So
it was more compact than the enacted CD 5.

CHAIRMAN GALVANO: President Lee, you are
recognized.

PRESIDENT LEE: Thank you. Justice, I
appreciate you and Mr. Meros' presentation today.
Thank you, Mr. Chair. There are times when I feel
like I am at a real disadvantage up here not being
a lawyer, and then there are times I feel like it
actually helps me. I am not sure which this is
going to be.

I want to try to bottom-line this because I
was not involved in the drafting of the maps in
2012. I wasn't here, but I was involved quite a
bit in '02 when we had reapportionment, and I
appreciate the thoroughness of you going through
sort of the machinations of the process and what
binds us.

But I want to make sure that I understand just
kind of a couple of simple principles if I am right
or wrong about these things. Essentially at the
30,000-foot level there is a body of law,
jurisprudence, et cetera, that encourages, in fact,
even obligates us to consider discrimination,
voting discrimination that has taken place and to
give access to minorities to the ballot and enhance
their chances of winning, and that is one of the
reasons why we have some of these districts that
don't conform to what you might could call the more
commonplace geometric shapes that we know as
people. Right?

JUSTICE CANTERO: Yes.

PRESIDENT LEE: And so fortunately or
unfortunately due to outside influences, political
priorities of both parts and individuals, the --
well, divine intervention. So because of that
there are opportunities for people to engage in the
crafting of these districts for the purposes of
meeting the tests and the priorities of minority
representation to overachieve, to actually excel
too much, to concentrate too many minorities, whether it be in -- say in this case CD 5 and/or CD 9 which essentially is a Hispanic access attempt there, and we can actually overachieve in our effort to accomplish those objectives at times and, as a result of that, there can be allegations of partisan intent. In other words, we packed districts and exceeded the needs of the mandates which gave rise to partisan opportunities outside of those districts. Is that fair?

JUSTICE CANTERO: Yes.

PRESIDENT LEE: And so essentially what this Judge seems to have concluded --

JUSTICE CANTERO: You are being a very good lawyer right now by the way. Your cross-examination is excellent. You're just getting yes or no answers.

PRESIDENT LEE: Thank you very much. So it seems to me that this Judge, if you scrape away all of this and this Judge has concluded in his own mind that in essence we didn't need to go as far as we went to preserve the integrity of the minority access, indeed the minority/majority district that we created in CD 5, we didn't really need to go that far in his mind. And in doing so we have
created some other anomalies, the appendages and what-have-you. And he has encouraged -- not encouraged -- he has asked this Legislature to come in and fix that over-accomplishment essentially, I mean, that is my terminology, and produce another map for him through this special session process. Is that fair?

JUSTICE CANTERO: Yes, that is correct.

PRESIDENT LEE: Thank you very much.

CHAIRMAN GALVANO: Senator Bradley, you are recognized.

SENATOR BRADLEY: Thank you, Mr. Chairman and Justice Cantero, thank you for your presentation today, and Mr. Meros, as well, very, very thorough.

And my question concerns Mr. Meros' statement earlier, and Justice, this will be a question for you. I am just putting it in context.

It concerns his statement earlier that we need to be concerned about diminishment or retrogression because the Constitution demands that we be concerned about that. And so, therefore, just cutting to the chase, what is an appropriate BVAP percentage -- I'm talking about CD 5 in particular. What is an appropriate BVAP percentage in order to remain compliant with Judge Lewis' concerns, and
also do our best, although there are no guarantees in life, to avoid Federal court challenges?

    JUSTICE CANTERO: Well, let me answer it this way. The BVAP that's necessary to elect is not necessarily a specific number as we have found out. It is more of a range and it is what can you get to so that you can make sure that the minorities have the opportunity to elect a candidate of their choice.

    And it is really a predictive process, because you are predicting in the future, will this amount of black voting age population be able to elect their candidate? Now you can predict the future by looking at what has happened in the past.

    Judge Lewis criticized the Legislature for drawing a district that went to 50.06 black voting age population. He did mention that the House, the 9043 version of District 5 had a BVAP of 48 percent, and that the House at that level had conducted a functional analysis, which a functional analysis simply means you analyzed political science figures and determine whether at that level of voting population can you actually in a given election elect a candidate of your choice?

    And so you look at primary election data,
general election data, voter turnout data, those kinds of things. So you can predict in the real world, does black voting age population at a certain level actually translate to electing somebody? And the House had conducted a functional analysis at 48 percent and had determined that at 48 percent you could elect a candidate of their choice and, therefore, I am not going to say that the Judge blessed that, because he didn't go that far, but he did say that the House was able to do it and conducted a functional analysis at 48 percent. So I would think that 48 percent was a good figure to try to get to.

CHAIRMAN GALVANO: Senator Bradley.

SENATOR BRADLEY: So if -- just -- again to just cut to the chase. So if 48 percent were sort of the low bar and then 50.6 as I understand it --

JUSTICE CANTERO: 50.06.

SENATOR BRADLEY: -- 50.06 is what the existing map is and the existing map, of course, contained an appendage that you found concerning and, therefore, would like to see it go away, which would reduce that to below, so it would be somewhere between 48 and 50.6 basically.

JUSTICE CANTERO: Basically, yes.
CHAIRMAN GALVANO: And the east/west was 45?

JUSTICE CANTERO: The east/west was 45.

CHAIRMAN CORCORAN: Representative Berman, you are recognized.

REPRESENTATIVE BERMAN: Thank you, Mr. Speaker. I want to make sure that I understand. I understand what the concept of diminishment means, but we heard the term "retrogression" thrown around a little bit, and I want to understand, are diminishment and retrogression the same thing?

JUSTICE CANTERO: Basically.

REPRESENTATIVE BERMAN: Follow up?

CHAIRMAN CORCORAN: Yes.

REPRESENTATIVE BERMAN: Thank you, Mr. Chair. Then I also would like to understand a little bit more about where the diminishment concept is found in law. I think Mr. Meros said it is analogous to Section 5, but that there is a higher standard imposed under Florida law, and where is the legal basis for that higher standard that is imposed?

JUSTICE CANTERO: The legal basis for diminishment is found is Section 5 of the Federal Voting Rights Act. The Florida Constitutional Amendment was taken directly from that language in the Federal Voting Rights Act.
What Mr. Meros was talking about was recently the U.S. Supreme Court invalidated Section 4 of the Voting Rights Act and, by virtue of that, Section 5 is now up in the air, kind of laying there without a foundation. So right now there is no Federal law, but there is still that State law under the Florida Constitution.

REPRESENTATIVE BERMAN: Thank you. So you are saying it is under the Fair Districts Act?

JUSTICE CANTERO: Yes, correct. All of these are State law, State Constitutional principles. They did not assert any Federal issues in this case.

REPRESENTATIVE BERMAN: Thank you.

CHAIRMAN GALVANO: Further questions? Are there any questions?

Well, gentlemen, I appreciate your time today. The information that you provided I am sure we will be talking.

JUSTICE CANTERO: Thank you for the opportunity, Mr. Chair.

CHAIRMAN GALVANO: Okay. Let's go into public testimony. We have some cards here. Let me start with Jessica Lowe-Minor, Executive Director, League of Women Voters of Florida. Good afternoon and
MS. LOWE-MINOR: Good afternoon, and thank you so much, Mr. Chairman, members of the committee. My name is Jessica Lowe-Minor, and I am here on behalf of the League of Women Voters of Florida.

The issue of gerrymandering and fair reapportionment have been a League priority for over 75 years, since the organization first began in Florida. And our members and supporters across the state remain committed to ensuring that it is the voters who choose their elected officials and not the other way around.

In 2010, Floridians made their position on the issue clear when they passed, by an overwhelming margin, a constitutional amendment that established new standards for Congressional redistricting and banned partisan favoritism from the process. It is critical that the Legislature follows the rule of the people and adheres to both the letter and the spirit of Florida's Constitution.

After waiting for so many years, voters are looking forward to seeing the Legislature produce maps that are fair, compact and are not created to favor or disfavor political parties or incumbents. Judge Terry Lewis' order provides a clear pathway...
for this body to use moving forward with specific
guidelines as to how the districts must be drawn.

At the end of the day our democracy depends on
each and every voter having the same ability to
elect a representative of their choice. Political
gerrymandering robs voters of that chance, and we
are looking to you to ensure that the map be
produced is fair and that the process that you use
is transparent. Thank you.

CHAIRMAN GALVANO: Thank you. And next we
have Michael Ertel, Supervisor of Elections,
Seminole County, representing his office.

MR. ERTEL: Chair.

CHAIRMAN GALVANO: Good afternoon and welcome.

MR. ERTEL: Thank you very much, Chair,
Senators and Representatives.

I am only here to talk about the mechanics of
any potential special election that may take place
or the timelines or anything like that. I know
that the Judge had ordered that the Secretary of
State work with all of the affected Supervisors of
Elections to help with the timeline, but since
Seminole County has been mentioned today probably
more than any other day on the floor, when it
relates to maps, it's good that we are here to sort
of answer any questions as it relates to what may occur timeline-wise.

I do know that the lobbyist for the Florida State Association of Supervisors of Elections is here as well. I am not a member of that organization. So that's another reason why we are here.

My hope is that any timelines that take place help to increase voter trust. We're Florida. We need to make sure that everything that we do increases the trust in the process, and that we want the elections, themselves, to be a success, so hopefully the timelines of the elections help it to be a success, give all the voters, every single voter the opportunity to take part in the process if it is a special election or if it is an election that is run on a regular election cycle, like 2016.

Logistically what we will do as soon as the new lines are established officially, is it will take us a little while to redraw those lines within every single county of the affected counties. Not every county is going to be affected, but it will take us a little while to redraw those lines.

So basically everything that we did over months and months and months after the
redistricting of 2010 and going into 2011, or to
2011 going into 2012 will be truncated in a very
short period of time. We can do it. We are not in
the whining business. We are in the
getting-it-done business, but we want to make sure
that we can get it done and we have enough time to
get it done in a fashion that is a success. We
don't want to be doing everything so quickly that
we can't do it successfully.

CHAIRMAN GALVANO: What is that time frame?

MR. ERTEL: Well, we are all going to get
together with the Secretary of State. The affected
Supervisors of Elections -- I have seen the maps
that were released today and certainly Seminole
County is impacted by that.

And as I look at any potential timelines for
something taking place before the end of 2014, I
think we need to be very cognizant of our military
voters and the timelines that they have. I was
in -- eight years in the military myself. I was
overseas as a military voter, and when I got my
ballot in the mail as an overseas military voter,
it was better than a letter from home. It was not
a letter from home. It was an affirmation that we
were being invited to take part in the process that
we were overseas to defend. And that's something --
sorry, I am cracking here, because it is very
important to all of us.

I don't know how many of you all were ever
overseas military, but you feel so patriotic and
part of our republic and the democracy that helps
that republic take place. So we want to make sure
that, as elections officials, and leaders of the
state, everything we do not only says thank you to
our military voters, but says we invite you to take
part.

CHAIRMAN GALVANO: Leader Smith, did you have
a comment?

LEADER SMITH: Yes, a quick question. How
many precincts are in Seminole County?

MR. ERTEL: We have 80 precincts.

CHAIRMAN GALVANO: Representative McBurney.

REPRESENTATIVE McBURNEY: Thank you, Mr.
Chairman. Have you done any cost estimates to the
state of Florida for conducting a special election,
either your particular county or statewide or both?

MR. ERTEL: For our county, we have done them,
and we have sort of done them based upon
back-of-napkin judgments. If it is a countywide
election, which we are always prepared for, it will
cost our county -- with 80 precincts 262,000 voters, it will cost us about $550,000. That includes everything for just the conduct of the election, itself: Getting voters new cards, redoing and redrawing all the precinct lines, setting everything in place to make it happen and make it a success. We can't wish an election takes place. We have to make an election take place, and it takes time and it takes funding.

CHAIRMAN GALVANO: Yes, follow up.

REPRESENTATIVE McBURNEY: Thank you, Mr. Chairman. I know that the -- or my understanding was the Supervisors met recently. Was there any discussion of statewide cost estimates for conducting a special election?

MR. ERTEL: I was not part of that meeting. That is an Association meeting. I am not part of the Association. So that is one of the reasons I am here individually.

CHAIRMAN GALVANO: Senator Montford, you are recognized.

SENATOR MONTFORD: Thank you, Mr. Chair, and, first of all, Supervisor, thank you for your service to this country. Thank you for putting into perspective the real important job that we
have been challenged with doing here. So thank you.

MR. ERTEL: Thank you, sir.

SENATOR MONTFORD: That is one of the best things we have heard. You mentioned you would meet with the Secretary of State and those that are affected. Do you already -- know, have you all figured out who that might be already? Are you all going to meet? Have you all made that decision with the Secretary?

MR. ERTEL: The Secretary of State has been -- through the court, the court finding has been charged with meeting with the impacted Supervisors of Elections and getting together. So he has been very active in ensuring that we are all well informed with what is going on along the way as each step of the process takes place.

But that I think it is probably best to wait for that meeting to take place until he knows what the actual lines are going to be and what the impacted counties are.

SENATOR MONTFORD: Mr. Chair.

CHAIRMAN GALVANO: Yes.

SENATOR MONTFORD: That was my concern, if you have already made that decision maybe ahead of the
game, but you answered that.

Without putting you really on the spot, can we get it done by December of this year?

MR. ERTEL: Legally there would have to be a variety of laws changed in the state and in the Federal government in order to try to do something that potentially could open up some polling locations. Realistically, December -- what goes on in December? Hanukkah starts on the 16th of December.

What goes on in November? Thanksgiving, people start going away on vacation. In Seminole County we have 56 percent of our 80 polling locations are in houses of worship. I have a hard time believing they are all going to be available in the month of December.

I have a hard time believing that our poll workers that we bring on board are going to be as available in the month of December. And when we bring on poll workers, we don't bring on a poll worker and hand them a card and say, have at it. We train them. So they go through a training and then we also have election day as well.

There is early voting periods as well. We need to be very aware of providing for a reasonable
voting early period for any election. Floridians are used to early voting. The Legislature last year increased the number of hours -- I'm sorry -- the number of days of early voting, the number of early voting location options, fully understanding that voters are very used to using early voting and want early voting to continue.

Florida is actually at the forefront of ensuring that Florida voting is long, it's easy to access and it is available for as many voters, at least at the past legislative session. We have moved a lot of steps forward on that.

SENATOR MONTFORD: Thank you, Mr. Chair.

CHAIRMAN GALVANO: Senator Gibson, you are recognized.

SENATOR GIBSON: Thank you, Mr. Chair. My first question has to do with what would happen to the military ballot that we have already sent out and absentee ballots. What are the mechanics involved with those ballots? Do you have to throw them in the trash and recall the ones that are -- what's the mechanics of that?

MR. ERTEL: Senator, what we do after every single election, every element of the election that is vital to the election, itself, we keep for 22
months. So we keep for nearly two years in our office, sealed, if possible, in the original container that they came in, the voted ballots that have already come back.

In this election I believe that the wise Supervisors of Elections are going and making sure and it is wise Supervisors of Elections that are impacted by this, are making sure that we are separating and we are keeping anything related to this election easy to obtain and easy to get to, because it's going to be contested in court and every local elections office will be called upon.

It's going to be by the court after this election no matter what takes place, I believe. It is going to be like the Oprah episode where she says, you get a car, you get a car, you get a car, you know, it's kind of like, you are getting subpoenaed, you are getting subpoenaed, you are getting subpoenaed. We are all going to end up in court after this election no matter what the lines are drawn.

So we are holding onto everything and we are making sure that it is available.

CHAIRMAN GALVANO: Follow up, yes, please.

SENATOR GIBSON: Thank you, Mr. Chair. But
those that are returning, you have to put them in a box and then you would have to re-mail out new ballots for a special election. That is one question.

And then just to wrap up so I don't have to come back. Secondly, what is your experience with turnout in a special election and you still have to go through all the steps of early voting, and et cetera? What is the percentage in early and a special?

CHAIRMAN GALVANO: You are recognized.

MR. ERTEL: Thank you. I think that we should wait until the court comes down with what they're going to say on timelines to determine what happens with those ballots. Would we be sending those voters new ballots? It really waits on the timeline of the election. So there is so many silos of timelines that we could go up. I don't want to have to explain what we would have to do if the election were to take place on September 1st, what we would do if it would take place on September 2nd.

We would definitely comply with whatever the Court orders, but I believe the Court would order an election with timelines that would not violate
Florida or Federal law.

And the follow up question on special elections. We had a special election in Pinellas County for a Congressional district just last year. The turnout in that election I believe was around 39 percent. The turnout statewide for the election that took place in 2010 was around 49 percent, our statewide general election. And our statewide general election in 2012 was around 72 percent.

So a special election will have a lower turnout but the percentage lower is not as great as it would be between a gubernatorial election and a presidential election. Does that answer your question, Senator?

SENATOR GIBSON: Yes.

CHAIRMAN GALVANO: Senator Simmons, you are recognized.

SENATOR SIMMONS: Yes. Mr. Ertel, given the fact that as I understand it since these are going to be new and different districts, therefore, they would have to be opening up and having the time to qualify by new candidates and giving them an opportunity to, in fact, raise money, give them the opportunity to meet the voters -- in some areas they have spent time in areas that are going to
outside of their new district. The whole process of raising money, getting out to the voters, giving the voters the ability to make an intelligent decision as to who to vote for, what do you recommend as a time frame for this Legislature at the earliest?

CHAIRMAN GALVANO: You are recognized.

MR. ERTEL: Thank you, Chair. I recommend that we follow with what all of the counties come together with the Secretary of State when we all meet. I can't foresee that meeting coming together and all of us agreeing that we should do something that violates any Federal or State law.

So if you move forward from that, when you consider our election that is taking place right now, we have -- you know, we seal -- and this is truly mechanics, I am sorry, Senator, for getting too much into the weeds here. We seal all of our voting machines and we seal the bags that come back with the ballots. We seal the election, itself. We seal that election, itself, until not only election night, until not only between seven and 10 days, depending on the type of election after the election, we seal it for the 10 days past that which is the contest period where a candidate or a
member of the public can contest any election that takes place.

So for this August 26 election, we are talking about the middle of September before we can even open up and unseal that election that is taking place on August 26.

CHAIRMAN GALVANO: Follow up, you are recognized.

SENATOR SIMMONS: Irrespective of what you know, coming together and what the others would do, what would be your recommendation to us given your own experience in your professional opinion? Are we taking a viable election before the end of 2014, or is it sometime later?

CHAIRMAN GALVANO: You are recognized.

MR. ERTEL: Thank you, Mr. Chair. Senator, I think a viable election would be one that includes the aspects of an election. And so, if you look at the timelines that are necessary, I don't believe that we can have one of those viable elections that includes the 45 days for a military voters to ensure that they receive their ballots. That is a Federal law, that includes the qualification period for the candidates, that includes the time frame where the petitions for candidates, because some
candidates don't want to have to pay to get on the ballot. They want the opportunity to get on the ballot through community support, and petitions being signed and them being verified by the office and letting that candidate know that they have enough petitions in order to qualify without having to write a check.

So to answer your question, I don't believe that the 2014 election, under any current Florida or Federal -- without changing current Florida law changing, current Federal law, is doable.

CHAIRMAN GALVANO: Okay. Thank you, sir. I appreciate your time here this afternoon.

Senators, House members, do we have any further questions or comments before the committee?

If I am not mistaken you are not on the committee. I think we are recognizing at this point the actual committee members. Thank you.

Anyone further? President Lee.

PRESIDENT LEE: Mr. Chair, as we wrap up, are you going to kind of tell us, you and Chair Corcoran tell us kind of where we are at here in terms of process and what is out there and what we are going to be doing tomorrow? Is that kind of the plan here?
CHAIRMAN GALVANO: Yes, yes, Mr. President.

Of course, my comments will be directed to the Senators and they may have a completely different idea of where they're going.

If there are no more comments, I will get to that right now. Tomorrow we are going to meet at 10:15 in the morning, a.m., Leader Smith, and we are meeting until 6:00 p.m.

Tomorrow we will take up Senate Bill 2-A and any amendments that have been filed to that Bill. The amendment filing deadline for taking up amendments to Senate 2-A is 8:15 tomorrow morning.

If you recall I said on the floor this morning that the mapping process is a time-consuming process.

So, Senators, if there are amendments that you are bringing forward, please make sure that you don't do it at 8:00 a.m., but substantially before then.

We have or I have filed an amendment to Senate Bill 2-A that is available for view and review presently that has -- it is the product of staff in the House and the Senate together with Chairman Corcoran and myself and legal counsel that is a remedial plan that addresses the concerns to CD 5 and CD 10, and also makes conforming changes to the districts impacted.
So I would suspect the very first thing we will do tomorrow once we see what amendments are, take those amendments up, and, in the course of that, obviously, take up the amendment that is available for your view presently.

Chairman Corcoran, for the House.

CHAIRMAN CORCORAN: Similarly, we will go in tomorrow at 10:15. We have a PCB -- the map itself is already online and available to all members. The actual language and analysis will be available tonight. The amendment filing deadline is 9:50 tomorrow morning, and we are scheduled to go to 6:00 p.m. also.

CHAIRMAN GALVANO: Okay. If there is no other business before the Senate Committee, Senator Gibson moves we rise. Senator Rodriguez moves we rise.

(Whereupon, the proceedings were concluded at 5:07 p.m.)
CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 02 through 105, is a true and correct record of my stenographic notes.

Dated this 8th day of August, 2014, at Tallahassee, Leon County, Florida.

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CLARA C. ROTRUCK
Court Reporter
SENATE REAPPORTIONMENT MEETING

AUGUST 8, 2014

Reported by:

CLARA C. ROTRUCK

Court Reporter
PROCEEDINGS

CHAIRMAN GALVANO: Would the Administrative Assistant please call the roll.

ADMINISTRATIVE ASSISTANT: Senator Galvano.
CHAIRMAN GALVANO: Here.
ADMINISTRATIVE ASSISTANT: Senator Smith.
SENATOR SMITH: Here.
ADMINISTRATIVE ASSISTANT: Senator Bradley.
SENATOR BRADLEY: Here.
ADMINISTRATIVE ASSISTANT: Senator Gibson.
SENATOR GIBSON: Here.
ADMINISTRATIVE ASSISTANT: Senator Lee.
SENATOR LEE: Here.
ADMINISTRATIVE ASSISTANT: Senator Montford.
SENATOR MONTFORD: Here.
ADMINISTRATIVE ASSISTANT: Senator Simmons.
SENATOR SIMMONS: Here.
ADMINISTRATIVE ASSISTANT: A quorum present.
CHAIRMAN GALVANO: Thank you. Senators, this morning we are going to take up Senate Bill 2-A, and I see that Leader Smith is here with us this morning. And Leader Smith, I am going to ask you to take the Gavel since 2-A is under my name. There is an amendment to it.
LEADER SMITH: Thank you, Mr. Chair. We will
take up Senate Bill 2-A by Senator Galvano. Senator Galvano, you are recognized to explain the Bill.

CHAIRMAN GALVANO: Thank you, Mr. Leader. Senate Bill 2-A as I mentioned yesterday on the floor and in previous memos, is essentially a reenactment of the 2012 plan. This was done to have a vehicle to use to meet the very tight time frames that were imposed on the Legislature by the Circuit Court and directed to be complied with by the Joint Proclamation.

So Leader, there is a substitute amendment that I would like to take up.

LEADER SMITH: We will take up the amendment. Please explain the amendment.

CHAIRMAN GALVANO: And do we have the bar code?

ADMINISTRATIVE ASSISTANT: 726240.

CHAIRMAN GALVANO: Thank you. Senators, the amendment is essentially the remedial plan that has been put together in collaboration with the House of Representatives' redistricting committee, by myself and Chairman Corcoran, together with House staff and our legal counsel.

We began drawing maps day before yesterday, on
Wednesday, and the way we began was to look at the Court Orders. The July 10th Final Judgment, by Judge Lewis, followed by the August 1st Order, by Judge Lewis and to see what direction we could take from those Orders and make sure that we were doing all that we could to meet the substance and the spirit of those Orders.

The Judge did not give specific direction. Essentially the Order required us to go back and address concerns raised with regard to Congressional District No. 5 and Congressional District No. 10. But what we did begin with with the Order was the idea that the Judge found a lack of compactness. Also, the Judge with regard to CD 5 was not comfortable with the serpentine nature of that district.

Additionally, the Court took issue with the appendage in CD 10 that was drawn at the time as a means to create a Hispanic opportunity district in CD 9. And so in deciding the path to go there were some discussions as to whether we take a mentalist approach. In other words, address the appendages and look at the borders where we could move them and increase compactness.

The other idea that we looked at was how to
perhaps adopt some of 9043. That was the House map that was last produced before the final enacted map. And the reason for that discussion was there was reference within the Court's judgment regarding that 9043 map. We did not interpret it as a safe harbor, but the Judge did make reference that he felt as though that map had better characteristics.

The other concern that I had specifically was I wanted to make sure that we were not impacting any other districts that were not -- it wasn't necessary to impact, given that we had 27 districts and really the direction from the Court was to go back and adjust only two. But the Court, as does the Joint Proclamation, recognizes that you cannot do that exercise without making conforming changes to the districts that are impacted by virtue of changing the two districts in question.

So what we did with the help of very talented staff, was to begin with we removed Sanford from CD 5. Based on the Court's ruling discussing the non-compactness and shape of CD 5, we worked hard to make it, number one, visually more compact, and that is a very valid criteria referenced both by this Court and the Florida Supreme Court, and then to make sure that the mathematical scores could
increase.

And when I talk about mathematical scores, I am talking about the Reock test that Justice Cantero mentioned yesterday, as well as the convex hull test that was mentioned yesterday.

We also were very concerned that we did not diminish the black voting age population in CD 5 and we set sort of a floor at 48 percent. That floor was set given that where CD or where 9043 was. So that is where we began.

Through the iterations we were able to come up with what Chair Corcoran and myself, as well as counsel and staff, feel really meets the spirit of the Orders from the Court, the Final Judgment, as well as exceeds, in my opinion, expectations that I had going in in terms of comparison, and also impacts the least number of other Congressional districts in making the changes.

So you all have before you a blow up of CD 5 and CD 10, and it is an overlay blow up. If the look at the red line boundaries within the black lines and outside of the black line, the red line represent the 9047 map, which was the enacted map.

And I would venture to say that just at first impression you can look at it and see that it is
substantially more visually compact and uniform. You can also see right off the bat that the appendages have been removed, thus improving the compactness, and we did so with not impacting more districts than necessary. And I say more districts than necessary, because when we looked at 9043 and putting that plan into place it would have impacted nine districts.

Just by reference, we also looked at the east/west plan that is not at issue in the Legislature at this point, but what is proposed, and that would have impacted nine districts. So the net result was that we have in CD 5 a district that is more visually and mathematically compact. Its Reock score is better than 9047. It is .13 versus the .09.

It has also incidentally has a Reock score better and proposed Romo and the proposed League of Women Voters, .13 versus .12. It better utilizes county and geographical boundaries, like the Saint Johns River for example. Although it does reduce the BVAP. The 9047 was 49.9, yes, it went over 50, 50.05, and we are now down at 48.11.

However, we did do a functionality analysis on that district and found that as a conclusion the CD
5 minority population, the opportunity to elect a candidate of its choice. In fulfilling the proposed plan with regard to CD 10, as I mentioned, we removed the appendage. That district also is visually more compact. It improved the score. The new district has a Reock score of .42 compared to .39 in 9047, and a convex hull of .83 compared to .73 in the enacted map 9047. Also I failed to mention that the convex hull's score for CD 5 has improved as well.

Finally with regard to the impacted districts, the way they were impacted also improved frankly the visual mathematical compactness of 6, 7, 9, 11 and 17. So that is a general overview of the substitute amendment to 2-A and I guess at this point --

LEADER SMITH: Let's get in a proper posture. Are there any questions on the amendment? I want to get the amendment in the proper posture. Are there any questions, any objections to the amendment?

Without objection, the amendment is adopted. Now we are on the Bill as amended. Are there any questions on the sponsor of the Bill as amended? Senator Gibson.
SENATOR GIBSON: Thank you, Mr. Chair. And thank you Chairman for your hard work on this Bill.

The question I have from 50 percent that we passed, 50.06 percent to 48.11 percent, and I note that you mention that is not diminishing to the point that those constituents would still be able to elect the representative of their choice.

How many people are represented in the difference between the percentages, if you know?

LEADER SMITH: Senator Galvano.

CHAIRMAN GALVANO: Thank you, Mr. Chairman. Yes, we can tell you that number. And Mr. Chairman, if it is your pleasure.

LEADER SMITH: Yes.

CHAIRMAN GALVANO: I also have Mr. Guthrie here, as well as legal counsel.

LEADER SMITH: If there are any questions that are posed, please feel free to have staff answer those questions, also. Mr. Guthrie, do you want to give those numbers?

MR. GUTHRIE: Well, a Congressional district is 696,000, let's say roughly 700,000 persons. So each percent would be about 7,000 people. So if the black population were to shift by three percent, that would be something on the order
of, well, let's say two percent, two and-a-half percent, that would be two and-a-half times 7,000 or roughly 18,000 or so people.

CHAIRMAN GALVANO: Chair, but we are talking about voting age population.

MR. GUTHRIE: Yes. I think the percentages would be roughly, in terms of percentages, in terms of overall people it would be that number, voting age population would be less than that.

LEADER SMITH: Follow up.

SENATOR GIBSON: Thank you, Mr. Chair, just for clarity. So the 2.5 times the seven, you are saying the 48 percent reduction from 50.06 to 48 percent is actually less than the 2.5 times seven?

CHAIRMAN GALVANO: That is correct. The point I was making, it is voting age population, it is not just of gross population.

LEADER SMITH: Senator Montford. Did you have more, Senator Gibson?

SENATOR GIBSON: Thank you, Mr. Chair. I think I would just like a better idea of what the number is to help it make sense.

So we are not talking about, since we are not talking about 2.5 times seven, but our percentages
reflect a black voting age population, there has to be some kind of a rough number.

MR. GUTHRIE: A rough number, Senator Gibson, would be something like 12,000 persons. I could nail that precisely. I don't have the spreadsheet right in front of me, but it would be something on the order of 12,000 people, I believe.

SENATOR GIBSON: Thank you.

LEADER SMITH: Senator Montford.

CHAIRMAN GALVANO: Just a footnote on that. So we understand what we are talking about. The benchmark, the map was 49.9. Then in the enacted plan we went over 50 to 50.05, and that is where the Court said, I don't find the justification for going over 50.

So there was actually three numbers in play here. So from the benchmark it is down from 49.9 to 48.11.

LEADER SMITH: Senator Montford.

SENATOR MONTFORD: Thank you, Mr. Chair. The question, and if you go to the three numbers, and I think, Senator Galvano, you may have answered, I am not sure.

But I believe yesterday in testimony, it might have been from the Justice, that certainly Judge
Lewis didn't say 48 percent is okay, but wasn't the testimony that at least that would be a target or acceptable or something? Wasn't that a reasonable number to shoot for?

CHAIRMAN GALVANO: Well, the reason we shot for doing better than 48, the Court did not establish a number. Essentially the Court just said, I don't buy that you increased it over 50 for a necessary purpose.

And so when we looked at the Court's opinion, the Final Judgment as a whole and saw the references to the 9043 plan we said, well, let's look at some of the characteristics of the 9043 plan. The 9043 had a 48.03 BVAP.

So I felt like, as did Chair Corcoran, if we were going to go forward and create a more compact district and use the 9043 as somewhat of a guide, at least let's not go below where it is in terms of BVAP. So we actually exceeded it.

SENATOR MONTFORD: Thank you.

LEADER SMITH: Senator Lee.

PRESIDENT LEE: Thank you, Mr. Chair. In terms of questions, you know, I think I understand fairly well what we have done in terms of trying to respond to the Court's substantive objections to
that of the 2012 map. And I realized when I entered the room Senator Galvano was commenting a little bit about the process.

I don't need for him to be redundant, but given the extensive commentary from the Judge about process and really very little comment about the actual map, itself, could you walk us through, Senator Galvano, sort of the process for which you had developed these maps, this amendment?

Who outside of the legislative realm of the Senators and the House members and our staff might have been privy to what you are doing or not been privy to what you were doing, those kinds of things that seem to create some intent defect in the eyes of the Judge?

So that in the abundance of caution when we get back over there next week we have the cleanest of hands to the extent that we have done this above board.

LEADER SMITH: Senator Galvano.

CHAIRMAN GALVANO: Yes, and that is a very valid question and it is something that we culled out of the Final Judgment. I guess we didn't have to cull it out, it was pretty clear in the Final Judgment and the Order going forward.
Initially when the committees were appointed and when I was appointed Chair I sent a memo to staff giving them direction, saying that we would like you to collaborate with the House of Representative staff and legal counsel, but we do not want you communicating with anyone beyond the legislative staff and counsel. Specifically not consultants or those who might benefit or not benefit from the map drawing process.

We knew it was necessary to involve both chambers out of the gate, because we were given an order that required a product by noon next Friday. We also understood that we weren't creating a new map, this is a reapportionment committee, but we are not starting from scratch. We are really very narrowing what we had to accomplish.

So from there the House staff and the Senate staff did have some meetings and some collaborations, some conversations. I am not aware that they communicated with anyone outside of the process other than legal counsel.

On Tuesday, myself and Chair Corcoran had a general meeting with staff and counsel to sort of talk about some vague ideas, and then we convened on Wednesday to start the map drawing process. And
that is where we began in earnest by looking at the
Court Orders, having a very healthy discussion and
debate and Q and A with the lawyers about where we
needed to go.

Once we got comfortable that we had direction,
Chair Corcoran and I directed the respective staffs
to start drawing. We then reconvened again with
counsel and with staff. We discussed where they
were in the process. We addressed any issues that
had come up, and then again it went back into a
drawing process. And frankly, President Lee, it
was a long day that ended almost at the next day,
but that is how the process went.

It was efficient, effective and one that I can
firmly say did not involve anyone other than the
people that I mentioned.

PRESIDENT LEE: Thank you.

LEADER SMITH: Anymore questions on the Bill?

We have some public testimony on the Bill.

Beverlye C. Neal. Thank you. Yes, Ms. Neal.

MS. NEAL: Good morning. Good morning.

LEADER SMITH: If you can take the podium, it
would be better.

MS. NEAL: Good morning.

LEADER SMITH: Good morning.
MS. NEAL: My name is Beverlye Colson Neal. Because my time is limited I have brought with me written comments that explain, I am sorry, that expand upon what I will share with you now.

I have been a resident of Congressional District 5, formerly Congressional District 3, for most of my life. As a child growing up I was a member of Congressional District 3. I moved to D. C. for 16 years. Coming back to Florida I led again by moving into Orlando in Congressional District 3, now District 5.

I have lived in Orlando and Orange County for 14 years. I am here today to testify to the importance of keeping Congressional District 5 running down Orlando. It may be a moot case, but I just want to go on the record with my position.

Over the years I have served in various roles with the National NAACP and the Florida State Conference of the NAACP. I was the Florida Voter Empowerment for the NAACP, National Voter Fund, and I was the Executive Director for the Florida State Conference from 2003 to 2009. I am currently the first Vice-President of the Orange County branch of the NAACP, which is the largest branch in the state of Florida.
I remember what it was like when nothing tangible was done for African-American communities by our previous Congressional Representative, Charlie Bennett. I know the frustration of black voters who are unable to elect candidates to public office, who share, are sensitive to the issues of our community. This happens too many times and this is one reason for the African-American community in terms of voting.

On the other hand the combination of communities that are linked in Congressional District 5 makes it possible for the same people to elect one of their own, and that is someone who understands our community, who more or less has worked with us, and it just gives us the right.

We fought for so many years just to have the rights to be represented and too many times we have had taxation without representation, and this is one way that we know that we will be able to continue to have that representation that we so duly deserve and that we fought for.

I testified as a witness for the NAACP in the trial. I talked about my experience in elections in the state. I also talked about the benefits of being able to elect a candidate of choice in
Congressional District 5. The infrastructure of Jacksonville, Orlando and other parts of the district has improved. Now minorities get contracts with the government, economic opportunities have improved, and not only that, but the awareness and participation of African-Americans to the federal government has certainly improved and you can tell through the voter participation that we have had in that district.

These are benefits we have seen because we believe we have been able to elect a candidate of our choice. The district today is not much different from the original district that was drawn by the U.S. Supreme Court. Most of the counties are the same. The Fifth District is a community of interest. The communities share a common history and culture. You find the same conditions in Jacksonville, Gainesville, all over.

Concerns about economic housing, education and crime. We have a Congress person who will listen and the district offices are important in giving access to government. I want Orange County to be a part of Congressional District 5. We depend on our Congress person to help us out with our community
issues and we have had quite a few.

Some of you may know about some the instances that we have come to this particular Senate asking your positions and what has been strongly, strongly viewed as a stand your ground. Our Congress person has been there with us, understanding the reason we want that law changed and how it has impacted on our community.

I cannot support the Plaintiffs' proposal to create a new district line that runs along the Florida, Georgia border. Because one thing, those are not voters in that district. You have got many prisons, and those prisons, although the census may show, those people can't vote, so you really don't have the true measure of one person, one vote. And this will leave the core of the district unrepresented in Congress.

Thousands of African-American voters in north central Florida will no longer have the opportunity to elect a candidate, and it is one thing to have something and take it away, as not to have it. My parents were fighters of the NAACP back in the '60s. I came along through the youth council of the NAACP back in the '60s. So I know what it was like not to have access. I know what it was like.
not to be able to do and go and feel free that you had someone who had your back or someone who was just there for you.

When issues come up about voting for my district, I have to call my Congressional person, because the fact of it is I know where they stand because I elected them with good conscious to represent me and I have the confidence that that is what it is.

And in order for us to really, really participate, African-Americans are a very, very fragile community of people, and the least little bit of disenfranchisement is going to keep them from the polls. That is not what we want to do. We want to show them that we care about their voices, their voices and their voice is their vote.

Thank you.

LEADER SMITH: Ms. Neal, I want to thank you for coming up, and also as a former youth council and President of the NAACP in the Broward Chapter, I want to thank you for all the hard work you have done around the state, it has benefited us all.

I think we have a question from Senator Simmons.

SENATOR SIMMONS: Ms. Colson Neal, that was a
very eloquent presentation, and thank you very much. The question I have is, do you support the amendment as presented by our Chair?

MS. NEAL: One hundred percent.

SENATOR SIMMONS: All right, thank you.

LEADER SMITH: Senator Lee.

PRESIDENT LEE: Thank you, and that was exactly the question I was going to ask as well.

My other question was going to be, did you support the Senate map, the Congressional map as it was passed in 2012?

MS. NEAL: This may be very selfish. As long as Orlando was there and represented, I did. As a matter of fact, I opposed fair districts period, just so you will know.

I can go on the record in saying I was not in support of fair districts, and the reason being is because if you are talking about changing the way that the maps are drawn, targeting that one Congressional minority district was just not fair.

It was not fair to ask African-Americans to give up their power in terms of being able to elect a candidate to represent them just so that you could have your way, and especially when a lot of these races are not contested.
PRESIDENT LEE: Thank you.

LEADER SMITH: Thank you, thank you so much.

We have Mr. Whitfield Jenkins, also with the NAACP from Marion County. Thank you, Mr. Jenkins.

MR. JENKINS: Good morning.

LEADER SMITH: Good morning.

MR. JENKINS: And I want to thank you all for the privilege to come before this honorable group to make this presentation today.

I have been so involved in trying to make a difference in my home town, that this gives me another opportunity.

My name is Whitfield Jenkins. I have lived in Marion County all my life. I am retired from the Florida Department of Corrections. I have served on the Board of the Ocala Housing Authority, the Boys and Girls Club. I now serve on the Board for Ocala Marion County Hospice. I am a past member of the Florida Commission on Human Relations.

I want to thank your peer and my good friend, Senator Thompson, who I have worked with on the Commission for many years and it is nice to be here and see you today.

I worked on to train our leadership. I was past President of the Marion County branch of the
NAACP. I have served as First and Third Vice-President of Florida State Conference NAACP.

I am currently the Vice Chair of the State Conference Economic Development Committee.

We are very active in voter registration and minority political participation in this state. I feel that the voting rights of African-American voters should be protected as provided in the Constitutional Amendment passed in 2010.

I also testified in the Romo-Detzner trial. I understand the Judge's ruling in the case and support the efforts of this body to create a constitutional Congressional redistricting plan. I testified in the Romo-Detzner trial about the difficulties of electing African-American candidates in public office in Marion County.

No African-American has ever been elected to the County Commission in Marion County under the present at large system that we have. Twenty or 25 African-Americans have run for this office and only one or two have even made it to a runoff.

We are not only able to elect candidates in the Ocala City Council because -- we are only able to elect a candidate because of a resident district requirement that the NAACP championed. We know the
impact of racially polarized voting in our local elections. We don't have an early voting poll site in our community.

There are racial appeals in our election. Black candidates do not put their photos or pictures on campaign signs in my area. For obvious reasons, that historically it was seen as a sure way to not get minority votes if you did that.

We have segregated housing patterns. A lawsuit was settled in -- it was filed really against the City of Ocala in 1979, and a consent decree agreed to in 1984, against our city because of discrimination in the provision of municipal services and employment.

Our residents suffers from high illiteracy, unemployment and substandard housing and poverty. I was a named plaintiff in a lawsuit that created the boundaries of Congressional District 3 formerly. African-American voters in Marion County have benefited from being a part of that district. We are now able to elect our representatives to Congress.

We have common interest. We have other communities in the district. All of us share a history that has been partially remedied. We still
suffer the effects of the past that did not allow us to be a part of the political process. Taking away the opportunity to elect our own candidates to Congress will have a negative impact on minority voters.

I do not support any proposal to remove Marion County from District 5. Creating an alternative district that runs from the Florida to Georgia border between Jacksonville and Tallahassee, will leave thousands of African-American voters no longer able to elect a candidate of their choice to Congress.

African-American voters that have been unified around the need to register and vote in order to be able to elect a candidate of choice would be negatively impacted.

Thank you very much for the opportunity.

LEADER SMITH: Mr. Jenkins, probably a few questions probably. Senator Bradley.

SENATOR BRADLEY: Thank you, Mr. Chairman, and thank you for your testimony, Mr. Jenkins. We talk about these legal concepts of retrogression and we tend to talk about it in a very sanitized way with numbers and spreadsheets, but you really give a voice and art to that concept and make us
I understand why it is so important that we recognize it and it is part of our Constitution.

I have the same question for you that Senator Simmons had for Ms. Neal. And that is, do you support the map that we are considering right now?

MR. JENKINS: Yes, I do fully.

SENATOR BRADLEY: Thank you.

LEADER SMITH: Any further questions? Thank you very much.

MR. JENKINS: Mr. Smith, I did submit down to your staff, a statement from our state office, a Mr. Dale Landry. He is in the House session now and is not able to make it over. So I have his statement. I won't read it, but each of you should have a copy.

LEADER SMITH: We have copies of your statement and Ms. Colson, and I think staff has Mr. Landry's, it will be part of the record. Thank you very much, sir.

MR. JENKINS: I heard a lot of good things about you.

LEADER SMITH: Thank you. If you want to say all those good things you get more time.

That is it for our public testimony right now.

We are back to comments on the Bill. I want to go...
back to a quick question.

Does this Bill include a time table of
elections, or is this just a map?

CHAIRMAN GALVANO: This Bill will include both
an effective date and an applicability date. The
applicability date for the Bill is for any election
occurring after the 2014 general election.

And the purpose for that is not to somehow
circumvent the Court's Order. I think that Judge
Lewis has as much as said that can't occur. But in
the event there is an election, a special election
thereafter, for whatever reason, whether it is
court ordered or a seat becomes vacated, this will
be the law of the land and the effective districts
and maps that will apply.

LEADER SMITH: Senator, we are going to revert
back to questions. We have a little bit of time.
So I will entertain questions and answers. Senator
Lee for a question.

PRESIDENT LEE: Well, you had mentioned that
is the end of public testimony?

LEADER SMITH: Yes, sir.

PRESIDENT LEE: So we have no one, but the gal
that was here for the League of Women Voters
yesterday encouraging us on. She is not here today
LEADER SMITH: We just have two appearance cards from two persons today.

PRESIDENT LEE: Okay.

LEADER SMITH: Any other questions? Senator Montford, do you have a question before we go back to debate?

SENATOR MONTFORD: Thank you, Mr. Chair. It is more of a general question, not on this particular issue if that is okay.

LEADER SMITH: Sure.

SENATOR MONTFORD: I am a little concerned and confused about who I can talk to and about what. I think the Senator made a very good point yesterday. I don't want to step outside the boundaries, but at the same time I feel an obligation to gather as much information as I can.

I have 11 counties and I have got a feeling that I have got 11 Supervisors of Elections for example that may like to give me their input. I know it is a simple question, but is that allowed?

Where do I -- and I have constituents who may not be here today that want their input and I am not trying to cause trouble, it is just that I don't want to get outside of the realm there.
So I respect Senator Galvano's direction to us and I will follow it to the letter. I just need to know what that letter is and just a little bit of clarification.

LEADER SMITH: And we have received written documents from the Senate, as well as the Chair giving some direction. But I will let the Chair speak a little more towards that specifically.

CHAIRMAN GALVANO: Thank you, Leader. Let me start by saying this. No rules have changed for the Florida Senate, no laws have changed in the statute books that would specifically change your conduct as a member of the Florida Senate.

And I don't want the process and how we have gone about it to be misapplied or misinterpreted. Essentially I just felt like it was important that when staff began their work in collaboration with the House and with legal counsel, that in order to be efficient, be effective, meet the timelines and avoid getting into the issues that we did the last go around, that staff be directed not to communicate with others outside of the process.

Now, you are a member of the Florida Senate, sir, and you are able to conduct yourself in any way you deem appropriate within the law.
LEADER SMITH: Questions then? We are going
to go into debate on the Bill. Do we have debate?
I will start to my left with Senator Gibson.

SENATOR GIBSON: Thank you, Mr. Chair. Again,
I want to thank Chair Galvano for his efforts and
this committee as well.

When I look back at the numbers, and certainly
the benchmark, the benchmark numbers and not so
much the 50 percent numbers, because we are
developing from the benchmark, it doesn't appear to
be as egregious in terms of numbers. I am going to
certainly crunch them again probably over the
weekend just to have a good look at even the small
diminishing that is taking place, because a
benchmark can go up or down.

I mean, when you use a benchmark you can go up
or down in the figures. And I just want to make
sure that it continues to be a district that those
constituents can have a representative of their
choosing collectively.

And I listen to the testimony and when I look
at the map it is kind of a sad state of affairs
that we find ourselves here trying to battle to
make sure that African-Americans can be included in
a process for their federal representation with one
individual.

I mean, unless you are down in more south Florida, our entire state, we don't have representation other than one district. And I lament that because we are in 2014, and I am hopeful that we don't find ourselves back after we have done our duty at the conclusion of session, back here again for something like this.

And I hope that around this state we can have acceptance and representation by African-Americans in more than one spot above a certain line in the state. I hope that all of our constituents recognize the important roles of all minorities and all minority voices in the state. Obviously, that has nothing to do with this map, but it is certainly relevant to that point.

So with that, I just can support the map today. I will do my homework, so I will do a little more over the weekend before we reconvene next week. Thank you.

LEADER SMITH: Senator Montford.

SENATOR MONTFORD: Thank you, Mr. Chair. It is not a question, but rather a comment. I would like to thank Senator Galvano and the staff for this amendment, because you have taken what was
considered to be is a very complicated issue and it
seems as though you have done your homework, you
have done it well. So thank you for that. I look
forward to studying it over the weekend and
hopefully maybe support it on Monday.

I think Senator Gibson made a good point. I
think we really need to focus, too, on the whole
state and not just this one particular issue, and
look at it in its entirety. But thank you for your
hard work, Mr. Chairman.

LEADER SMITH: Senator Simmons.

SENATOR SIMMONS: Thank you, Mr. Chair. I
want to start out by saying that I really believe
that the makeup of the Florida Legislature, as well
as the Congressional delegation would be markedly
different, but for the fact of first the Voting
Rights Act, and then secondly, the proper
interpretation of fair districts.

Because I believe many people have, and I
listened to Ms. Colson Neal as she eloquently spoke
in favor of the Chair's Congressional District 5
proposal, which makes such good sense. But there
is a misunderstanding about -- a fundamental
misunderstanding about what the fair districts does
to.
It is a constitutional adoption,
re-affirmation of the Voting Rights Act and that
means that we are prohibited as a tier one
obligation from diminishing the ability of
minorities to elect representatives of their
choice. So that is incorporated into fair
districts.

And I believe, I believe for whatever the good
intentions are of the League of Women Voters has
thoroughly misapplied fair districts. We are
obligated, they are obligated, the court is
obligated to assure that the ability of minorities
to elect representatives of their choice is not
diminished.

Fortunately the Judge in his decision affirmed
that. As a matter of that, in his affirmation he
says on page 4, commonly referred to as
retrogression, this clause tracks Section 5 of the
Voting Rights Act and prohibits backsliding in the
ability of minority groups to elected candidates of
their choice. What does that mean?

That means that this Judge has adopted what is
the proper interpretation of fair districts and we
are prohibited here today from backsliding. We
cannot have retrogression, and so that is the
reason that I believe that the Chair's proposal makes very good sense.

It is an excellent proposal that we should all be supporting. I notice just as several of the Senators have noticed, that there has been no proposal or even public presentation by the very people who have attacked this particular plan. They have made public pronouncements that we should not be supporting the Chair's plan, but at the same time they're not even here today to present to us the reasons that we should not have that.

I do see that looking at the Judge's Order as he discussed what we were supposed to do, he said that if somebody is going to present a plan, and if there is any doubt about what he said, I would ask someone, anyone to look at pages 25 and 26 where he says, one of the political consultants lamented that if he had submitted maps in this own name he would probably have come under attack accused of trying to favor his party or its incumbents.

Well, of course, his submission might be closely scrutinized in the same way that a proposed map submitted by the Florida Democratic Party might be taken with a grain of salt. That is how it should be if one is concerned about improper
partisan intent influencing the drawing of the map.

And then he goes on and he says that if we are going to be relying upon somebody's map, we, to prevent us from being duped and have their improper intent imputed to us, he says on page 27, and if so relying upon publicly submitted maps may not be the best way to protect against partisan influence.

Well, I believe that he is fundamentally wrong, but let's just go with the fact, because I believe we are here, we are not a judiciary, we are a Legislature. We have people coming to us and we are open just like ER rooms. We take them all, whoever you are we have to listen to you.

You know, when I first got here Brian Pitts, who the Judge might call a gadfly, presents to us literally every day of session and we listen to him, and believe it or not there are some good ideas that come from him. The fact of it is I don't care who you are, I don't care what you represent, I don't care what your political affiliation is. I don't care if you are gay, lesbian, black, white, Caucasian, Asian, you are entitled to come here and talk to us because you have the constitutional right and you don't even have to do it in your own name.
You can get somebody else to talk for you and
you don't have to tell us who you are, but we have
a listen. That is what we were elected to do. We
were elected to listen and then make a decision.
And it doesn't make any difference what somebody
has been paid to do a map, but we have been
obligated by this Order to inquire into that.
Otherwise we are deemed to have taken the intent of
that person, that improper intent and somehow
tainted what we are doing as if we can't make a
decision on our own.

The Judge goes on, says on page 27, if you
choose however to accept and perhaps rely upon
publicly submitted maps, it seems to me that you
should have a way to address the possible, nay
probable partisan intent of the drafters of at
least some of those maps. The Legislature's answer
was apparently to ignore it.

Well, that was the right thing for us to do,
because constitutionally we weren't supposed to be,
or didn't have to be inquiring into it. We
certainly could, but the quality of a map depends
upon just that, its own innate inherit quality and
we can make that decision.

However, however, we have been told that what
we are supposed to do is if somebody submits a map to us, we better find out the same things that are in this litigation. We are supposed to probably we need to see how much money was spent preparing it, who prepared the map, did they really go and check to see what the voting performances were so that it was really drafted so that it would support either an incumbent or a political party.

We need to see the e-mails that were all surrounding the preparation of such a map. Well, I notice that the League of Women Voters isn't here to present a map or even discuss it. I have read the newspaper accounts that say that this was being paid by someones else besides them, but they have a constitutional right, but they should be here.

They don't have to do their own map, they can use somebody else's money and they can use somebody else's intent, but the Judge has said whoever comes here has to, in fact, provide all of that information, otherwise we will potentially be duped. I humorously call it the dupe doctrine, we will be duped into taking their intent, their bad intent unless we act as if we are a court rather than a Legislature and that we, in fact, delve into every one of the intricacies of who, in fact,
prepared the map, paid for the map and what they
did about the map and all the e-mails.

Because when you see the court case, all of
these e-mails that are going back and forth that
are ultimately irrelevant, but the fact of it is
that is probably why we don't see here today a
member of the League, whom I have the greatest
respect for, I really do.

I received their Visionary Legislator Award
this last spring. I respect them, they should be
here, they're not here, they had the opportunity to
be here. Our job now is to do what the Judge has
told us to do until there is a reversal or a change
in that. That is the way it is, we respect the
rule of law. I respect Judge Lewis.

We are here, we are doing what we were told to
do. This, members, is an excellent, excellent plan
presented by our Chair and I ask you to support it.

LEADER SMITH: Senator Lee.

PRESIDENT LEE: Well, thank you, Mr. Chair. I
just think it is only appropriate that we all
acknowledge not just the work of Senator Galvano,
but your input, too, as well, sir, as the Vice
Chair, ranking member of this committee, and I
appreciate the way you participated in the process
as well.

I have thought a lot over night about Senator Simmons' comments yesterday, many of which he has reiterated again today. I think he makes some really, really valid points about the awkwardness of where we find ourselves, the questions that it raises about the legislative process. How we can conduct our business and environment that erodes the free speech rights of people, and I am not sure where all of that takes us, but we are where we are.

And I think the reason why I am so appreciative of the work of Senator Galvano and Senator Smith and our counterparts in the House, is because I think we have taken a little mature view, role in this process, and rather than be reactionary to a Judge that has been critical of a process in the past or has rejected a map based upon that process, as this lady from the NAACP said earlier, it was already approved by the Florida Supreme Court and validated as constitutional.

We could have taken a very different approach. I think the fact that we are here, the fact that we have attempted to draw a map with a process that is responsive to the Judge's concerns, and a map that
is also structurally responsive to the defects that he in his ruling identified, says a lot about the maturity of this process and its willingness to collaborate with other branches of government under the separation of powers provisions that we have in our Constitution.

So I think it is a good day for us to be in this place and I appreciate the work of all the parties in helping us get here. Thank you.

LEADER SMITH: Senator Bradley.

SENATOR BRADLEY: Just very briefly. I just want to thank Chairman Galvano, Vice Chairman Smith for the work that both of you have done and the leadership that you have provided.

I echo President Lee's sentiments that this is a proud day for the Senate, and I think this committee has done its work as it has been asked and instructed to do by the courts, and I am looking forward to supporting the map before us.

LEADER SMITH: Before I go to Senator Galvano to close out, today I echo the confidence that I have in Senator Galvano and our staff as to what they were able to do. But I take a little different direction as to those that are not here.

Maybe the ones that aren't here is because of
their lack of confidence, and maybe today will go a long way to gaining their confidence again. When you look at the Judge's findings and the e-mails may be antidotal, but look at it, it erodes confidence in this process by those that want to be active in the process.

So when you look at what has transpired in the past, what the Judge has found that has transpired in the past, that has eroded confidence in this process. I bring that up to say that I hope today we will begin to gain back some of that confidence as we move forward, and we do have issues and people on the other side or have a different point of view, they have the confidence in this body again, that there were some concerns and you can read them, when the read the Judge's findings there was some concerns.

People feel that going there really doesn't make a difference because these other things are happening. Well, on this one, I am convinced thus far and my understanding of Senator Galvano who I have known for many years, I am confident that he has threaded lightly and has threaded rightly in this process.

I do have some concerns with the timing of the
elections and how this map will affect future elections. I asked our learned counsel yesterday about holding elections and asked for a few cases and I was just handed a lot of weekend reading as to how elections will be conducted with this map. So be careful what you ask for, you get a phone book back.

So I do have a few of those concerns. I do look forward to dealing with this map and others on the floor, and I understand there is an amendment that has been filed. So I am going to support the map today to move forward to the floor, but I support Senator Galvano and our staff, and especially our staff who even in a critical opinion was said to be forthright, and in dealing with Mr. Guthrie, I have dealt with him for many years, he has always been responsible and forthright and trustworthy in my opinion, and even in a critical opinion by a Judge it was also stated that.

So I am going to support this today, I am in support of Mr. Guthrie and Senator Galvano's work product so far and look forward to the whole Senate looking at it on Monday. And Senator Galvano to close.

CHAIRMAN GALVANO: Thank you, Leader Smith.

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Let me start by answering your question specifically, Senator Gibson. The number difference would be 9,400 in the diminishment.

So let me start by reminding the committee where I started. We had the Senate President and the Speaker of the House call a special session. And in doing so they put forth a Joint Proclamation, and within that Joint Proclamation they directed the Legislature to address the concerns raised specifically in the Final Judgment of the Circuit Court.

Once that became a Joint Proclamation, then in my mind whether I agreed with the opinion or disagreed with the opinion, and I have some opinions, was not what was paramount. Instead I had to meet the mandates of that Joint Proclamation, this committee had to meet the mandates of that Joint Proclamation.

So I can earnestly tell you that the approach taken today by this committee in preparation for this committee putting together the amendment was very simple. Look at CD 5, look at CD 10 and decide how we can abide by the Federal Constitution, the State Constitution, Federal law and at the same time address the concerns raised by
Judge Lewis in his Order and that is exactly what we did.

And with the talented staff that we have and Mr. Guthrie did a phenomenal job, the great advice from legal counsel through the process, and they were not advising us on legal strategy, but instead in how to interpret, how the Court interpreted the last enacted map.

But with that input and working together with Chairman Corcoran, we were able to, in my opinion, get further than I imagined, and what I mean by that is, we were able to take a district, actually two districts, cure some of the irregularities, the appendages, the serpentine type nature, create a greater visual and mathematical compactness, and at the same time maintain the functionality of that CD 5 as a minority district.

And we did do a functional analysis of CD 5 and I ran the numbers and I studied them very closely. We looked at the 2012 election, we looked at 2010, and we looked at turn out. And I am confident by keeping the voting age, minority voting age population over 48 percent, at 48.11 that we have, in essence, provided a district in this revised map that will enable the minority
population to elect a candidate of its choice.

So the other aspect was impacting other
districts, because we are not here to start anew,
that is not what the Court wanted. The Court was
very specific. In fact, if you go through the
Judgment you will see an analysis, a district by
district analysis. Justice Cantero was very
eloquent yesterday and clear when he went through
that analysis for us.

So we knew our work was cut out for us, it was
limited and it wasn't for us to get more expansive
than necessary. We only impacted total seven
districts, including the two in question. And the
good news is, the ones that were impacted, we did
it in such a way that their scores increased.

We actually made conforming changes that
benefited the surrounding areas. I don't know
whether political consultants or political
interests or others who are watching this may be
happy or sad about these new districts and how they
will impact elections to come, but I do know that
based on the criteria of our constitution, our
Federal laws and the Court Order, we have answered
the call.

So I appreciate all the comments that were
made here today. I appreciate the input that I have had from you all on a committee basis, as well as an individual basis, and I would also ask that you support this Bill as amended.

LEADER SMITH: Having closed on the Bill, Secretary, please call the roll.

SECRETARY: Senator Bradley.

SENATOR BRADLEY: Yes.

SECRETARY: Senator Gibson.

SENATOR GIBSON: Yes.

SECRETARY: Senator Lee.

SENATOR LEE: Yes.

SECRETARY: Senator Montford.

SENATOR MONTFORD: Yes.

SECRETARY: Senator Simmons.

SENATOR SIMMONS: Yes.

SECRETARY: Senator Galvano.

CHAIRMAN GALVANO: Yes.

SECRETARY: Senator Smith.

LEADER SMITH: Yes. And by your vote you show the Bill will be reported favorably to the entire body. I will turn the Chair back over to Senator Galvano.

CHAIRMAN GALVANO: Thank you, Leader Smith.

If there is no other business before the committee
unless any member has any other business. If not,
Leader Smith moves that this committee rise.

(Whereupon, the proceedings were concluded.)
CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 02 through 46, is a true and correct record of my stenographic notes.

Dated this 11th day of August, 2014, at Tallahassee, Leon County, Florida.

______________________________
CLARA C. ROTRUCK
Court Reporter
HOUSE OF REPRESENTATIVES REAPPORTIONMENT MEETING
AUGUST 8, 2014

Reported by:
CLARA C. ROTRUCK
Court Reporter

FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491
CHAIRMAN CORCORAN: Call the roll.
READING CLERK: Chair Corcoran?
CHAIRMAN CORCORAN: Here.
READING CLERK: Vice Chairman McBurney?
REPRESENTATIVE MCBURNEY: Here.
READING CLERK: Representative Berman?
REPRESENTATIVE BERMAN: Here.
READING CLERK: Representative Caldwell?
REPRESENTATIVE CALDWELL: Here.
READING CLERK: Representative Cummings?
REPRESENTATIVE CUMMINGS: Here.
READING CLERK: Representative Fullwood?
REPRESENTATIVE FULLWOOD: Here.
READING CLERK: Representative McGhee?
REPRESENTATIVE MCGHEE: Here.
READING CLERK: Representative Metz?
REPRESENTATIVE METZ: Here.
READING CLERK: Representative Oliva.
REPRESENTATIVE OLIVA: Here.
READING CLERK: Representative Passidomo?
REPRESENTATIVE PASSIDOMO: Here.
READING CLERK: Representative Rodriguez?
REPRESENTATIVE RODRIGUEZ: Here.
READING CLERK: Democratic Ranking Member

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Thurston?

REPRESENTATIVE THURSTON: Here.
READING CLERK: Representative Young?
REPRESENTATIVE YOUNG: Here.

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READING CLERK: We have a quorum.

CHAIRMAN CORCORAN: Thank you. With regard to, I want to have as much opportunity to ask questions as soon as possible. We have been working with Leader Thurston. There is a member that would like a question to get it to one of the Committee members and we will make sure that we have ample opportunity of all questions asked.

Obviously, we are here, we have read the call, we have read the Order and we know the task at hand.

I would like to thank my team member and our Leader Thurston and give you an opportunity, Leader Thurston, if you would like to say a few words.

REPRESENTATIVE THURSTON: Thank you, Mr. Chairman. We certainly appreciate the opportunity to work with you on this committee. We look forward to the testimony and we look forward to having an opportunity to fully question all of the witnesses regarding the drawing of the proposed map.

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CHAIRMAN CORCORAN: Thank you, Leader. With that -- Representative Rodriguez?

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Chair. You may be -- because I don't want to get ahead of you, thank you, Mr. Chair, for recognizing me. But if you could describe a little bit of how, you know, how we will be able to go, Page 3
will the maps be presented and will we have ample
opportunity for questions, or will a lot of the
questions that many of us have, are they going to
be addressed in the presentation of the maps?

For example, how they were -- how they were
drawn, who was involved in that process, et cetera,
et cetera, some of the things that were in the
(inaudible).

CHAIRMAN CORCORAN: What we will do, it will
function identically to a regular committee
meeting.

What we will do is we will present the map.
We will have input on -- from technical analysis
and legal analysis in complying with the Order with
regard to that map. I would imagine that would
answer a lot of the questions that the members
might have, both legally and technically.

If there is additional questions that you

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providing information to the Committee would answer any questions will be place the under oath as we have authority to do under the rules?

CHAIRMAN CORCORAN: No, no, they will not.

With that I will yield the Chair to Vice Chair McBurney.

REPRESENTATIVE RODRIGUEZ: Mr. Chair, if it is appropriate a moment I would like to be recognized to make a motion that under the rules anyone providing information or answering questions with respect to the drawing of the maps be sworn in by this Select Committee so that the answers they provide be under oath.

CHAIRMAN CORCORAN: Representative Rodriguez has made a motion to have anybody who testifies before the Committee be sworn in under oath. A vote for the motion would have people being sworn in under oath, a vote against would not.

Ms. Heed, please call the roll on the motion to swear in members.

READING CLERK: Representative Berman?

REPRESENTATIVE BERMAN: Yes.

READING CLERK: Caldwell?

REPRESENTATIVE CALDWELL: No.

READING CLERK: Cummings?

REPRESENTATIVE CUMMINGS: No.

READING CLERK: Fullwood?

REPRESENTATIVE FULLWOOD: Yes.
READING CLERK: McBurney?
REPRESENTATIVE MCBURNEY: No.
READING CLERK: McGhee?
REPRESENTATIVE MCGHEE: Yes.
READING CLERK: Metz?
REPRESENTATIVE METZ: No.
READING CLERK: Oliva?
REPRESENTATIVE OLIVA: No.
READING CLERK: Passidomo?
REPRESENTATIVE PASSIDOMO: No.
READING CLERK: Rodriquez?
REPRESENTATIVE RODRIGUEZ: Yes.
READING CLERK: Thurston?
REPRESENTATIVE THURSTON: Yes.
READING CLERK: Young?
REPRESENTATIVE YOUNG: Yes.
READING CLERK: Chair Corcoran?
CHAIRMAN CORCORAN: No.
READING CLERK: It fails.
CHAIRMAN CORCORAN: What?
READING CLERK: It fails.
CHAIRMAN CORCORAN: Thank you, show the motion fails. With that I will yield the chair to Chair McBurney so that I can present the PCB. Chair McBurney.
VICE CHAIR MCBURNEY: Thank you, Mr. Chairman.
Mr. Chairman, you are recognized to explain the Bill. Pursuant to your memo of August 5th, 2014 in Page 6
your presentation, I would ask that you respond to the following.

The identity of every person involved in drawing, reviewing, directing or approving a proposal, the criteria used by the map drawers, the sources of any data used in the creation of the map other than the data contained in My District Builder. The nature of any functional analysis performed to ensure that the ability of the minorities to elect the candidates of their choice is not diminished, and how the proposal satisfies all of the Constitutional and statutory criteria applicable to a Congressional Redistricting plan.

Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: Thank you, Chairman. The identity of the people involved in drawing the map, and for the House, it was myself, Jason Preda, who is to my left, Jeff Tackett, who is behind us, the General Counsel for the House, and outside counsel for the House.

For the Senate it was John Guthrie, Jay Ferring, who works with John, General Counsel of the Senate and outside counsel of the Senate, in addition to Chair Galvano.

The criteria we used were basically the law which was Section 24 of the Constitution, Fair District Amendments, the Federal Voting Rights Act. In addition to that we had the Court Order from
Judge Terry Lewis, which guided the criteria for what we did regarding this July 10th judgment. The source was all in My District Builder. All of that data and that web application, web application which was available in 2012, is currently available today was what where we got the data from.

The nature and functional analysis performed to ensure that minorities were able to elect candidates of their choice is not diminished. We did the functional analysis in Congressional District 5 which in this remedy to Judge Lewis' judgment is the only district that is protected by Tier 1 standards in the Florida Constitution that requires one.

The staff at some point here shortly the Chairman will go through a detailed functional analysis of Congressional District 5.

As far as satisfying the Constitutional statutory criteria applicable, Congressional District 5 maintains the minority communities' same ability to elect a candidate of their choice. The map that we will put before you has a BVAP of 48.11, complying with the Tier 1 standard of non diminishment.

The visual and mathematical compactness scores for all of the affected districts, specifically 5 and 10 remained at a similar level with the
benchmark map, and in most cases we saw significant
improvement. We also followed the geographic and
political boundaries where feasible.

And that is the answer to the preliminarily
questions, Mr. Chairman. If it is all right now
what I would like to do is just give a quick,
pursuant to the call and pursuant to the Order, the
map that we will get you all to see and go over
here in the next few minutes.

We addressed the appendages into Seminole
County in Congressional District 5 and 10. Those
are no longer in the map before you. We maintained
a BVAP of 48.11, which is higher than the maps.
Well, in a favorable light by Judge Lewis which was
the original House map before it was changed by the
Senate, which was less than that.

We also, you will see from the map it is
visually compact, more compact than both. Again,
the map that he spoke of in a favorable light, in
addition to the map that was thrown out, and it
also does better on the compactness scores.

And with that I would ask, Mr. Chairman, that
Jason be allowed to go up and give the technical
analysis to the changes made.

VICE CHAIR MCBURNEY: Mr. Preda, you are
recognized.

MR. PREDA: Mr. Chairman. Okay, what I am
going to do now is go through a presentation. I am
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going to try to take us step by step, kind of the
overall changes in the map first, kind of a general
overview similar of what Chair Corcoran did
briefly.

Then I am going to show you where we will put
to the maps stay the same compared to the enacted
maps, where there are going to be differences and
then we are going to go through each of those
differences, district by district to be as detailed
as I can to tell you where those changes were made.
And then go through some of the compactness scores
and the functional analysis that the Chairman
mentioned for Congressional District 5.

So first, the overall changes, we impacted
seven districts on the map, maintaining 20 of the
districts that were, as you saw in the enacted map,
exacty as they were before. We maintained the
county splits at the same level as the enacted map,
at 21. We did increase the city splits by one to
28 from 27. We did that to increase visual
mathematical compactness, and I will show you where
we did that and why.

In Congressional District 5 we improved the
impactness, compactness both visually and
mathematically. We actually exceeded the level of
compactness that was in the 9043 map which was the last map that we here in the House had before we came up with the compromised 9047 map that is the currently enacted map. The Reock score you can see there we will go into more detail later. The same with the convex hull, we improved that on both counts.

Congressional District 5 maintained the ability to elect with 48.11 BVAP, and I will go through the details as to why that maintains the ability to elect later. And the Congressional District 10 compactness was both improved visually and mathematically. Those are the, I highlighted those two districts because those are the only two districts that Judge Lewis invalidated in his Order, but we also managed to improve the visual compactness of the surrounding region in addition to just those two impacted districts.

I am going to begin by showing you kind of an overall statewide map of how, where the maps stayed the same. So you can see this is a statewide image of the 20 districts that remain identical to the enacted map, and the blank space is the area that will change that we will kind of fill in with the changes as we go forward.
into northeast Florida, they remain identical to how they were in the enacted map. They are unaffected.

Looking down the Peninsula of Florida, you can see the four to five districts in the Tampa Bay region down into Manatee and Sarasota County, District 16, District 12 and Pasco County, Pinellas and Hillsborough, District 15 in Hillsborough and Polk County and Districts 13 and 14 in Pinellas and Hillsborough County. They all remain identical as they were in the enacted map, as Judge Lewis objected to challenges to Districts 13 and 14.

District 8 and 18 over on the east coast, they also remained identical. Working further south, Districts 19 through 27 are all identical. So all of the districts affected in the Palm Beach, Broward, Miami-Dade County, as well as Lee, Collier County, Hendry County and Monroe County, they all remain identical as they are in the enacted.

So starting to go through some of the changes now, we will start with the First District, which is Congressional District 5. I will get into the details of the numbers of that district at a later point. Right now I am just going to talk about how the district physically changes on the map, and I have them side by side there.

So the first change I want to point out is what we did in Putnam County. You can see that the
boundary changed dramatically within Putnam County. The district had previously kept the city of Palatka whole, but then, and I apologize, I have added some animations, they are not in the slides that you see in front of you in the packet, but they will be up on the screen, but you can, the images are the same minus the animations, and I apologize about that.

So in Palatka we kept the city whole within Congressional District 5 and then we kind of ran across the county to Alachua County, and the new map you have before you today in the PCB, what we do is we follow, throughout Putnam County we follow the St. Johns River throughout the entire county as the border between District 6 and District 5. That helped us improve both visual and mathematical compactness, and clearly the serpentine nature of the district that the Judge also found objectionable in his ruling was somewhat mitigated by that change. Definitely visually and certainly mathematically.

The next change that I will point out is the line there in Marion County, and also to improve visual and mathematical compactness, we moved that line slightly down encompassing more area. The majority of that area that we added in Marion County is unpopulated area. It is a range there, but we better followed some of the roadways that...
kind of follow that area and were able to improve some mathematical compactness that way.

The next change, obviously the appendage is the specific thing that Judge Lewis found objectionable about CD 5 that was used to make the district a little over 50 percent. You can see here that that appendage is in the proposed map does not exist and Seminole County is kept whole.

The next district, District 6, which is the district that borders District 5 directly to the east. Its borders were changed in two places. In Putnam County, as I described before, we follow the St. Johns River and actually the entire western border, entire eastern border of CD 5, the entire western border of CD 6 follows the St. Johns River all of the way from Clay County, all the way down into Seminole County where it follows another waterway. So now the border between those two districts is now entirely a geographic boundary that is the St. Johns River that in the area is obviously a very major waterway. So we were able to do that.

By making that change we also were able to improve the visual compactness of CD 6, not having of kind of the arm extending out throughout the remainder of Putnam County, and actually in the convex hull score of the district, it becoming more rectangular was improved greatly. So that was also
Because of the change of population, I think Justice Cantera maybe, as I mentioned yesterday with special districts we have to maintain equal population. So if we move two people somewhere we have to find two people somewhere else in another district. So when we added that population in Putnam County to Congressional District 5, Congressional District 6 was under populated. It was about, I want to say about 9,000 people in that area of Putnam County that we added. In order to find that down in southwest Volusia County there are a number of cities that are all right up against each other. That area that you see right there is where we had to split the city of Dewberry, which we had previously kept whole but we had to go find more population to equal out the population. So the city of Dewberry in southwest Volusia County is now split.

The next districts, District 7, as I mentioned before, Seminole County is now whole. You can see the appendage right there no longer exists. That is the major change that happened with District 7. Obviously, keeping the city of Sanford whole is an addition to the county of Seminole.

The two other changes that we made with District 7, since District 6 had to come down into Dewberry we had to find a little bit more
population for District 7. You can see that the boundary changed a little bit at those arrows where Dewberry was split and it kind of, the boundaries just shifted a little bit in Orange County to kind of equal out population. Also with District 9 there, too. A little bit with District 5 down in Orange County as well which I will talk about.

The next district, District 9, you can see this is probably the district that separate from District 5 and 10 where we made probably the most dramatic visual change to the district. We had previously kept the Osceola County whole. We made -- the decision had to be made to improve visual compactness, and I will kind of go through how that really works with District 9 to split Osceola County, mostly because of how Osceola County interacts with District 10. You can kind of see in the northwest corner of Osceola County, it kind of extends out into District 10, and if we kept that county whole it would have negatively impacted both the visual and mathematical compactness of District 10. We would not have been able to bring it back to a level of the 9043 map which was the last map that we passed in the House that the Judge referenced many times in his Order as being at least a more acceptable map than the 9047 map.

So you can see we split it, the county twice
there in that northwest county, corner. And in the
southern part of Osceola County, in order to
improve the visual compactness of that area, I
think in one of the future slides I actually point
out why.

But you can kind of see where the major
changes for District 9, which also was taken out of
Polk County, so now it is entirely an Osceola,

Orange County district, but all of the cities
within Osceola County are, remain whole.

And going back real quick so that this idea of
splitting Osceola County is not something that we
came up with a new idea. That, this is the
configuration of District 9 that was in the 9043
map that was the last map that the House passed
before we came up to the compromise.

So you can see that the idea for doing what we
did, doing is very similar to that of the 9043 map.
You can see the boundary within Orange County is
slightly different now than it was in 9043, and
that was to maintain District 8 without affecting
that district, also. But we were able to improve
the compactness both visually and mathematically
District 9 greatly.

And in District 10, the other district that
the Judge invalidated, you can see that the
appendage in Orange County, that was removed. You
can see we went into Osceola County and by doing
that by not having that Osceola County kind of take a chunk out of District 10, we were able to make a nice smooth line all the way down keeping the city of Kissimmee whole, and greatly improving the visual compactness of Congressional District 10, as well as the mathematical change.

We also had to make a slight change based on some of the other districts moving around. You can see in Lake County, the district previously District 11 previously went into Lake County in two different places. Now it is just one, but that little chunk that got taken out of District 10 there in the northwest corner got a little bit bigger as a result.

And then District 10 had to come down in Polk County and take the population that used to be in District 9 and take that back. And that little flag that I was talking about earlier, that is actually a county boundary. That is the Osceola County boundary and that little flag right there in us trying to figure out a way to increase both visual and mathematical compactness of District 10 to at least match what we had in 9043, which is something that the Judge found a better configuration for the district, we really struggled with that little flag, what do we do with that.

We had three districts that we could put it into District 17, 9 and 10, and as you can see, we
chose to put it in District 17. If we had kept it in either District 9 or District 10 it would have affected the compactness of the area which is part of the reason why we decided to break the county line. But that is actually the boundary of the county, but it follows waterways. There is a lake that kind of sticks out and goes back down and kind of goes up.

So the county boundary is very, that is kind of where keeping county boundaries together and compactness kind of conflict. So we were -- that was the better decision.

In District 11 you can see as I mentioned before we changed the border and against District 5 a little bit up in the northeast corner. We took out its -- so now it only goes in it Lake County in one place, but made that little change bigger. Other than that the district remained mostly, mostly the same, but by making those small changes we actually improved the mathematical compactness of District 11 as well. So that was kind of an added benefit to making the other changes in the region. And you can see there are still three whole counties in that district.

The last district that we effected is District 17, which was mostly made to accommodate visual compactness for District 10 and District 9, but
also kind of make the top of the district kind of a
nice straight run across between both of those
counties, and without really negatively effecting
the compactness of District 17 greatly, and
although there are -- there is 11 counties now in
at least partially or entirely within District 17,
by only two of those 11 were impacted by our
drawing. The other counties will not have to
change their lines or do anything else, but none of
that district was effected as well.

So I am going to go back, I just kind of
walked through all of the -- you can see where we
changed it right there in those two. So now having
gone through all of the districts that we changed
and the changes that were there, I am going to go
back through and talk about some of the numbers of
compactness, and then the functional analysis for
CD 5 to kind of show how the numbers changed. That
is how the map changed, how did that effect the
numbers.

Now really quick, I know Justice Cantero
briefly mentioned Reock and convex hull, but those
can kind of be abstract terms that we throw around
a lot in redistricting, I just wanted to retouch on
them briefly.

Reock and convex hull are two scores that the
courts have used widely. Reock, what that means, it is the area of the district divided by the area of the smallest circle that can encompass that district. So it is kind of an imaginary circle that fits around the district and you divide it and it becomes a ratio.

The scores are always between zero and one, and just like all compactness scores, they all have added benefits and negatives. The circle is the most compact shape that you have. So that is obviously a really good shape to compare to, but a perfect square in the real world would look very compact, but it would only score a .63 with Reock.

So you have to keep in mind that in the real world, it is -- you can't really achieve one. It is kind of like a batting average, you are never really going to get 1,000, you are never going to bat 1,000, you are going to bat somewhere in two, 300, something like that.

So the scores with Reock, even one-tenth of a percent can be a very significant improvement in certain districts. So keep that in mind, it being a ratio.

The convex hull is similar. As the Justice mentioned yesterday, it is like putting a rubber band around the district and you take the area of the district and you divide it by that polygon shape that that imaginary rubber band fits around.
the district.

There is advantages to that. Obviously that will show higher scores, because the white space not in the district is smaller, and it can kind of fit around some more real world shapes, like rectangles and squares better to get higher scores.

The negative is that if you had a district that was 100 miles long and one inch tall would be a rectangle, would score perfectly in convex hull, but obviously that would -- I don't think anyone would consider that a compact district. So with these scores you kind of have to use them to your benefit, but also understand how they have their weaknesses as well.

Now, looking at the compactness scores, there were, the reproposed map that you have before you compared to the enacted map, which is 9047 and 9043 which was the last version that we had here in the House before the compromise that the Judge referenced in his Order, you can see going through the scores we either maintained a very similar

level or improved in basically every area.

Congressional District 5 is now a Reock .13 and a convex hull of .42, which is greater than the district that the Judge found in 9043. He found a little bit better than in 9047, which was a .10 and a .35. So we improved both of these while still maintaining a 48 percent black voting age
population district.

District 6 you can see maintained about the same level. It went down slightly in Reock but improved a little bit more in convex hull. So that is kind of the trade off in some of the scores that you have. So that was a good improvement.

CD seven remained about the same. It remained exactly the same as it was in Reock in the enacted map and went down slightly in convex hull.

CD 9 actually improved on both scores from the enacted pap. So that was an added benefit.

Congressional District 10 improved in both scores from the enacted and we were able to match the level in 9043 that the Judge referenced.

Congressional District 11 improved in both scores from the enacted map, and CD 17 went back to a more similar level in Reock two, the 9043 map, but actually bet the convex hull score for both maps.

So you can see mathematically in addition to all of the visual images that we went through, we maintained the similar level or improved most of the scores across the board.

Now, going to city splits, which is something that we used a lot prior and it is something that we still tried to achieve as much as we could, we maintained the amount of county splits that was in the enacted map, but we had to increase one more.
city. I mentioned Dewberry. I should have
mentioned the other city that we had to split was
Ocoee in Orange County to increase the visual
compactness of the extension of Congressional
District 5 down into Orange County. We had to
split that city, but we were able to keep all of
the cities in Osceola County whole despite having
split the county. So that was an added benefit
without having to split anymore cities.

As I mentioned before, the impacted counties
are eight and the compacted districts are seven.
And now if you go to the functional analysis of
proposed District 5. You will see before you a
chart. In My District Builder we have more data
points available to us, but these are the data
points that Justice Pariente went through in her
apportionment one ruling when referring to
Congressional District 6. So I used them in this
chart. Also it helps to display just on the side a
little bit better, but we went through those same
data points that she used in that analysis, and I
put that up there.

So you can see the black voting age population
compared to the benchmark, which is again the 2002
district lines, with the new updated 2010 census
information, was at 49.87 or rounded off, 49.9
percent black voting age population.

The district that we drew in map 9057 is
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48.11, and it is a slight decrease, but we were, if you, and -- but that still means, we concluded that that maintains the same voting strength and we conclude that, because as we go through the analysis you can see clearly looking at the election results, which is the next four columns down, you see the 2012 Presidential Democratic candidate, which was President Obama, obviously the same with 2008. The 2010, Governor's race for the Democrats and the 2006, Governor's raise Democratic candidate Davis.

You can see the Democrats clearly have control of that district. They have won all of the last four major statewide elections there, and comparing that to the benchmark all of the percentages are slightly less, but they are within about a percent or two, which in that same district that I mentioned before that Justice Pariente, I am sorry, no, no, District 88 that the Justice ruled on in that same apportionment ruling, we decreased the black voting age population by about two percent, and that -- she found that acceptable in that particular district. We maintained that similar range.

When you are doing a functional analysis it isn't a formula you can plug in and it spits out an exact black voting age population that you are supposed to get at. It is an analysis of whether
or not the ability to elect remains the same or lessens. A couple of percent either way statistically you could make the argument, and I believe in this case you do make the argument that it maintains the ability to elect. If you start to go below that level though, because of the non diminishment standard that we have in the Constitution that the lawyers talked about yesterday, any slight decrease in the ability to elect could be considered a diminishment. So we have to be very careful there.

Looking at the next rows of columns down, that is the Democratic registration. So you can see that Democrats have control of the district. The Democrat registration is about 60 percent on both counts. The -- of those Democrats who are registered to vote in the district we drew 65.28 percent of them are black, and in the benchmark it was 66.41.

Now, of the amount of -- if you look and you kind of do the reverse of that, if you look at the blacks and figure out what parties they are registered in, you can see that both percentages are about 87 percent. So that kind of shows a cohesiveness among the black voters in that district in the connected communities that we connect to, and the percentage remains about the same.
You can see those percentages are duplicated, a little increased actually when you look at turn out for the 2010 elections, and then when you look at the primary you can see that the blacks have a clear control of the black, of the Democratic primary and the percentages drop about a percent, but still stay within that range that you can maintain the ability to elect there. So that would be the functional analysis for the proposed District 5.

And then real quick, there is a slide, that is kind of how everything of all fits together that I went through. That is the presentation.

VICE CHAIR MCBURNEY: Thank you, Mr. Preda.

Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: Thank you. At this time, Chairman, I would like to have legal counsel give an analysis of its compliance with the Order.

VICE CHAIR MCBURNEY: Mr. Meros, I assume that is you. You are recognized, sir.

MR. MEROS: Thank you, Chair, members. I can -- I can only say that I am impressed and amazed at the quality of the staff on both the House and the Senate side.

What they did was to comply precisely with what the Court ordered, and in doing so also recognized that, that after a lot of work that they could improve the metrics of the affected districts.
and did so in a way that is perfectly compliant in my view with the requirements that Judge Lewis put out.

And that improves the map for all Floridians. It is more legally compliant than perhaps any iteration that has come before. So it is just remarkable effort by staff and a very good one for the people.

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: I think that is the Bill before us.

VICE CHAIR MCBURNEY: Thank you, Chair. Are there any questions of the Bill sponsor?

REPRESENTATIVE THURSTON: Yes.

VICE CHAIR MCBURNEY: Representative Thurston, Ranking Member Thurston, excuse me, you are recognized for a question.

REPRESENTATIVE THURSTON: Thank you, Mr. Chair. With the proposed map, does it improve the -- any other districts in terms of opportunity to be impacted by the minority vote?

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: In the Order and what we are addressing, Leader Thurston, there is only one district that that would involve and that is Congressional District 5.
REPRESENTATIVE THURSTON: Follow up.

VICE CHAIR MCBURNEY: Follow up. You are recognized.

REPRESENTATIVE THURSTON: I believe that it was said that there was this proposal affected seven districts, in seven districts. Of those seven affects districts other than 5, is there any improvement in the ability of any type of minority access or minority effect of any of the other districts?

CHAIRMAN CORCORAN: None of the other districts --

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: None of the other, Leader Thurston, none of the other districts affected are Tier 1 protected districts.

REPRESENTATIVE THURSTON: Follow up?

VICE CHAIR MCBURNEY: You are recognized.

REPRESENTATIVE THURSTON: Recognizing that they are in the Tier 1 affected districts, we have had some impact on those other districts, and I am simply asking, will that impact assist in any ways of having any impact on the person who is elected by the minority communities who now would be within...
those districts?

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: I would say my same answer there, Thurston, and to the extent that that wasn't part of the Order that we had to deal with, it wasn't looked at.

REPRESENTATIVE THURSTON: Thank you, Mr. Chair.

VICE CHAIR MCBURNEY: Any other questions of the Bill sponsor? All right, seeing none -- oh, I looked the wrong way.

Representative Berman, you are recognized for a question. And I would request if you do have a question for our analyst, if you will designate that first.

REPRESENTATIVE BERMAN: Okay. Thank you.

VICE CHAIR MCBURNEY: You are recognized.

REPRESENTATIVE BERMAN: Thank you, Mr. Chair. I do have questions for the analyst, or actually the Bill sponsor.

So was any performance data collected on the districts, the seven districts that are being changed?

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: The only performance data
was the functional analysis that was done as required by law on Congressional District 5. No others.

VICE CHAIR MCBURNEY: Follow up, you are recognized.

REPRESENTATIVE BERMAN: And there was some discussion by staff about the diminishment number having to do with District 5. I would like a little bit more explanation about the diminishment number with regard to District 5.

VICE CHAIR MCBURNEY: Chair Corcoran.

CHAIRMAN CORCORAN: Can you be more specific, Representative Berman?

VICE CHAIR MCBURNEY: Representative Berman, you are recognized.

REPRESENTATIVE BERMAN: Thank you, Mr. Chair. Is there a minimum or maximum number that we won't diminish below that number? I guess what I am saying is there a BVAP number that we have to comply with?

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: This was answered extensively yesterday by Attorney Meros to a line of questions by Representative Rodriguez, and maybe it would be best if he went back through that for the entire Committee.

VICE CHAIR MCBURNEY: Mr. Meros, you are
recognized.

MR. MEROS: Certainly. I think the answer is no. Black VAP by itself is a measurement to consider, but that is not, it cannot be viewed in isolation. You have to look at the black voting age population, you have to look at turn out in both the primary and general election.

You have to look at registration. You have to look at any number of those things, and assess when there is a diminishment in the ability to elect. And it is important, as I said yesterday, to recall that diminishment is not a binary number. It is not a dichotomous value where you can say that at this point there is a 50/50 chance of winning, therefore, it is an ability to elect.

If, once you have done the analysis with a real geographic area and the real numbers, a minority community is less able to elect its candidate of choice, that is a diminishment. That is about -- that is not a clearly determinative number, pretty much ever. You have to look at all of the variables and make a judgment.

REPRESENTATIVE BERMAN: Thank you.

VICE CHAIR MCBURNEY: Any other questions?

REPRESENTATIVE BERMAN: Ross, do you want --

VICE CHAIR MCBURNEY: Representative Rodriguez, you are recognized for a question.

REPRESENTATIVE RODRIGUEZ: Thank you,
Mr. Chair, or Mr. Chair, Vice Chair. I guess this question is for house counsel, and it just follows up on exactly this discussion. And it was something in the -- and it relates to something you were helping enlighten us on yesterday with respect to how the BVAP operates and how we have to take into account.

And the information you presented, you know, clearly shows that as drawn, you know, the ability of African-American voters to affect the outcome of the election is preserved, but in terms of how the BVAP comes into it, I just want to ask, page 20 of the Judge's opinion that brings us here, states that it was undisputed in the proceeding that there was never a majority/minority in that district, and yet it consistently performed to elect an African-American to Congress.

And it said that according to expert testimony that that would probably be true, or that would be statistically true with a BVAP as low as 43 percent, 43.6 percent. Could you comment on that?

MR. MEROS: I think --

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: I apologize. I think that is a misreading of what Judge Lewis said there. And let me explain the history of that.
In the Summary Judgment phase of this trial there was testimony from an expert, Dr. Tom Brunell, who submitted an affidavit about whether there was a diminishment in the plans submitted by the Plaintiffs in the ability to elect.

But Dr. Brunell said in his affidavit, and what is not, what was not mentioned by the Plaintiffs, is that his first analysis was to try to assess if you took that district and made it a 50/50 district, in other words, it is a toss up whether you can be elected, what might that number look like.

And he said there that you would have a flip of the coin ability if it were at 43 point something percent. He then went on to say that, now, that is not the standard. The standard is whether one makes it, the district makes it less likely to elect, and because it is -- because the district proposes less than 43 percent, I don't even need to get there.

So and let me be clear, the Florida Supreme Court, the Legislature and the Congress in the 2006 reauthorization of the Voting Rights Act, said that it is not a situation where you can take a minority district from 49.9 percent to the benchmark where there is a clear overwhelming chance to win, and take it down to a flip of the coin as to whether you win. That is fundamentally contrary to what
Section V was about don't backslide with regard to the electoral strength of the minority community, and that is a sliding scale dependent upon the sort of careful analysis that we have been talking about.

VICE CHAIR MCBURNEY: Do you have a follow up question, Representative? You are recognized.

REPRESENTATIVE RODRIQUEZ: Thank you, Mr. Chair. I have another question related to something you were explaining yesterday, but now that we have a PCB in front of us.

With respect to District 9, when we were talking yesterday about the Judge's opinion on District 10, that probably the reason why that some of the Tier 1 factors didn't apply was because of the Judge's determination, and I will just literally read it.

"That with respect to District 9 there is no evidence to suggest that a Hispanic majority district could be created in central Florida."

And my question is, would it -- what data is this map relying upon, presuming that that is, that this map we are looking at here assumes that, right, assuming that this map assumes that a Hispanic majority is impossible in central Florida, what data is that based on?

Is that based on 2010 census? Is it on
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benchmark 2000 census data? How far back does the
data go?

VICE CHAIR MCBURNEY: Mr. Meros, you are
recognized.

MR. MEROS: If I understand correctly, you
were citing in part from the Judge's Order about
District 9. And so let me explain that and I will
explain what data.

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First of all, historically the population in
District 9 largely did not exist 10 years ago.
Yes, there was Hispanic population in that
geographic area, but it was very substantially less
than it is now. So all of a sudden you have a
population that may or may not have minority
 protections that didn't exist in the benchmark.

And so what Judge Lewis there was saying is we
said to him, we thought a laudable goal to take a
minority, a now a minority population and raise the
population as much as reasonably possible from
39 percent and what the House recently did to
approximately 42 percent, because that would hasten
the ability of that district ultimately to elect a
Hispanic candidate.

It was conceded that as of this moment there
is not sufficient population to do so. He said in
response, well, that may be a laudable goal, but it
is not constitutionally protected under Tier 1, and
so under Tier 1 you cannot allow non-compactness to
trump a laudable goal that isn't required.

So what he was referring to there is, you can't get that Hispanic population up to 50 percent which would presumably, conceivably protected under Section II of the Voting Rights Act, and there is no question that population at this point cannot get to 50 percent. And so he was saying because of that we don't have any Section II type minority protections.

We didn't have any diminishment protections, because the population wasn't there in the benchmark, so there is nothing to compare. So then you have to go back to the Tier 2 requirements and the Tier 2 requirements require compactness. The appendage in District 10 has to give way despite the fact it will have an impact on the minority, the Hispanic population in District 9.

Now, in the iteration that we have now in this proposal in District 9, the -- despite the fact that Osceola County is split and the district is very compact, the minority population is approximately 39 percent, I believe, and Jason can correct me if I am wrong. But it is very close to 39 percent, which is a very small reduction from what the House had originally had been producing.

So there is going to be a Hispanic, a performing district there relatively soon despite the fact it is not presently protected under Tier
Mr. Preda to answer that, that part of the question.

MR. PREDA: Just real quick. The voting age population, the Hispanic voting age population for Congressional District 9 is now 38.37 percent.

VICE CHAIR MCBURNEY: Further questions?

Representative Berman, you are recognized for a question.

REPRESENTATIVE Berman: Thank you, Mr. Speaker. I believe at the beginning of the presentation there was a list of who was involved in actually drafting the maps.

My question is, were the maps shared with either the Senate President or the House Speaker before they were probably filed?

VICE CHAIR MCBURNEY: This question is for who?

REPRESENTATIVE Berman: I would assume Chair Corcoran.

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: I mean, I did report back to the Speaker and give him conceptually where we were and what concepts or changes we were making, Representative Berman, but I don't think I ever...
Representative Berman: Follow up?

Chairman Corcoran: And just to clarify, I did not show him a final map until it was filed.

Representative Berman: Was there any --

Vice Chair McBurney: Follow up question?

Representative Berman: Thank you, Mr. Speaker, Mr. Chair. Were there any other people beside the list that you gave us at the very beginning who saw the maps prior to their being filed?

Vice Chair McBurney: You are recognized, Chair Corcoran.

Chairman Corcoran: No, none that I am aware of.

Representative Berman: Thank you.

Vice Chair McBurney: Representative McGhee, you are recognized for a question.

Representative McGhee: Thank you, Mr. Chairman. Representative Corcoran, the question is directed to you.

Are you aware of whether or not the data used to create this map that sits in front of us was the same data that was used prior to the Order that was issued by Judge Lewis?
recognized to respond.

CHAIRMAN CORCORAN: As I said in my opening remarks, all of the data was the same out of My District Builder that existed in 2012.

VICE CHAIR MCBURNEY: Is there a follow up question? You are recognized.

REPRESENTATIVE MCGHEE: Thank you, Mr. Chair, Vice Chair. Chair Corcoran, the -- is that -- no question, Mr. Chair, thank you.

VICE CHAIR MCBURNEY: Are there any other further questions?

REPRESENTATIVE THURSTON: Yes.

VICE CHAIR MCBURNEY: Ranking Member Thurston, you are recognized for a question.

REPRESENTATIVE THURSTON: I have a question of the counsel.

VICE CHAIR MCBURNEY: Mr. Meros.

REPRESENTATIVE THURSTON: Thank you again, Mr. Meros. When you were explaining the BVAP requirement you talked about the Order on page 20 of Judge Lewis' Order.

You are essentially saying there is no minimum in which the BVAP can go to because it is a sliding scale of a number of factors.

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VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: Standing alone one can't simply use black VAP as the only measurement. So whether
it is 99 percent black VAP or 40 percent, one still has to look at other factors to make that assessment.

REPRESENTATIVE THURSTON: Follow up.

VICE CHAIR MCBURNEY: Ranking Member, you are recognized.

REPRESENTATIVE THURSTON: And so in your estimation there is no floor, there is no level of BVAP that we can go to where we say, well, that is not enough. That is insufficient, we need to have more?

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: Well, standing alone assessment, looking at black voting age population will not determine whether one is less able to elect. Now, there is a point at which one says that you are less likely to elect, but you -- you have to take another plan.

So let's say this plan is a 48.11, and you were to take it to whatever you take it, 47.5 percent. Then you have to look at that one and when you do that, once you have a black VAP and then you look at turn out, you look at registration, you look at turn out in a primary election. And one can say at that point or some other point, yes, now there is a less of an ability to elect. It is less likely.
And so once you look at all of that you can say, I now know that in this district at 47.5 percent and considering all of these other factors there is a diminishment. You just can't take a single number. That certainly doesn't mean you can take black VAP to 30 percent. I mean, there is certain obvious things.

If it is 99 percent or 30 or 40 percent in this area, clearly, clearly, clearly that is diminishment. At what point it becomes a diminishment has to be based on a -- on a -- on a new district to assess.

REPRESENTATIVE THURSTON: Thank you, Mr. Chair.

VICE CHAIR MCBURNEY: Any additional questions? Representative McGhee, you are recognized for a question.

REPRESENTATIVE MCGHEE: Thank you, Mr. Vice Chair. My question, and you can answer this question, Mr. Chair, if I can simply put it out there and maybe someone can help me. Did map 9057 exist prior to Judge Lewis' Order in any fashion or form?

VICE CHAIR MCBURNEY: Chair Corcoran, you are recognized.

CHAIRMAN CORCORAN: No, it did not, and if I could go back to your question, Representative McGhee. Staff informed me that they did prior, all
of the data was the same as 2012, but they did add
in the 2012 election data, which was not there in
2012.

And so Representative Berman, staff has
informed me that staff did show the Speaker the
final version of the map prior to it being
released.

VICE CHAIR MCBURNEY: Any further questions?

Being no further questions are there amendments on
the desk? Is there an amendment? I have been
handed an amendment. There is an amendment.

This is by Representative Thurston, Ranking
Member Thurston, Representative, Ranking Member
Thurston, you are recognized to explain, to explain
the amendment.

REPRESENTATIVE THURSTON: Thank you,
Mr. Chair. The amendment that we have presented is
-- first of all, let me say it is a great
amendment, and I want to address the Chairman's
criteria for the --

VICE CHAIR MCBURNEY: And I apologize, I meant
to do the same with you as I did with the Chairman,
and ask in your presentation if again you would
identify every person involved in drawing,
reviewing, directing or approving the proposal, the
criteria used by the map drawers, the sources of
any data used in the creation of the map other than
the data contained in My District Builder. The
nature of any functional analysis performed to
ensure that the ability of minorities to elect the
candidates of their choice is not diminished. And
how the proposed, the proposal satisfies all of the
Constitutional and statutory criteria applicable to
a Congressional Redistricting plan, and with that
you are recognized.

REPRESENTATIVE THURSTON: Thank you again,
Mr. Chair, and I appreciate that, and let me begin
by addressing those concerns.
First would be the identity of those drawings,
reviewing, directing or approving the amendment,
and that would be non other than Senator Dan Soto,
who is present here with us today, and his aid who
would be Kristen Byron.
As to the criteria used by the map drawers,
the criteria would be Article III, Section 20 of
the Florida Constitution, Fair District Amendment,
and Judge Terry Lewis' Final Order.
The sources of data for the map would be My
District Builder. The nature and the functional
analysis as has been explained would only be
directed to District 5, which is only Tier 1
district that is affected, and to assure the
minority ability to elect a representative. That
is the criteria.
However, this map maintains a BVAP of 43.71,
which is how we believe that the minority ability
is still protected. That is the geographic and the political concerns for any technical aspect of the drawing of the map.

We have with us Senator Darren Soto who will address those concerns.

VICE CHAIR MCBURNEY: All right, Senator Soto, you are recognized. Welcome back.

SENATOR SOTO: I was going to say that. It is great to be back. Thank you, Chairman. A couple of geographic concerns. It affects only three districts, Districts 5, 10 and 7. It affects only three counties which are Lake, Orange and Seminole County.

It addresses in the Judge's Order the packing issue that the Judge found with District 5, and it also addresses the finger issues as they were described in Judge Lewis' Order with regard to both Sanford and going into Orange County, and the net result is that we have the district that was just explained for District 5, as well as two new competitive districts with regard to District 10 since part of the ruling was that this district was drawn to benefit a party and incumbent.

And then as a result of addressing District 5, District 7 also became competitive. They are both equally split between Democrats and Republicans which was a top tier analysis under the Fair District Amendments.
And with that I would be glad to answer any further questions that anybody has.

REPRESENTATIVE MCBURNEY: We will go back to Ranking Member Thurston for your presentation.

REPRESENTATIVE THURSTON: Well, thank you, Mr. Chairman. Senator Soto.

VICE CHAIR MCBURNEY: Are you completed with your --

REPRESENTATIVE THURSTON: I am completed with mine.

VICE CHAIR MCBURNEY: Okay. Before we get to questions of the Bill sponsor, I am going to ask Mr. Preda to give a technical analysis of the amendment.

MR. PREDA: Thank you, Mr. Chairman, this will be very brief. Staff has gotten a chance to review the amendment and do kind of a facial technical analysis similar to what we would do to the maps that we would draw ourselves.

This map, as Senator Soto said, changes three districts and three counties. The black voting age population as he mentioned is 43.71 percent. Having done the same basic functional analysis, I don't have the chart with me, but I looked at the same data points that I looked at for the proposed PCB and in my opinion there would be a clear diminishment in the opportunity to elect in that district, but I will let Mr. Meros elaborate more...
on that.

The next thing that I would look at would be visual compactness. Looking at the three districts

that are affected, it would be my personal opinion that visual compactness is not improved. The appendage in District 10, which was a key point in the Judge's Order is not entirely gone, and there is still kind of a bump that goes out further that kind of mirrors where the appendage was, so there is that.

The compactness measures in Congressional District 7 decreased from the enacted map to .55 in Reock, .6, which it was .60 in the enacted map. It did improve slightly in convex hull, from .77 to .81. Congressional District 10 remained the same in Reock, .39, and improved very slightly in convex hull of .76, but the Reock number of .39 which remains the same as the enacted map was something that Judge Lewis found unacceptable in his ruling.

The Reock score for Congressional District 5 is .10, which is one one hundredth more than the enacted map, similar to what it was in 9043 and the Reock score is .33, which is four-tenths higher than it was in the enacted map. And that is my analysis.

VICE CHAIR MCBURNEY: And I am also going to recognize Mr. Meros to give the legal analysis.

MR. MEROS: Thank you, Chair. I certainly
agree with Mr. Preda that this is -- this is a
clear diminishment of the ability to elect. And
Leader, this is an example of how one would look at
this, not just black VAP, but also some of the
other elements.

And I can tell you if one goes all the way
down the elements that one looks like, in every
element this is a diminishment. And just a couple
of examples and we have only had, you know, a
relatively small amount of time to look at this.

But this map as compared to the benchmark
decreases Kendrick Meek's margin of victory in that
prior election from 16.2 percent to 1.9 percent.
It decreases the black share of 2012 general
election turn out, from 51.8 percent to 43.4
percent.

It is in an area where there is acknowledged
racially polarized voting and white block voting
that tends to defeat the African-American's
candidate, either in a primary or in a general. It
takes 45,000 African-American residents from the
enacted CD 5, places them in districts that would
not elect an African-American.

It takes a district that has elected an
African-American candidate of choice in 11 straight
elections, going back to the time when no African-American had been elected since reconstruction and takes it to a near certainty that an African-American will be elected and takes that down to a flip of the coin at the very best.

That is a -- that is clearly in violation of the Tier 1 standard of non diminishment.

VICE CHAIR MCBURNEY: Now, members, are there -- and again, I would ask that you direct the question if it is to the analyst or to the amendment sponsor.

So I think Ranking Member Thurston has a question. You are recognized.

REPRESENTATIVE THURSTON: I have a question of the attorney, Mr. Chair.

VICE CHAIR MCBURNEY: You are recognized.

REPRESENTATIVE THURSTON: Mr. Chair, counsel, when you say that Kendrick Meek's position, now, he was running in a statewide election, correct?

VICE CHAIR MCBURNEY: You are recognized.

MR. MEROS: Yes, sir, but one can evaluate in that district what his percentage, what his electoral results were. We are not talking about statewide, we are talking about that district.

REPRESENTATIVE THURSTON: Follow up.

Mr. Chair?
REPRESENTATIVE THURSTON: So in a statewide election those individuals may have been shifted to another district, but you gave a percentage that I didn't understand. Explain that to me again.

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: If one takes the comparative districts, District 5, and the enacted, the benchmark map, and in this amendment, you -- and you impose on that Kendrick Meek election results in the other map, the benchmark map, his margin of victory was over 16 percent. If you now impose that same election in the amendment, that goes down to 1.9 percent.

REPRESENTATIVE THURSTON: Follow up.

Mr. Chair.

VICE CHAIR MCBURNEY: You are recognized for a follow up, Ranking Member.

REPRESENTATIVE THURSTON: Thank you, Mr. Chair. When we asked the question about the benchmark map, we asked the individuals who would be moved to those other districts, but the other districts, the other seven districts that were affected by the benchmark map, would the African-Americans in those districts who would now be in those seven districts, would they have the same consequences?
VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: I am not sure I understand the question. Are you talking about the 45,000 residents that I was referencing or --

VICE CHAIR MCBURNEY: Ranking Member Thurston, you are recognized.

REPRESENTATIVE THURSTON: Thank you, thank you, Mr. Chair. I am not sure about the actual number, but in order to make the changes to the benchmark map there is certain individuals who would have been in Congressional District 5 who are no longer in Congressional District 5. Would they have the same consequences now in the district that they have been moved to such that they would not have any impact on the electing of their representatives?

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: I am not sure I understand, but I can tell you that the -- the change in population that came about from the 2010 census, did not result in any, any movement of thousands of African-Americans from CD 5 to another district. So, in other words, and the seven affected districts that the proposal that staff has done did not do that. There were 38.1 percent African-Americans in this proposal. The House had
had anywhere from 47 and a half to close to 49 in its iterations before, the Senate had more. So what I am saying is that when you look separately at this proposal and what it does to CD 5 as compared to the benchmark or, and that is the proper comparison, or as compared to the enacted map, it vastly decreases the ability of African-Americans to elect a candidate of their choice. And what that also does is there is 45,000 African-American residents by the very nature of both the geography and the performance will be disbursed into districts that will elect white Democrats. That will clearly not elect an African-American candidate of choice. Now, which is precisely one of the reasons why the voters voted for non diminishment as a Tier 1 standard.

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Representative, when Senator Soto says that it improves the ability and makes competitive two other districts, is that not accurate?

Mr. Meros: I don't know the answer to that because we have not assessed that, but I am glad you asked that question, because I need to counsel
the Committee that with due respect to Senator Soto, the notion that a map drawer can consistently with the amendments make districts more competitive is clearly illegal under the Florida Supreme Court decision interpreting the amendments and what the amendments say.

If one is drawing districts to make them more competitive, whether more competitive for Republicans or more competitive for Democrats, that is an intent to favor an incumbent or a political party. The Florida Supreme Court made that very clear.

There is nothing in the amendments that says, make districts more competitive. What the amendments do is constrain the Legislature to use specific standards with the hope that that will make the districts fairer. Whether they are competitive or not is entirely dependent upon voter preference. But geographic boundaries, compactness, Tier 1 standards are nothing about making something more competitive.

I would suggest that if I got up here and argued that the 9057 makes the districts more competitive for five Republicans, it would be immediately stricken down by the courts.

VICE CHAIR MCBURNEY: Representative Young, you are recognized for a question.

REPRESENTATIVE YOUNG: Thank you, Mr.
Chairman. And this question is for counsel.

In your various presentations you have mentioned that in analyzing the diminishment issue there are many factors that need to be considered, in addition to the BVAP, and in assistance to the Committee in making sure that we can effectively analyze this amendment, I was wondering if you could take a few minutes and go through for all of us the various factors.

Just list them that need to be considered in evaluating diminishment so that we can then effectively question the Bill sponsor on how he addressed each and every issue and the comparison of the PCB.

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: And I will be happy to provide a piece of paper that was available to the Committee yesterday. But let me just go through the various, the various elements. The black population, the black voting age population, Hispanic, I am sorry.

REPRESENTATIVE YOUNG: I want to write it down, thank you.

MR. MEROS: Black population, black voting age population, Hispanic voting age, white population, and white voting age population, and we are going to go to registration data.

Voters registered as Republicans, registered
The next area is turn out data. That is general election voters who are black, general election voters who are Hispanic, Democratic voters at the general election who are black, Hispanic voters at the general election who are Democrats, Hispanic voters at the general election who are Republicans, general election voters who are black, Democratic voters who are black, Hispanic voters at the general election who are Democrats, Hispanic voters of the general election who are Republicans. Democratic primary voters who are black, Hispanic voters at the primary who are Democrats, Hispanic voters at the primary who are Republicans.

Now, that with then be applied to various elections, and those elections would be presidential, gubernatorial, from 2012 to 2008. And in addition I can tell you and Mr. Preda can talk more specifically about this, even this list is not inclusive of all characteristics that My District Builder includes, and I may be wrong, Mr. Preda,
but I believe that to be the case, so it is -- it is a detailed analysis.

VICE CHAIR MCBURNNEY: Follow up, you are recognized.

REPRESENTATIVE YOUNG: Thank you, Mr. Chairman. And counsel, is it an appropriate expectation that any map that is brought before this Committee would have prepared this detailed analysis of every one of these factors to be able to ensure that we could consider diminishment in an effective way? Is that a fair statement?

VICE CHAIR MCBURNNEY: Mr. Meros, you are recognized.

MR. MEROS: It -- it certainly would be important to have any -- any real ability to try to determine whether there is diminishment.

VICE CHAIR MCBURNNEY: Any additional -- Representative Fullwood, you are recognized for a question.

REPRESENTATIVE FULLWOOD: Thank you. Thank you, Mr. Chair. Mr. Chair, I would like to ask Senator Soto to come up and respond to the counselor's, to the House attorney's statements regarding, I guess regarding the validity of the map, and the process that was used to create the map.

VICE CHAIR MCBURNNEY: Senator Soto, you are recognized to respond.
SENATOR SOTO: Thank you, Mr. Chairman. And I have great respect for Mr. Meros. This isn't the first time we have actually put in an election lawsuit on the other side of each other, right, and it probably won't be the last.

The first test of the detailed analysis, I wish I had the resources to be able to do that. It was my aid and I who put this together. So I am thankful for staff to start looking at a lot of this, but I just didn't have the resources to put it altogether when this map was created over the last three days, and so for that I do apologize. I wish I had more information for you.

But there were strict guidelines about who to be able to work with and what resources to use, and so that did limit the kind of nice analysis that was done in the other map.

I did want to talk briefly about the word competitiveness. I use that as a general term. What I was referring to is the top tier analysis to not make districts in favor of any party or any incumbent. Under Judge Lewis' Order he found that District 10 was created to benefit an incumbent and so necessarily I had to address that and make sure it wasn't benefiting a particular incumbent or a party as a result.

And so part the of the map that I fashioned
along with Ms. Byron was to address that specific point that it was drafted to favor a party and an incumbent and change it back to something that was equal that did not favor either party or either incumbent.

With regard to diminishment, I looked at what Dr. Brunell had said, who was the House's expert, and he said that, and I thought it was a conservative estimate, but that 43.6 percent would still allow a 50/50, and if you go above that for African-Americans in a district to be able to elect the representative of their choice.

The reason why I think it is a conservative estimate is when you look at the primary, you are going to have to have staff look at the exact percentage, but African-Americans represented well into the 60s as far as a percentage of the primary and then the general election is 50 something percent Democrat to 20 something percent Republican.

So the chances of under the map as drawn by the first map or the second map of someone coming out of that primary not winning are slim to nil, but I also wanted to deal with the concept of diminishment in general.
critiqued of District 5 in the Thurston map would also find that District 9 has been diminished in the first map, because there has been a reduction numerically in Hispanics in District 9 from the original map that was ruled upon by Judge Lewis and the map proposed here today.

So if we were just to take a strict numerical interpretation of diminishment, both maps would be in violation, but I believe and I believe also staff had talked about that a numerical diminishment could, but is not an actual diminishment.

You have to look at many factors and that was what -- what House counsel had discussed as well. So I think at best we are looking at two maps where the Judge will have to decide whether District 9 in the first map or District 5 in the second map was a diminishment.

VICE CHAIR MCBURNEY: Representative Coble,
you are recognized for a question.

REPRESENTATIVE COBLE: Thank you, Mr. Chairman, I will probably have a series for Senator Soto.

VICE CHAIR MCBURNEY: You want to direct your questions to Senator Soto. Let's go ahead and continue working through the Chair so we remain consistent.

REPRESENTATIVE COBLE: Thank you, Chairman.
Senator Soto, thank you for this. I had a couple of just fundamental questions. You were talking a moment ago about your view of whether or not your proposal reflects diminishment in the ability.

So first I want to, I want to set up, would you submit that you agree or disagree with the way in which House counsel views Section II and how diminishment works in the abstract?

SENATOR SOTO: I --

VICE CHAIR MCBURNNEY: Senator Soto, you are recognized.

SENATOR SOTO: Sorry, Mr. Chair. I would agree with what staff counsel or what House staff stated already, which is that a numerical diminishment could be a diminishment, but you have to look at many factors and I believe that was kind of a hybrid of what both staff and what Mr. Meros said.

VICE CHAIR MCBURNNEY: Representative Coble, you are recognized.

REPRESENTATIVE COBLE: Thank you, Mr. Chair.

I may want to come back to that. But the follow up that I already had, if I heard the way you described your response a moment ago then, do you then disagree with the expert testimony that was provided in the case that 43 percent would reflect a 50/50 coin toss?

SENATOR SOTO: I believe --
VICE CHAIR MCBURNEY: Senator Soto, you are recognized.

SENATOR SOTO: I apologize.

VICE CHAIR MCBURNEY: Remember we have a Chair.

SENATOR SOTO: I am so sorry about that. I did look at Dr. Brunell's opinion. I am not an expert, but I tried to use an expert's opinion as far as what would be a 50/50 flip, at least in consideration of it. But I would also argue that you have to look at other factors just like what was discussed.

And I find the fact that it is an overwhelmingly African-American primary for an overwhelmingly Democratic district is something that the Court may eventually consider in the ability of an African-American community to elect a candidate of their choice in the ultimate review of the map.

VICE CHAIR MCBURNEY: Representative Coble, you are recognized.

REPRESENTATIVE COBLE: Thank you, Mr. Chair, and thank you, Senator Soto. A different line of questioning.

I am looking at the map that we are currently operating under and then comparing it to the submission we have before us. I know you didn't have time to prepare a Power Point with fancy...
animations like staff had, but if you could, I would expect since you have worked diligently on this, you could kind of walk us through the actual geographic areas in District 5 where there is a substantial change.

VICE CHAIR MCBURNEY: Senator Soto, you are recognized.

SENATOR SOTO: Thank you, Mr. Chairman. I had my -- my assistant help me prepare that. The only counties affected by the district lines in this map are Orange, Lake and Seminole. The northeast Seminole County line is followed along the eastern border of Congressional District 5 to Highway 46 where the district heads east until Orange Boulevard just west of I-4.

The district continues southwest and this discusses the natural boundaries, neighborhoods and streets, and I could also provide the Committee with a copy of this analysis prepared by my assistant, Christine Byron, after the Committee meeting, but I will go on.

The district continues southwest until State Road 434 where the district continues south to Edgewater Drive and then follows Lee Road to Highway 50, which is a major artery in Orlando, also known as Colonial Ave. Senate District -- I am sorry, Congressional District 5 then goes east along Highway 50 to I-4 where it continues south to I-4.
L. B. McLeod Road, encompassing the downtown Orlando neighborhood of Paramore. The district then heads north along Kirkman Road to State Road 408, which is a highway, it is our east/west expressway highway, also a major street, well, highway in the area.

Encompassing neighborhoods, I am sorry, the district then heads north along State Road 435, Clarcona Ocoee Road, another major State Road in west Orange County encompassing the neighborhood of Pine Hills, until reaching Apopka.

Congressional District 5 then heads west along 441, a State Road through Zellwood and north around Lake Road to Sorrento. The district then heads west to Mt. Dora along State Road 46 to 19A, and then turns north encompassing Umatilla to the northern Lake County border, and then east along the county border along Highway 42 until reaching 439 heading north. The northern parts of Congressional District 5 were unchanged.

And just to go by neighborhood so everybody can visualize it, Congressional District 5 kept the traditional African-American neighborhoods of Pine Hills and Paramore, which were part of the -- are part of the city of Orlando and Orange County.

Congressional District 7 now contains both Sanford and Eatonville, Sanford in particular was discussed by Judge Lewis as one of the fingers and it was...
also removed on your map as, or sorry, the first
map as well.

And then Webster's district, excuse me,
Congressional District 10 now contains Tangelo
Park, Holdens Heights and South Apopka, those being
far south and encompassing part of the other finger
that was discussed by staff and by Judge Lewis, as
well as the fact that they are to the west. And so
they more naturally go into Congressional District

10.

And that is a rough geography of the districts
and I will be able to help -- we have a copy here
that I can present to staff if the Sergeant and
Arms wouldn’t mind bringing it over.

VICE CHAIR MCBURNEY: Representative Caldwell,
you are recognized for a question.

REPRESENTATIVE CALDWELL: Thank you, thank
you, Mr. Chairman and thank you, Senator Soto.
Could you, I guess you have described yourself
and your aid were the primary people working on
this.

SENATOR SOTO: The only people working on it.

REPRESENTATIVE CALDWELL: Okay, could you
describe to us kind of the thought process in
adding these, these communities, Umatilla, Eustis,
Mt. Dora, why those and not for example going
deeper to the east into Seminole County and into
Sanford?
I also see that your map would add Maitland and parts of, well, not as part of Mountain Springs, but those areas, what why was the thought process that you had in those choices?

VICE CHAIR MCBURNEY: Senator Soto, you are recognized.

SENATOR SOTO: I am sorry.

VICE CHAIR MCBURNEY: You remember how to do that.

SENATOR SOTO: I know, I am sorry. I applied the second tier factors as far as using natural boundaries that I just described, and then also looking at what districts were contiguous to -- to make sure that it wasn't disruptive.

VICE CHAIR MCBURNEY: Representative Caldwell, you are recognized.

REPRESENTATIVE CALDWELL: I am all right now, Chairman. I will think for a few minutes.

VICE CHAIR MCBURNEY: Okay, Representative Oliva, you are recognized for a question.

REPRESENTATIVE OLIVA: Thank you, Mr. Chair.

Senator Soto, I am still and I can fully appreciate your lack of staff on this. I can understand the complexity of all of this.

What I am still trying to understand is if you contend, and it sounds like you do, that both the visual compactness of your proposed map, and also that there is a clear diminishment in ability to...
elect, if you refute those can you walk us through, you said there were several factors, can you walk us through why there would not be a clear diminishment and ability to elect in your proposed map?

VICE CHAIR MCBURNEY: Senator Soto, you are recognized.

SENATOR SOTO: Thank you. Let's talk about visual compactness. I wasn't able to do any of the analysis that staff has done, both the Reock and the other one.

So there has been no analysis done because I didn't have those type of resources, but I am sure staff will be able to work on that for you. So I wasn't able to do any analysis on compactness, admittedly.

With regard to diminishment, my belief is that this is not a diminishment because --

A VOICE: Thank you.

SENATOR SOTO: Because first, the House's expert testified that they even believed that it would be a 50/50 chance under 43.6 percent at trial which was included in the opinion. No other percentage was included in the -- in Judge Lewis' opinion. So we can't infer that it is any other percentage because there hasn't been any.

And I believe that that is a conservative estimate because of the fact that African-Americans are
represent a large portion going into the 60s of the Democratic primary, and that the district is overwhelmingly Democratic as drawn in both the original and post map, thus making it -- making it not a diminishment for African-Americans to elect a candidate of their choice, both the primary and ultimately in the general election.

VICE CHAIR MCBURNNEY: All right, any other questions? All right, seeing no further questions. Okay. Just one follow up?

REPRESENTATIVE OLIVA: Thank you, Mr. Chairman, and I guess this would be, this question would be for Mr. Meros. Because again, I am seeking clarity here. It seems like we have an opinion on whether there is a diminishment on the proposed map or not, and Senator Soto seems to believe there isn't and staff and legal believes there is. Can you give some clarity on that?

MR. MEROS: Certainly.

VICE CHAIR MCBURNNEY: Mr. Meros, you are recognized.

MR. MEROS: I apologize. To be very clear as to what Judge Lewis said and did not say about a district at 43 percent and above. What he said was just what I said before and that is Dr. Brunell...
said that one could have a 50/50 chance, a flip of
the coin at 43.6 or 43.7 percent.

He never said and did not hint that going from
a certainty of an African-American being able, the
population being able to elect its candidate of
choice to a coin toss is not a diminishment. As a
matter of law, as a matter of common sense, it is.

You might recall that the supporters of the
original Amendment VI to this body said with,
because the legislators had a concern about what
that might mean and whether that might mean that
there would be a deterioration or wiping out
minority districts. They assured the Legislature
that diminishment means diminishment, not fancy, it
is simple terms, diminishment.

What does diminishment mean? Does it lessen?
Does it lessen the ability to elect? I think as a
matter of common sense, as a matter of law, if you
go from 100 percent to tossing a coin you have
lessened the ability.

VICE CHAIR MCBURNEY: Further questions?
REPRESENTATIVE FULLWOOD: Yes.
VICE CHAIR MCBURNEY: Representative Fullwood,
you are recognized for a question.
REPRESENTATIVE FULLWOOD: Thank you,

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Mr. Chair. I do have a question for either Senator
Soto or Representative Thurston, Leader Thurston,
regarding this map. It appears, how many counties are affected or how many congressional seats are affected, and how many special elections would it call for versus --

REPRESENTATIVE THURSTON: I am sorry, go ahead.

REPRESENTATIVE FULLWOOD: Versus the PCB that is before us?

VICE CHAIR MCBURNEY: Thank you, Leader Thurston, you are recognized.

REPRESENTATIVE THURSTON: Yes, as counties affected is three, districts affected is three as well. As far as how many special elections, I am not sure about that.

REPRESENTATIVE FULLWOOD: So is it suffice to say that --

VICE CHAIR MCBURNEY: Representative Fullwood, do you have a follow up?

REPRESENTATIVE FULLWOOD: Yes, Mr. Chair.

VICE CHAIR MCBURNEY: Okay. You are recognized.

REPRESENTATIVE FULLWOOD: You run a great meeting, Mr. Chairman. I want to say that.

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versus potentially seven special elections with the committee piece?

VICE CHAIR MCBURNEY: Thank you, Member Thurston, you are recognized.

REPRESENTATIVE THURSTON: I would defer to staff to that question.

VICE CHAIR MCBURNEY: Mr. Preda, do you have an answer then, you are recognized?

MR. PEREN: Well, as of right now there wouldn't be any special elections. That is up for Judge Lewis to decide.

VICE CHAIR MCBURNEY: All right, seeing no further questions.

REPRESENTATIVE FULLWOOD: Follow up, thank you, Mr. Chair. Hypothetically if the Judge decides to -- to have special elections for all of the districts that were affected, would this hypothetically only cause three special elections versus the seven special elections if we adopt the Bill that is before us, the primary Bill, the Committee Bill?

VICE CHAIR MCBURNEY: Who is your question directed to, Representative?

REPRESENTATIVE FULLWOOD: To staff.

VICE CHAIR MCBURNEY: Mr. Preda, you are recognized?

MR. PREDA: I suppose that would be correct hypothetically.
VICE CHAIR MCBURNEY: Representative Berman, you are recognized for a question.

REPRESENTATIVE BERMAN: Thank you, Mr. Chair.

When Mr. Preda did his analysis there was a piece called, Proposed District 5 Functional Analysis Chart, and it references the presidential and gubernatorial campaigns.

Was any -- I know this is all very recent, but was any type of similar analysis done for the amendment proposed by Representative Thurston?

VICE CHAIR MCBURNEY: Mr. Preda, you are recognized.

MR. PREDA: Thank you, Mr. Chairman. As I mentioned before, yes, we looked at the same data points, we did the same basic functional analysis. I didn't have time to prepare a chart, but I could certainly prepare those numbers for you. They are all available in My District Builder, but I looked at those same data points as well as any others that are available in the program.

VICE CHAIR MCBURNEY: Do you have a follow up?

REPRESENTATIVE BERMAN: Yes.

VICE CHAIR MCBURNEY: You are recognized.

REPRESENTATIVE BERMAN: Thank you, Mr. Chair.

When Attorney Meros just did his presentation he referenced the Kendrick Meek race which is a Senatorial race, and these two on this chart are the President and Governor race.
And I was wondering why there was a difference between that, the races that were being used in the analysis?

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: That is a particularly important race because that is a race where there is an African-American versus a white candidate, and also a Hispanic candidate. So one is always looking at and hopefully being able to assess turn out, performance in -- in an election relating to, that has an African-American and a white.

And so statewide elections, presidential, Senatorial, gubernatorial are all good elections.

One can also look at local elections for polarization, so.

REPRESENTATIVE BERMAN: Any question?

MR. MEROS: So there is no one subset of election data that is perfect.

VICE CHAIR MCBURNEY: Ranking Member Thurston, you are recognized for a question.

REPRESENTATIVE THURSTON: Thank you, Mr. Chair. Counsel, I think it goes to our question about earlier that I asked you why were you infusing the Kendrick Meek's numbers, because that election, I remember it was, the Kendrick Meek race was when I guess Governor Crist was running as an Independent and you had a Democrat, an
Independent and -- and you had a Republican.

So wouldn't those numbers be skewed in terms of you trying to do some analysis based on a Hispanic and a black and a white? And these other races you have got you don't have an Independent throwing the numbers and the figures off like that.

So wouldn't that make your analysis kind of irrelevant?

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: Respectfully, no, sir, I think in fact it is, it is more probative than most elections, because it is a white candidate or white candidates versus an African-American candidate, and the extent to which the African-American candidate loses the black vote in another configuration.

If Kendrick Meek gets 16 percent of the African-American vote, has a margin of victory by 16 percent, and that goes down to one point whatever percent, then that to me is a clear showing that a -- that that alternative configuration makes an African-American candidate far less likely elected. So the fact that it was a black and white election, so to speak, is very probative.

Now, if one were to look at other issues, Republican versus Democrats or the impact of
Independence apart from race, maybe that would be a run off election, but it is very probative for this sort of analysis in my opinion.

REPRESENTATIVE THURSTON: Follow up, Mr. Chair?

VICE CHAIR MCBURNEY: I am going to let Chair Corcoran, the Bill sponsor, he wants to respond to that as well.

CHAIRMAN CORCORAN: No, I think, Leader, I think what you are asking and in agreement with counsel, but the comparison is, it is the two districts with the outcome of that race with the Independent involved in both evaluations. So when you see Kendrick's numbers significantly drop in comparison to the two races and the two districts is identical with the Independent being involved in both analysis.

REPRESENTATIVE THURSTON: That --

VICE CHAIR MCBURNEY: Do you have a follow up question?

REPRESENTATIVE THURSTON: To the Chair, my -- thank you, Mr. Chairman. I just was wondering though, when you do that type of comparison, I don't know how you can determine, you know, whether the white Democratic voted for Kendrick Meek because he was a Democrat or the white Independent didn't vote for him.

I think that, you know, your analysis now
become so convoluted that I don't know what type of probative value I would give that or, I guess that is why we were wondering why all of the other analysis that race wasn't used, but here it is being used as some significant factor.

VICE CHAIR MCBURNNEY: Chair Corcoran, you are recognized to respond.

CHAIRMAN CORCORAN: I think Attorney Meros has gone over all of it. It is a multitude of factors, but in that particular race it is probative that looking at the two districts side by side in the exact same identical race, that Kendrick Meek would go from a 16 point margin of victory to less than two.

That is the probative value that clearly suggests something in the difference between the district's ability to elect a candidate of their choosing.

VICE CHAIR MCBURNNEY: Are there any other questions? Mr. Meros, I am sorry, you are recognized.

MR. MEROS: Yes, sir, thank you. If I may add one thing so that the Leader can understand something that I have not yet said, and that is in the trial the expert witness on behalf of the NAACP, Dr. Richard Instagram, who is the preeminent voting rights expert over the past 30 years, testified that that election, the Meek election,
was the most probative election to assess polarized
ing in the northeast area and to assess whether

an alternative configuration of CD 5 was a
diminishment.
And so this is not just George Meros talking,
this is an expert on whom many have relied for
many, many years on careful Voting Rights Act
analysis.

VICE CHAIR MCBURNEY: Representative
Rodriguez, you are recognized for a question.

REPRESENTATIVE RODRIGUEZ: Thank you,
Mr. Chair. So to continue along this line, I don't
think, I don't think any of this line of
questioning is -- it questions what the Judge
determined that there is racially polarized voting
in northeast Florida. I don't think that is the
question.

But when we look at the -- the Meek, Crist,
Rubio race, the question I have is, was there any
analysis done of the Democratic primary, because in
that, in that race you did have a white candidate
and a black candidate in the Democratic primary?
Did you look at any of that, and the reason I
am asking the question is because what seems
troubling with the analysis that you present is it
seems, it makes an assumption that every single non
African-American Democrat would have not voted for
Meek. It sort of seems to be implication of the data you presented, which intuitively doesn’t make any sense.

So if you could talk about did you look at the primary election in that year?

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: Representative, I can tell you that Dr. Instagram and with regard to the diminishment standard I believe did look at all of that. I would be happy to provide that from the testimony at trial and he has a report. So I cannot recount exactly what was analyzed there, but I feel confident that something like that was evaluated.

Now, certainly this does not suggest that there is no crossover voting, but there is a substantially less crossover voting in this area than there is in many others. So it may not be zero crossover, but it is much, much less crossover.

And so that very much factors into the diminishment issue, and also the issue of whether a black Democrat can win a primary versus a white, but I will be happy to provide that, the transcript and the exhibits.
VICE CHAIR MCBURNEY: You are recognized for a follow up.

REPRESENTATIVE RODRIGUEZ: Thank you Mr. Chair on follow up. So the answer to the question is that you did not look at that from the primary?

VICE CHAIR MCBURNEY: Mr. Meros.

MR. MEROS: At trial the NAACP presented Dr. Instagram's testimony. That was -- we were not, he was not a co-expert, but we relied on his expert testimony in support of the fact that an east/west configuration would be a diminishment.

VICE CHAIR MCBURNEY: Any further questions?

REPRESENTATIVE THURSTON: One last question.

VICE CHAIR MCBURNEY: One last question, Ranking Member Thurston, you are recognized.

REPRESENTATIVE THURSTON: On the map that is proposed today, can -- what is the break down of the Kendrick Meek race on that map?

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: I don't have that in front of me. I don't know if Mr. Preda does, but we can provide it and perhaps Mr. Bardos. Mr. Bardos does, my law partner.

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VICE CHAIR MCBURNEY: Okay.

MR. MEROS: Okay, I apologize, I am ready.

VICE CHAIR MCBURNEY: All right.

MR. BARDOS: With regard to this 2010, Senate Kendrick Meek, 46.7 percent, Rubio, 35 percent, Crist, 18.3 percent.

REPRESENTATIVE THURSTON: All right, follow up.

VICE CHAIR MCBURNEY: Follow up, you are recognized.

REPRESENTATIVE THURSTON: What is the diminishment there, if any?

VICE CHAIR MCBURNEY: Mr. Meros, you are recognized.

MR. MEROS: That has to be compared to the other map, and I don't -- I don't have that number right here.

VICE CHAIR MCBURNEY: All right, seeing no further questions we will go on to public testimony on the amendment.

Is there any public testimony on the amendment, on the amendment alone? All right, seeing no public testimony we will go into debate.

Does anybody wish to debate the amendment?

All right, seeing no one wishing to -- Chair Corcoran, you are recognized in debate on the amendment.

CHAIRMAN CORCORAN: First, thank you, Senator,
I appreciate your effort, I appreciate your concern for the state. More than anything I appreciate that it was not a rhyme and we had to sit through a poem or something along those lines, but it was probably hard to get all of those BVAPs and make them rhyme, but maybe you could put it in a Rap song or something.

But anyway, I just want to say that, but to his map and to the map that -- the underlying map, the underlying map, basically the only thing as Representative Fullwood pointed out, is it affects three Congressional Districts and three counties, but nowhere in the opinion was that an issue.

The whole reason we are here is because the Judge said, find and tender and validated it, and would those be invalidated, fix those in relation to the compactness, maintaining Tier 1 standards, and only those that are necessary to fix 5 and 10.

And so when you look at the legal requirements of why we are here, both in the call and both in the Order, when it comes to compactness both visual compactness, our plan is more visually compact than theirs. Under all of the measurements and all of our affected districts compared to Senator Soto's map, in all of them we have at least one of the Reock or convex hull performance measures that are better than his map, and four of the seven we are better in both measurements than in his map, and in
both 5 and 10, which is why we are here and what
was ruled as invalid, we are better in both
measurements in Reock and convex hull.

On the BVAP, our BVAP again is 48.11. His I
think from counsel and from reading the case as was
described by the expert that Judge Lewis even
mentioned about it being a 50/50 coin toss, it is a
clear diminishment and a clear Tier 1 violation of
the Constitution.

His still goes into Seminole County which the
Court went to great lengths to talk about the
finger that went into Seminole County with relation
to Congressional District 5. And in addition they
split one more city than we do.

So, so all of the legal aspects of why we are
here, our map is superior on every single
measurement and the only thing that you could say
is that his affects three Congressional Districts
where our affects seven, but nowhere did the Judge
say that was something that needed to be addressed.
He said fix 5, fix 10 and those Congressional
Districts necessary to do that, which our map does.

And finally I would say as counsel pointed
out, I also believe given the testimony there
certainly appears to be a clear Tier 1 violation in
terms of intent.

All of that being said I would ask you to vote
down the amendment.
VICE CHAIR MCBURNEY: Any further debate? All right, seeing no further debate, Ranking Member Thurston, you are recognized to close on your amendment.

REPRESENTATIVE THURSTON: Thank you, Mr. Chair, and thank you for providing a tight meeting as well.

I just want to say that I, too, want to thank Senator Soto for all of the effort that he and his staff put in putting this map together, and, you know, certainly, certainly he didn't have all of the bells and whistles of the staff and didn't --

certainly didn't have thousands of pounds of resources that you all had to put the map together as well, but not withstanding that, I think this gets to the heart of the concern of some in the state with regards to his process or with regards to drawing these maps.

We all had a limited amount of time to review. In fact, your Bill, your map that we received yesterday, we only had a couple hours to review before we were asked to come here and make a decision on that, but I would say this.

We received hundreds of calls about other districts that if we are coming in here for a session that individuals want us to address and they think that, even some of our members have made some suggestions to me about their districts and we...
understand that the Judge has limited us to 5 and 10.

But if 5 and 10 inadvertently gives us the ability to have impact on others, not with the intent of making it more competitive, but if we are going to move people around and we are, then certainly I think that is a factor that we should consider when we look at Senator Soto's Bill, because one of the things he talked about was that

while his intent was to focus on 5 and 10, it had to affect evening up the lines a little bit in some other districts. And, you know, I think if you ask the general public that is probably what they want to see us do.

I find it interesting that there was an analysis done on the map that Senator Soto drafted as it relates to Kendrick Meek's race, but not as it relates to the map that we are here to vote on that we don't have an analysis of that. That is just kind of a little strange to me if that was going to be a line of defense to say why we shouldn't go with this map.

But in all due respect, the fact that there is impact only on three counties as opposed to seven, the fact that we are going to have potentially have a special election for three as opposed to seven, I think those are factors that we should actually give some consideration to.
Again, I do want to thank the Senator for his technical expertise that he brought to this process, and I would ask that you let's consider this map seriously and vote up on the Thurston/Soto amendment.

VICE CHAIR MCBURNEY: Ranking Member Thurston having closed on his amendment.

All those in favor of the amendment signify by saying yes.

(Yes.)

VICE CHAIR MCBURNEY: All those opposed signify by saying no.

(Chorus of nays.)

VICE CHAIR MCBURNEY: The no's have it.

Seeing two hands, Missy, will you call the roll?

READING CLERK: Representatives Berman?

REPRESENTATIVE BERMAN: Yes.

READING CLERK: Caldwell?

REPRESENTATIVE CALDWELL: No.

READING CLERK: Corcoran?

CHAIRMAN CORCORAN: No.

READING CLERK: Cummings?

REPRESENTATIVE CUMMINGS: No.

READING CLERK: Fullwood?

REPRESENTATIVE FULLWOOD: Yes.

READING CLERK: McBurney.

VICE CHAIR MCBURNEY: No.

READING CLERK: And McGhee?
REPRESENTATIVE McGHEE: No.

READING CLERK: Metz?

REPRESENTATIVE METZ: No.

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READING CLERK: Oliva?

REPRESENTATIVE OLIVA: No.

READING CLERK: Passidomo.

REPRESENTATIVE PASSIDOMO: Yes.

READING CLERK: Rodriguez?

REPRESENTATIVE RODRIQUEZ: Yes.

READING CLERK: Thurston?

REPRESENTATIVE THURSTON: Yes.

READING CLERK: And Young.

REPRESENTATIVE YOUNG: No.

READING CLERK: It fails.

VICE CHAIR MCBURNEY: The amendment having been defeated we are back on the Bill, and I understand there is public testimony.

The first appearance card, Evelyn Fox with the NAACP. Hello. Ms. Fox, you are recognized.

MS. FOX: Thank you, Mr. Chair. Good morning, Mr. Chair, members of this Committee. My name is Evelyn Fox and I am a resident of Gainesville, Alachua County, and Congressional District number 5.

I am the Vice Chair of the Alachua County Democratic Party. I currently serve as President of the Alachua County Branch of the NAACP.

I testified in the Romo-Detzner trial recently.
1 held in the Second Circuit Court. I have reviewed
2 the Judge's ruling concerning Congressional
3 District number 5 being unconstitutional, and
4 understand that the responsibility that has been
5 placed upon this body to create a legally
6 enforceable Congressional Redistricting Plan.
7 Alachua County has benefited from being a part
8 of Congressional District 5. Our Congressional
9 Representative has been a hands on and accessible.
10 She has brought millions of dollars to our
11 community. She was responsible for the renovating
12 of our VA Hospital, and most recently our transit
13 system has been completely revamped and is being
14 named in her honor.
15 African-American voters in Alachua County will
16 be harmed if Gainesville is not a part of the Fifth
17 District. Minority voters already face challenges
18 to their full participation of the political
19 process. We share the common concerns of all of
20 the communities in District 5. Our history and
21 continuing needs are the same.
22 I am familiar with the Plaintiffs' proposal to
23 remedy the issues found in the Court with the
24 current Congressional Plan. The plan calls for
25 District 5 to run along the Florida/Georgia border
between Jacksonville and Tallahassee. Alachua County will be left out of the district.
So ladies an gentlemen of this Committee, after sitting here and listening to all of the testimonies, I strongly urge you to support House Bill 50, excuse me, 9057. Thank you so much. I appreciate that.

VICE CHAIR MCBURNEY: Thank you. The next appearance card is Dave Landry, Vice President of Florida State Conference, NAACP. Mr. Landry.

MR. LANDRY: Mr. Chair, thank you, and members, my name is Dale Landry. I am here today to speak on behalf of the Florida State Conference of the NAACP Branches on the Congressional Redistricting process on the way here, and I am asking that this be read into the record as I read.
I am the fourth Vice President of the Florida State Conference under the leadership of our State Conference President, Adora Obi Nweze, the Florida NAACP has been involved in the recent redistricting process and litigation in an effort to ensure that the voting rights of black voters in the state are not diminished or diluted.

Because I will not have time to cover all of the information that I would like to cover with
you, I have brought copies of a letter the Florida NAACP sent to the members of the Senate Reapportionment Committee and the House Select Committee and submit those as my additional written testimony.

The Florida NAACP formally and publicly supported Amendment V and VI because of the minority voting protection that those amendments would enshrine in the State Constitution. We certainly did not support an interpretation of the amendments that would undermine the electoral successes achieved by black voters in recent years.

We are being dismayed that parties in recent litigation have adopted such an interpretation and have vigorously argued that Congressional District 5 still serves as a much needed remedy in north central Florida. A remedy that offers black voters a fair opportunity to participate in the political process.

We understand the ruling of Judge Lewis and what you all are tasked with doing during this Special Session. We are here to convey our demand that the district remain oriented in a north/south direction and that it continue to offer to black voters in the existing district the opportunity they have enjoyed since 1992.

Judge Lewis did not rule that Congressional District 5 was unconstitutional because it went
north and south, that much is clear. The Legislature did the right thing in 2012, when it maintained the district's general orientation that way.

I am a resident of Leon County. I know what taking district, Congressional District 5 out to the west that some people have urged would mean. A Congressional District that goes from Jacksonville to Tallahassee cannot be a replacement for a Congressional District that runs from Jacksonville to Orlando.

First, a dramatic change to the district like that will leave out thousands and thousands of black voters used to being in Congressional district 5. They would no longer be able to elect a candidate of their choice. This is not an acceptable or constitutional option.

Second, an east/west configuration of the district will create the illusion of a black opportunity district, but it will be just that, an illusion. There are a number of prisons in northern Florida counties and those people cannot vote.

Additionally, black voter turn out in this region of the state isn't as strong or reliable as it is down south of here.

Finally, during litigation the Florida NAACP commissioned Dr. Richard Instagram to analyze the
effect of taking a district in a westward direction from Jacksonville. He found that would diminish the ability of black voters to elect their candidates of choice. As such, you simply cannot trade off these districts like some have suggested. The district must be maintained in its current configuration.

The Florida NAACP strongly urges the Legislature to maintain the current configuration of District 5 to the extent possible. The counties in the current district have been -- have benefited greatly from being in the district and voters there would be irreparably harmed if they were excluded from the district when the Legislature redraws it.

When the redistricting amendments were adopted in 2010, we celebrated the fact that Florida was going to be a leader in the country by offering state constitutional protection to minority voters. The action that this body is about to take needs to adopt that spirit and remember that black voters are not just numbers on a map.

The NAACP and its members have fought long and hard to ensure that the electoral gains we have made are not lost, and we ask you to join in that fight with us.

Again, we want to thank you for your time and we want to thank this Committee for giving us the opportunity to speak.
VICE CHAIR MCBURNEY: Thank you, Mr. Landry.

Is there any other public testimony?

Seeing none, is there any debate?

Seeing no debate, Chair Corcoran, you are recognized to close on your Bill.

CHAIRMAN CORCORAN: Members, I would just like to say thank you for everyone's participation in the questions. Obviously we are here, it is always difficult to be called back in having been told by a court that something we did was impartially invalid. But I think that the Court Order was clear, come and fix 5 and 10 and only those districts that were directly related to the fix in 5 and 10, I think we have done that.

The plan that he had issue with, again, if you compare it to the plan that we have put before you today, again, in the compactness test in all seven districts, this plan is superior to the one that was thrown out in at least one measurement. In four of seven of the measurements it is better in both the Reock and the convex hull score. And again, in 5 and 10, it is significantly better in 5 and 10.

In addition to that, we, I believe split one less city, we split one more city and one less county, city and counties. So in addition to that we took care of the appendages that were in 47. As one other point comparison throughout the Order the
Judge spoke in a favorable light in 9043.

If you compare this plan to 9043, again on visual compactness, we score higher. In most of the Congressional Districts we score higher on 5 and 10. We are better in 5 and identical in 10 that he spoke favorable of.

In addition to that, we have a higher BVAP of 48.11 where the Judge clearly spoke favorably of a BVAP of 48.03 and 43. So I think that we have clearly addressed his issue, we have done it with affecting as minimal districts as possible, keeping

20 of the districts that he held valid completely intact, and I would ask for your favorable support.

VICE CHAIR MCBURNEY: Chair Corcoran having closed on his Bill, Missy, will you call the roll?

READING CLERK: Representatives Berman?

REPRESENTATIVE BERMAN: Yes.

READING CLERK: Caldwell?

REPRESENTATIVE CALDWELL: Yes.

READING CLERK: Corcoran?

CHAIRMAN CORCORAN: Yes.

READING CLERK: Cummings?

REPRESENTATIVE CUMMINGS: Yes.

READING CLERK: Fullwood?

REPRESENTATIVE FULLWOOD: No.

READING CLERK: McGhee?

REPRESENTATIVE MCGHEE: No.

READING CLERK: Metz?
REPRESENTATIVE METZ: Yes.

READING CLERK: Oliva?

REPRESENTATIVE OLIVA: Yes.

READING CLERK: Passidomo?

REPRESENTATIVE PASSIDOMO: Yes.

READING CLERK: Rodriguez?

REPRESENTATIVE RODRIQUEZ: No.

READING CLERK: Thurston?

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REPRESENTATIVE THURSTON: No.

READING CLERK: Young?

REPRESENTATIVE YOUNG: Yes.

READING CLERK: Chair McBurney?

VICE CHAIR MCBURNEY: Yes.

READING CLERK: It passes.

VICE CHAIR MCBURNEY: By your vote we have adopted the Bill.

And at this time I would return the Gavel to Chair Corcoran.

CHAIRMAN CORCORAN: Thank you, Chair McBurney, and thank you for doing a wonderful job.

And with that, members, Representative Caldwell moves we rise. Without objection, the meeting is adjourned. Thank you.

(Whereupon, the proceedings were concluded.)
CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 02 through 103, is a true and correct record of my stenographic notes.

Dated this 14th day of August, 2013, at Tallahassee, Leon County, Florida.

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CLARA C. ROTRUCK
Court Reporter

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SENATE SPECIAL SESSION – REAPPORTIONMENT

AUGUST 11, 2014

Reported by:

CLARA C. ROTRUCK

Court Reporter
PROCEEDINGS

SECRETARY: Quorum call, please, all Senators indicate your presence. All unauthorized persons will please leave the Gallery. All Senators and guests in the Gallery, please silence all electronic devices.

All Senators, please indicate your presence.

A quorum is present, Mr. President.

PRESIDENT GAETZ: The Senate will be in order.

READING CLERK: The quorum is present for the conducting of business.

PRESIDENT GAETZ: The Senators and guests in the Gallery will please rise for the opening prayer that will be given this afternoon by the Senator of the 16th, Senator Altman, and following Senator Altman's invocation, please remain standing for the Pledge of Allegiance, and the Pledge will be led this afternoon by the Senator of the 22nd, one of our military veterans, Senator Brandes. Senator Altman.

SENATOR ALTMAN: Heavenly Father, we come to you with humility. We give you thanks, we thank you especially for this precious place we call Florida and for those who dwell and visit here. We represent them. May the decisions we make here for

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them reflect your love, for we know that you are the God of love and we serve you by loving one another.

Let us also give thanks to those who serve to protect our freedoms and to those who have come before us and have secured our freedoms. We pray this in your Holy Name, Amen.

PRESIDENT GAETZ: Amen. Senator Brandes, thank you for your service, sir, and you are recognized.

(Whereupon, the Pledge of Allegiance was recited.)

PRESIDENT GAETZ: You may be seated. Thank you all for your presence today and for your service last week and this week during the special session.

We have some Senators who are absent today and are excused. Senator Stargel, who is out of the continental United States, Senator Latvala, who has a serious medical condition, he is seeing a physician today. Please, it is not life threatening, but it is orthopedic in nature. Please keep Senator Latvala in your prayers. Senator Evers and Senator Joyner are on their way here, but they have been held up by inclimate
weather. Therefore, they will be here, we hope, before the end of the day, but we do have Senators who are absent for reasons that are legitimate and valid.

At the suggestion, and it was a good one, of our Democratic Leader, Senator Smith, we delayed the session today to attempt to accommodate Senators who are grounded from air travel, and therefore, had to arrive a little later than they had planned, because they drove long distances, a couple of them are still in the car.

I am grateful for the cooperation and the coordination of Leader Smith and Leader Benacquisto in working with us and in working with our partners in the House of Representatives on scheduling and procedures for this week.

I certainly want to thank Chairman Galvano and the members of his committee, Leader Smith, Senators Bradley, Montford, Gibson, Lee and Simmons and the Apportionment Committee staff for the work that they have been doing.

A few words about our schedule for this week, how we will proceed today. We want everyone to be informed, we want everybody to stay involved. The first thing we will do today is take up the Bill
that has been filed, which is the work product of
the Reapportionment Committee, including the
traveling amendment by Senator Galvano, that is the
first thing we will do today.

We will have a full explanation of the
Committee's recommendations to this body,
recommendations which came to this body with the
unanimous bipartisan vote. We want a full
understanding of those recommendations or
implications and consequences. We will take all
the time necessary to make sure that we can do
that.

Then as is customary and according to rules we
will take up other amendments which have been
filed. Now, I would tell the Senate that we have a
couple of late filed amendments that are not in
their proper filing posture yet and we are going to
be accommodating to the Senators who have filed
those amendments, to the committee's work.

So therefore, it may be necessary for us
because of the schedule and Bill drafting, and they
are working very hard with the sponsors of these
amendments, it may be necessary for us to take a
short recess, and if so, I ask your indulgence, but
we want to be respectful to any Senator who has an
idea, and we want to take all the time that is necessary.

Today our objective is to proceed forward into second reading. Perhaps we will get through second reading. As I noted, we have amendments, including a couple that have not been filed yet and will be late filed. Perhaps we will get further, but we will be pacing along side our partners in the House, and therefore, we want to make sure that we complete our business in tandem with our partners in the House.

The members of the Senate will set the pace for the Senate. There is not a leadership pace or a requirement or expectation from either of the caucuses as to how we will proceed in terms of schedule. We are here until Friday noon, and we will be here for every minute of that time if necessary to make sure that everyone has the opportunity to share their ideas and to be heard.

The special session has us here on the floor for as long as we need to be here today, tomorrow, Wednesday, Thursday, and until 11:59 a.m. on Friday.

If at any time, because we are certainly dealing with issues here that may cause questions,
we want questions. If at any time any Senator needs explanation about the process or about any matter of substance, please feel free to seek out the Rule's Chair, seek out your Caucus Leader and to make inquiries of the Presiding Officer, and we will make sure that before we proceed we deal with any questions having to do with either process or substance.

Our method of operation today and for the remainder of the week is to take all the time necessary for a complete explanation of every amendment. Time for questions of the amendment sponsor, time or every Senator who wants debate, to debate any and every issue.

Let me stop there and ask if there are any questions about scheduling or about the process that we will follow as we go forward this week. Any questions by any Senator?

If not, then let's continue with the regular order. Are there reports of committees?

READING CLERK: None on the desk, Mr. President.

PRESIDENT GAETZ: Are there motions relating to committee reference?

READING CLERK: None on the desk, Mr.
President.

PRESIDENT GAETZ: Are there messages from the Governor and other Executive communications?

READING CLERK: None on the desk, Mr. President.

PRESIDENT GAETZ: Are there messages from our friends in the House of Representatives?

READING CLERK: None on the desk, Mr. President.

PRESIDENT GAETZ: Are there matters on reconsideration?

READING CLERK: None on the desk, Mr. President.

PRESIDENT GAETZ: If not, take up the special order calendar and read the first Bill.

READING CLERK: Senate Bill 2-A, a Bill entitled and relating to the establishment of a Congressional Districts of the state.

PRESIDENT GAETZ: Senator Galvano, the Senator of the 26, the Chair of the Reapportionment Committee is recognized to explain the Bill.

SENATOR GALVANO: Thank you, Mr. President, and if I may, I would go into the traveling amendment and then I guess when the substitute amendment that is in process arrives, then I can
make the distinction between the traveling amendment and the substitute amendment, which is technical in nature.

PRESIDENT GAETZ: All right, Senator Galvano, let's just get ourselves in proper posture. Take up and read the traveling amendment to which Senator Galvano refers.

READING CLERK: Bar Code 726240 by Senator Galvano. Delete everything after the enacting clause and insert amendment.

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President. Mr. President, Senators, this amendment is the amendment that was adopted unanimously in the Senate Reapportionment Committee last Friday.

The amendment contains the remedial plan known as 9057 and you can see 9057 on the map behind you, and it was also part of the staff analysis and has been available now since last Thursday.

The idea behind 9057 was, first and foremost, was to continue to meet the requirements of the Federal Constitution, Federal laws, the State Constitution, and then pursuant to the call to meet the requirements and address the concerns enunciated by the Circuit Court in Romo versus
Detzner.

Just by way of recap the Court found concern with two of the 27 Congressional Districts that were enacted by the Legislature. The two districts that the Court had concern with were District No. 5 and District No. 10.

The concern that the Court had with District 5 was that there was an appendage that went off from District 5 into Seminole County capturing Sanford. The Court found that this appendage made the district not compact. The Court also recognized that there was some irregularity in the shape of this district.

The Court found that the appendage which captured Sanford elevated the BVAP or black voting age population over 50 percent to make it a majority/minority district and the Court felt like that move was not justified.

With regard to District 10, the Court's specific concern was an appendage that wrapped around the bottom and went in between Districts 5 and 9, and the Court found that that appendage which would have created a Hispanic opportunity district in No. 9, again, was not justified, and from those two appendages the Court inferred a
violation of Tier 1 and 10.

So the question was, how do we address the concerns of the Court. Well, at the end of the day the Court's concerns were captured within Tier 2. What I mean by Tier 2 is, once you get passed intent, in other words, that you are not benefiting an incumbent or a party or reducing the ability of a racial minority to elect a candidate of its choice, then you go into the physical characteristics of the district, which include compactness and population and following geographic and political lines.

There were three approaches that were looked at. The first approach was more of a minimal approach. Do we just go in and take the very specific language that was in the July 10th Final Judgment, being about the appendages, and just those and regain population solely on the appendages.

The next approach was to look at 9043, and 9043 as you will recall was the last iteration from the House in the process before the enacted map. And the reason that even became part of the discussion was because the Court in its opinion did use a reference 9043 as a model while impeaching
9047. Also the Plaintiffs in the case had referenced 9043.

The problem that arose with 9043 is that it would have impacted nine districts in total, and we didn't feel like it was an absolute safe harbor. The language that the Court used was not so strong as to give us confidence that if it were that map then all would be okay.

So ultimately what was done as an approach was to address the specific concerns of the Court, to very carefully study the Final Judgment and then cull out any instructive information that we could to use the Judgment, the Order that came afterwards to see if we could make things better across the board and to continue to improve all of the Tier 2 scores for District 5 and District 10.

So to begin with District 5. The very first thing that was done was to remove the Sanford appendage. The Sanford appendage contained about 30,000 people. When that appendage came out Seminole County was then rendered full. We had to regain population though for CD 5.

Remember I mentioned the irregular shape. One of the things that was done to regain population was in Putnam County. The western or eastern
boundary of CD 5 was along Alachua County, that was
moved to the St. Johns River which is a
geographical boundary.

In doing so it improved the compactness of the
district, picked up roughly 23,000 voters and
addressed the concerns with the serpentine nature.
In addition, some additional voting population was
picked in in Marion County, moving to the west and
to the south, about 8,000 people.

After having adjusted CD 5 we did a functional
analysis with regard to the BVAP. We didn't have a
goal going in, but we wanted to make sure that in
making the adjustments we didn't diminish and
violate Tier 1 in Federal law. When we did the
functional analysis we found that the black voting
age population was now at 48.03. It is down from
the benchmark, the benchmark being the map prior to
the enacted map that was 49.9. Obviously it was
less than over the 50 percent which the Judge found
objectionable and not constitutional.

So with that BVAP score a functional analysis
was run. All of you have seen it in the staff
analysis that was put forward, and at the end of
the analysis the conclusions of staff and counsel
and the Committee was that the impact did not
In other words, this district still performs in such a way that the minority population can elect a candidate of its choice and there is not retrogression.

With regard to Congressional District 10, that is the one as I mentioned that has the appendage that went up through the bottom and split 5 and 9. That appendage was removed. That appendage has about 105,000 people in it. The population that was contained in that appendage was regained in Orange, Osceola and Polk County by moving the line of 10 more eastward.

In impacting 9 we were also able to then lift CD 17 up so that the northern boundary would run along the southern boundary of Osceola. The districts impacted 6, 7, 9, 11 and 17 were all adjusted and frankly they all came out after the adjustment more compatible both visually and mathematic.

So as a result of the new map, 9057 or I should say the proposed map that includes the amendments to 5 and 10, in CD 5 first and foremost you have an improved visual compactness, because this is important, because both the Supreme Court
as well as the Circuit Court uses this as a
guidance. It is just as valid a criteria as
anything else.

You can look at it and see that you now have a
more compact district. Several areas of the
serpentine curves have been removed and it also has
a new mathematical compactness that exceeds where
it was. Its Reock score, and for those of you who
do remember and some of you who don't, the Reock is
essentially the test which takes a circle, the
smallest circle that can encompass and circumscribe
the district, and then you do a ratio of the land
mass that is in that circle to the overall area of
that circle.

Well, the Reock for CD 5 in 9057 represented
by this amendment goes from .13 from a point .09.
A significant increase. The convex hull score, and
this is what we call the rubber band test, because
you create a polygon around the district and you
use the areas inside of the straight lines that are
a calculated area that is not filled with district
to come up with that score.

The convex hull went from .29 to .42. The
district results, though shorten, albeit modestly,
but the perimeter now has decreased by 124 miles.
With regard to CD 10 the Reock score went to .42 from .39. The convex hull went to .83 from .73.

And again, the impacts to surrounding districts were minimized. A total of seven districts were impacted, including 5 and 10, and from the standards set forth in the Final Judgment, as well as the existing law in the cull, I am confident that these amendments in the remedial plan meets the requirements.

The other point I wanted to make is that the Bill has an applicability date, the applicability date is after the general election in 2014. This is not to somehow create an issue for the Judge. Instead it is consistent with where the Judge has been in the August 1st Order, trying to decide where he would go in terms of an election, but it does ensure that the votes that have taken place now, the military ballots, the absentee ballots, the preparation will continue until the general 2014. Should there be a special election post that date, then the new maps will apply. And that is a general overview, Mr. President and Senators.

PRESIDENT GAETZ: Thank you very much, Mr. Chairman. Are there questions? Leader Smith.

LEADER SMITH: Thank you, Mr. President. My
question would be about your last comment and the concerns that I have is the election process.

    Under this map, say if the map were to pass today and the Judge approve it, will you have people voting in one race, but immediately being represented by someone in another district?

    PRESIDENT GAETZ: Senator Galvano.

    SENATOR GALVANO: No, if we pass this map, the election that is pending right now would remain undisturbed. It would only be if another election were to occur post the general in November.

    For example, if the Judge decided when we go back on the 20th of August, said, you know what, I think we can enact these maps, I am going to call a special election or extend the existing election, then these maps would be addressed. Otherwise the existing maps would control through the end of this general.

    PRESIDENT GAETZ: Leader Smith.

    LEADER SMITH: Just so I understand. So currently there are districts that are being deemed unconstitutional. A Judge has said that they are unconstitutional, and people are voting in those districts that are unconstitutional.

    So if we vote on this today and this map
passes, we will continue to elect people and count votes in unconstitutional districts. In essence, that is what we will be doing.

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: You will have votes continuing in CD 5 and CD 10. We have had already votes, military votes and otherwise, and this is also, Leader Smith, not a unique situation in American law. Oftentimes when you have a case such as this it actually runs to the next cycle.

But given where we are in the process, and we had to have a start date, while at the same time giving the Judge the discretion and leeway that he has begun to opine about, that is why we ended up with this date.


SENATOR CLEMENS: Thank you, Mr. President. Can you talk a little bit about how the map was developed in terms of staff usage and your role and others' roles in developing the map?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Yes, thank you, Mr. President. Well, first let me explain the backdrop
that we are in. We convened this session under a Joint Approximation that specifically referenced a Court Order. That Court Order created a time constraint for us to gather and complete a remedial plan by next Friday.

So with that backdrop, immediately upon appointment of the Committee, both Chairs Corcoran and myself directed staff to work in collaboration with each other, as well as with legal counsel to begin to develop a remedial plan.

Last Wednesday myself and Chair Corcoran spent pretty much from dawn until midnight going over the Court Orders, looking at possible ways to address the map and putting together a map that was eventually finalized early afternoon on that next Thursday.

After that map was filed, which was an amendment under my name to the Senate Bill 2-A, the hearing was held on Friday, where it was discussed and testimony was taken and voted and here we are today.

PRESIDENT GAETZ: Senator Clemens to follow up.

SENATOR CLEMENS: Thank you, Mr. President. So the map was developed all with in-house staff,
in-house attorneys, no outside consultants of any
nature?

PRESIDENT GAETZ: Senator Galvano.

SENIOR GALVANO: Thank you, Mr. President.

We had in-house staff. We did have contract
counsel there. Justice Cantero, Meros, Bardos from
the House, but there were no consultants and there
were no other political interests that participated
in the process.

PRESIDENT GAETZ: Senator Clemens to follow
up.

SENIOR CLEMENS: Thank you, Mr. President.

Just a question about the map specifically. In
order to accommodate the Judge’s Order you had
mentioned earlier that you moved the, I guess it is
the eastern boundary near the southern end of
District 10 to the east to increase the population
there.

That border now that lies under this new map
between 10 and 9, is there a geographic nature to
that boundary? I know you had said northern that
there was a St. Johns River issue that you used as
a boundary. But is there a geographical boundary
to that portion of the map?

PRESIDENT GAETZ: Chairman Galvano.
SENATOR GALVANO: Thank you, Mr. President.
Yes, there is both geographical and a political boundary. In Osceola it is the western boundary of Kissimmee, I believe, and then in Polk I believe it runs along a roadway.

PRESIDENT GAETZ: Before we go to further questions, Madam Secretary, please unlock Senator Evers' button. Thank you for being here, Senator Evers. I know you had to go through some bad weather, and we appreciate you being here, sir.

Further in questions for Chairman Galvano?

Senator Gibson.

SENATOR GIBSON: Thank you, Mr. President.
And because we didn't go over this a lot in committee, we dealt mostly with the boundaries and the numbers, I want to make sure I understand the special election piece, because I am a little confused on that part.

So when we make the effective date, what did you say the date is, I am sorry?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President.
The applicability date of these maps is for any election held after the 2014 general election.

PRESIDENT GAETZ: Senator Gibson.
SENATOR GIBSON: Thank you, Mr. President. So if the Judge as he has indicated decides that he wants to call a special for those affected districts, it would be after November 4th, and then qualifying starts all over.

And so those Congressional candidates who had already qualified and paid the filing fees for the current unconstitutional districts and those that were constitutional, but certainly impacted, would then have to requalify and pay the filing fees all over again?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President. Yes, and I think therein lies the whole rub and that is why the Court has not decided that it actually can or will have an extension of the 2014 election, or have a general election.

When you look at the mechanics of that, and you nailed it, the qualifying, reopening, it just becomes extremely difficult. But in deference to the Judge we wanted to make sure that nothing we did indicated anything but the utmost respect for the Order, we established the date at post-2014, as opposed to the next cycle so that if there were some decision by the Court, his hands wouldn't be
tied legislatively. I can't comment on legally.

PRESIDENT GAETZ: Senator Gibson, does that exhaust your questions for the moment? Senator Sobel for a question.

SENATOR SOBEL: Thank you, Mr. President, and Senator Galvano for your hard work.

You mentioned that Congressional Districts 5, 10, 6, 7, 9, 11 and 17 would be impacted with your revised map. How many voters are we actually talking about in all those districts?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President.

If you are talking about voters who are moving, you have, well, if you start with Sanford there is 30,000 there. Then you go to CD 10, that is another 105,000. With Putnam County you are talking about 23,000 and with Marion you are talking about 8,000, and then you have a couple of line moves that have tens, total, tens of thousands.

So there is a significant number of voter change. Twenty-three counties are involved. So you can't really go in and make any adjustments on just a couple of districts without impacting others, but understand that great care was taken to
minimize the impact on the other districts, because frankly the Court upheld 25 out of 27 districts.

PRESIDENT GAETZ: Senator Sobel.

SENATOR SOBEL: Quick math, about 170,000 voters?

PRESIDENT GAETZ: Chair Galvano.

SENATOR GALVANO: Thank you, Mr. President. Yes, based on your math.

PRESIDENT GAETZ: Senator Sobel, are you finished for the moment? Senator Soto.

SENATOR SOTO: Thank you, Mr. President. Senator Galvano, what was the reduction in Hispanic voting age population in District 9?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President. Senator Soto, we only did one functional analysis. We didn't do a performance or functional analysis on any of the other districts, because the Court had recognized that CD 5 was, in fact, a minority district, albeit he didn't feel we were justified in bringing it to a minority/majority district.

With regard to CD 9 when we put the appendage in, in the enacted map it did create a Hispanic opportunity district, but the Judge said again that was not justified. So when we moved population, we
didn't come back into CD 9 to do a functional
analysis on Hispanic voting nor did we do a
performance analysis.

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. Was
it a reduction?

PRESIDENT GAETZ: Chair Galvano.

SENATOR GALVANO: Again, without seeing the
exact numbers I can't tell you, but we did pull the
appendage that came up in Orange County out and
picked up voters in Polk and Osceola. So most
likely there would be a reduction.

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. Why
was Osceola split in half between Districts 9 and
17?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President.

CD 9 had really a significant impact with regard to
CD 10. I mean, there was a large number that had
moved in that area. So it picked up a significant
amount of population.

When we looked at the total impacts of CD 9
and then the opportunity to in adjusting population
bring the northern end of 17 up which picked up
maybe 1,000 people in a rural community, and at the same time it would increase the compactness score of 9, which certainly the Judge will find favorable, we decided that that was an appropriate step to take.

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. Why was downtown Orlando included in District 9?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President. Again, the concern that the Circuit Court brought out specifically, and a lot we had to cull out, but one was specific, was the appendage into CD 9. That is where therein lies that area.

So we knew at a minimum that the Court found the appendage objectionable, the Court found that it negatively impacted compact scores, compactness scores, and we knew that that was a starting point.

PRESIDENT GAETZ: President Margolis.

PRESIDENT MARGOLIS: Senator, when you were talking about District 4 and explaining what happened with District 4 because it had gained population, I am sorry, District 5, because it had gained population and you then said, so we had to diminish population.
And then you kind of said something about like it is like less 45,000 voting people. You didn't say whether they were blacks or not blacks. You really didn't give us a breakout of who this 45,000 was. And in the percentage of that black population, certainly was diminished.

So perhaps you can be very specific about how many blacks you have taken out and who is diminished, were they voting age population people.

Who was diminished?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President.

President Margolis, let's start with the benchmark.

The benchmark map which is the map prior to the enacted map, had a BVAP, a black voting age occupation of 49.9 percent. In the enacted map in 2012, that BVAP was brought from 49.9 to 50.05. So it actually became a majority/minority district.

The Court deemed that moving from 49.9 to a 50.05 majority/minority was not justified and instead found that the result was an appendage that went into Seminole County that impacted Tier 2 considerations, the compactness, et cetera.

So when we went back and redrew these maps there wasn't any particular goal. It was just a
question of recreating a more compact district, but at the same time we had to be aware of and avoid diminution, a retrogression, and that is not an exact science even legally. There are standards that the Supreme Court put forth to determine whether retrogression has occurred or hasn't occurred.

In the after situation we had a 48.11 percent BVAP, black voting age population. The staff ran a functional analysis looking as far back as '08 election, '10 election, '12 elections, and it was determined that this would not result in a retrogression of the minorities ability to elect a candidate of its choice.

Also we took guidance from map 9043, which had a 48.03 BVAP and the Court had not found that number objectionable. So at the end of the day you are at 48.11 percent.

PRESIDENT GAETZ: President Margolis.

PRESIDENT MARGOLIS: You said something about losing, going down to 45 percent. Not to 48 percent, but going down to 45 percent from the 49 percent I think, and I just -- I just want you to be very specific about what happened. I am not complaining about it, I am just saying what
happened?

    PRESIDENT GAETZ: Chairman Galvano.

    SENATOR GALVANO: Thank you, Mr. President.

There is no 45 percent. If I led you to understand that, then that is my mistake. It is 48.11 percent. I think if you got to 45 percent then we would start to have some legal issues with regard to diminution.

    PRESIDENT GAETZ: President Margolis.

    PRESIDENT MARGOLIS: If you will listen to the tape you will hear that.

    PRESIDENT GAETZ: President, did you have any other comments at this point, any other questions? If not, Senator Montford.

    SENATOR MONTFORD: Thank you, Mr. President.

    First of all, Senator Galvano, thank you for your hard work. I know it was early mornings, late evenings, and your staff as well.

    My question, I believe you said there were 22 counties impacted. And I know in the testimony the other day, by the way, thank you for your memo in terms of how sensitive we should be as to who we talk to and I think that was exceptionally good advice. For myself, I know it kept me out of trouble and I appreciate that.
In terms of those 22 counties, I know you have been pressed for time, but has there been any input from those Supervisors of Elections? I know we had one that testified before the Committee last week and his answer to my question, is it doable, and I believe he said no.

PRESIDENT GAETZ: Senator Montford, is that it.

SENATOR GALVANO: Thank you, Mr. President.

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: It is actually 23 counties. And the testimony that we heard was heard in committee by the whole Committee. There has not been separate communication with Supervisors of Elections, but I think we had a very thorough explanation of the hardships of conducting an election immediately after the general, before the sitting of the next Congress.

So that is the testimony that we have. The call did not require us to make a determination on that and the Court has reserved jurisdiction to make its decision. But I am wondering if there has been any input from those Supervisors of Elections which would give support to the recommendation that this take effect after the November 14 election?
for now? Senator Thompson, you are recognized for questions of the sponsor.

SENATOR THOMPSON: Thank you, Mr. President.

Senator Galvano, one of the concerns that the Judge had with regard to the constitutionality of the maps was whether or not they were drawn to benefit one party over another.

Does the map that you are proposing here address that, and does it change anything with regard to whether one party benefits from the way the lines are drawn compared to another?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President.

The map that is before you, we took guidance from the Court. Ultimately the Court's inference of intent, which would have the Tier 1 violation was based mainly on what he deemed manifestation in Tier 2, the appendages, et cetera.

So we addressed those Tier 2 considerations.

The catch-22 is this. If we were to go back and say, let's reengineer these districts so they perform differently, then we have once again or we have then violated Tier 1. The requirements of Tier 1 is that there not be intent irrespective of the effect.
So I guess to answer your question, to the extent the Court identified certain features of these districts that gave the Court guidance in inferring intent, yes, we addressed those features.

PRESIDENT GAETZ: Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President. Senator, so in term of the outcome, the map that we are going to vote on today, would you say leaves in place the outcome of benefiting one party over another?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President. The only functional analysis that was done was a functional analysis with regard to the minority performance in CD 5, because the Court had recognized that as a minority district we did no other functional analysis for any of the other districts.

PRESIDENT GAETZ: Further in questions?

Further in questions? Speaker Thrasher for a question.

SPEAKER THRASHER: Thank you, Mr. President. Senator Galvano, I was not on the committee and thank you, Mr. President for that.

But could you just kind of give us an overview
of the committee structure and the process you went through? I don't mean to belabor it, but I think it is important for everybody to know, because many of us weren't here to hear the committee deliberations, but how you actually approached it, what your process was? What was voted on the committee for the Bill that we are discussing now. That sort of thing. Could you just give us an overview of that?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Yes, thank you, Mr. President. Again, what occurred is the Court issued an Order on August the 1st. That Order required that the Legislature submit a remedial revised plan no later than noon this Friday.

So immediately we were in a different world than traditionally. The Joint Proclamation followed the Court Order and ordered or required us to convene a special session for the sole and exclusive purpose of addressing the concerns raised by the Court in Romo v. Detzner with regard CD 5, CD 10.

Understanding the short time frame both Chair Corcoran in the House and myself reached out to our staff, which by the way, the President and the
staff has been unbelievable in this process. What we said, began to collaborate with your counterparts as well as legal counsel, but that is it. We didn't want any other influences in the process given how we got here and the short time constrains.

Once the staff began to lay the background on Wednesday, we began doing some map drawing and that included legal counsel for the House, George Meros and Andy Bardos and legal counsel for the Senate, Justice Raoul Cantero, as well as respective staff.

And we looked at different approaches to take, and not to belabor it either, but again we said we can start with the very specific things that the Judge has pointed out, the appendages in 5 and 10. We could go back and look at 9043, because even the Plaintiffs used that to try to impeach 9047, but then ultimately we decided let's address the specific concerns of the Judge, continue to make these districts better in Tier 2 considerations across the board, and impact as few districts as possible.

That process went through the day and frankly until midnight and beyond on Wednesday, and then on Thursday, it was finished and early afternoon a map
was put out in the House and the Senate for the
members to see and review that with a possible
amendment deadline for the next day for our
committee hearing on Friday.

On Friday the committee with Vice Chair Leader
Smith, Senator Montford, Senator Gibson, President
Lee, Senator Simmons and Senator Bradley convened
at 10:15a.m. We had reserved a block until 6:00
p.m. We discussed the Bill, we heard public
testimony, we voted and adopted the amendment that
I am discussing now. The Bill was incidentally
unanimously and then we prepared to come in here
for special order, and here we are.

PRESIDENT GAETZ: Speaker Thrasher.

SPEAKER THRASHER: In the testimony that you
referred to either on Thursday or Friday in your
committee, was there any testimony from the
Supervisors of Elections? I know Senator Montford
asked that, but I would be curious to know if there
was any actual testimony.

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President.

Yes, we did have testimony from the Seminole County
Supervisor, who appeared before the committee and I
frankly paraphrased this, he said, if there is
going to be an election that takes place before the
seating of the next Congress, that I think he used
the phrase, some Federal and State laws are going
to have to change. He didn't see how it was
practical.

PRESIDENT GAETZ: Mr. Speaker.

SPEAKER THRASHER: In reference to the
applicability issue, that testimony I presume was
somewhat persuasive in terms of how they, because
they had actually as I understand it testified in
the Court case that brought us to where we are, but
they raised some serious and substantial concerns
about the implications of the new election prior to
the end of the general election cycle this year,
did they not?

PRESIDENT GAETZ: Senator Galvano.

SENATOR GALVANO: Yes, they did. And I think
the Court, itself, if you read the August 1st Order
by Judge Terry Lewis, he does not conclude he can
or will conduct an extended or special election.
He recognizes the challenges that take place, but
he said he feels as though he at least needed to
consider it and that is why he directed in his
Order the Department of State to come forward with
their recommendations.
PRESIDENT GAETZ: Further in questions?

Senator Simmons for a question.

SENATOR SIMMONS: Thank you, Mr. President, and also thank you for appointing me to the committee.

PRESIDENT GAETZ: Well, I love both you and Speaker Thrasher.

SENATOR SIMMONS: I do in a way, also, Your Honor, in a way.

Chairman Galvano, at the committee meeting on Friday, there was a testimony by the NAACP and they had two individuals who were leaders of the NAACP, long time leaders of the NAACP, and they spoke very eloquently about the need to retain Congressional District No. 5 in the form that you had kept it in your Bill as amended.

And they spoke about the historical cohesiveness of the district and they, of course, spoke about the creation of the district by Federal Judges rather than the Legislature. And the idea of going from Duval County down to Orange County being something that was, in fact, created by Federal Judges for the purposes of compliance with the Voting Rights Act.

Could you explain to us why you felt it was
important to maintain the general location, as well as the black voting age population of 48 percent in the Congressional District in your map?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President.

And I think you enunciated several of the characteristics, the cohesiveness, the historical nature.

Remember the benchmark which is CD 3 as I recall came to us in the '90s, in really a bipartisan at the time the Florida House of Representative was controlled by Democrats. I believe the Senate had a very narrow Republican margin and Lawton Chiles was the Governor and that is when it came together.

The testimony was very compelling in committee with regard to the cohesive nature of the north/south district. And incidentally the Judge made no objection to the north/south configuration. Why it was important not to diminish is very simple, that is part of Tier 1, it is part of Federal law and we wanted to, while addressing the Judge's concern that it wasn't necessary to go to a majority/minority district, we didn't want to impact the performance of the district, such that
the minority population could not elect a candidate of its choice. That is why we did the functional analysis.

Our comfort level at the 48 percent when we ran the numbers was based first on the idea that 9043 which was discussed was by the Court, the Court didn't find that was a diminution, but when we ran the functional test later that was confirmed.

PRESIDENT GAETZ: Senator Hays for a question.

SENATOR HAYS: Thank you, Mr. President. Senator Galvano, back to the potential opportunity for a special election. I am concerned because I was contacted by two Supervisors of Elections.

In the remarks to the Committee the other day, did the Supervisor from Seminole County point out the difficulty in securing polling locations for a special election that may conflict with venues that are already obligated?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President. I think very specifically the testimony involved the timing, which would if you were looking at where you would have a primary for example would be in that block of time in December, which are commonly
the holidays.

He raised an antidotal concern about the availability of polls, many being of church properties, and then also poll workers, the availability of poll workers.

PRESIDENT GAETZ: Senator Hays.

SENATOR HAYS: Is there any allowance going to be made for financial considerations? Because one of the Supervisors who contacted me is from a relatively small county, and if I understood you correctly, you said this impacts 23 different counties, and this small county said just one special election would impact their budget to more than $375,000.

If we multiply that alone times 23 we are looking at some serious money, and that particular county is already considering an 18 percent increase in their property taxes this year. So who is going to fund the special election?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President. And all of these are valid concerns. I would just remind all of the Senators that that decision in terms of having an extended special election has not been determined. And when I read the Court
Order, I don't believe that the Court feels very confident about the ability to do that, but the Court did not want to just summarily dismiss it.

With regard to the cost ultimately, that would be part of the Court Order and it would seem that the Legislature would probably be making that payment, but again the Order has not been issued.

PRESIDENT GAETZ: Further in questions?

Senator Bradley for a question.

SENATOR BRADLEY: Thank you, Mr. President, and I also wanted to thank you for putting me on the Committee. I was not going to comment about matters of the heart, but thank you.

Senator Simmons was very correct that we received compelling testimony at Committee from our friends in the NAACP regarding the history of CD 5, why it exist and how it has progressed over time.

We also heard from legal counsel, both for the House and the Senate regarding our legal obligations both under these newly adopted amendments to our State Constitution, as well as Federal law, in that we have an obligation to prevent retrogression.

So what I would like you to discuss with the Senate because I found it very compelling, was our
consideration and discussion of a map that the League of Women Voters had offered that included a horizontal District 5. It was a different way of drawing CD 5, in that it did not go north/south, but instead went east/west, and within it was an impact on the BVAP of going from the benchmark of 49.9 in the League map to 49.1.

We had a discussion with our lawyers at Committee about whether if the BVAP was reduced to 45.1 would that put this map in danger of being subject to challenge and thrown out by a State Court or a Federal Court. Could you discuss that discussion with our lawyers?

PRESIDENT GAETZ: And Senator Galvano, before you respond to Senator Bradley. Senator Joyner, thank you for going through storms and bad weather and changing modes of transportation and doing everything you could to get here. We welcome you and we are glad you are here safely. Thank you very much.

Chair Galvano to respond to Senator Bradley's question, please.

SENATOR GALVANO: Thank you, Mr. President. Yes, that discussion did occur in Committee and counsel was specifically referring to it in terms
of being the Plaintiffs' map as we looked at the status of the litigation and what had been put before the Court.

And the number in BVAP reduction from the benchmark to the proposed Plaintiff or League map is correct as you have enunciated, too, at the 45 percent. The testimony that we heard was not just with regard to the percentage reduction, but the cohesiveness and the historical characteristics of the community that runs back and forth which are all considerations to take into that you look at when you do a functional analysis.

When you get, go from a 49.9 down to a 45, I think you then do go into the dubious area of retrogression and it certainly would be a concern.

PRESIDENT GAETZ: Senator Bradley, follow up.

SENATOR BRADLEY: Thank you, Mr. President.

Senator Galvano, isn't it also correct that in Judge Lewis' opinion he spoke approvingly of testimony from Alex Kelly who is a staff member with the House regarding the BVAP performance of particular House iterations of CD 5 that included BVAPs of 47 to 48 percent?

PRESIDENT GAETZ: Chairman Galvano.

SENATOR GALVANO: Thank you, Mr. President.
Yes, you are correct. Again, that is when I reference 9043, that is the map we are talking about, and the BVAP in 9043 was 48.03. The BVAP in 9057, which is in the amendment here is 48.11.

PRESIDENT GAETZ: Further in questions for Chairman Galvano? Further in questions? Further in questions?

My understanding, Chairman, is that you have a substitute amendment which maintains all of the provisions that you have described to the Senate, but makes a couple of clarifications. Take up and read the Galvano substitute amendment.

READING CLERK: Late filed Bar Code 642398 by Senator Galvano. To delete everything after the enacting clause and insert amendment.

PRESIDENT GAETZ: Senator Galvano, on the substitute, would you please let the Senate know where the clarifications are and any differences between what you have just explained and the substitute.

SENATOR GALVANO: Thank you, Mr. President. First of all, there is no substantive differences with regard to the lines and where they are drawn, nor is there any difference with regard to the applicability date.
What was adjusted was language within the whereas clause with regard to CD 5 to make it more conforming. And then with regard to the sections we create a new section in the substitute that enacts these maps where we don't find ourselves in a legally precarious position of having competing or no set of enacted maps.

PRESIDENT GAETZ: Questions on the substitute?
Questions on the substitute?
If not, Senators, if I may have your attention. There is a strike hold amendment that is late filed that is being prepared by Bill drafting right now. It is on behalf of Senator Soto.

Our commitment is that we are going to be fair to every Senator, we are going to have a thorough and complete discussion of every option. However, because of the fact that it is late filed and it came in rather late, it is not prepared yet for everyone to see.

So therefore, I ask the Senate in deference to the fairness that this body is known for and in deference to Senator Soto that you bear with us on a short recess.

Therefore, the Senate will stand in recess
until, what time do you want to stand in recess to?

We will stand in recess until, informal recess,
until 3:00 and we ask Senators to remain close to
the floor in case Senator Soto's amendment is
available sooner.

(Whereupon, the Senate was in recess.)

SECRETARY: Quorum call, quorum call, all
Senators indicate your presence, all Senators
indicate your presence. Quorum call, quorum call,
all Senators indicate your presence.

A quorum is present, Mr. President.

PRESIDENT GAETZ: I would ask all Senators to
take their seats, please.

When last we tuned in the Galvano substitute
amendment 642398 was pending when we went. Mr.
Reading Clerk, please read the amendment.

READING CLERK: Late filed Bar Code 642398 by
Senator Galvano, delete everything after the
enacting clause and insert amendment.

PRESIDENT GAETZ: Senator Galvano moved to
postpone action on his amendment so that we may
take up to the Soto amendment. Show that motion
adopted without objection. Read the next
amendment.

READING CLERK: Late filed Bar Code 671078 by
Senator Soto, delete everything after the enacting clause and insert amendment.

PRESIDENT GAETZ: Senator Soto, you are recognized on your amendment, sir.

SENATOR SOTO: Thank you, Mr. President.

Senators, as you know we are here in special session because of the Order of Judge Lewis striking down as unlawful the previous map. And there were two findings in that Order.

One was that District 5 was boosted up above 50 percent black voting age population. And the second, that it contained two unusual appendages, one consisting of Sanford and the other going deep into Orange County.

The other ruling was that District 10 was drawn to favor a party and an incumbent. So I, along with my assistant, Christine Byron, my legislative assistant, drew a map that affects three districts, 5, 10 and 7 and it affects three counties, Orange, Seminole and Lake.

We used the District Builder program, as well as Judge Lewis' Order as our resources. And from there what we had to do was address a few things.

First, we had to adjust the appendage that was in Seminole County which contained Sanford and we...
had to adjust the appendage that went down into
Orange County. Those have been shaved back in
accordance with the Order.

Second, we had to make sure under the top tier
standards that we weren't diminishing of the
minority electorate to elect the candidate of their
choice. In that order the Judge quoted Dr. Brunell
by saying that they would at least have a 50/50
chance if the black voting age population was at
43.6 percent, and this puts it at 43.7 percent, and
for the reason being that African-Americans make up
68 percent of the primary and 55 percent of the
total -- and Democrats make up 55 percent of the
total electorate.

So I believe that their ability to elect their
candidate of choice is still equal, and that even
Dr. Brunell's estimate was a conservative one.

The second part was dealing with Congressional
District 10, which again, the Judge held was
drafted to benefit a party and an incumbent. And
so that district had to be adjusted in accordance
with the top tier standard to not benefit a party
or incumbent. And as a result the only other
district we had to affect because of the Sanford
appendage was District 7, which also then complies
now with the top tier factor which is to not benefit or favor one party or incumbent over other and that is the amendment, Mr. President.


SENATOR SIMMONS: Thank you, Mr. President. Senator Soto, my questions to you are if you compare your amendment to Senator Galvano's Bill as amended, I am looking at the numbers and I see that for yours for District 5 the black voting age population is 43.71, right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Sorry about that, Mr. President. Correct.

PRESIDENT GAETZ: And Senator Simmons, before you ask your next question, I would like to acknowledge Senator Latvala being on the floor, who is here at some personal inconvenience to himself, but came because he is serious about his constitutional duties. So thank you for driving all the way up here after a medical appointment today, Senator Latvala. Senator Simmons.

SENATOR SIMMONS: Thank you, Mr. President, for a series of questions.
PRESIDENT GAETZ: Let's take them one at a time.

SENATOR SIMMONS: All right. Then for yours, for District 5, the black voting age population is 43.71 percent.

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Yes.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: That is a reduction of about four and-a-half percent, five percent?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: It is a reduction down to 43.7 percent.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: All right, now, for the surrounding districts what happens is that the black voting age population in the two other districts that you affect which are 7 and 10, Senator Galvano had for District 7, 10.87 percent black voting age population and you have 10.73 percent black voting age population, correct?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: If that is what the analysis suggest, then yes.

PRESIDENT GAETZ: Senator Simmons.
SENATOR SIMMONS: Then for District 10 the other affected district, the black voting age population for Senator Galvano is 12.21 percent and for yours for District 10, is 15.34 percent, is that right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: If the analysis suggest that, then yes.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: It is fair to say then that probably that results in the reduction from the original 50 percent down to 48 percent?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. As you know the Judge told us that we had to unpack District 5 because it was unconstitutionally packed and reduce it above 50 percent. So as a result certain African-American communities by necessity of the Order had to be absorbed into other districts. In Senator Galvano’s map there were seven districts, in my map there are two and those were the resulting percentages.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: So the affect then, Senator Soto, is that if you look, other than that one
change, the surrounding districts insofar as black
voting age population is concerned really is
negligible, as a matter of fact, very similar
between yours and Senator Galvano's, is that right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: My understanding is that it is
boosted to 20 percent in Congressional District --
sorry, it is not a huge difference in the
African-American population difference between both
Senator Galvano and my map.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: It is basically the same
other than the little two percent that we talked
about, right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: There would be a difference,
because I don't take in those other five districts,
and not African-Americans in those districts, and
that was based again upon the Order that it was
unlawful packing in the Congressional District 5.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: So the effect is there is no
reasoning that would justify creating minority
access districts in 7 and 10. You clearly have not
created a minority access district in 7 and 10, but
you have, in fact, reduced minority access in District 5, is that right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: District 5 required us through Judge Lewis' Order to reduce the African-American vote because there was unlawful packing, and Judge Lewis also said that Congressional District 10 was unlawful because it was there to benefit an incumbent and a party.

And it also said that Sanford which was in Congressional District 7 was an unlawful appendage. The other appendage being in Congressional District 10. So necessarily by his Order there were certain populations of African-Americans that had to be absorbed in those two seats, and they are in fact in Senator Galvano's seat, Congressional District 7 absorbs Sanford because it is in that Seminole County seat, and then Webster's seat, Congressional District 10 held by Webster currently, absorbed part of that African-American population.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: So then the answer to my question is, yes, you have not created a minority access district out of 7 and 10, is that correct?

PRESIDENT GAETZ: Senator Soto.
SENATOR SOTO: It was not my intent to create minority access seats in either of those.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: Therefore, we know that the purpose of what you have done is not to create minority access districts in 7 and 10, but there has been a diminution of voting access rights for African-Americans in 5.

Let's look at the Reock scores between yours and Senators Galvano's. Now, Senator Galvano's map has a Reock score of .127, is that right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Whatever Senator Galvano said his Reock score was, I am certain he is correct.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: You have a significant reduction in the Reock score from his, and your Reock score is .099, is that right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. I applied Tier 1 standards primarily which require that you cannot favor a party or an incumbent. So therefore, the only compactness I looked at was visual. Also we were given strict rules about what resources we were allowed to use.
So I didn't have anything other than visual compactness from the tools that I described and utilized. But I applied Tier 1 factors primarily of not benefiting a party or an incumbent in Congressional District 10. So it didn't get to Tier 2 factors.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: So what you did do is you did not consider the Reock scores, right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Yes.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: Not only with respect to the convex hull scores, Senator Galvano's convex hull score is .417, is that right?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Whatever he had stated in his I am sure is correct, but his map does not correct the fact that Congressional District 10 was found by the Court to be drawn to the benefit of the Republican Party and the incumbent on page 34. Therefore, I didn't get to the Tier 2 compactness standards for Congressional District 10 because I was complying with the Tier 1 standards that were iterated in Judge Lewis' opinion.
PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: Are you aware that the convex hull result for yours is .329 and for Senator Galvano is .417?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. I did not do a convex or Reock analysis, so I wouldn't know.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: For the perimeters of Congressional District 5, are you aware that the perimeter for Senator Galvano's Congressional District 5 is 582.7 miles, therefore, being more compact and the perimeter on yours is 661.8 miles?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: If that is what the facts bear out, then sure.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: So if we look at all of these issues and bring them to a culmination, we know then, Senator Soto, that there was no appreciable change in the black voting age population for surrounding counties and Districts 10 and 7 as a result of what you have done. We know that there has been a diminution in
the Reock scores. We know that there has been a
diminution in the convex hull scores and an
increase in the perimeters.

Senator Soto, that only leaves political
considerations. Did you make any political
considerations with respect to the changes that you
made?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: No. What I did is apply the
Tier 1 standards. First you had to deal with the
packing issue of Congressional District 5. And
then second, you had to deal with the Tier 1
violation for Congressional District 10, and what
came about is two seats that neither favor a party
or an incumbent in compliance with the Order,
unlike the original map which is still in violation
of the Order because it still has not changed
Congressional District 10 to change from what Judge
Lewis says.

I also find that District 10 was drawn to the
benefit of the Republican Party and the incumbent.
So my map considered those Tier 1 standards in
order to correct those, and so it did not go to the
Tier 2 standard with regard to compactness other
than visual compactness.
PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: So because although I disagree with what the Judge said about our duty to inquire, I strongly disagree with the duty that is imposed upon us to make a thorough and complete inquiry into any map that is presented to us, and I will discuss that more in my, in my debate.

But is it fair to say then, you did not look and have anyone in your staff to analyze whether or not there were any changes in the voting age populations of either Democrats or Republicans in the surrounding districts?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: We applied Tier 1 factors which require us to look at whether or not a party or an incumbent is favored or not, and that as I said before, the resources we used were the information on District Builder, as well as Judge Lewis' opinion.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: Because we are required under the Judge's Order to make this inquiry, is it then true that someone on your staff or on behalf of your staff did an analysis as to the voting age populations and the particular political parties in
District 7 and 10?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: We looked at the voting age, the black voting age populations in District 5 per the Order, and then as I said, I applied the Tier 1 standards to both 7 and 10 as a result.

PRESIDENT GAETZ: Senator Simmons.

SENATOR SIMMONS: One last question then, Mr. President, and that is, I am not sure I understand.

Did you have or did you ask anyone to do an analysis in 7 and 10 of the actual party participation or performance?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Again, it was a Tier 1 standard that we applied to make sure that both of these districts are not favoring either party or incumbent, and that was my direction to the one staff member who helped me out, Christine Byron.

There were no other parties who participated in it per the very strict instructions with regard to Senator Galvano and Representative Corcoran. And so that was my instruction to my staff, to apply those standards.

PRESIDENT GAETZ: For the moment, are you
finished, Senator Simmons? All right. In that case, Senator Bradley, you are recognized for a question of the sponsor.

SENATOR BRADLEY: Thank you, Mr. President. Senator Soto, so am I to understand you modified the boundaries of District 10 and District 7 so that it would be more likely that a Democrat would be elected in Districts 7 and 10, isn't that correct?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: No, I modified it to apply the Tier 1 standard that it would not favor either party or an incumbent.

PRESIDENT GAETZ: Senator Bradley.

SENATOR BRADLEY: Is District 10 and District 7 under your map configured so that it is now more likely for a Democrat to be elected than they would be under the prior configuration of District 10 and District 7?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: I couldn't tell you because I didn't run projections based upon voting trends.

PRESIDENT GAETZ: Senator Bradley.

SENATOR BRADLEY: Senator Soto, haven't you said on social media, for instance, that your
districts are drawn so that they are equally split between Democrats and Republicans?

    PRESIDENT GAETZ: Senator Soto.

    SENATOR SOTO: Correct, and that is to apply the Tier 1 standards that make sure that neither party is favorable or an incumbent.

    PRESIDENT GAETZ: Senator Bradley.

    SENATOR BRADLEY: Okay, that is what I thought you were getting at. So what you are saying is, you knew that District 10 and District 7 under the current configurations have a certain Republican/Democrat split and that the map that you filed has more Democrats than the map that currently exists, correct?

    PRESIDENT GAETZ: Senator Soto.

    SENATOR SOTO: Judge Lewis required us under Congressional District 10 to do just that, to make sure we applied the Tier 1 standards and not favor a party or an incumbent, because he previously found that it was drawn to benefit a party and an incumbent. So under the Order we were required to do that.

    PRESIDENT GAETZ: Senator Bradley.

    SENATOR BRADLEY: Thank you, Mr. President.

    So it is your understanding of Judge Lewis' Order...
and the law that it is our job to look at districts
and make sure that there are equal numbers of
Democrats and Republicans?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: It is our job to apply the Tier
1 standard that says that you are not supposed to
benefit a particular party or incumbent, and
because the Judge said, I also find that District
10 was drawn to benefit the Republican Party and
the incumbent, that required us under this Order to
look at District 10 and apply the Tier 1 standard.

PRESIDENT GAETZ: Senator Bradley.

SENATOR BRADLEY: I will take that as a yes.

Going to a Congressional District 5 which Senator
Simmons referred to, isn't it true that the
benchmark district has a 49.9 BVAP percentage, and
the Soto plan has a 43.71 BVAP?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. The
plan does have a 43.7 percent BVAP. The other
reference of 48 is not anywhere in the Judge's
Order. It has been a legal conclusion that we are
bound to this benchmark, but it is not said
anywhere in that Order that we are bound by that.

PRESIDENT GAETZ: Senator Bradley.
SENATOR BRADLEY: Perhaps you didn't understand my question. What I asked was, isn't the benchmark district, the 49.9 percent BVAP and the Soto plan, 43.71 percent BVAP?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Please clarify what you mean by benchmark district.

PRESIDENT GAETZ: Senator Bradley.

SENATOR BRADLEY: The benchmark district is District 3, 2002.

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: The benchmark district as you are referring to would be what it is then.

PRESIDENT GAETZ: Senator Bradley.

SENATOR BRADLEY: Thank you, Mr. President. Okay. Assuming that you are accepting that the benchmark district is 49.9 BVAP and the Soto plan you have acknowledged is 43.71 BVAP, does your map decrease the ability of African-Americans to elect a candidate of their choice in CD 5, which used to be numbered in the benchmark district CD 3?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: No. According to page 20 of the analysis by the Judge, Dr. Brunell, an expert retained by the House, suggested that there would...
be a 50/50 ability to elect a minority candidate of
choice with a BVAP as low as 43.6 percent.

    We put it up 43.7 percent and I assert that
that is a conservative estimate. And the reason is
is that African-Americans make up 68 percent of a
primary of the Democratic primary and they are also
55 percent, Democrats are 55 percent of the general
election. So I assert that they have an equal
ability to pick the candidate of their choice.

    PRESIDENT GAETZ: Senator Bradley.

    SENATOR BRADLEY: Thank you, Mr. President.

    So you do not accept the testimony that they only
have a 50/50 chance of selecting the candidate of
their choice?

    PRESIDENT GAETZ: Senator Soto.

    SENATOR SOTO: We exceeded that and I believe
it to be a conservative estimate.

    PRESIDENT GAETZ: Further in questions,

Senator Bradley?

    SENATOR BRADLEY: You exceeded it by going to
43.7 instead of 43.6, is that what you are
describing as exceeding that?

    PRESIDENT GAETZ: Senator Soto.

    SENATOR SOTO: Yes.

    PRESIDENT GAETZ: Yes, sir, Senator Bradley
for a question.

SENATOR BRADLEY: So you, so you don't accept
the testimony contained in Judge Lewis' Order,
instead you dismiss it as being quote, unquote,
conservative?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: I looked at it and considered
it as a factor, but not the only and dispositive
factor.

PRESIDENT GAETZ: Further in questions?

Senator Bradley.

SENATOR BRADLEY: Thank you for allowing me to
ask several questions. I really appreciate the
courtesy, Mr. President.

What other factors then did you consider?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: I just briefly discussed the
primary aspect.

PRESIDENT GAETZ: Further in question, further
in questions for the sponsor? Senator Bradley.

SENATOR BRADLEY: One more question,
Mr. President, and again, thank you for your
courtesies.

I thought, I thought and maybe I
misunderstood, that you had made some statements
publicly that you did not feel like you had
sufficient access to Senate staff, and that you
were an a lone wolf having to prepare this with you
and your aid, and if I misunderstood that statement
to the House, please clarify it.

But my question to you is, did you have any
requests that were made of Senate staff with
regards to preparation of this map that were
denied?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: I make no allegation that I was
denied any access to Senate staff. Everybody has
been wonderful here. I just merely, because of the
instructions given by Senator Galvano and
Representative Corcoran to identify the resources
and those who helped out in it, suggested that that
was the only resource I used because that seemed to
be the cleanest way to do this.

What you are referencing is a response to
whether I did a Reock or convex analysis and, no, I
did not do those analysis, but I don't allege that
at any point that I was denied access to any staff
if I wanted to have those analysis done whatsoever,
everybody has been great.

PRESIDENT GAETZ: Speaker Thrasher for a
question.

SENATOR THRASHER: Thank you, Mr. President. This is just a real simple question, not as complex as the ones you have been asked, Senator Soto, because this is really coming from me, but it is really out of curiosity, okay.

The President put together this committee and three members of your political party were on the committee, Senator Smith, Senator Montford, Senator Gibson.

I was just curious why you didn't offer this amendment in the committee or have one of those members offer it for you given the fact that you obviously don't like Senator Galvano's amendment that was before us right now.

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: I discussed it with my Leader and because I was the one who drafted the amendment he felt it more appropriate that I present it on the floor directly.

PRESIDENT GAETZ: Further questions, further questions for the amendment sponsor? Yes, Senator Sobel for a question.

SENATOR SOBEL: Thank you, Mr. President, and thank you, Senator Galvano for your very hard work.
So I asked Senator Galvano how many voters are impacted by his plan, and my math was wrong. I did it too quickly and I added up it was about 207,000, and I had asked about voters. I am not sure if he includes the voters rather than population so that is still up in the air.

How many voters actually are impacted by you, how many Congressional Districts and how many voters might be impacted by your plan?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. There are three districts and three counties impacted. I do not know the exact number of voters that are impacted.

PRESIDENT GAETZ: Further questions for the sponsor? Questions for the sponsor?

LEADER SMITH: How many as compared to the Galvano plan, how many are impacted by your plan and Senator Galvano's plan? I am interested because if we do have special elections, which one would impact those Supervisors of Elections more?

PRESIDENT GAETZ: Senator Soto.

SENATOR SOTO: Thank you, Mr. President. My plan affects three districts in three counties, his
affects, I believe, seven districts and seven counties. So I would reasonably conclude that there would be seven special elections under the Galvano plan and three special elections under my plan.

PRESIDENT GAETZ: Further in questions for the sponsor, further in questions? All right, we will go into debate on the amendment.

Debate on the Soto amendment. Who wishes to be heard in debate? Senator Simmons in debate, you are recognized, sir.

SENATOR SIMMONS: Thank you, Mr. President. Senator Soto, I rise in opposition to your amendment for two reasons.

The first is that the Judge was very clear about retrogression, and he specifically said that there should not be any retrogression. He did not take any flexible standard that results and the Constitution says, and I will just quote from his own opinion, his Order and his Final Judgment on page 4.

"The second minority protection prohibits a plan or district from diminishing their ability to elect representatives of their choice. Commonly referred to as retrogression, this clause tracks
Section V of the Voting Rights Act and prohibits backsliding in the ability of minority groups to elect candidates of their choice."

So on its face what I see is as you have stated, a plan that significantly backslides because it goes from approximately 49 percent black voting age population to 43.71 percent black voting age population, and to me, and I think anyone else that when there is a prohibition against diminution, that means just what it says, a prohibition against diminution.

And only in I guess the Florida Legislature can a, when somebody diminishes from 49 percent to 43 percent, can that not be a diminution? So I believe that the amendment that you have proposed is, is unconstitutional because our fair amendments, contrary to the suggestions of some people, does protect the access of minorities.

Just like the NAACP spoke about at the time of the Committee meeting last Friday, and the fact of it is, is we are not supposed to diminish the ability of, in this case, African-Americans, to have access, and when I look around this Chamber I see that the Voting Rights Act has done what it is supposed to do.
Not only have individuals who are African-Americans or Hispanics be able to vote for somebody, but, in fact, be able to be part of the process here with us, and that is the reason that this was done. This was a decision by Federal Judges to create what it is now Congressional District 5, and we are prohibited from diminishing the ability of those individuals, those minorities to elect candidates of their choice, and yours does not do that.

Secondly, we are still operating under Judge Lewis' Order, and his Order says that we are supposed to, in fact, thoroughly vet any kind of plan that is presented to us. As a matter of fact, if we don't do that, then we are subject to the criticism of having this transferred intent. I call it the doctrine of transferred intent, that the bad intent of somebody else is transferred to the Legislature.

And if anyone has any doubts about what he ruled, if you turn to page 25, he says, "The reality and the irony is that there would be absolutely nothing wrong about the attendees at those meetings submitting proposed maps or partial maps. The difference is, if done in the open, then
those reviewing the submissions could take into account the source in evaluating whether it was neutral or whether it might tend to favor or disfavor a political party or an incumbent. One of the political consultants lamented that if he had submitted maps in his own name he would probably have come under attack, accused of trying to favor his party or its incumbents. Well, of course, his submission might be closely scrutinized in the same way that a map proposed, a proposed map submitted by the Florida Democratic Party might be taken with a grain of salt. That is how it should be if one is concerned about improper partisan intent influencing the drawing of the map."

Then he goes on and says that he thinks that staff and legislative leaders would find it extremely strange and that they might ask why not, as to a person in a public hearing, why somebody didn't appear.

And then he goes on and says, "And the Defendants point out, all of this was open, transparent and on the record. Although that sounds like a good idea, who can argue that openness and transparency are not good things when it comes to government. It provided the means by
which partisan maps secretly drawn and submitted by political operatives can be incorporated into the enacted map."

He goes on and says that, "If so, relying upon publicly submitted maps may not be the best way to protect against partisan influence."

And finally results and concludes that we are supposed to thoroughly inquire. That is the sum and substance of it, that we are supposed to thoroughly inquire. And, of course, just as Senator Thrasher said, we probably could have done a much better job of thoroughly inquiring if at least this had been presented in the Committee meetings in which we could thoroughly analyze and question rather than here on the floor of the Senate in which we cannot do that.

And do I disagree with the Judge's conclusions? I definitely disagree with any kind of disdain for, for the right of the public to have any kind of input into our maps. And I say to you that our Constitution says that the people have the right peaceably to assemble, to instruct their representatives and to petition for redress of grievances.

This was even cited in the Florida Supreme
Court's decision on redistricting in 2012, the right to instruct our representatives. So every citizen, no matter who that citizen is, has the right to be here, to petition us no matter who it is. And we don't have the right to keep that from occurring.

As a matter of fact, the United States Supreme Court said that under our Constitution, anonymous pamphleteering is not a pernicious fraudulent practice, but an honorable tradition of efficacy and a dissent, anonymity is a shield from the tyranny of the majority.

The Supreme Court went on to say, it thus, exemplifies the purpose behind the Bill of Rights and the First Amendment in particular to protect unpopular individuals from retaliation and their ideas from suppression.

Members, the sum and substance of it is, is that the suppression of expression inevitably leads to oppression. So as much as I disagree with the Judge, as much as I believe that his opinion and his ruling is unconstitutional on its face, we are here in this dilemma in which we are required to thoroughly, completely vet any kind of proposal and we have got a proposal here on the floor of the
Senate that cannot be adequately and appropriately vetted. We just can't.

Waited too late, had an opportunity at least to do a good vetting of it or a decent vetting of it in Committee meetings. But we can't do it here. As a matter of fact, you have seen, if anyone questions the obligation that this Court has placed upon us to thoroughly vet a map that is submitted to us, you can see the millions of dollars in legal fees that have been spent and the depositions taken of people just to see who actually prepared a map.

Those same people being constitutionally protected in their ability to present a map to us, but we are where we are, and that is here today with a map that is given to us that we have no ability to thoroughly vet, simply ask questions, ask questions and then get an answer, because when the Reock score is reduced the convex hull score is reduced, the perimeter is inappropriately increased, there can only be one other conclusion that is reached, members.

The conclusion that is reached is that just as Senator Bradley pointed out, that the purpose of this map is for political purposes, because all of the standards that the courts continue to use have
been violated here by this proposed map. But most
of all, members, most of all, the citizens of
Congressional District number 5 have become the
collateral damage, the collateral damage to a
political war. That is what it is.

That is the reason the Constitution is put in
place, to protect their rights. We are bound not
to diminish the ability of the minorities in
Congressional District number 5 to elect the
candidates of their choice, that in and of itself
answers the question for us, because this amendment
by Senator Soto violates that requirement.

PRESIDENT GAETZ: Further in debate, debate on
the Soto amendment.

Further in debate, Leader Smith.

LEADER SMITH: Thank you, Mr. President, and I
guess there are a couple of things that were said
that was surprising to me.

First, members, as we look at this and we talk
about the Reock score and the convex hull score,
those are not dispositive of whether a map is
constitutional or not. Those are factors the Judge
looks at, as well as the factors that Senator Soto
took into consideration.

So this map, along with the map by Senator
Galvano will be looked at, can be looked at by a
Judge and those are only factors, it is not
dispositive that is unconstitutional.

And second, we have had a chance to look at
this map. This map was actually filed before we
went into session. This map was filed last week
before we went into session. You have had all
weekend to look at this map, but at the same time
we have had to look at the Galvano map with this
map.

So we have had a time to vet this map and I
think it is a good map and I think it still
complies, it complies with the Judge's Order, and I
think if that is the reason that we are looking to
vote for this map or not vote for this map. I
don't think we have heard anything dispositive that
the map is unconstitutional.

We have had time to fully vet this map as we
have vetted, the same time we have had to vet both
maps. Look at this map, consider all of the
districts, I think Senator Soto has done a great
job, he and his aid only, of putting that map
together after reading the Judge's decision and
trying to do what the Judge said to do, and I
appreciate him for putting the time and effort at
this and I support this map.

PRESIDENT GAETZ: Further in debate, further in debate? Senator Galvano.

SENATOR GALVANO: Thank you, Mr. President, and Leader Smith, you are right. The Soto map was filed and I think I mentioned it on Wednesday, when I was going through the schedule. And so it was out there and there was opportunity to look at it.

My concern with the map is this. We have come to session based on a Joint Proclamation that asked us to comply specifically with the Court Order and more specifically with the concerns raised by Judge Lewis with regard to CD 5 and CD 10.

With regard to CD 10, I think the Judge made it very clear that the appendage that came up in between CD 5 and CD 9 was not acceptable. Unfortunately, in the Soto iteration that appendage is not cured, and I would think that if we went in the very first thing the Court is going to do, because at the end of the day we can talk about the Tier 1 considerations, but the Judge had to base his Tier 1 findings, in fact, he used the word inferred Tier 1 violations from Tier 2 manifestations, the compactness, the appendages, et cetera. So right out of the gate we have not cured
the CD 10 appendage.

Then with regard to CD 5, if you look at the map, the 9057 which is the underlying amendment, we have increased the compactness and cured that serpentine like nature that existed through and against Alachua County by bringing the line eastward. The Soto map does not address that aspect of CD 5.

And then lastly, I think Senator Simmons makes some very salient points with regard to retrogression. I know 48 percent is not a magic number, it was a number though that existed in 9043, which was a map that the Court held out as a model and the Plaintiffs used as a reference in order to impeach 9047. And so that was a rule of thumb that was used.

So, and lastly, I would say it is a tricky business this, because Tier 1 considerations are really about intent. It is a specific intent prohibition, it is not about effect, and the courts have made it clear that without ill intent the effect is not going to negate the map.

And so you can't draw a map based upon effect, you can only look towards intent, and like the Judge in this case did, as I mentioned earlier,
found an inference for that intent through the Tier 2 manifestations that in the map before us under Senator Soto's name has not been cured.

PRESIDENT GAETZ: Further in debate? Senator Soto to close on the amendment.

SENATOR SOTO: Thank you, Mr. President. And I want to thank both you, Mr. President, and Senator Thrasher and Senator Galvano for your courtesy in allowing us to have a straight up debate on this, and I appreciate that. Map making is not easy to do.

This amendment has some clear differences. I affect three districts, the other proposal affects seven. I affect three counties. The other proposal affects seven. I deal specifically with the appendages.

Sanford was required to be pulled out because they, Judge Lewis said that this district was boosted. Another way of describing it is packing. And so it was required for us to look at District 7.

He also said, I find that District 10 was drawn to benefit the Republican Party and the incumbent. I reached this conclusion based in part on the inference of the Florida Supreme Court
suggested could be drawn from oddly shaped appendages that had no legal justification. That was the argument that was just discussed by Senator Galvano.

But he says this inference is also buttressed by the general evidence and improper intent outlined by my analysis of District 5 and the following evidence related specifically to the drawing of District 10. I won't belabor you with the rest of it. I am sure all of you have looked at that opinion.

But it is, he is saying that there is a violation of Tier 1 with regard to favoring one party and one incumbent in District 10, and so one of our duties here is to fix that, and my map does fix that.

What I also want to discuss is diminishment. There are many factors that the Court will apply when dealing with a diminishment of the African-American's ability, in this case with District 5 to elect the candidate of their choice. Black voting age population is one of them. We have the testimony of Dr. Brunell about 43.6 percent and I already went through the issue of the primary, with 68 percent being
African-American and that every election has favored the Democrat in District 5 because of the overwhelming advantage of 55 to 20.

My map and Senator Galvano's map doesn't change that. So based upon that there isn't a diminishment. However, there was a reference to whether a numerical reduction, whether a numerical reduction is in fact a diminishment. If that is true then the other map also has that same problem, because this is an African-American opportunity seat just like District 9 was drawn to be a Hispanic opportunity seat, and District 9 is reduced numerically.

Now, I believe that the Judge will apply many factors, not only to this map but to the other map if it was considered. If the numerical reduction analysis applies, then both maps would be invalid. The Judge asked us to do a few specific things.

My map takes care of it and I thank everybody for the opportunity to be able to present it today.

PRESIDENT GAETZ: Thank you, Senator Soto. Senator Soto, having closed on his amendment, all favoring the Soto amendment say aye.

(Chorus of ayes.)

PRESIDENT GAETZ: All opposed, say nay.
(Chorus of nays.)

PRESIDENT GAETZ: The amendment fails. I see one, two, three, four, five, I see five hands, we will go to the board. All favoring the Soto amendment will vote yes, the green button, all opposed vote no with the red button.

The Secretary will open the board and the Senators prepare to vote.

Have all Senators voted? Have all Senators voted? We will ask the Clerk to record the vote.

READING CLERK: Twelve 12 yeas, 25 nays, Mr. President.

THE COURT: And so the amendment is defeated. Please take up and read the postponed amendment.

READING CLERK: Late filed Bar Code 642398 by Senator Galvano, delete everything after the enacting clause and insert amendment.

PRESIDENT GAETZ: Senator Galvano, we are back on your amendment. And my understanding is that there is another Soto amendment and there may be another Galvano amendment.

Do you have any further comment before we go further in the amendatory process, Senator Galvano?

SENATOR GALVANO: Thank you, Mr. President.

No, I do not at this time. There won't be another
Galvano amendment.

PRESIDENT GAETZ: All right, take and read the next amendment.

READING CLERK: Late filed Bar Code 599060 by Senator Soto, delete lines 39 through 6003, 381 and insert amendment.

PRESIDENT GAETZ: Senator Soto, on the amendment.

SENATOR SOTO: Thank you, Mr. President. I withdraw this amendment.

PRESIDENT GAETZ: Show the amendment withdrawn. Take and read the next amendment.

READING CLERK: No further amendments, Mr. President.

PRESIDENT GAETZ: All right, we are now on the Galvano substitute which is 642398, is that correct, Mr. Reading clerk?

READING CLERK: Yes, Mr. President.

PRESIDENT GAETZ: All right. Is there a debate on the amendment? Debate on the pending, on the amendment that is pending, which is 642398. Is there a debate? Is there a debate?

Senator Galvano, I apologize. Senator Gibson in debate.

SENATOR GIBSON: I was lost, Mr. President,
for a minute.

    PRESIDENT GAETZ: I apologize, let's catch up.

We are on, we are Amendment 642398, which is the Galvano substitute.

Do you wish to have Senator Galvano explain the essence of it, or are you caught up or how would you like to proceed, ma'am?

    SENATOR GIBSON: I am caught up,

Mr. President.

    PRESIDENT GAETZ: All right, then you are recognized in debate if you would like to be.

    SENATOR GIBSON: Thank you, Mr. President. Certainly I want to thank you for the appointment to the Committee. I certainly studied all of the information that we were privy to, and support the map that Senator Galvano has put forward for us today.

And I do that because, number one, we are here because of a Judge who ordered certain districts to be unconstitutional, and we as a body then have to fix that.

And the other reason I support the map has to do with the protection of the rights of many people who are impacted by even a minimal change. Some of those people live in Senate District 9.
I also support what is being put forward, because it is not about the number of districts that are Congressional Districts that are impacted, it is about the people and the families who live in those districts. And so if we have to change even one district to make sure that a population of people gets to choose their representative of their choice, for not only themselves as voters, but for entire families.

A certain level of sensitivity that exists by a member who represents a particular district, not to say that someone else not of color couldn't, but there is a certain level of sensitivity and an understanding of certain issues within certain communities.

And so I believe that we have done what we were sent here or called here to do. The map that is before us or the plan that is before us certainly meets the compactness level test, particularly given where we started from with the benchmark, which I believe was 0.9 or .09 and we are at a compactness Reock score now of .13, which makes the district more compact.

When you look at the map it is also visually compact to the eye. That is the other test the
Judge talked about in his Order, and we have done that, and we have the black VAP at 48 percent, which is less than the 50 percent that the Judge had an issue with, but it is still within the realm that those persons within particularly District 5, I know we are here about more than District 5, but those persons in District 5 can still potentially elect the representative of their choice.

And let me, while I am on the percentages segment, when you talk about percentages and you talk about VAP or BVAP or any VAP for that matter, it is not so much what that figure does just in black and white, but it is also those folks who may not even turn out and vote. And so when you are looking at 43 percent, let's say 10 or 20 percent of those folks don't even bother to turn out.

That further reduces the opportunities for a choice in the representative of that district. And so I have looked at all of the numbers, I think many of my colleagues know that I do my homework, I take home my notes, I draw lots of lines, I make lots of points before I come to a final decision, and I believe that is how many of us, I hope all of us in this Chamber operate.

And so I want to thank the Chair also for his
hard work, his availability for questions and answers, the way the Committee was run, and I certainly look forward to supporting this amendment.

Thank you, Mr. President.

PRESIDENT GAETZ: Thank you, Senator Gibson. Just so that we all understand where we are, we are now on the Galvano substitute amendment, 642398. We are going to take as much debate as the Senators would like to take on that amendment. Then we will vote on that amendment and then we will be back on the main Bill.

All right, further in debate on the Galvano amendment. Further in debate, further in debate. Senator Galvano to close on the amendment.

SENATOR GALVANO: Thank you, Mr. President. I think I have explained it, so I will waive close on the substitute amendment.

PRESIDENT GAETZ: Senator Galvano having closed on the amendment, all favoring the Galvano amendment, 642398 say aye.

(Chorus of ayes.)

PRESIDENT GAETZ: All opposed, say nay.

PRESIDENT GAETZ: The amendment passes without objection. Take up and read the next amendment.
READING CLERK: No further amendments, Mr. President.

PRESIDENT GAETZ: All right, we are back on the main Bill. Read the Bill.

READING CLERK: Senate Bill 2-A, a Bill to be entitled an act relating to the establishment of the Congressional Districts of the state.

PRESIDENT GAETZ: All right, you have the Bill before you. And my understanding, Leader Smith, and Leader Benacquisto, is that an agreement has been made between the two Leaders to roll the third reading on this Bill. And so consequently we are on third reading, and we are in debate.

Debate on the Bill? I apologize, Senator Gibson in debate.

SENATOR GIBSON: Mr. President, I don't know what is going on.

PRESIDENT GAETZ: We will stop until everybody does.

SENATOR GIBSON: I am just not used to being here in August, I don't think, but the heat has gotten to me. All of my comments that I previously made are applicable right now.

Thank you, Mr. President.

PRESIDENT GAETZ: Yes, ma'am. Yes, ma'am.
Further in debate on the main Bill. Leader Smith in debate.

LEADER SMITH: Thank you, Mr. President. I rise in opposition for a specific reason. It may not be cost effective and it may not be what the Supervisors want, but I just fundamentally believe that you shouldn't have people voting in unconstitutional districts.

Once the Judge ruled, once the Judge ruled and we haven't appealed, and when I say that the districts are unconstitutional, why have people vote in those unconstitutional districts? I was looking up close and I found it great when sometimes inefficiency is the price we pay for democracy.

It may not be efficient. It may not be cost effective, but democracy costs, and if the districts are unconstitutional we should stop the voting. If we have to send out more ballots to military overseas and we have to pick new dates, we have done special elections. Florida ain't new to doing different stuff when it comes to elections.

We can do new elections, but just the mere fact that if we were doing this map because we agreed or we haven't objected or haven't appealed...
that these districts are unconstitutional, how can we rightly have people vote in unconstitutional districts?

Now, I ask that question in the Committee when we were vetting it and I received a huge binder and I appreciate it from our legal staff, put in a lot of work to give me a lot of cases saying that we should do this, but not really any of these cases are dispositive in Florida.

They are cases from all over, North Dakota, South Dakota, Texas, everywhere saying you could do it, you know, for convenience, but this isn't about convenience. This is about democracy. If someone is going to vote in a district they should be voting for their representative. Not voting for someone who is not really their representative until the next time there is an election there. If they are going to vote it should be their representative.

So within this map, without going into all of the scores and everything that Senator Simmons can so eloquently talk about, I just look at the mere fact that we are voting today to say, people, vote in unconstitutional districts and we are just going to let it ride will until the next election. If
they are unconstitutional, they are
unconstitutional. We should have subsequent
elections and so that is why I rise against this
map. Thank you.

PRESIDENT GAETZ: Further in debate? Further
in debate, Sheriff Dean from the Fifth.

SENATOR DEAN: May I direct to my colleague a
question I would like to ask about?

PRESIDENT GAETZ: Which colleague would you
like to direct this to, please?

SENATOR DEAN: Yes, sir, going back to the
issue of these districts, these two districts that
are being unconstitutional, the record that I have
seen they were directed to be drawn by two Federal
Judges by a Special Master.

If that was acceptable at that time and that
place, and we haven't basically done anything,
except try to follow the lead of those districts,
explain why we feel that they are unconstitutional.

PRESIDENT GAETZ: All right, we are in debate
here, but we will, in the interest of fairness we
have asked that we have Sheriff Dean to ask the
question.

Leader Smith, do you care to comment or
Senator Soto, either one, I would be happy to hear
your comment?

LEADER SMITH: Thank you, Mr. President. I always get nervous when Sheriffs ask me questions. I am just basing it under the Order that we are going under. The Judge, Judge Lewis said these are unconstitutional and that is why we are here today.

Circuit Judge, a Circuit Judge said, I looked at these and they are unconstitutional, Legislature, go back and vote and change the maps because of the way they are currently done, they are unconstitutional and that is what I am going off of, the current opinion that we are working under now.

PRESIDENT GAETZ: All right, we are in debate. We are in debate on the main Bill. Further in debate, President Margolis.

SENATOR MARGOLIS: I was here, as a matter of fact, I was President of the Senate when we passed this, this Bill that said we were going to give minorities every opportunity that they could have to vote in the state of Florida. Every opportunity.

Well, guess what? If I describe the people in the audience and the black members of this body, they were ecstatic. It was like they found
themselves. They feel like they are the real people of this, of this state. I will never forget that. I will never forget that, and I, every time I looked at this district I would say, oh, this looks awful, it looks awful, but it made a lot of people happy.

It made a lot of people know that they were voting for somebody they knew, somebody they went to church with. They knew that it was important that that happen. And I tell you that, that although it might look weird to you or some of you, it has been a boom. It has been a boom to the people who now vote and have their voices heard.

PRESIDENT GAETZ: Thank you, Madam President. Speaker Thrasher in debate.

SENATOR THRASHER: Thank you, Mr. President. I have to tell you, I am, obviously I am going to vote for Senator Galvano's amendment and the Bill that was worked on in Committee. But I have to tell my good friend, the Leader, and Senator Soto, I am a little confused about where you guys are to be honest with you.

You wrote an amendment that you think that was a good amendment, obviously better than Senator Galvano's and you presented it to the House, but
you don't get somebody to present it to one of our
committees so it can be vetted and heard. I am
confused about that.

And Leader, you, on the committee, and I
understand you voted to quote, end quote, get the
Bill out of committee. I got a feeling it was
going to get out of committee anyway, but you
should have, this is serious business, and you
should have rejected. If you had an objection to
this Bill in committee when we had the staff and we
had the people there to talk about these issues,
they should have been, they should have been
objected to then.

It is a little late now to do that. I think
the reason we ought to vote for his Bill today is
because it has been vetted. Just as Senator
Simmons said, the Court is looking at us to make
sure that we have gone through a Bill that has gone
through all of those statistical analysis that
David knows, or Senator Simmons knows better than
probably anybody and Senator Galvano, and they all
work.

They all meet the objections of what the Judge
said he was concerned about for those two
districts, and yet we are sitting here talking
about other amendments that were offered to another body, not to our own committee. I don't, I really don't quite understand where you all are coming from. But I do understand what our obligation is, and our obligation I believe has been met by Senator Galvano and the Committee to adjust those two districts that the Court found problems with, and I believe it is a plan that we all, every single one of us ought to support and vote for.


SENATOR SOTO: Thank you, Mr. President. And as everybody knows, the other map was available since an hour before the session. I apologize if Committee staff and others didn't feel like they had the opportunity to review it beforehand.

The, and I know Senator Galvano, that is hard so I appreciate all of your efforts. The reason why I am voting against it is because if we are going to apply to the map I propose that a numerical reduction is, in fact, a diminishment, then that would also apply to District 9 which is a Congressional District of the folks that I represent are in, and it splits Osceola in half and so I just can't support this map as a result.

SENATOR CLEMENS: Thank you, Mr. President. I am going to vote against this Bill and I am going to do so because the Judge has told us that we passed unconstitutional maps before. And we have come back now in my estimation personally we have done the least amount possible that we can to send another map back to the Judge that again in my estimation doesn't meet the goals that we need to meet.

We have talked a lot about BVAP today as is that is sort of Holy Grail of minority participation, but that really isn't, isn't it at all. The legal standard should be and is, does it allow minority participation and for the minority community to elect leaders of their choice.

And clearly we have gone beyond that standard, and by doing so left the surrounding districts unable to be able to do that in the same way. I think this map, while it is a good effort and a nice try by Senator Galvano, I don't think it does anything to change the Judge's determination that the original map was drawn for political purposes, because when you look at the map and you look at
the numbers and how the Democrat versus Republican numbers play out, this is going to result probably in the exact same congressional makeup in terms of Democrats and Republicans that we have right now.

So how does that deal in any way with the Judge's, the Judge's decision that the original map was drawn for political purposes. If we are going to come back with the exact same number of Republican and Democratic congressional members, what we have done is, is really just, just window dressing.

So to me this doesn't meet the Judge's Order in any way and I am sad to say that I am not going to be able to support it today.


SENATOR THOMPSON: Thank you, Mr. President. I will not be voting for this Bill because we are at the same place now than we were before when the maps were drawn to benefit a political party.

And we are talking about a district where minorities can vote for a person of their choice, a district. And so we still have a one is enough mentality it seems to me, and we are packing individuals into a district while we are bleaching...
all of the districts around that particular
district that we are talking about.

And I have here comments about the NAACP and
their testimony, and of course, the NAACP addressed
the issue of having a person, having one person and
being concerned about having none, one versus none.

My concern is that, one, we should not be
talking about one is enough. We should be talking
about what Senator Margolis mentioned and having
minorities given every opportunity to vote for an
individual of their choice. This map does not do
that.

And I cannot be mollified, I cannot be quiet.
I cannot accept that we are talking about a single
district when the population of the state of
Florida, the population of the area that we are
talking about suggests that one is not enough, and
because these maps benefit a political party and
that is what the Judge addressed in the first
place, and we have not done anything to change
that, I will not be supporting the map.

Thank you, Mr. President.

PRESIDENT GAETZ: Further in debate? Further
in debate? Senator Abruzzo in debate.

SENATOR ABRUZZO: Thank you, Mr. President. I
would like to start off with my remarks, members, by just saying you know I have the greatest respect for the members in this Chamber, especially Chair Galvano who has put in his time and worked very hard on a lot of complicated issues, and there has been some great debate today on both sides, legal arguments, I have listened to it all.

The reason I am not going to be supporting the Bill or the amendment today is simply for this reason. I have never voted for any of the maps over when I was in the House and I will not be voting today. And when I look at Florida and that is what I want to talk about for a minute, Florida, this is a state in 2000, that decided a Presidential election by 537 votes. A few years, next term later for President it was decided by 236,000 votes. Governor Scott got elected by 61,000 votes and change and President Obama just won Florida by 74,000 votes.

This is a 50/50 state. This is a battle ground state, this is the state, our state that the nation looks towards where we have a congressional delegation that is not anywhere near 50/50. We have a State House members there with 81 members to 39 members. Quite frankly, that is completely out
of order as well.

And here in the Senate, again I have the greatest respect for the members in this Chamber, but every single, every two years our fight shouldn't be amongst a caucus for who is going to be the Senate President, it should be between the parties of who is going to be Senate President. We are a 50/50 state, I cannot support a map unless it looks more like what Florida is.

So members, Chair Galvano, again, I really appreciate your work, but out of principle until we get to a place where we represent Florida and our districts look like Florida, I will not be supporting it.

Thank you, Mr. President.

PRESIDENT GAETZ: Thank you, Senator Abruzzo. Further in debate? Further in debate on the motion? The main Bill?

Senator Thrasher, our Rules Chair moves that the rules be waived to read the Bill a third time by the required two-thirds. Show the motion adopted without objection.

Read the Bill.

READING CLERK: Senate Bill 2-A, a Bill to be entitled an act relating to the establishment of
the Congressional Districts of the state.

PRESIDENT GAETZ: The Bill is now before you. It has been read a third time. You have heard the debate. Senator Galvano to close on the Bill.

SENATOR GALVANO: Thank you, Mr. President. Mr. President, first of all, thank you for the members appointed to the Committee. We did good work in a very short order under a very tight time constraint. And I would also like to personally thank the staff, Jay and John worked tirelessly to be able to put forth a product under that very short time constraint.

Senators, I can assure you that the Committee on Reapportionment, including myself, took very seriously the Joint Proclamation, and by taking the Joint Proclamation very seriously, that meant we took very seriously the Court Order that is the substance of that Joint Proclamation, and that Order was very clear to us.

It wanted us to address two districts, CD 5 and CD 10. The Court in his, in its instructive Final Judgment, found that there were appendages in both districts that needed to be revisited. The Court also decided that there was not justification for moving CD 5 to a majority/minority district,
and the Court felt like there was not a justification for creating a Hispanic opportunity district in CD 9.

And so that is, that is where we began, and the reality is that we had to deal with Tier 2 characteristics in order to address the findings of the Court. What the Court did not do was tell us to make a determination as the Legislature as to whether or not he, Judge Lewis, could hold a special election. That was not part of the call. That was not part of the Order, and the Judge specifically reserved jurisdiction on that after having a dissertation in his own Order in which he was not confident that he could go one way or the other.

In fact, if you read the Order it seems more to the contrary that the Judge felt like it would be impractical and difficult to go and have a special election. And the Judge also recognized that there are situations and there have been throughout the country times when maps that have had concerns or have been adjudged invalid were maintained until the next cycle.

So what we did was what every reapportionment Bill requires, we put in an effective date, and we
did so in such a way so that when it goes back to
the Judge, who reserved jurisdiction to make that
determination, the Judge's hands won't be tied.
This is not rocket science, this is not a mystery
here. We have a Bill that has an effective date
for any election, including a special election held
after the 2014 general election. Beyond that, that
is all we can do. There is nothing beyond that we
can do. It was not in the call, it was not in the
Order and it is not a basis to hang your hat on a
no vote today.

With regard to non diminution. We understood
that the Court felt like it was not justified that
we go over 50 percent, but we had a benchmark. We
start with a benchmark and that benchmark of BVAP
was 49.9. So there is implicit guidance in the
process when you go forward, and that is a very
serious consideration. It is both Federal and
State, in our Constitution it is the Tier 1
consideration that we have to be aware of.

And so when we drew the map we didn't have a
goal, we didn't set a goal. There was no magic
number, we said, let's address the appendage, let's
look at the compactness, let's address the
serpentine like movement, but then we have to do a
functional analysis, just like the Florida Supreme Court told us we should do.

And we had to ask a series of questions that the Florida Supreme Court felt were valid in determining whether or not we were impacting the ability of a minority population to elect a candidate of its choice. And that analysis was performed on the map that is before you for the vote, and the result of that analysis was that at 48.11 percent, we did not diminish.

There was reference to 48.03, again, that was with regard to House Bill 9043 which we used as instructive. Why, because the Court did. Why, because the Plaintiffs did. When we put these districts back together we had to impact other districts. I wish I could tell you we could do it in a vacuum, but you cannot do it in a vacuum and if you are going to do a real job and if you remember when I opened this morning we had different paths to go and we chose the more difficult path which was address the specific concerns that you can read very clearly in the Order, but at the same time make every effort to improve the visual and mathematical Tier 2 scores of the districts in question, and the districts
that will be impacted.

And frankly, Senators, across the board, we did it, in 6, 7, 9, 11 and 17. 9057, every district that was impacted by the amendment or the Bill before you has a better score than it did under the enacted map, and that is important, and that is something that the Court is going to look at.

And the Court finally is going to really specifically look at 5 and 10, and I think any one of you with knowing nothing about the background, can walk back here, look at the 9047 districts, and then take a few steps to the right and look at the 9057 districts and see that there is a marked improvement.

Clearly, with regard to performance, you cannot engineer the political performance. There is no such thing as I will fix the performance. If you fix it you are violating the Constitution. Tier 1 requires that there not be ill intent. It does not require that an outcome is one way or another. When you start playing with the outcome you are violating Tier 1 considerations.

That is why your Committee, Mr. President, did not do a performance analysis on any of the
impacted districts. Only did a functional analysis on CD 5 to make sure we were complying with Federal and State law. So I am very confident that the product that the Committee put forward, that we are about to vote on is going to be approved by the Circuit Court, and I ask for you to support it.

PRESIDENT GAETZ: Thank you, Senator Galvano. Senator Galvano having closed on his Bill, the Secretary will open the board and Senators prepare to vote.

Have all Senators had the opportunity to vote?
Then lock the board and record the vote.

READING CLERK: 25 yeas, 12 nays,
Mr. President.

PRESIDENT GAETZ: Show the Bill passes. Thank you very much, Senator Galvano and Leader Smith and all of those who served on the Committee.

So that you will understand, members, in special session a Bill will be passed as immediately certified to the other chamber. And so, Madam Secretary, this Bill is immediately certified to our partners in the House of Representatives.

Members, it is our intent to stay in session for a while longer for the House of Representatives.
to consider the Bill we have just sent them. I recognize that some members have commitments of a personal and business and even medical in nature and I would simply ask you to be, to be patient with the House of Representatives as they would have been patient with us had the roles been reversed. We simply completed our business ahead of time.

(Whereupon, the Senate was in recess.)

SENATOR THRASHER: Mr. President, thank you for the last two years, here, here, absolutely.

Mr. President, I move that the Senate adjourn, sine die.

PRESIDENT GAETZ: We are adjourned, thank you, Speaker.

(Whereupon, the proceedings were adjourned.)
CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 2 through 108, is a true and correct record of my stenographic notes.

Dated this 12th day of August, 2014, at Tallahassee, Leon County, Florida.

__________________________________________
CLARA C. ROTRUCK
Court Reporter
HOUSE OF REPRESENTATIVES REDISTRICTING MEETING
AUGUST 11, 2014

Reported by:
CLARA C. ROTRUCK
Court Reporter

FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491
SPEAKER WEATHERFORD: The House will be in order. Members, please take your seats. The members prayer will be offered today by Representative Matt Hudson.

Representative Hudson, would you please approach.

REPRESENTATIVE HUDSON: Members, would you please bow your head in prayer? Dear Lord, we come together today to do the work of the people of the great State of Florida. We ask your blessings upon us, we ask your blessings upon all of our family and friends who care for us so greatly and give us the opportunity to serve.

We ask you to watch over all of the elected leaders in our state, all the elected leaders in our country, and we ask you to bless them and help them in their decision-making process.

Lord, we know that you guide all things and we are very thankful for all of the blessings that we have seen, both seen and unseen over the course of the last week, and you know we know you will bless us without question again and we may not know it all of the time, but we are very thankful for it.

We thank you for that.

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Dear Lord, please grant us travel and emergencies as we leave, whatever that shall be, but please watch over us and watch over our families and we ask this in your name. Amen.
SPEAKER WEATHERFORD: The Clerk will unlock the machine and the members will record their presence.

Have all members reported their presence? The Clerk will unlock the machine and ask the presence of the quorum.

READING CLERK: 106 members voting, and a quorum is present, Mr. Speaker.

SPEAKER WEATHERFORD: Members and visitors in the gallery, please rise for the Pledge of Allegiance to the Flag. The Pledge of Allegiance will be led today by Representative Williams from his desk. Representative Williams.

REPRESENTATIVE WILLIAMS: Thank you, Mr. Speaker. Members, please join in the Pledge.

I pledge allegiance to the flag for the United States of America and to the Republic for which it stands, one nation, under God, indivisible with liberty and justice for all.

SPEAKER WEATHERFORD: Thank you Representative Williams.

Address to the journal, hearing none, show the journal approved.

For the matters on introduction in reference.

READING CLERK: On the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Read HR 3-A the first item and show the further the count.

READING CLERK: By Representative and
President Moskowitz, House Resolution 3-A. A resolution expressing support for the state of Israel.

SPEAKER WEATHERFORD: Any communications?

READING CLERK: None on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Are there messages from the Senate?

READING CLERK: None on the desk, Mr. speaker.

SPEAKER WEATHERFORD: Are there reports of standing committees and subcommittees?

READING CLERK: On the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Read the report.

READING CLERK: To the Honorable Will Weatherford, Speaker of the House of Representatives. Dear Mr. Speakers, your rules and counter committee herewith submits a special order for Monday, August 11, 2014. Consideration of the House Bills on special orders shall include the Senate companion measures on the House counter.

Read the report, Mr. Speaker.

SPEAKER WEATHERFORD: Representative Shane, you are recognized on the report.

REPRESENTATIVE SHANE: Thank you, Mr. Speaker.

The report sets a Special Order calendar and I move the adoption of the Special Order Report for today, Monday, August the 11th, 2014.

SPEAKER WEATHERFORD: Are there questions?

Are there objections? All in favor signify by
saying yea.

(Chorus of yeas.)

SPEAKER WEATHERFORD: Opposed no. Show the Special Order Report adopted. Are there other reports?

READING CLERK: None on the desk, Mr. Speaker?

SPEAKER WEATHERFORD: Are there reports on select committees?

READING CLERK: None on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Are there motions relating to pending and subcommittee references? Are there matters on reconsideration? Are there opposing resolutions on third reading?

READING CLERK: None on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Okay, members, welcome back. We are going to take up our Bill on Special Order and potentially be rolled in third reading he if it is the will of this body. But in an effort to accommodate members who are delayed due to weather, and to ensure that the Senate has made the necessary technical fixes to the Bill we are going to be in recess at some point and wait for the Senate Bill to come over to the House before we take up the actual Senate Bill.

With that, are there other Special Order calendar?

READING CLERK: On the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Read the first Bill.
READING CLERK: By the Select Committee on Redistricting and Representative Corcoran, House Bill 1-A, a bill to be entitled, An Act Establishing the Congressional Districts of the State.

SPEAKER WEATHERFORD: Representative Corcoran, you are recognized to explain the Bill.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker. Before I get into the explanation, earlier this week due to the Court’s opinion we had sent out a memo that said anyone who had a plan had to comply with a certain level of criteria so that you knew exactly where it came from and who was involved.

So I am going to go through that memo that I had sent out as the adding committee to just let you guys no the background and what we used. The identity in every person involved in drawing, reviewing, directing or approving a proposal for the House, it was myself, the General Counsel for the House, outside General Counsel for the House and the committee staff, Jason Preda and Jeff Tackett and Jeff Silver.

In the Senate it was also that same counterparts, Attorney Galvano, their Senate counsel, their Senate outside counsel and their Senate staff, John Guthrie and Jay Ferring.

The criteria that we used for the map we relied on counsel’s advice regarding the Court’s
ruling. We relied on staff in conjunction with
counsel to craft the most effective remedy. We
crafted that remedy and evaluated, made every
effort to improve the metrics of the district
affected, entering districting process and relied
on staff and counsel to ensure the new District 5
did not diminish as compared to the benchmark plan.

Fourth, we did not tolerate any political
influences. The map was drawn last Wednesday here
at the Capitol by a small group including Chair
Galvano and myself and those I listed.

Section 20 of the Florida Constitution, the
Fair Districts Amendment and the Federal Voting
Rights Acts were also complied with.

The sources we used were My District Builder.
It was the same My District Builder that existed in
2010, for the redistricting process. The only
addition as we discussed in committee was the 2012,
election data was added in and that was used in the
functional analysis as required by law for
Congressional District 5.

The nature of the functional analysis that we
did, we conducted it under Congressional District 5
as is required and we relied on staff and counsel
to ensure that the new District 5 did not diminish
as compared to the benchmark plan and the analysis
we shared in detail on our committee meeting on
Friday, and it is also on the Bill analysis.
How the proposal satisfies the constitutional statutory criteria, Congressional District 5 maintains the minority community's ability to elect a candidate of choice. The BVAP in that plan before you is 48.11, complying with the Tier 1 standard of non diminishment. Divisional and mathematical compactness scores for all of the affected districts were either remained at a similar level of the benchmark map, but in most cases saw a significant improvement, and they also better quality existing geographic boundaries. The general overviews outside of that for the maps before you, it keeps Congressional District, it keeps 20 Congressional Districts unchanged. The Bill completely eliminates District 5's incursion into Seminole County and the appendage in District 10. It dramatically improves visual and mathematical compactness of District 5. Its Reock score improves from .09 to .13 and its convex hull score improves from .29 to .42. Its perimeter is decreased by 124 miles. It improves the visual mathematical compactness of District 6, 7, 9 and 10 and maintains Districts 11 and 17 compactness levels with those that existed in the enacted map. Four out of the seven impacted districts improved on both compactness scores and the other three impacted districts improve on one of the.
compactness scores over the map, the enacted map, 9047.

District 5 goes from a BVAP of 49.9 and a benchmark to 48.11, without lessening the ability of African-Americans to select a candidate of their choice. It maintains the number of counties split at 21 and does all of this and only splits one additional city compared to the enacted map.

And that is the Bill before you, Mr. Speaker.

SPEAKER WEATHERFORD: Thank you, Chair Corcoran. Other questions of the sponsor? Other questions? Representative Thurston, you are recognized for.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Representative Corcoran, was there ever an opportunity or an invitation to anyone within our caucus to participate in the preparing of this map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Throughout the committee process you had all of the rights of any member in a committee process to participate in that way. As far as specifically to Wednesday drawing, that was just done by Chair Galvano and myself and those I mentioned.

SPEAKER WEATHERFORD: For a follow up?

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. In light of the Judge's ruling in
terms of transparency and the other operatives who
on the Republican side who have been involved in
the process, do you think that it would have been
wise for all of us to participate?

I know the staff and all and worked for the
entire House, for us to have some input in the
drawing of these maps?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I believe, Leader
Thurston, that everyone had that opportunity to
participate, whether through question, whether
through the amendatory process, whether here today
on the floor. You are fully capable of
participating in that in detail.

It was a little bit different on two levels,
different on one level, but similar in another.
And that one, this is the Legislature, the body of
the Legislature, we are replying to a Court Order.
It was very specific. It was very tightly and
deliberately given by the Judge. And so it is
thought best that Chair Galvano and I get together
first and start looking at what could be done.

It is similar in this sense. When you have an
idea of a Bill that you want to do or you have a
Senate counterpart, you guys get together and work
out and discuss what that Bill is like and you file it in the House and they file it in the Senate, and then every member in this entire body has the ability to amend it, change it, discuss it or debate it through the committee process, and that was unchanged.

SPEAKER WEATHERFORD: Further questions?

Further questions? Representative Rouson for a question.

REPRESENTATIVE ROUSON: Thank you very much, Mr. Speaker. Representative, you indicated in your introductory remarks that this map maintains the minority community ability to elect a candidate of their choice. Can you expound on that in terms of how that happens?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Yes, it, basically it is a longer answer, Representative Rouson. I will start short and then if you have follow ups I will be glad to answer it.

But in essence, both in our goal and in our State Constitution and the Voter Rights Act we have to comply with, in essence, Section II of the delusion standard and Section V of the diminishment standard of the Constitution and the Florida Voter, the Federal Voting Rights Act.

So in that context you look at the benchmark
plan. The benchmark plan in essence, is that congressional, for any district, in this situation, Congressional District 5. You put in the 2010 population census and you look at those criteria and it is a multitude of criteria. We specifically in looking at the BVAP in that benchmark plan it was 49.9.

In our map that we have before you, it is 48.11. In the ruling by the Judge, he had ruled that 48.03 which was an initial House map of 9043 did comply with the standard, the Tier 1 standards in the Constitution. And so when I say that we have complied, at 48.11 it is more than the Court has already said was acceptable and it is a -- it does not -- it is in the same range as the benchmark plan.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE ROUSON: Thank you very much, Mr. Speaker. During the process where you indicated where you and Senator Galvano worked with staff, both House and Senate, to draw this map, were any outside experts pulled in that gave input during that time period?

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SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: No, Representative, the list I gave you was 100 percent of the people to the best of my recollection that were in that room. We are in transition in the House between our
current inside House counsel leaving and a new one coming on. So at different points the new inside counsel was in the room, too, but other than that everyone I listed was who was in the room.

SPEAKER WEATHERFORD: Representative Rouson.

REPRESENTATIVE ROUSON: Thank you very much, Mr. Speaker. Folks are probably wondering because of some of the language that Judge Lewis used. But were any political parties, Republican, Democrat, Independent or any political parties involved in that part of the process of drawing the map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: No, Representative, I appreciate your concerns, but again I gave you exactly who was involved.

SPEAKER WEATHERFORD: Representative Saunders.

REPRESENTATIVE SAUNDERS: Thank you, Mr. Speaker, thank you for that explanation, chair Corcoran. I want to make sure that I heard this right when you shared it earlier.

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The black voting age population in House District 5 before this map was introduced was 49.9 percent, is that correct?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Yes, in the benchmark plan, that is correct.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE SAUNDERS: Thank you,
Mr. Speaker. And I believe what else I heard you say is this shifts HD 5, the Congressional District 5 to 48.11.

Representative Corcoran, I am interested in the Hispanic voting age populations in some of the districts that have been shifted around here. Do you know what the Hispanic voting age population is currently for HD 5, for Congressional District 5 and what it will become in this new map if it is passed today?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: 10.29.

SPEAKER WEATHERFORD: Representative Saunders.

REPRESENTATIVE SAUNDERS: I am going to assume that is what it would be in this map, 10.29 is for the map if we passed it today, is that correct?

Okay.

I noticed that there are some fairly substantive changes to a few other districts and the one I am focused on next is Congressional District 9 which for the members on the floor is a Congressional District that currently covers almost all of Osceola County. It scoops up into Orange County, it actually covers part of my district, and it is a seat that has a very high population of Hispanic voting age voters.

Can you share, Representative Corcoran, what the current exact Hispanic voting age population is
for Congressional District 9 and what it would be
if your map were to pass today?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Well, I will separate what
you are asking. First of all, there is only one
map that is covered by Tier 1 standards, one
district covered by Tier 1 standards in the -- in
our Florida Constitution or the Voter Rights Act.
None of the other six districts are affected.
So looking, so there is no benchmark for
District 9, but now moving to the map that was
invalidated, I believe the Hispanic population was
about 42 percent and we go down to 38.37.

SPEAKER WEATHERFORD: Representative Saunders.

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REPRESENTATIVE SAUNDERS: Thank you,
Mr. Speaker, and thank you about that explanation
about the Tier 1 standard. I can share with you
that I have concerns about whether or not we meet a
diminishment standard or not, diminishing the
ability of Hispanics in Congressional District 9 to
represent, to choose a candidate of their choice.
And so my question for you is, by shifting
Congressional District 9 around and shifting some
Hispanic voters out of that district, is it your
opinion that this map would diminish the ability of
Hispanics in central Florida to elect a candidate
of their choice?

SPEAKER WEATHERFORD: Chair Corcoran.
CHAIRMAN CORCORAN: The diminishment standard only applies to those districts covered by Tier 1 of the Voter Rights Act. District 9 is not covered.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE SAUNDERS: Thank you, Mr. Speaker. I agree with that assessment that that standard would not apply to Congressional district 9, but moving out of legalese, do you think it is fair to say that if there were less Hispanic Congressional District 9 it is less likely that Hispanic voters could select a candidate of choice which would represent their community?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: The problem, I am a lawyer, this is why we all have a bad reputation, but I can't take the word, when you are using Voting Rights Act and Tier 1 standards, terms of art in your question, since it is not a Tier 1 or a Voter Rights Act protected district, the language that you are using is specific to the Voter Rights Act and Tier 1. So the answer is no, I cannot agree to that.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE SAUNDERS: Thank you, Chair. I will try to rephrase the question to move as far away from those words as possible. Do you think that if a district has less
18 Hispanic voters in it they are less likely to elect
19 a Hispanic candidate?
20 SPEAKER WEATHERFORD: Chair Corcoran.
21 CHAIRMAN CORCORAN: I think we are just going
22 to go back and forth, but it is not an issue in
23 this case at all or what we have put forth before
24 you.
25 SPEAKER WEATHERFORD: Further questions?

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Representative Slosberg for a question.

REPRESENTATIVE SLOSBERG: Thank you,
Mr. Speaker. Representative Corcoran, who exactly
drew this map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: That was the -- the
initial criteria that I went through and gave you.
I mean, basically, it was Senator Galvano, their
Senate technical staff, our House technical staff,
myself, house inside counsel for both bodies and
house outside counsel for both bodies, and that was
the list.
I added for Representative Rouson's question,
that we also had the incoming counsel for the House
was in the meetings at different points in time.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE SLOSBERG: Were any Democrats
involved in drawing this map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Leader Thurston asked that
question, too, and I answered that. But it went
through the committee process and every member in
this body, Republican or Democrat, was able to
participate through the committee process, whether
it be questions or amendatory process and also here

on the floor and that remains unchanged.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE SLOSBERG: Well, let me make
myself a little clearer. I think that you said
specifically you were involved and Galvano was
involved. And so I guess what, since you named,
you know, yourself as a member of this political
body specifically drawing the map, were any
Democrats and, if so, the names of the Democrats
who were involved in drawing the map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: And again, Representative,
to Leader Thurston's question, this is a little bit
unique in the fact that we are following a Court
Order. So Senator Galvano thought it was best that
we move forward and get it done in the manner that
we did.

But secondly, it is absolutely similar to
every Bill. Every Bill that you file,
Representative Slosberg, you don't send to my
office and ask for my input prior to you getting
with your Senate sponsor and both of you filing it.

Once it is filed and it goes through the
committee process, then like any other member, I have the right to amend it, ask questions, et cetera.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE SLOSBERG: I just asked you for a yes or no answer. The question is, again, were any Democrats specifically involved in drawing this map, physically drawing the map, and it is either a yes or a no, and who were they?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Specifically the answer to your question is, every Democrat that was on the committee, any Democrat that wanted to participate through asking questions through the members of the committee. Any Democrat that is in the Chamber today had full opportunity to participate in the drawing of the map that is before you today through the amendatory process, through questions.

Now, was it initially Senator Galvano and myself and those people I outlined, yes, and that is no different than how every single member in this Chamber, Republican or Democrat, files their Bills.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE SLOSBERG: So I assume the answer is no because, you know, I don't know, this is like a minutia. I just asked for a yes or no
answer, and like you won't give me a yes or no answer. So I will go on to the next question.

What were the names of the staff members and the attorneys, what are their names specifically who were involved in drawing the map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Just going backwards, Representative Slosberg, because I would never want you to think I didn't answer your question. The answer to your question is, yes, every Democrat had an opportunity to fully participate in the process. And no, and no, the initial drawing of the map was done by Senator Galvano and I as every member does their Bills.

Now, to your specific question, I might get, I will do my best with names. The House General Counsel is Daniel Broby. The new General Counsel is Matt, Matt Carson, myself. Were you here when I named the staff initially in the outline, Jason Preda, Jeff Tackett and Jeff Silver for the House technical staff, outside counsel was George Meros and Andy Bardos.

For the Senate it was Senator Galvano, their technical staff, which was John Guthrie and Jay Ferring. Their outside counsel, their inside counsel is George Levesque, their outside counsel.
Representative Slosberg: Representative Corcoran, could you have possibly drawn this map by yourself?

Chairman Corcoran: Sure, but we had a deadline on Friday at noon by Judge, the Judge's Order and I am not sure maybe I would have gotten to that deadline, but yes. I mean, anybody, we have had people in the public, we have had teenagers who have submitted plans and used My District Builder and built a map.

Representative Slosberg: In other words, you needed a whole team to do this, correct?

Chairman Corcoran: I, looking at the Judge's Order, looking at the deadline I thought as Chairman of the committee that the most expedited way to get a map before the members so that they could have input was the best course of action for the institution and the House of Representatives.

Representative Slosberg: So let's assume that the Senate map comes over here, and let's assume that I wanted to file an amendment to the Senate map. Will I have all of those lawyers and all of
the staff people at my disposal to draw an amendment to the map?

SPEAKER WEATHERFORD: Chair Corcoran.

CHAIRMAN CORCORAN: Yes.

SPEAKER WEATHERFORD: It sounds like you got some work to do, Representative Slosberg. Further questions? Further questions. Representative Bracy for a question.

REPRESENTATIVE BRACY: Thank you, Mr. Speaker. Chair Corcoran. The Judge was clear that a north/south configuration of CD 5 was not ideal. Why did you and your team continue to go with this north/south configuration when that was not what the Judge said he felt was best in his opinion?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Representative Bracy, with all due respect, I disagree. I don't think the Judge said that at any point in time.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE BRACY: Okay. As you have CD 5 currently, I believe it cuts through about seven different counties. In the east/west configuration it keeps more counties whole.

Considering the criteria to keep counties and municipalities whole when possible, why did you choose to go with the configuration that you drew up?

SPEAKER WEATHERFORD: Representative Corcoran.
REPRESENTATIVE BRACY: The configuration that we drew up, we looked at the Judge's Order and we wanted to keep it as narrow as possible, and when you look at the Judge's Order the Judge did not have issue with what you are -- the issues you are describing.

The Judge had issue with the compactness and in part, the intent. And so when we convened for a special session included in the call the focus was to comply with the Judge's Order. We had to fix the compactness of 5. We had to address what he inferred intent from, which was the appendage that went into Seminole County, and only those districts necessary that surrounded it.

He even went to great lengths to say that to do anything more than that would be as the Supreme Court said in apportionment one, would be, I can't say their exact language, but would be a gross waste of time, and only, and only encourage more litigation.

And I am exaggerating in their words, I can get the exact words for you. I will read it for you. I might need glasses, sorry Representative Bracy.

"That does not mean, however, that portions of the map not affected by those individual districts found to be improperly drawn would need to be changed in a redrawn map. Even if the general
intent to favor or disfavor a political party or
incumbents was proven, what would be the point if
the other districts are otherwise in compliance.
Such a remedy would go for beyond correcting the
effect of such non-compliance but rather would
require a useless act that would encourage
continued litigation. I don't think I over
exaggerated too much there, Representative Waldman.

SPEAKER WEATHERFORD: Follow up.

REPRESENTATIVE BRACY: Thank you, thank you,
Mr. Speaker. So I know that you didn't want an
east/west configuration. So I just want to compare
it the two a little with the BVAP scores. So in an
east/west configuration that the House counsel
presented in his presentation last week, there was

a 45 percent BVAP, and your current proposal I
believe is a 48 percent BVAP.

Why is -- could you prove why the 45 percent
BVAP is considered a diminishment and 48 percent
isn't?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I will go down that, I
would go down that line of questions with you, but
here is the reality. You are asking me, now you
are asking me questions about a map that hasn't
even been offered as an amendment to which I am not
a sponsor of.

I will answer questions related to the map
that I put forth and not in some comparison to a
map that is not before this body. But to the map
that is the put before you, our BVAP is 48.11. The
BVAP in the benchmark which is required to be
compared to, was 49.9. And the Judge's opinion in
this case had said that a BVAP of 48.03 was not
diminishment. So we are well, we are above what
this Judge in his Order has already said is not
diminishment.

SPEAKER WEATHERFORD: Further questions?

Representative Zimmermann for a question.

REPRESENTATIVE ZIMMERMANN: Thank you,

Mr. Speaker. Representative, during the drawing of
these maps did you or anybody else know what the
political registration was in these different
districts?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: No, the only time that
political data was taken into consideration as
required by law was to do the functional analysis
in Congressional District 5. That was the only
time.

SPEAKER WEATHERFORD: Follow up.

REPRESENTATIVE ZIMMERMANN: Thank you,

Mr. Speaker. So do you know the political break,
the party registration break down now for the
proposed districts?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: From the point that I got to Tallahassee until now I have not looked at any of that data beyond Congressional District 5. I did read some newspaper articles that talked about some things, but I have not looked at any of the data.

SPEAKER WEATHERFORD: Further questions?

Representative Clarke-Reed for a question.

Representative Clarke-Reed for a question. How about we try Representative Clarke-Reed from Representative Betty Reed's desk.

REPRESENTATIVE CLARKE-REED: Thank you, Mr. Speaker. Representative Corcoran, is every member of this Legislature expected to vote on this map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: If you, I think if I -- I don't have the House rules before me, representative Clarke-Reed, but if you were on the floor and at your desk you are supposed to vote on this map.

SPEAKER WEATHERFORD: Representative Clarke-Reed for a follow up.

REPRESENTATIVE CLARKE-REED: And Representative Corcoran, if every member of this Legislature is at his or her desk and expected to vote on this map, should every member of this legislative body been able to ask a question in the
committees?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: You know, Representative Clarke-Reed, I am a purist, and I think that the historical way that we have gotten to the way we run our committees, the way we run the floor, it is done for many reasons. The rules, I have always learned when I was in the minority party as a staffer, that the rules existed to protect the minority. It is one of the primary purposes of the rules.

The committee process in allowing those people to have that opportunity. And so nowhere for the sake of organization would it make sense for 120 members to sit on every committee. We would never be able to get anything done. So in this particular process what I have always said, in fact, I joke about it about myself and you have been on my committees, Representative Clarke-Reed, whether it is the P-Pocket committee or the healthcare committee, I leave the House as a Chairman. I don’t know if this is a good thing or a bad thing, but I lead the House as a Chairman and asking the Speaker for extensions in my committee because of the quantity of time I give members to answer questions and the quantity of time I give the public to present.

And so when you are looking at this committee [Page 27]
process, I made it clear to the Leader, I made it clear to Representative Waldman, that every single member would have full opportunity to ask any questions that they wanted, but they were going to do it through our rules and the committee process.

So when we had the Joint Committee with Chair Galvano, and it looked like we were going to finish early, even though we had scheduled a six-hour meeting, I went back to Leader Thurston, I said has everyone gotten their questions answered? I wanted to make sure that that is not at issue, and Leader Thurston said many members had come to him and those questions were being asked through members on the committee. And the same thing applied to the committee that we had here in the House.

So every single member, nobody has come to me and said they did not have an opportunity to get their question answered or asked.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE CLARKE-REED: Was it not possible that because we ended early and you saw the time, we were not using the full time, and when Senator Galvano asked were there anymore questions, that at that time a member should not have -- should have been given the opportunity to ask a question?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I think that Chair
Galvano, like myself, is a purist who believes in that structure, and the question was being asked even after I had asked the Leaders, is there anyone else had another question, then one did come, but it was from a non member of the committee, and as soon as that committee was over I went straight to that member because it was a House member and said, what was your question, I will answer it for you right now and I did answer their question.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE CLARKE-REED: Representative Cochran, I attended 26 hearings, and out of those 26 hearings what has changed on this map and what has changed with the structure of the people who were involved in drawing the map that was enacted before?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: If I understand your question correctly, Representative Clark-Reed, and obviously I would say applaud all those members who participate education in the 26 public hearings, participated in the congressional drawing of the map, participated on the floor in negotiations with the Senate, the reality is the Judge clearly said that 25 of our 27 districts were validated.

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Exh. J at 00387
So obviously we, you know, it was a well done process. The other thing the Judge did was praise, and I will find that part for you if you would like me to read it, but praised specifically by name Jason Preda, who else was it, oh, John Guthrie and Alex Kelly who is no longer here, who was the overall staff. He praised them and he also praised their bosses who were directing them as keeping them insulated from this political thing that went on around them, and praised them for putting forth their earnestness, their honesty and their clear testimony that they were -- their discipline to comply with the law.

So all that being said, where we are with the Judge's Order is all of that input for the 26 meetings is still in this map. All of the debate, all of those questions, 20 of the 27 districts are unchanged from a map that -- from districts that were viewed as valid by the Court. So all of that is still in the underlying foundation of the map before you.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE CLARKE-REED: Thank you, Mr. Speaker. So those persons were involved with the drawing of these same two districts that we are here discussing today. Those persons that you have just named, they were still involved in drawing...
these other two districts, redrawing of these districts?

SPEAKER WEATHERFORD: Chair Corcoran.

CHAIRMAN CORCORAN: Yes, and I would say this, Representative Clark-Reed, when you have a judge that singles out people by name and praises them for following the law and doing an honorable job, I think it is -- it is a, something this entire body should recognize was a -- was a great piece of recognition for the hard working staff that we have and how well they comply with all of the requirements, whether it be by law or de quorum.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE CLARKE-REED: Representative Cochran, my question to you again, are those persons involved in drawing these two new districts?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Yes, and what I am saying they are, and I am saying proudly, I am glad they are.

SPEAKER WEATHERFORD: Further questions?

Further questions? Representative Edwards for a question.

REPRESENTATIVE EDWARDS: Thank you, Mr. Speaker. How is mom and baby doing? Good?

CHAIRMAN CORCORAN: Three weeks out.

REPRESENTATIVE EDWARDS: Good deal. Chairman
Corcoran, I think I am saying your last name correctly, right? We are back here on the floor today during a special session, and I recognize that the Judge has praised the staff who helped in earlier efforts to get us to the maps that the Court has said don't comply with the Fair Districts Amendment.

But I want to get a sense of trust, so when I go back home to my constituents I can tell them that the taxpayer dollars we are spending here today were in good effort.

I want to direct us to page 23 if it is okay with you, Chair Corcoran, of the Final Judgment and I want to ask you about the destruction of record. While I recognize that the Judge says that we are under no legal duty on our part to keep those records, I want to ask you, Chair Corcoran, what we are doing this time around to make sure that all of the things that went into crafting what you would like for us to vote on have not been destroyed or altered in any way?

SPEAKER WEATHERFORD: Chair Corcoran.

CHAIRMAN CORCORAN: I would have to go back and look and that is a great question, Representative, but I am pretty sure I either did it in a memo or we sent it out through the Speaker's office under my name. I told all the committee members, myself included, because of that...
page that you pointed out, not to destroy any
records.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE EDWARDS: Thank you, Mr. Speaker. And I recognize and I appreciate your
e-mail, but I believe it was an as aspirational
goal, if you will, that there is no legal duty,
there is nothing in statute short of the Sunshine
Law, I don't think the Sunshine Law has changed
significantly since 2012, when that map was
initially voted on.

So what sense of trust do I have that
something has gone completely different than what
happened in 2012, because clearly the Final Order
finds that records were destroyed?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: And just clarifying the
last point. He recognized that records were
destroyed, but it was completely within the course
of business. So in this situation what we said was
in the regular course of business for all of those
members, all staff, in addition to conversations
that should not be had with different entities in
the memo, was it retain those records. And as far
as I know everyone has done that, myself included.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE EDWARDS: Thank you,
Mr. Speaker. Earlier when I believe Representative
Slosberg, that is how you say your last name, right, Slosberg, we are having some confusion today. When we were talking about this being a Bill just like any other Bill that is filed during any other session, would you agree that we are in a special session to address something that is probably a bit more consequential than any other Bill that we have filed?

So I would ask you with the concerns that we have raised, in hindsight would it have made sense to involve perhaps the Minority Leader or some Democrats in a meeting with you and Galvano to craft the Bill that you would bring back to the committee?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I agree with you that this is a special session and that anything about a special session is the only things that can be discussed. The only committees that can be had are those things that are within the call, and it is one Bill, and now we have added I think a resolution, but maybe two Bills that are within that call.

And so you do have an opportunity with every single member even if they are not on the committee can go and listen and participate. You do have this situation. I don't remember a second reading being this focused, and it is because it is a
special session we are dealing with one specific issue.

To your point, your question directly, I think I have answered that, Representative Edwards, and I am very satisfied with the process that we, that we went through.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE EDWARDS: Thank you, Mr. Speaker. I will just ask one final question again before we move forward in our debate and prepare to vote on this.

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I wasn't here in 2012. We voted upon the map that the Court has now decided that two of those are unconstitutional and I have read the Final Order and I am placing a significant level of trust in the individuals who have crafted and drawn these amendments to the maps, that you have come back to us with a sense of humility and that you have taken to heart what the Judge has said and the reason why he is saying it.

Can you tell me as a member why I should trust these maps that have been drawn? As a minority member, these maps that have been drawn by the Majority party and placed my confidence that we are not going to have the maps struck down or be found unconstitutional yet again?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Representative, I will
definitely answer for myself and to the extent that I have presented today and have not come across with an air of humility, I certainly apologize. My wife says I should smile more and then I would look like a nicer more humble person. But your question I will tell you that, you know, I aspire to have great integrity. I think I laid out in a memo a level of criteria and a level of rules to follow that were not done in 2012. We live by those rules. I have tried to set an example myself and, and I would hope Representative Edwards, as we all do, take each other at our words and I am sure at some point, too, even beyond that there will be depositions where I will be under oath and have to testify.

But everything I have said today will be identical to what I would say under oath.

SPEAKER WEATHERFORD: Further questions? Representative Stark, for a question.

REPRESENTATIVE STARK: Thank you, Mr. Speaker. Representative Corcoran, the Final Judgment was just over a month ago. Can you explain what the thinking was why we took so long to get to a special session now?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I think there is two things you have to look at. I think it was August 1st, was when we had the Final Order
instructing us to go, both the Secretary of State
and the Supervisors of Elections to deal with their
elections issues and us to deal with the parts that
were invalidated.

SPEAKER WEATHERFORD: For a follow up.

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REPRESENTATIVE STARK: Thank you, Mr. Speaker.

When did the work actually begin on the PCB that we
are seeing today?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I got here, if I remember
correctly, I left Pasco County late, with six kids
you try to maximize the time you have with them,
but I got here probably at 2:00 in the morning,
2:30 in the morning, some late hour on Monday
night, and I was here Tuesday working with House
staff and Wednesday with Senate staff, if I recall
correctly.

SPEAKER WEATHERFORD: Further follow up.

REPRESENTATIVE STARK: Thank you, Mr. Speaker.

Just the last question. Do you believe that we had
enough time to really make an objective decision
here that will be approved by the courts?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I will say, Representative
Stark, I believe that the map that we have before
us, if I was given another week, it is an excellent
map that complies with the Judge's Order and makes
significant improvements over the map that was

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invalidated and makes significant improvements over the map that the Judge praised as being in a more favorable light than the one that was invalidated.

This map beats both of those, and I think it is an excellent map, and even given more time I am very, very proud of the product that we have put forth before this body.

SPEAKER WEATHERFORD: Further questions?

REPRESENTATIVE DANISH: Thank you, Mr. Speaker. I am going to follow up on Representative Edwards' question, Representative Corcoran. When we look at the people who work on the map, I am curious to know, how many of those people worked on the map in 2012, and how many of them are new to working on the maps?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I wasn't here in 2012, and I wasn't involved in the process like I was in the special session of drawing the maps. I do, as from the Court Order, obviously Alex Kelly and Jason Preda, Alex is no longer in the House. So he did not, was not involved in this part of the process, but Jason was working on congressional maps in 2012, and was involved in this process.

SPEAKER WEATHERFORD: Further questions.

REPRESENTATIVE DANISH: I wasn't.
SPEAKER WEATHERFORD: I am sorry, for a follow up. Representative Danish, you are recognized.

REPRESENTATIVE DANISH: Thank you, Mr. Speaker. I guess just more or less I wanted to find out, I know -- I don't need it by names, but if we can find out from the total number of people working on it, how many of the total number of people working on it worked on the 2012, and how many did not work on it in 2012, that worked on this one, if we can be able to get that number. Thank you.

SPEAKER WEATHERFORD: Further questions? Representative Torres.

REPRESENTATIVE TORRES: Yes, Mr. Speaker. Representative, during the select committee meeting this past Friday, a motion to swear in those providing testimony failed to pass. Why?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: All motions are at the discretion of the committee and I thought that the committee felt that that wasn't necessary.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE TORRES: Thank you, Mr. Speaker. Representative, also on that day Representative Thurston proposed an amendment or offered an amendment during the House Select
Committee that it appeared to resolve Judge Lewis' concerns and it wasn't addressed. Why?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Representative, if you go back and listen, I mean, there was numerous questions about the amendment that was offered. There was debate about the amendment offered, but the short answer to your question is the amendment that was offered failed on every single metric outlined by the Court for -- against the map that is before you.

SPEAKER WEATHERFORD: Further questions?

Representative Berman for a question.

REPRESENTATIVE Berman: Thank you, Mr. Speaker. Chair Corcoran, was the map modified by any legislators other than yourself and Senator Galvano?

SPEAKER WEATHERFORD: Chair Corcoran.

CHAIRMAN CORCORAN: I can't speak for what input the Senators had with Chair Galvano, but I do know he was talking to at least Senator Gaetz and coming back with input. And as I said in committee, I do know that I would constantly go back and report to the Speaker about how things were going throughout the process, and then at some point staff did take up once there was a finalized map shortly in or around the time of while I was heading to the Joint Committee, and showed him the
So beyond that, the answer to your question is no, none that I am aware of.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE BERMAN: Thank you, Mr. Speaker. Who maintained custody of the map prior to its being released to the committee at 2:30 or whatever time it was?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Staff, House staff.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE BERMAN: Thank you, Mr. Speaker. So to your knowledge did -- was anyone in the room when the map was shared with the House Speaker or the Senate President?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I actually believe I was in talking to the Speaker when staff came up and then I was heading to another meeting, and as I recall, if that is the point in time that they showed the Speaker the map which I imagine it was because they had maps, then it was the only the staffers that I have outlined in my presentation.

SPEAKER WEATHERFORD: Representative Berman.

REPRESENTATIVE BERMAN: Thank you, Mr. Speaker. So just to sort of clarify this, did anyone provide a hard copy of this map to any other staff or visitors from outside of the legislative...
process prior to being, it being published other
than the people that we have discussed to date?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: No, no one that I am aware
of.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE BERMAN: Thank you,
Mr. Speaker. Was the United States Department of
Justice notified of the changes that would occur in
Congressional District 5?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: No.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE BERMAN: Thank you,
Mr. Speaker. Was the Florida Department of State
notified of the changes that occurred under this
particular Bill?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: No, not that I am aware
of.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE BERMAN: Thank you,
Mr. Speaker. We talked a little bit in committee
on Friday, about the proposed amendment map and how
it had a diminishment effect based on an analysis
under the Senate race, under the Meek race, and at
that time you did not have information how this map
would work under the same Meek race.
Since that time have you compiled that information and could you please share it with us if you have it?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I have it and I can give you a copy, too, if you want, Representative Berman. But if you look at the Meek race against the 2002 benchmark seat, he got 48.08 percent, and in this map it got 48.04 percent.

SPEAKER WEATHERFORD: Representative Berman.

REPRESENTATIVE BERMAN: Thank you, Mr. Speaker. I hope that is not someone from outside. Congressman Meek. When you gave us the analysis the other day you said that, I believe it went from 18 percent voting for Senator, for the Democratic candidate, down to one percent advantage. So that was how the numbers were presented.

Do you have similar numbers? These numbers are slightly, it is different analysis and I was wondering if you have it the same way that you presented it to the committee on the amendment map.

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: What we were talking about, there was the margin of victory and the margin of victory from the benchmark plan at a running up we said 16, it was 15.93 to be exact, and in the enacted map before you it is 15.45.
SPEAKER WEATHERFORD: Further questions?
Representative Rangel for a question.

REPRESENTATIVE RANGEL: Thank you, Mr. Speaker. Representative, my question is, do you not agree that we are here in special session because we drew the district lines unfairly?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: You know, counsel in the joint meeting that we have in the Senate went into a great, it was a great question by Rosa Rodriguez walking him through how we kind of got here. But the short answer to your question is no.

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into my question with this, was split into Osceola County, split into three different districts now and diminishing the Hispanic vote.

Do you not think by diminishing the Hispanic representation in District 9 will put us back in the same boat?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I answered that earlier, there was a line of questions, Representative, but there was no diminishment in District 9.

Diminishment is something that is only afforded to those districts that are covered under Tier 1 or the Voter Rights Act and the Judge made it very clear that it was not covered by either of those standards. And so there can be no diminishment in that district.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RANGEL: Thank you, Mr. Speaker. So is there a possibility that by doing this, let's say we accept this map and the Judge looks at everything and says, well, you went too far on District 9, is there a possibility that he could still throw that out and say we are not going to go with that map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: When it comes to District 9, no. The issue was 5 and 10, and the issue was in essence compactness. And what we did with
District 9 helped us improve the compactness scores of both districts.

SPEAKER WEATHERFORD: Representative Thurston.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Representative, you know, one of the questions that Representative Rangel was just talking about in terms of diminishment of the Hispanic vote, you know, the Judge made a lot of findings in this.

And one of the findings was that some of the discussions with the political operatives talked about how do we split the Hispanic vote. It also talked about at the beginning there was districts that could elect up to four Democrats, many of whom were in central Florida, and would have been Hispanic.

Do you believe that the Judge's comments that that was consistent with the unconstitutional discussions with the operatives is something that should be addressed?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Your -- I don't, you know, I don't necessarily agree. I think what the Judge said when it came -- what we did there was the appendage in District 10, and that appendage, part of the House's discussion and this is begin a line of questions that Representative Rodriguez had with the counsel, you know, so when you look at District
9 and there is clearly a growing Hispanic population, but that Hispanic population largely did not exist in 2010.

Because of that the Court found it is not, it didn't have Section II or Section V protections under the Voter Rights Act or Article III, Section 20 of the Constitution. And so our argument was, the House, was that we were trying to hasten which the Judge said was a laudable goal. We were trying to hasten the growth of that Hispanic community and hasten it so that at some point in the near future, which they will be, will become a protected district.

But the Judge said since they do not have that and that wasn't in dispute, it was not in dispute by either party that this was not a district protected by Section V or Section II, so because we were trying to do that but we had this appendage and because the Supreme Court's ruling that when you have something that doesn't look right, you have to look for justification.

And he said that the justification we gave that was trying to hasten the Hispanic, to a Hispanic district wasn't justified because it had no Tier 1 protections. So because it had no Tier 1 protections the fact that you had this appendage that wasn't compact, he ruled it unconstitutional.

SPEAKER WEATHERFORD: Follow up.
REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Outside of the ruling with regards to the appendage, do you agree that the Judge made reference to the inappropriateness of the dialogue with the Republican operatives?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: You know, I think that is if you read the Judge’s opinion there was at a very minimum where Leader discussed, you can even say, I don't want to impute beliefs to Judge Lewis, but clearly, you know, intents discussed with the operatives and what they were doing, but, but that, none of that has affected this process or how we have drawn the map or how we have addressed his legal rulings on what we are supposed to do.

SPEAKER WEATHERFORD: Representative Thurston.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. I take that as a yes, and do you agree that after that he discussed the issue of the e-mails where it was discussed that we would start out with bad maps and progressively get the maps to a certain point, and that would be a strategy that we approached. Do you agree that that was discussed in the opinion, Representative?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: Absent the e-mails the operatives' behavior, all of that was discussed, especially the operatives at length in his opinion.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Representative, do you agree that one of the issues with regards to that was that initially there were maps that would have allowed for four seats, and ultimately after and at the direction of these operatives, it wound up being one seat that provided minority access?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you. I think I gave you the explanation for what the Judge said in regards to District 10 and why he had that you will ruling on District 10. But to the House maps specifically throughout his opinion, the House version of the map, throughout the opinion was spoken of in a favorable light.

SPEAKER WEATHERFORD: Further.

REPRESENTATIVE THURSTON: Representative, thank you, Mr. Speaker. Representative, you made several reference to being spoken of favorably, notwithstanding that that wasn't my question, but let me ask you this. When the Judge says that it would become potent engines by which cunning, ambitious and un-principle men will be enabled to
subvert the power of people and to usurp for them
the reigns of government. Who is he speaking of
then in those terms?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I believe those were
George Washington, he was quoting Judge Washington,
that wasn't Judge Lewis, but he was speaking of a
political operative. He was -- of political
operatives.

SPEAKER WEATHERFORD: Representative Thurston.

REPRESENTATIVE THURSTON: Thank you. Thank
you, Mr. Speaker. Political operatives alone?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I can read the whole
George Washington quote if you want, Lead Thurston.
However combinations or associations of the above
description now and then, answer popular and fair
likely in the course of time and things to become
potent engines by which cunning, ambitious,
un-principle men will be enabled to subvert the
power of the people and usurp for themselves the
reigns of government, destroying out towards the
very engines which have lifted them up.

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SPEAKER WEATHERFORD: Representative Thurston.

REPRESENTATIVE THURSTON: So Representative,
he could have been talking about staff, legislators
and operatives as well, couldn't he?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: I don't -- I mean, I would love to have George Washington testify in one of my committees one day, but --

SPEAKER WEATHERFORD: Not Jefferson?

CHAIRMAN CORCORAN: But I don't -- I am not going to say that that is -- I can't say from his the quote. I think he was talk about those people that surround the process, not the people in the process.

SPEAKER WEATHERFORD: Leader Thurston.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Representative, as a leader of the Democrats and I know you are coming in as a leader of the Republicans, we work with political operatives all of the time. Is it your testimony or your opinion that political operatives act on their own and they don't do what you direct them to do, or are they just political operatives gone wild?

SPEAKER WEATHERFORD: Wouldn't that be a fun reality TV series. Representative Corcoran.

CHAIRMAN CORCORAN: I think the Judge in his opinion recognized as, at the point that he praised house staff and the leaders that were over those staff, that they were acting on their own. And I am not, you know, Leader Thurston, I don't know how many questions you have, but I am not an expert on political operatives and how they work and I wish I

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would have prepared for that, I wish I would have prepared for that portion of the questioning, but I don't have that expertise.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Representative, I am going to take that for what it is worth, but let me ask you this. Out of all of those discussions and I know that you praised the operatives and I mean, the staffers, was there some discussion about staffers providing maps to their friends and before the public or other legislators happen to see them, was that did the Judge address that?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: There was a description of a staffer who was in the Speaker's office that did that. Nobody in the redistricting staff.

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SPEAKER WEATHERFORD: Representative Thurston.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Representative, let me ask you this. Has anyone been disciplined in any way with regards to the -- what the Judge deemed to be unconstitutional activities that led us back here today, any one at all been disciplined in any fashion, and has anyone been referred to Rules Committee to investigate any of these activities that bring us back here today?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: Leader Thurston, I would say this. I was raised by an English mother who was born, lived through the Great Depression and served in World War II for the Women's Air Force in England and lived through the blitz. I was raised by a father who was orphaned at two, grew up in an orphanage, lived through the Great Depression and served our country in World War II in North Africa, and those two people which stressed to me over and over and my brothers and sisters, that your name is all you have, and your name is to be valued more than anything else, riches, credit, whatever.

So to the extent that I would ever be written about in an opinion the way these consultants or operatives were written about, I think is the height of disgrace and discipline for me personally. I would rather have that than a spanking, I would rather have a spanking than that. Having said that, beyond that I have no idea and it is not an issue before us today on this floor.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker, and thank you, Representative for that history of your lineage.

Let me ask you this. Does the, you know, I am told that we discipline members for over-inflating their newsletters, and if you are telling me that...
this does not amount to that, do we have the power
to discipline the referred past members to the
Rules Committee?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: Again, we could break out
and have a rules presentation on our existing
rules. It is not the issues before us and I am not
going to get into what our rules say and how and
what could or could not be done about these
particular operatives.

SPEAKER WEATHERFORD: For a follow up.

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REP. REPRESENTATIVE THURSTON: Thank you,
Mr. Speaker. No further questions.

SPEAKER WEATHERFORD: Representative Waldman.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. While I have the utmost respect for
Senator Galvano and for you, I would like to
understand a little bit more about how exactly the
map came together, because ultimately you got to a
consensus.

So what I would like to know is, who had the
first offer, who had the counter offer. How did
you get to where you both agreed on this map that
is before us?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I outlined that in my
initial answer, Representative Waldman, that
basically we sat in a room and we had the Judge's
Order before us and it was very specific. And so we know he didn't like either of the appendage or the finger that went into Seminole County. And so once you did that and said, okay, we have got to take those out.

He had issues with the compactness of 5 and 10 and how you make them more compact and then what districts were affected, that were necessarily affected as a result of doing those two things and it was literally just that process.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. And I understand you said that in your opening, but then when you were asked again and you were asked how you got here, you said you got here at 2:00 in the morning or 2:30 in the morning and you met with staff, the House, and he met with staff of the Senate. Because I would like to find out what took place with your meeting with staff in the House, and to your knowledge what took place with his meeting with staff in the Senate so that you both came together at the same time and had the same decision of what to do to correct this.

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: When I said that I got together with staff, just understand, that was the Speaker had asked me it be the Redistricting.
Chairman. I came up and I got together with staff and I asked them to put together for me copies of CD's from the congressional maps that were done before, both case opinions, apportionment one and two from the Supreme Court.

They put together a binder that I took and started reading. That was the extent of my involvement with staff. The meetings that took place between the House and Senate and House staff and Senate staff and House counsel and Senate counsel, was when we got together and we started looking at that.

But before I even had that meeting with Senator Galvano or those folks I wanted to be up to speed.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. I didn't understand that that is what it was and it was just a preparatory meeting, and that is fine. So that was what raised the question that I had.

So what I would like to know from you, because you have said it a number of times, that the Judge kept praising what was 9047. Where in the Order is that praising, because I haven't seen it? I have read it, I have read through it, and what I did find was on page 18 I found where the Judge basically just said, while not a model Tier 2
compliant districts, these iterations did avoid the narrow appendage jutting from the body of the district into Seminole County.

He didn't say that it was -- it was perfect. He just said it wasn't model and he didn't say it was great, is that correct?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: Quickly, Representative Waldman, one is what I was speaking about was 9043, I think what you meant, not 9047. The second thing is the phrase that I believe I said, I would have to go back and listen to it, Representative Waldman, was he praised in a light more favorable. And I think what you just read was him saying something in a light more favorable than 47.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. Now, you are correct, I was referring to 9043, the iterations prior to 9047. But that is the only reference I can find that he said that those iterations were better than 9047. There is nothing in here in this Order which said 9043 was great, because if it was, why wouldn't we just go to 9043 right now and be done with it?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: I don't have it tabbed, Representative Waldman, but I will be glad to have
staff go through it. He said those words about
9043 in a more favorable light in multiple parts of
the opinion, and I can find those for you and ask
staff to find those for you real fast. I just
don't have it tabbed.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. Yes, I would like, I would look
forward to getting that. I appreciate that. You
were also asked about the Thurston amendment, the
Soto map, and you said it failed in all respects
based upon the metrics in the Order.

Specifically in terms of the BVAP, the black
voting age population, why did it fail?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: My comment there was that
if you compare the amendment that was offered
versus the amendment, I mean, the Bill, the PCB
before them, if you compared it on those things
that we are discussing today, they had -- the
amendment had a BVAP of 43.70, where ours has one
of a 48.11. And then if you look at the
comparisons of city splits, they split one more
city, we are same in counties.

And then in -- and then in terms of the

metrics, whether it be visual compactness or

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whether it be the two measurements used by the Court, Reock and convex hull, ours performed better.

SPEAKER WEATHERFORD: Recognized for a follow up, Representative Waldman.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. So what you are saying is you are talking it failed in the metrics in comparison to yours, but it didn't fail in the metrics regarding anything, in effect, the BVAP is better than what Dr. Brunell, who was the expert who was retained by the House, suggested that there would be a 50/50 ability to elect a minority candidate of choice with a BVAP as well as 43.6.

So in fact the Thurston amendment actually had a higher BVAP which would have been compliant with the Court's Order, is that correct?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: This was another question that Representative Rodriguez, I thought you were on the committee at the time, Representative Waldman, but Representative Rodriguez asked specifically about that, and again counsel gave the explanation.

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That was in the Summary Judgment phase about a particular map. Tom Brunell was asked to evaluate that map and he said the first order of business was for him to figure out what would make that.
district a 50/50 or a coin toss map. He did that analysis and he came that that district would be a 50/50 or a coin toss at 43.6. The map that was before him in the Summary Judgment phase, I don't know the exact number, but it was in the 30s. So he said he didn't have to do any analysis beyond that because it has already failed. The map before them is well below the 43.6, but nowhere did he say that that -- he said 43.6 is a 50/50 coin toss map.

And if you look at it whether it be the Supreme Court or the Congressional reauthorization of the Voter Rights Act, you can't take a district where the benchmark is 49.9, which is the benchmark in this district, and take it down to a coin toss. That is fundamentally contrary to the Section V and the diminishment standard in the Constitution that says you cannot diminish or retrogress that district, and that is the context in which he said 43.6.

SPEAKER WEATHERFORD: For a follow up.

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REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. And I would like it if you could also supply me with that legal opinion right there which you just stated and cite me to where that is stated that that says that in there, because I don't believe that is correct.

So let's just move on to what was really the
reason why the Court had determined that the map
was unconstitutional and those districts in
particular were invalid.

What analysis have you done on CD 7 regarding
the Sink, Obama, Davis performance? There is not
-- there is nothing in the staff analysis which
refers to that and the Court specifically talked
about that as part of the problem with District 5.

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: He talked about it in 5
because you have to do a functional analysis under
the Tier 1 standard and the Voter Rights Act. We
didn't look at it and the Court didn't address it
because it wasn't an issue in district, whatever
district you just mentioned.

SPEAKER WEATHERFORD: Representative Waldman.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. But with all due respect, that is
exactly what he did in fact. That is the basis why
he found 5 was invalid, was because of what the
effect was on 7. So I would find it very strange
that there is no staff analysis which now talks
about Congressional District 7 and the effect on
Republican voting.

So why didn't you do it, and I will cite you
to the page, I mean, it is right at his decision
and that is page 32 and he says, based on the above
and the above paragraph specifically deals with
Congressional District 7 and what the voting was and what the effect of basically bleaching which is what you did. So why didn't you give us that analysis today?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I stated that earlier, Representative Waldman. The districts that he had issue with and the reason we are here on 5 and 10. Ten has that appendage of jutting next to 7, and he was making an analysis that not only did it -- when you have something that looks like that, that you can't justify, and he went through the House's justification for what we were doing in District 9 and trying to bolster and hasten the Hispanic growth in that population, he looked at that appendage, and in looking at that appendage he was saying, and looking at the results in the voter turn out, it got more favorable for District 10 and which went to his point that it was also violated intent.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. Perhaps you can just look at page 32, because that is not -- that doesn't effect, that is not what I am talking about and that is not what the Judge decided. That is, he wasn't even talking about 10 in that one. He was just talking about 5 and 7.
So what you just told me had nothing to do with it. What happened here is basically when you took all of the black voting age population in 5 and you stuck them all in 5, you basically made it so 7 would be a Republican leading district. So that is what the Judge said, and I want to understand why you didn't give us an analysis now of what happened to 7 when you just did this redrawing.

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: If you, Representative Waldman, to your point, if you look at -- let me find his final statement on the issue. Based on page, the bottom, the middle of page 32.

Based on the above I find the Plaintiffs have proved that District 5 unnecessarily subjugates the two tier principles of compactness, and they have also proved portions of District 5 were drawn to benefit the Republican party in violation of Tier 1.

So what he was doing in his analysis and why he found it was a Tier 1 intent issue was because of the analysis that you just went through that showed that the district got better, but it was it invalidate 5. It was to go to the reason why he found 5 to be in violation of Tier 1.

SPEAKER WEATHERFORD: Follow up.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. And I truly don't mean to belabor the point, okay, but what he found specifically, and you have got, you have got House counsel right there and that House counsel ought to be able to give you the answer to this.

He found specifically that what your problem was, was that what you did in 5 positively affected 7 for Republican votes. That was his finding, and I am happy to talk with Mr. Meros directly about it, but that was his finding.

And then he gave an analysis, and the analysis was based upon the reduction in numbers. In the Sink race, the Obama race and the Davis race. So why didn't you address that now at this time, because frankly you know that if we pass this map and I have no doubt that this map that is before us is the map that is going to be passed, I have no doubt that the Judge is going to look at this and he is going to want that analysis to see, did you really change 7. So why don't we have that analysis?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Representative Waldman, I think we are two ships past the night. And here is what, just give me a second and follow me on this. So was invalidated is Congressional District 5. So now the Judge is doing his analysis of why Congressional District 5 is invalidated, and I read...
you why he invalidated it.

He invalidated it because of compactness and then he did it at Tier 1 intent. And so he is giving his reasons why it failed under compactness and under Tier 1 intent. So he is looking at that appendage that he thinks is clearly a violation of compactness, and he says, and he quotes the Supreme Court opinion that when you have an appendage like that and you can't find justification for it, then it is probably a -- and it could lead you towards intent.

And then he does and beyond that, beyond just the Supreme Court's ruling, then he does an analysis of when you did that, when that appendage was added what did it do to the surrounding counties and their performance, and he looked at the performance data in those surrounding counties and found that there was a benefit to the surrounding counties on performance, and so he says I am throwing it out on intent.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. You are right, we are actually two ships passing in the night, not even close, because what you just gave to me was his decision based on Congressional District 10. And I point you to page 32 and Mr. Meros is right there read it right now, okay.
When you talk about the appendage, that is in Congressional District 10 is what he talks about, and when you talk about what they explained about the appendages render a district not compact, that is in District 10. The District 5 decision is a different decision.

So I just want, I just want that answer, why don't we have the analysis here in front of us that the Judge went through?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: You are correct, what I am talking, we are both -- what we are missing was my mistake. When I am talking about the appendage, I am talking about the appendage that went into Seminole County for District 5, the finger-like appendage that went into Seminole County for District 5.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. I didn't want to keep going on if there were others who want to speak. I know that, I see Representative Slosberg over here does, but I just have a couple, I did that on purpose, I am sorry.

I just have a couple other -- a couple other things. So one of the things that the Judge pointed out and Representative Thurston was talking about it, was the political operatives' decision...
and that was what, let's see, that was on page 24
where he refers to Mr. Rikle Duffer, is that how
you pronounce his name, Rikle Duffer, I guess, but
he talks about the plan and he said, he said,
should they start less compliant and involved
through the process, and you are familiar with that
portion of the -- of the Order, aren't you?

SPEAKER WEATHERFORD:  Representative Corcoran.

CHAIRMAN CORCORAN:  Yes.

SPEAKER WEATHERFORD:  For a follow up.

REPRESENTATIVE WALDMAN:  And then he goes on
to say should the first, asking the question as the
political operatives do and asking it in terms of
the legislators and whoever he is talking to,
should the first map be as near as compliant as
possible and change very little.  And you familiar
with that are portion of what the testimony was?

SPEAKER WEATHERFORD:  Representative Corcoran.

CHAIRMAN CORCORAN:  What page are you on,
Representative Waldman?  Yes, on page 23.

SPEAKER WEATHERFORD:  While he is finding the
page, why don't you restate your question there,
Representative Waldman?

REPRESENTATIVE WALDMAN:  Thank you,
Mr. Speaker.  I just wanted to make sure that he
was familiar with that passage and what took place and where it said, should the first, first map be as near as compliant as possible and change very little. And he was referring to the fact that we go through the process, isn't that correct, what was that testimony?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I mean, I am reading the notes about Rikel Duffer's notes following the meeting.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. But you would -- you would acknowledge that what he was talking about was that the best way to go forward with this is probably similar to just about any negotiation. Start it at one end and hope to get to the area, whether it be that you start out high and you try to get to a lower price, or start out low and you try to get to a higher price.

You would agree that that was part of the process and part of what they were looking to do, was that correct?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: I think that what he is going through. I mean, I wasn't on the phone call, Representative Waldman, but he is going through an
analysis of that and that is one of his
suggestions.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. You would agree that when you made
the change in this -- in this map you guys started,
you started with what the existing map was and you
worked down from that. You testified to that, is
that correct?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Again, in 2012, I wasn't a
part of the Redistricting Committee, but reading
the opinion, that is what he said.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. What I am trying to say, is when you
and Senator Galvano decided to go through this, you
started with what was that bad map which was not
compliant, which was what was referred to by Judge
Lewis, is that correct?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: That is correct.

SPEAKER WEATHERFORD: For a follow up.

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REPRESENTATIVE WALDMAN: So essentially what
you did and Senator Galvano did was exactly what
this operative suggested be done, let's start with
the less compliant map and let's move towards
compliance, and that is the process that you got to
in this redrawing. Isn't that really what took place?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: No, I think what -- what Rikle Duffer is saying is that the entire, from beginning to end when you have, you know, let's start and, with a -- and allow the amendatory process to get us to a better, a better space.

So the first proposal, what -- what Senator Galvano and I did was looked at the map that we passed that went to the Judge and was thrown out, and we never went through a process where we said, okay, now, let's put forth before the committee or whatever, a map that isn't compliant and then allow it to get better and better and better.

The map before we put before, Senator Galvano and I, I am like what -- it appears what Rikle Duffer is talking about was the map that we are voting on today. It is never -- we have made no changes to it.

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SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. I want to make it very clear, I don't question your integrity or Senator Galvano's integrity one bit. What I am just trying to get at is if I understand correctly, the reason we are here in the special session is this is still part of the process.
I mean, we -- we went through it, it goes to the Court, we passed it, it goes to the Court, they send it back to the Senate, then we got another lawsuit, he sent it back to here, but the special session was all part of the process, the same as what this Rikle Duffer is suggesting be done.

So he actually had the idea that, listen, let's go this way, it will get thrown out by the Court. We will come back, they will come back, but they will still be dealing with that lousy map and all they have to do is tweak it and we can still get to where we want to get to.

So isn't that really what happened, because you didn't going and reanalyze and you said it to me, you didn't really go reanalyze Senate District, Congressional District 5 or 7 or 9 for that matter, isn't that really where we are at?

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SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: No, Representative Waldman, I don't agree with the assessment at all. We are here because of the Judge had a ruling that invalidated a map. But the process that Senator Galvano and I went through, unlike the process that it appears Rikle Duffer is talking about what they should go through in 2012, what we -- the process we went through was we didn't -- there was no gamesmanship or, you know, whatever, you know, thing, you know, let's hide the ball.
We said here is the map and there was no changes, it was never -- the map that Senator Galvano and I put forth, there was no changes to. You are trying to say that we made changes to the invalidated map and somehow it is the same. It is completely different. That analogy fails on multiple levels.

SPEAKER WEATHERFORD: Representative Waldman for a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. So -- so it is your position then, because even though you started with an invalid map that really went through the process the way Rikle Duffer was suggesting that it be done, because you and Senator Galvano do not have or did not have any intent to favor or disfavor a political party or to do anything along those Tier 1 and Tier 2 requirements, but as long as your intent was okay, that the map is fine. Is that what your belief is even though you started with an invalid map and all you did was tweak it a little bit?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Again, we are -- I am not going to agree to that, Representative Waldman. We started with a map that had 25 of 27 districts constitutionally validated. What we did was look at per the Judge’s Order the two districts that...
Senator Galvano and I went through the process of
drawing the map as it appears. Rikke Duffer is
talking about the process of drawing a map, and he
is saying that it appears, I am not him, that let's
draw a bad map and then allow it to get better
through the process.

Senator Galvano and I sought to draw the best
possible map that complies with the Order. We did
that and it has not changed through the process.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. I am just, and I am focusing on the
Judge's opinion, because frankly I don't want to be
back here again, and I think that there is always a
possibility we could be back here again and I am
not looking forward to doing that.

So that is why I am focusing on the Judge's
opinion exactly. And the Judge talked a great deal
about legislative intent, and who's intent is
important in terms of whether a map is invalid or
not. So I just want to be certain that I
understand you correctly, that your testimony is
that it was not your intent nor Senator Galvano's
intent in spite of the fact that you worked with an
invalid map, an unconstitutional map, because it is
the entire map which was unconstitutional, it is
only the two districts that they found were non
compliant, but the whole map was thrown out, that your, your belief is that you complied with the Judge's Order because the only intent in spite of what may take place, is your intent as a drafter and Senator Galvano's intent as a drafter, is that correct?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: Yes, I mean, I have to go look at it again, it was in there, he went through a whole analysis of legislative intent, but I believe is the entire body and the individual members of the entire body.

SPEAKER WEATHERFORD: Representative Williams.

You are recognized for a question.

REPRESENTATIVE WILLIAMS: Thank you, Mr. Speaker, and thank you, Chair Corcoran, for your indulgence this afternoon. So I have is looking at the map and looking at the, I guess in totality the seven districts that were impacted by the map that you put forth in your -- in your Bill. We have talked a little bit about a few of them. Can you share with the body what the impact would be to the entire seven districts and what -- what the impact will look like really to the voters, especially and then I have a follow up, Mr. Speaker?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: If you would look at, I
will just give you the highlights, Representative Williams, and if you have more specific questions I would be glad to answer them.

But 5, the changes we completely eliminated the incursion that went into Seminole County. The eastern boundary now follows the St. Johns River all the way from Duval County to Seminole County. We have discussed the BVAP and I just told you how it is visually and mathematically more compact.

Six, which is to the east of it. Again, the visual compactness was greatly improved compared to the enacted map. It now looks much more rectangular if you look at it. Its western boundary is shared with 5, so it is the entire St. Johns River, from Duval to Volusia County, and Palatka remains whole up in that northern part that changed.

In District 7, which is Seminole County, it is now an entire kept whole. The visual compactness greatly improved, and the western boundary is shared with Congressional District 5 which is the St. Johns River.

District 9 which is south of that and the visual mathematical compactness up as I said it before, and the county which is Osceola County is now split, but all the municipalities that were within it were kept whole.

District 10 the appendage again is removed as
required by the Judge, or as discussed by the
Judge. Divisional mathematical compactness is
improved.

District 11 was minor changes. We just went
in a little bit to Marion County where there is
very little population. I think one of the things
that was in there was some sort of abandoned
bombing range or something, but it is little
population on the northeast side.

And then in District 17 we made minor changes
in the -- just to equalize population on the
northern part, and that is where we split Osceola
County and put it in District 17.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WILLIAMS: Thank you,
Mr. Speaker, and thank you for that explanation.
You spoke earlier about not having seen, I guess
the political performance of the maps.

Do you believe that we probably should as a
body probably have that conversation and discussion
since that is part of the reason why we are here
today, just so we won't obviously have to be back
here anytime soon, because obviously the will of
the voters is such that they want to make sure that
there is no incumbent protection, political
favoritism, whatever you want to call it.

Can we have that conversation and should that
be something that we have for the entire body?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: We made the decision looking at Tier 1, looking at the Judge's opinion that the only data we looked at was that was required under Congressional District 5 and no other district, and we think that is the best course of action for the legislative body.

SPEAKER WEATHERFORD: Further questions, further questions? Representative Pafford for a question.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker. Representative Corcoran, thank you so much for weathering these questions. I have a question. So the call that was made for the session was I believe August 4th.

When did you actually begin working with Senator Galvano on the initial map?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: The first time I met with him just to confirm with staff, Representative Pafford, was probably Tuesday evening maybe, when Senator Galvano was in town and I can't remember the time.

SPEAKER WEATHERFORD: For a follow up.

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REPRESENTATIVE PAFFORD: Thank you,
Mr. Speaker. So Tuesday evening was August 5th.
So you believe you were here meeting with Senator Galvano August 5th?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: I am sorry, representative Pafford, can you repeat it one more time?
SPEAKER WEATHERFORD: Please repeat the question.

REPRESENTATIVE PAFFORD: Certainly, thank you, Mr. Speaker. You say you had begun to work on this map Tuesday evening, which I believe would be August 5th, is that correct?

SPEAKER WEATHERFORD: You are recognized.
CHAIRMAN CORCORAN: That is correct.
SPEAKER WEATHERFORD: For a follow up.
REPRESENTATIVE PAFFORD: Thank you, Mr. speaker. So representative Corcoran, the initial language in the Senate was filed on August 5th, 2014, at 12:17 p.m. Did you have any idea that was actually being filed?

SPEAKER WEATHERFORD: You are recognized.
CHAIRMAN CORCORAN: The Senate has different rules than us, and so that is their shell Bill. There was nothing in it.

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SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Remember, I said I got in late and I met with House staff. They gave me the booklet with all of the briefing that is in there, and then the conversations with staff about where we were. They informed me the Senate had filed a shell Bill with the -- that had nothing new in it, except the enacted map.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker. So representative Corcoran, when in fact did the current language that we are seeing today, that was discussed the evening of August 5th, is that correct?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Yes, what ultimately became the map before you, those discussions started the 5th and went through the 6th, and into the 7th.

SPEAKER WEATHERFORD: Representative Pafford.

REPRESENTATIVE PAFFORD: Thank you.

Mr. Speaker. So at the beginning of this questioning period it was mentioned that it is fairly common when we have bipartisan Bills, like any Bill, that it is quite common to invite members of both parties into meetings. Did you feel that was not necessary?

SPEAKER WEATHERFORD: You are recognized.
CHAIRMAN CORCORAN: Representative Pafford, I think I have answered that for Leader Thurston, I answered -- if you want me I will answer -- go through the whole line of answers again, but I think this might be the third or fourth time, but I would be glad to do it.

SPEAKER WEATHERFORD: Representative Pafford.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker. So the language that, that ultimately became part of the Committee Bill that was heard on August 8th, was sent out during the special concurrent meeting on August 7th.

Do you feel that was enough time for folks who may have wanted to provide an amendment to that Bill to have it?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I do, Representative Pafford, because the fact was an amendment was filed to it.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker. So the Bill that I observed not being on the committee was pretty much shot down, and staff basically was used in my view to take away from a Bill that didn’t have proper time for an analyst to take a look at it. Did you feel that was okay?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: I think that the staff has done an exemplary job and you had -- that was the amendment before us, Representative Pafford. We also had a member file a Bill and he filed it much sooner than the amendment that was filed, which was a Bill in and of itself, and was filed previously in the Senate.

We saw it in the House not until it was filed as an amendment, but it did exist in the Senate. And even on the Bill that was filed much earlier by one of your members of your caucus, staff worked with them extensively and they decided because of the conversations in working with them, not to even file that Bill. But I think staff has worked with everybody expeditiously and everyone has had the opportunity to have that debate.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker, thank you, Representative Corcoran. Considering the fact that the amendment failed, and staff who did perform an excellent job on the PCB, a wonderful job, was there any consideration considering that we are in special session and that a Judge asked us to come back to provide a fair opportunity over the weekend to call a committee meeting and consider more language that perhaps would have had better input from the full body?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: I think our process has fully allowed that and we are on second reading right now where you can offer any amendment. You can even offer late filed amendments on, amendments with a Super Majority and none were filed. But we had every member, all 120 of us had all weekend to file amendments today on the floor.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker. It was noted during that committee meeting that staff would be busy and they would provide information that had been requested during that committee meeting. So was there really time to put forward an amendment or perhaps another Bill that all of the members of this Chamber might be able to vote for today?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Yes, I absolutely believe that is the case.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker. So the memo, I will take you back to August 5th, you were kind to put out a memo that requested staff members, anybody who is putting forward a Bill to share it with either the committee body or this House or whoever, those folks that we were working with potentially. What was the purpose of that memo?
SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Because of the Court's opinion, I mean, basically I thought as the Chairman of the Committee and with consultation with the Speaker that the best course of action in order to, you know, as Representative Edwards represented earlier, to have people have the full faith and confidence in what we were doing and the product we were doing to put forth that memo that had those requirements.

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SPEAKER WEATHERFORD: Representative Pafford.

REPRESENTATIVE PAFFORD: Thank you, Mr. Speaker. So what was the reaction when Representative Rodriquez asked if we could swear in people before your committee? If your goal was to ensure integrity within this process, and that everything was put out there, why was your immediate goal, your immediate reaction prior to the actual motion, no?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I did what any Chairman would do and that is I put the motion before the body and the body voted. It wasn't, obviously I had one vote along with every other member on the committee who had one vote and they voted it down eight to five.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE PAFFORD: Thank you,
Mr. Speaker. And again, thank you, Representative Corcoran. Would swearing people in have resulted in a different process as we stand here today?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Speaking for myself I do not believe that to be the case at all.

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SPEAKER WEATHERFORD: Further questions?

Representative Richardson, thank you for your patience, you are recognized.

SPEAKER WEATHERFORD: Questions,

Representative Richardson, thank you for your patience, you are recognized.

REPRESENTATIVE RICHARDSON: Thank you, thank you, Mr. Speaker. Now, I noted that your members in the Majority haven't had a chance to ask all of their questions, so I am happy to yield at your pleasure, or I can continue.

SPEAKER WEATHERFORD: I think they have been busy reading the Q and A that we handed out to everyone. Representative Richardson, you are recognized.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. Chair Corcoran, earlier Representative Rouson asked you in a question if any experts were consulted on this, and I know you and Senator Galvano were involved, and you said no.

So, but do you know if any experts were advising any of the staff?
SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I do. If that where the case they would have told me as per my memo and

there was no outside advisement to staff.

SPEAKER WEATHERFORD: Follow up.

REPRESENTATIVE RICHARDSON: Thank you. And my next question is on that memo dated August 5th. So I note that part of the memo is written in first person and part of the memo is in third person.

So where you say in some cases, I have specifically, and in other cases specifically I am focused on where you are saying committee staff have been informed that they are to have no interactions with any member of Congress, Congressional staff or any political consultant.

So in that case who advised the staff? Was that you or someone else?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: They received the same.

That memo went out to everybody, they all received the same memo.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. So this memo, in fact, was the notification to staff, is that correct?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: That is correct.

SPEAKER WEATHERFORD: Representative
Richardson.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. So the memo is dated August 5th, and I think the Judge's Order was August 1st. So during the period of August 1st, to August 5th, can you tell me if the staff or anyone else, if their behavior was in anyway limited in terms of having conversations with people about the maps?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I can't say definitively having not been here, Representative Richardson, but I can say definitively having talked to them that is not the case.

SPEAKER WEATHERFORD: Representative Richardson.

REPRESENTATIVE RICHARDSON: So if I understand, you had a conversation with all of the staff and they advised you that they did not have any conversations or input from anyone, even prior to the date of your memo, is that -- is that your representation?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: That is the -- that is correct. And counsel just informed me that they were immediately upon the ruling informed not to
have those conversations by House counsel.

SPEAKER WEATHERFORD: Representative Richardson.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. I noticed on this they were -- they were limited to not have any interactions with members of Congress. I know what that means. Congressional staffers, I know what that means. But it says or with any political consultant.

Can you at the me to understand, what did you mean there? What is a political consultant?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I think generally, I mean, I can pull out a dictionary and try to get a Webster's definition, but I think we all know what a political consultant is. Someone who gives you political advice related to the electoral process.

SPEAKER WEATHERFORD: Representative Richardson for a follow up.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. You know, when I was running for office in '12, I remember so many people giving me so much free advice. And I guess in their mind they were political consultants.

So would in this case, would a political consultant be only a paid, someone paid to give advice, or would they be -- would it also include?
someone who is unpaid, but offering their consultancy without remuneration?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: Representative, whether that person was paid, whether that person was unpaid, whether that person was a Republican consultant, an MPA consultant, an Independent consultant, a Democratic consultant, it doesn't matter.

Any consultant that would have tried to make that approach did not -- was not allowed and that was the point of the memo.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: Just so that I am absolutely clear. Is -- if a person were offering their advice without compensation or without a proper title of being a political consultant, would staff have been permitted to have these interactions in that case?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: If they had some sort of conversation that wasn't covered in that memo with whoever it might be that wasn't related to the redistricting process or the maps specifically or having some sort of purpose of addressing those maps or looking at those maps, then they were having a conversation with their friend after work, they are more than entitled to.
SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. So I think I heard that if, if they wanted to have a conversation with their friends and their friends wanted to give them some advice on this, that would be okay. Am I understanding that correct?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: No, I specifically said not regarding the maps.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. I also want to focus on the word interaction in your memo. You know, that can mean different things to different people. Sometimes people think interaction, because inter meaning between, has to be an exchange of conversation where one person listens and another person talks and vice-versa.

So would it be covered in your memo if a member of the staff just listened, but does not speak? Would that be included in an interaction and be prevented?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: Representative, I mean, here is what I am going to say. I is looking at the Judge's Order, looking at the issues that he had, we wrote that memo to make sure that this process...
is -- was done in the best fashion possible. Staff fully understood the intent, every other member I have spoken to fully understood the intent of that memo.

They followed that memo to a T, and what is, the map that is before you is free from any kind of involvement from any person that would have in any way, shape or form been inappropriate.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. Moving on to another question that was just asked by Representative Pafford. He asked when was the first time you had an exchange with Senator Galvano and you, you responded, if I heard you correctly, that you had a meeting on the 5th.

So I am wondering if you had a phone conversation with him before you arrived on the 5th?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I did not.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. A different question was asked about the map, and I think that it was your response to Representative Waldman that you said that there were no prior iterations of the map that was filed with the Bill.

Now, I know when I write a Bill oftentimes I
will put something in the drafting and then I have
got to work on it and tweak it and so forth. So
were there any earlier versions of the map, or if
you look at this Bill there is really not a map in
the Bill. It is just a narrative description of
the map. So was there an earlier version before it
went to Bill drafting?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: There were earlier drafts
that have been kept.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker. And those earlier versions, were they
in -- I assume those were in Word or some sort of
software before that was sent to Bill drafting.

Can you help me understand what you mean by that?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: They were all in My
District Builder, as I said at the outset.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RICHARDSON: When you say, in
your district folder, do you mean an electronic
folder? I am trying to find out if they are --
normally when I sent a Bill to Bill drafting I have
worked on something perhaps in a Word processing
software and then I send it to Bill drafting, they
upload it.

So I am trying to find out if there was
15 something written before it was sent in drafting,
16 or if you hand wrote something and they typed it up
17 in Bill drafting.

18 SPEAKER WEATHERFORD: Representative Corcoran.
19 CHAIRMAN CORCORAN: The drafts we have in the
20 redistricting suite that you can come look at. My
21 District Builder is the software program where you
22 build the maps, not my district folder, My District
23 Builder, it is the software.

24 SPEAKER WEATHERFORD: For a follow up.
25 REPRESENTATIVE RICHARDSON: Thank you,

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unless it was the will of the body.

Representative Richardson: You are recognized.

And the earlier versions that you have in the suite that you mentioned, are they in a similar format as the Bill, in that they are in narrative format, or is there -- are there physical, physical maps of the earlier version? Because again, there is no physical map in the Bill, it is a narrative description.

Chairman Corcoran: There -- they are not in a narrative form, they are like physical maps that you would see like that.

Representative Weatherford: For a follow up.

Representative Richardson: And can you tell me approximately how many physical maps earlier version there are in the suite before we got to the final one that is in this Bill, approximately?

Chairman Corcoran: It is around five, but I mean, we can figure it out, you are more than welcome to look at them.

Representative Weatherford: For a follow up.

Representative Richardson: And can you tell me if there are one or two or three remarkable items that changed between the first version as you moved through to version five, what were the
substantive changes, if you can recall?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: There -- staff by the way informed me that there were three iterations, not around five. Yes, I mean, there was -- and the

staff testified to this during the committee meeting, I don't know if you got a chance to see it, Representative, but there was a lot of discussion on Osceola County whether we split it.

There was a discussion about the flag, which was the northern part of the Osceola County boundary, and then it was all around trying to, according to the Court Order, increase those compactness standards in the districts and only those that were affected around it.

So they were just trying, okay, if we did this, what is the -- what is the Reock score, what did it visually look like as opposed to the last iteration.

SPEAKER WEATHERFORD: Further questions?

Further questions. Representative Stewart.

REPRESENTATIVE STEWART: Thank you, Speaker.

I just have a couple of questions, and that is when the process is completed and a map is chosen, will that map be forwarded then to the Judge and that map only?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I don't understand. I
mean, this is the only map that we are putting forward that would go back to the Judge, if I understand your question correctly.

SPEAKER WEATHERFORD: You are recognized.

REPRESENTATIVE STEWART: Thank you. My question I guess then would be, you know, there will be -- there has been two maps that I am aware of that were discussed so far.

Would -- do you think that the Judge would be interested in hearing that we discussed many options, and that those options would also be forwarded to him before the final map suggestion was given to him?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: No, I think that that he wants and what he instructed us to do was to fix the map that he invalidated the two districts in and send him back the corrected map, which is what we will do.

SPEAKER WEATHERFORD: You guys drinking coffee back there? What is going on. Representative Rodriguez, you are next. You are recognized.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Speaker, and Representative, Chair Corcoran, thanks for hanging in there.

I wanted to ask you a question for just clarification purposes, and this came up I think...
during the Joint Meeting where some of the line of questioning was to try to get at with respect to the Tier 1 standards that constrain us in terms of what we can and can't do with District 5.

Part of the questioning was getting at the BVAPs or the black voting age population percentage, and I think it was Senator Bradley who asked the question about the legal advice or the legal opinion that we have gotten from House counsel at least, that informs our decision on how we interpret those Tier 1 standards.

And I just wanted to ask for clarification purposes, could you state just as clearly as possible with percentages what legal advice are we relying on here in the House in terms of, you know, what we can do about the BVAP percentage?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I think that in that, I mean, you have been asking some great questions throughout the committee process, Representative Rodriguez, and I think that was the one that you asked in the Thursday or, the Thursday Joint Meeting, and I think counsel had gone through the whole Tier 1 standards, the Section II vote diminishment.

And I think what his answer to you, if I
remember correctly, was that there is no magic number.

SPEAKER WEATHERFORD: We are going to do one more follow up and then we going to take a brief recess to give Representative Corcoran a chance to catch his breath a little bit.

So Representative Rodriguez, ask a question and we will take a little bit of a break after that.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Chair. I think that is well warranted, I will keep my question real brief.

I believe again Senator Bradley asked a question in which in response I think he got a range from, I believe it was House counsel in terms of what House counsel was advising us that he believed was legally permissible, and I think the range was somewhere between 48.06 or something like that percent to 50 percent was the range that was permissible.

Could you clarify again what House counsel has been advising us in terms of informing this process that the black voting age population for example couldn't go below 48.06 percent and still be defensible?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I don't recall that being stated at all. I don't remember that line of
question with Representative Bradley. I don't think that was the case. I think he made it very clear that there wasn't a magic number, and that what was required was to do this functional analysis that looked at a host of criteria to get to a number. And I think he also on that point, I can't remember if it was specifically to that question, but he had mentioned to you, if you go through and you look, and the same analysis that we did in that functional analysis, we matched up with the apportionment one that the Supreme Court did when they looked at one of the Senate Districts.

But again, you have to do that functional analysis, look at the whole thing and there is, he walked you through the whole point about, you know, it is not a binary number. It is not a range. I think to your point, and I might have said it, Representative Rodriguez, is that this Judge said that 48.03 in Congressional District 5 did not retrogress.

I did say that, but beyond that I don't think there was a discussion other than that you would have to do that analysis, which is an in-depth analysis and that there is no binary number.

SPEAKER WEATHERFORD: Okay. Members, we are going to take a 15 minute recess. It is 3:08. Let's call it 3:25. Come back at about 3:25. And so the House will stand in informal recess until
3:25.

(Brief recess taken.)

SPEAKER WEATHERFORD: Members, nobody seemed to get excited during recess. We are now back and we are back on Q and A. I believe we were on Representative Rodriquez. Thank you for your patience, sir. You are recognized for a question.

REPRESENTATIVE RODRIQUEZ: Thank you, Mr. Speaker. This is a follow up on the last question.

And you were kind enough to clarify that there is no magic number that we are relying on for the BVAP percentage, and that instead there is a functional analysis.

So I wanted to ask for your confirmation on some of the numbers that we have on the district. And I just want to say that I know that in the Court opinion it said that District 5 has never been a majority/minority district, but has consistently elected black members, black members of Congress.

But the data that we have that was I think provided in committee on the district as drawn, what we are considering right now, is that in 2012, would this district have existed, 69.3 would have voted for President Obama, and in 2010, had that existed, 65.2 would have voted in favor of Alex Sink.
And that I think the other numbers that we have are that it looks like the percentage of the Democratic electorate that is black is over two-thirds. I think it is 65 percent, and then I think it goes up to 68 percent in 2012.

So I just wanted to ask you, are those numbers accurate for the map that we are -- we are going to be voting on?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Representative Rodriguez, if you were to take -- I am sure you are taking it from the right data, correct? I mean, in other words, I take your word that you have looked at the sheet and you want me to go through each, if you want to I will go through them. You will just have to say it more slowly.

SPEAKER WEATHERFORD: Representative Rodriguez.

REPRESENTATIVE RODRIGUEZ: Thank you, Representative speaker. Thank you, Representative Waldman for correcting me, 65 percent is not two-thirds. So I need some help with the math, but what I am looking at is, I don't know if you can see it from here, but it is this document that was provided.

And at 2012, 69.3 percent in favor of Obama, and then in 2010, 65.2 in favor of Sink. And then the document I am looking at, I think it is page 17.
of the staff analysis for the percentage of the electorate in '10, the percentage, I am sorry, the Democratic electorate being 65.28 percent. And then referring back to the sheet which I just showed you that shows that in 2012, the percentage of the Democratic electorate being 68 percent black. Are those numbers accurate?

SPEAKER WEATHERFORD: You are recognized.
CHAIRMAN CORCORAN: Yes, I believe so.
SPEAKER WEATHERFORD: For a follow up.
REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Speaker. So is it fair to say that we have a district that overwhelmingly performs for Democrats and that black Democrats account for almost two-thirds in 2010, and well over two-thirds of the Democratic electorate in 2012?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: I think the map that we put before you, looking at those numbers that are a part of the functional analysis, does preserve the Tier 1 and the Voting Rights Act rights maintained by the voters in that district to elect a candidate of their choice through, without, by not diminishing.

SPEAKER WEATHERFORD: For a follow up.
REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Speaker. And on a different line of questioning. With respect to the map that we have...
here, many of our colleagues asked about District 9, and the impact on District 9 and the Hispanic voting age population that would be impacted.

You expressed that part of the goal in originally drawing this map was to put the district in a future posture to be a, I don’t know if the word is opportunity or access, but Hispanic access seat, and that, you know, the Court basically said that -- the Court and I think all of the analysis that I have seen is that it may be and it is expected to become a Hispanic opportunity or access seat, but not yet.

But I wanted to ask the specific question and you went over in detail on, you know, on all of those aspects, but I wanted to ask, if an analysis has been done on specifically this question, which is the enacted map that we have right now, there is a prediction as to at what point it will be opportunity or access for a Hispanic voting age population, but that would presumably change under the map that we are considering today.

Has there been an analysis, and to put it crudely, on how much longer it will take to become a Hispanic opportunity or access seat because of the changes we are making today?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: When you were going down this line of questions you might recall,
Representative Rodriquez, that it wasn't even in dispute from any of the parties, the Judge, anyone that this is not a Tier 1 protected district. So that analysis was not done.

SPEAKER WEATHERFORD: Follow up.

REPRESENTATIVE RODRIQUEZ: Thank you, Mr. Speaker. And I think the last couple of questions I had related to the memorandum dated August 5th, which Representative Richardson so artfully asked a couple of questions on.

And the first is that as I see the memorandum, I don't see any instruction to staff to preserve records, to keep records or to refrain from destroying records. Was any direction provided to staff on retaining and not destroying records?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I think I said earlier, I can't remember if I sent that via e-mail or orally, but, I mean, throughout the post ruling we have instructed everyone, members, too, not to destroy any of their documents.

SPEAKER WEATHERFORD: I would also like to point out, members, it has been a long day already but we are getting into the part where we are asking the same question four or five different ways. If the question has already been asked, we would ask you to kind of move on to another area.

Representative Corcoran, we will leave it to
your discretion whether or not you feel like you have answered a question numerous times, but we would like to chart some new ground here. You are recognized. Representative Corcoran.

CHAIRMAN CORCORAN: First, let me say, Mr. Speaker, Representative Brodeur has been kind enough to inform me that as much as I am a purist on the rules and function, I have yet to say thank you, Mr. Speaker, for giving me the recognition to speak. So I sincerely apologize and I will try to do it hereto forward.

SPEAKER WEATHERFORD: I thought it was just a matter of protest since I asked you to Chair the Select Committee.

CHAIRMAN CORCORAN: But staff just informed me that it was an e-mail from our House General Counsel that went to staff and every member. You should have gotten one, too.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RODRIQUEZ: Thank you, Mr. Speaker. Could you clarify, when was that e-mail sent?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker. Do we know the exact date? We can get that for you, Representative Rodriguez.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE RODRIQUEZ: Thank you,
Mr. Speaker. And have -- has the House gotten a legal opinion as to what, you know, what our recordkeeping requirements are in this circumstance? With respect to records related to, you know, the process that we went through to create these maps, have we gotten a legal opinion on what our recordkeeping requirement is by law, and if so, what is that opinion?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: It wasn't -- the recommendation of legal counsel volitionally, not by law, was to keep everything.

SPEAKER WEATHERFORD: Representative Rodriguez, you are recognized.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Speaker. So just for clarification purposes, is -- so was the recommendation of counsel that we had no legal requirement to preserve the records, but that we should?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I don't have it in front of me, but I believe that was in the opinion by the Court, that what you just said is true. But having said that, airing on the side of caution we said we are going to keep everything.
SPEAKER WEATHERFORD: Follow up.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Speaker. And I just, I also wanted to ask another question about the memo. In the second paragraph of the memo that we talked about before the second, I guess the first sentence instructs staff to work collaboratively with their counterparts in the Senate. And I just wanted to ask if any direction was given to staff to work collaboratively with leaders of the minority caucus?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker. Unlike 50 percent and I am up to, but I think I honestly, Representative Rodriguez, I think I went through that whole concept. I think everyone has been treated fairly. I think everyone has had that opportunity. Obviously there wasn't anything specific to that, to your point, but I think we have hit that one about 10 times if that is okay, but if you want me to go into more explanation I would be glad to.

SPEAKER WEATHERFORD: Further questions?

Further questions? Representative Dudley for a question.

REPRESENTATIVE DUDLEY: Thank you, Mr. Speaker. Representative Corcoran, and I don't
say this to impugn anybody here, but it is a concern obviously the costs associated with us being here, hundreds of thousands of dollars, maybe millions before it is all over.

Have you spent any time looking at and considering penalties, civil or criminal, to address some of the activities that occurred in the process? I am told Representative Clarke-Reed went to 26 of these meetings around the state, and certain individuals would get up and say they drew maps or, you know, were responsible for maps.

And I think the people have the right to know how that happened and who was responsible for doing these things, and that perhaps civil and criminal penalties might apply to that kind of fraudulent conduct. So I am wondering if not now, but maybe going forward we can try to make sure, assure that the taxpayers are not going to -- or we as an institution don't forget that we had to go through this, because I am sure the taxpayers don't forget this, that we try to rectify this.

And what plan, if any, do you have to address that, this major shortcoming that we have had, to have to come back?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker.

Representative Dudley, again, in this process the memo that we outlined and we sent out the directive...
from General Counsel I think in this process we looked at a lot of those things that were mentioned, and in this process we have been very disciplined in all those things that caused, as I said earlier, disgust from the Judge related to the process. Beyond that I have not heard discussions related to the other part of your question.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE DUDLEY: Can we be assured going forward that we make this a priority? In other words, you know, you have looked at it, you have seen it, it is a sensitive issue right now, but maybe 10 years from now it is not going to as sensitive and we shouldn't have to go through this again 10 years from now or the future Legislature 10 years from now.

So can we be assured that there will be an emphasis put on creating some kind of something to, you know, consequences, accountability for the kind of conduct that occurred as a result in this and us being back here and all of this money being spent?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker.

Hopefully Representative Dudley, with what we have done here, we are talking about a Legislature that is going to be seated in 2022, but hopefully, my hope is that we will be done here today, it will be done well to the point that people after us would
want to emulate it.

SPEAKER WEATHERFORD: Further questions?

Seeing none, move the Bill to third reading. The resolution is on the desk.

SPEAKER WEATHERFORD: Questions, questions in sponsor, further questions? Are there amendments?

READING CLERK: Bill on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Is there debate, is there debate on the resolution? Seeing none, President (inaudible), you are recognized to close.

Waives close.

A VOICE: As the President moves the adoption of all in favor, all in favor say yea.

(Chorus of yeas.)

SPEAKER WEATHERFORD: Opposed no, show the resolution is adopted. The Clerk will unlock the machine and the members will be able to vote. The Clerk will lock the machine and announce the vote.

READING CLERK: 109 co-sponsors, Mr. Speaker.

SPEAKER WEATHERFORD: Read the next Bill.

READING CLERK: None on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: I apologize, Representative Williams, you are recognized for a motion.

REPRESENTATIVE WILLIAMS: Thank you, Mr. Speaker. I move that the rules be waived to introduce House Resolution 5-A and read it as a first and second time by title.
SPEAKER WEATHERFORD: Representative Williams moves that the rules be waived and introduce HR 5-A. Read it the first and second time by title, all in favor say yea.

(Chorus of yeas.)

SPEAKER WEATHERFORD: Opposed, no. Show motion approved. Read the Bill first and second time by title.

(Brief recess taken.)

SPEAKER WEATHERFORD: Read the next resolution.

READING CLERK: None on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Okay, members, here is what we are going to do. Right now it is 3:55. We are going to come back in, Leader Thurston, an hour, take an hour recess, the Senate is debating the Bill currently. We have to wait on the Senate Bill to come over. We are going to take an hour recess, we will be right back here at 5:00 p.m. At that point we will debate hopefully in a structured format the Bill that comes over from the Senate, and we will hopefully be able to pass something out and everything can go home today. That is the plan, we will see you back at 5:00 o'clock. We are in recess.

(Brief recess taken.)

SPEAKER WEATHERFORD: The Clerk will unlock the machine and announce the presence of a quorum.
READING CLERK: 107 members voting. A quorum is present, Mr. Speaker.

SPEAKER WEATHERFORD: Members, please take your seats. Representative Schenck, what purpose do you rise?

REPRESENTATIVE SCHENCK: Sorry, Mr. Speaker, I am a little rusty. To make a motion, to move that Rule 10.12 be waived, that we adopt a special debate procedure for SB 2-A on third reading today. SB 2-A total debate time will not exceed 60 minutes. The sponsor will explain and close the bill, closing not to exceed five minutes. No member may be recognized more than once, and all recognitions will go through the Speaker.

SPEAKER WEATHERFORD: Representative Schenck moves that the rule be waived to adopt the special debate procedures. Are there questions? Objections? All in favor signify by saying yea.

(Chorus of yeas.)

SPEAKER WEATHERFORD: Opposed, no. Show the special debate procedures adopted. Are there messages on the desk?

READING CLERK: On the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Read the first message.

READING CLERK: The Honorable Will Weatherford, Speaker, I am directed to inform the House of Representatives that the Senate has passed Senate Bill 2-A as amended and request the
By Senator Galvano, Senate Bill 2-A, a Bill to be entitled, an act establishing the Congressional Districts of the state.

SPEAKER WEATHERFORD: Representative Corcoran, you are recognized for a motion.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker.

Mr. Speaker, I move to waive the rules and read Senate Bill 2-A a second time by title.

SPEAKER WEATHERFORD: Representative Corcoran moves the rules be waived to read SB 2-A a second time by title. Is there any debate on the motion? Any debate? All those in favor signify by saying yea.

(Chorus of yeas.)

SPEAKER WEATHERFORD: Opposed no. Show the motion is agreed to. Read the Senate Bill a second time by title.

READING CLERK: By Senator Galvano, Senate Bill 2-A, a Bill to be entitled an act establishing the Congressional Districts of the state.

SPEAKER WEATHERFORD: Representative Corcoran, you are recognized to explain the Senate Bill.

CHAIRMAN CORCORAN: Members of the Senate Bill is substantively identical to the House Bill. There was one technical change. It is -- all the technical change did was clarify legislative intent on the date of the enactment.
SPEAKER WEATHERFORD: Representative Waldman
for a question.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. Could you explain how the enactment
date would work under the amendment, please?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker.
All it does is clarify to ensure that through the
2014 cycle, is the existing map. After the 2014
cycle, November 2014 cycle, is the new map that we
just drew today.

SPEAKER WEATHERFORD: Representative Waldman.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. So does that mean that the Judge's
hands are tied at this point, and if the Judge
decides to hold something after the 2014 cycle, he
can't do that?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I think that if you read
his opinion he recognizes the legal aspects to
doing something prior to November of 2014, but he
retains that. We don't effect whatever he has
retained, but what we are saying is if it is a
2014, and the election is in November, it is under
the existing map, if not, then it is under the map
that we just passed.

SPEAKER WEATHERFORD: Representative Waldman.

REPRESENTATIVE WALDMAN: Thank you,
Mr. Speaker. Then aren't we exactly doing what I just asked you we were doing, we are tying his hands? We are saying you can't hold a special election that would exceed that 2014 cycle, in November?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: I think, Representative Waldman he clarified, I think in his opinion he said that legally isn't feasible.

Representative Waldman.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. And I did read his opinion and I don't recall seeing him talk about that it wasn't feasible. He did talk in terms of the difficulty of it and what could possibly happen. But he said was actually going to wait for the Supervisors of Elections to present a plan to him and let him know if it could be done. Isn't that what he did, and he didn't say it wasn't feasible?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: He did. Thank you, Mr. Speaker. He did, Representative Waldman, but again, in order to do that what he discussed about it being very difficult would be the fact that you already have a million absentee ballots out, you have tens of thousands of ballots that have gone oversees and to our military veterans, and when we
had that committee on Thursday and testimony from
the Supervisor of Elections, even after that date
someone asked him was it possible to do it in
December, and even after that November date, the
Supervisor said you would have to change multiple
laws, both State and Federally.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. So following your logic of what you
just said about these hundreds of thousands of
absentee ballots going oversees and all, wouldn't
it have been better to have adopted the Thurston
amendment that was heard in committee, which only
affected three districts which would have meant a
whole lot fewer people that would have been
affected as opposed to the seven in your plan?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker.
Again, that issue that you raise was not discussed
at all by Judge Lewis on whether -- his whole
instructions to us were fix 5 and fix 10 which he
found invalid and only those districts necessary
beyond that.

We fixed 5, we fixed 10 and only those
districts necessary beyond that. The Thurston map

would have again had the same time constraints that
we would have. It would have just been less local Supervisors impacted.

SPEAKER WEATHERFORD: For a follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. So I am looking at page 2 of the Judge's Order on Defendant's motion to amend the judgment. This was the second and this is where he talked about the special elections and his opportunity to do whatever he -- it is that he could do.

And he said in this, and I am looking at one, two, the third paragraph, it says, the Legislature's only obligation is to produce a constitutionally compliant map. Aren't we going further by setting an effective date upon this?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: No, I think we are establishing a legislative intent on when we want this map enacted.

SPEAKER WEATHERFORD: Follow up.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. But that is not what the Judge ordered us to do. He just said, produce a map. He didn't say anything about legislative intent or anything like that. So aren't we not complying with his Order?

SPEAKER WEATHERFORD: Representative Corcoran.
CHAIRMAN CORCORAN: Thank you, Mr. Speaker.

No, I think, Representative Waldman, what this legislative body believes under a separation of powers is that is something that is under our jurisdiction and we are certainly going to preserve and hold that power for the legislative body and not acquiesce or give that to somebody else.

SPEAKER WEATHERFORD: You are recognized.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. Well, I am just very concerned about doing anything, first of all, beyond the call of the special session and beyond the call of what the Judge ordered. And if in fact we are going beyond what the Judge has ordered we run the risk of not complying with his Order, and I don't think anybody here wants to not comply with his Order.

So what legal basis do you have to state that we can actually do what you want to do, say when the map is effective? In essence the map was supposed to be effective already. So we blew that. So legal basis are you citing that is going to protect us from that challenge?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: It is the Legislature's prerogative to do that and the Judge still retains, Representative Waldman. To your point, if he wants to do what you want him to do, he still can.

SPEAKER WEATHERFORD: Follow up.
 REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. And I don’t want to get into debate, I am just trying to find out what legal basis, because the Judge issued an Order and you had -- he is not there now, but you had Mr. Meros here before, you had legal counsel here and of course you have the whole staff behind you.

To go beyond the Judge’s Order and not complying with the Order potentially leaves us, the Legislature, in contempt of court, and I am looking at this. He is very clear about it, it is one sentence right there. The Legislature’s only obligation is to produce a constitutionally compliant map.

So how did you make that leap from doing that to then telling him, but oh, by the way, it is not effective until, until we say it is effective?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker. Representative Waldman, whether it was the original redistricting map, whether it is this redistricting map or whether it is any other Bill that this legislative body passes, they all have an enactment date. That is 100 percent within the authority, constitutionally of the Legislature and we exercise that.

SPEAKER WEATHERFORD: Representative Thurston.

REPRESENTATIVE THURSTON: Thank you,
Mr. Speaker. Representative, in light of the fact that this is the only change to the Bill that we sent over, would you be willing to accept a friendly amendment to strike that portion of the Bill?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker.

This is the Senate Bill that has come over to us. We have not sent our Bill to them. This is an amendment that they did, that this is something they had in their Bill that is coming over here, we are conforming it to our Bill, and you are more than welcome not to concur. Not that it is a message.

SPEAKER WEATHERFORD: Representative Waldman.

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REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. I think he was saying, he understands that we didn't send the Bill over. What he was saying that is the Bill that we discussed earlier and we spent a good portion of the day on.

And so what he is just asking is, could we just amend it at this point, take that provision out, sent it back to the Senate because they are sticking around, we know they have nothing else to do tonight, so that is a great thing. There are no other Bills out there, so this is a wonderful time for it, we don't have to worry about Bills bouncing back and forth.
Would you accept that, because if I understand correctly, the way you are proposing it with the amendment is potentially the election goes forward with unconstitutional districts that are being voted in? Is that -- so it is a two part question. The first part is, would you be amenable to the motion? And the second is essentially what you are saying is if we can't change these for the 2014 election, then the voters are going to be voting on unconstitutional districts?

SPEAKER WEATHERFORD: Representative Corcoran.

CHAIRMAN CORCORAN: Representative Waldman, to your first point in terms of amendment, no, I like the language that the Senate sent over to us and I think it is better language. And as far as the second part of the question, I think that everything that we have done, including accepting that language from the Senate is constitutional and complies with the Judge's Order.

SPEAKER WEATHERFORD: Senator Thurston.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Well, just, because I know you have said this, but are you making it a known fact that it is the legislative intent that the Judge can do the things that Representative Waldman is saying that we want him to have the authority to do? Would you agree that that is what the legislative intent is, notwithstanding the strict
17 reading of what you have got there?
18 SPEAKER WEATHERFORD: You are recognized.
19 CHAIRMAN CORCORAN: Leader Thurston, if --
20 legislative intent is our intent. I can't impute
21 legislative intent to a judicial member. I wish I
22 could. That would be a wonderful state, but I
23 can't.
24 In terms of our legislative intent, I am
25 telling you it is our legislative intent. He still
26 retains under the separation of powers, all of the
27 powers that are with him including some of the
28 concerns that Representative Waldman had.
29 As far as we are concerned, our legislative
30 intent is we like the language that has come over
31 from the Senate, we think it is better for the
32 people of Florida, and I am willing to accept it.
33 SPEAKER WEATHERFORD: Further questions,
34 Representative Rodriguez.
35 REPRESENTATIVE RODRIGUEZ: Thank you,
36 Mr. Speaker. I just following up on these, this
37 line of questioning. Specifically with respect to
38 the call of the session, which is a separate issue
39 from whether or not the map with the additions that
40 have been placed in the Senate complies with the
41 Court's Order, whether or not it complies with our
42 own call of session which, you know, this session
43 was called and I am quoting here from, you know,
44 the notice that we were given.
The sole and exclusive purpose of reapportioning Florida's Congressional Districts. So could you address the concern that, you know, if passed and waiting into election law, that we could potentially subject ourselves or subject this map to a whole separate legal challenge based on going beyond the call of session, whether or not that is a concern or not and why?

SPEAKER WEATHERFORD: You are recognized.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker.

One, I think it is 100 percent within the call. And second, Representative Rodriguez, I am getting a little bit confused, and forgive me, because I swear during Q and A Representative Waldman told me that the entire map was thrown out. I thought that is what he was said and he was quoting from the Judge's opinion.

So if the entire map was thrown out and we wrote under Waldman's language, not mine, clearly he said 25 to 27 districts were valid, but if that is his reading of the opinion, that in essence when he invalidated two, invalidated the entire map, part of that entire map was the enactment date. Part of this corrected map that we are sending back to the Judge there is an enactment date. It is 100 percent within the call. But it seems to me a little bit, but now you guys are saying that is not part, that whole map
wasn't thrown out but in Q and A the whole map was thrown out. That part I don't understand.

SPEAKER WEATHERFORD: Seeing no further questions, are there amendments on the desk?

READING CLERK: None on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Show the Bill rolled over to third reading. Representative Corcoran, you are recognized for a motion.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker. I move that the rules be waived to read Senate Bill 2-A a third time by title and place it on final passage.

SPEAKER WEATHERFORD: Representative Corcoran moves that the rules be waived to read SB 2-A, a third time by title and place on final passage.

All in favor say yea.

(Chorus of yeas.)

SPEAKER WEATHERFORD: Opposed, no. The motion is agreed to. Read the Senate Bill a third time by title.

READING CLERK: By the Senator Galvano, Senate Bill 2-A, a Bill to be entitled an act to establish the Congressional Districts of the state.

SPEAKER WEATHERFORD: Are there any amendments on the Senate Bill?

READING CLERK: None on the desk, Mr. Speaker.

SPEAKER WEATHERFORD: Is there debate on the Senate Bill? We are in debate. Clerk, if we could...
let's start the debate clock. Representative
Thurston, you are recognized.

REPRESENTATIVE THURSTON: Thank you, Mr. Speaker. Members, during questioning on
several occasions it was stated, during Q and A on
several occasions it was stated this Bill is just
like any other Bill, and that is why we met and
decided to take the process that we did.

Members, that couldn't be further from the
truth. We are here on special session, and this is
a special unfortunate reason that we are here.
Frankly, members, this is a sad day in the day of
the Legislature.

We have a Circuit Court Judge who has found
that there was a conspiracy to manipulate and
influence the redistricting process. A conspiracy,
he wrote, to influence and manipulate the
redistricting process.

Now, we would have you believe or some would
have you believe that it is just the operatives.
Well, members, I work with operatives. You work
with operatives. You know the strong will of the
members who are in charge of the Florida House back
when this was done in 2010. I think the Judge is
giving a lot of leniency when he says that these
were just the operatives doing what was done that
causes us to be here based on this unconstitutional
action.

Operatives, ladies and gentlemen, members, do
not work on their own. Members, for 26 weeks we
traveled the state, 26 weeks, talking about open
and transparent. Open and transparent, and what
the Judge has said here, he said that we hear from
the public another secretive process. So while we
are traveling and we are telling them, this is open
and secret, the Judge has looked at all of the
evidence and he says we hid a secretive process.
Secretive and unconstitutional process.

You see, members, that is why we think that at
the least we should have been invited to the table
to start this process. When you take what the
Judge has found and his rulings, you would think
that, well, well, when we start this process over,
the least we are going to do is start out a process
where Democrats and Republicans and anybody else
who want to take part in this process.

The people for the central Florida so that
they can know that their interest is being looked
at. Those people from north Florida, so they can
know that we are all at this together. We are

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going to make this work and we are going to do it
fair and impartial, but that is not what was done,
and that is why we are skeptical. That is why we are asking questions.

That is why we think that it is a amazing that there is no repercussions from anybody that was involved in this process.

Now, I understand what counsel, what the Leader said about the fact that his folks thinks that if you are embarrassed in the public that is sufficient, but we think there should be some repercussion. We think that somebody should be reprimanded for this. We think that there should be someone referred to the Rules Committee. That is right, we think if you referred members to the Rules Committee because they inflated their newsletter, and here we have some unconstitutional activities and nothing, absolutely nothing. We didn't think that is correct, members. So we do think that more should be done.

Now, members, when the Judge says, intentional secretive and unconstitutional, now, what is he talking about? Secret drop boxes. What is the need for secret drop boxes, you tell me. Secret personal e-mails that have been deleted, thumb

drives, millions and millions of dollars to hide what actually happened, and you want to know why we don't trust these maps? You want to know why we want to be at the table, just to have a say-so.

You spent millions and millions of dollars to
hide what has occurred and you don't think we have
the right to say, well, just invite us to the table
from the beginning and then we will be okay with
it. Absolutely not, and then thousands and
thousands of dollars to be up here, to be going
through this process.

Now, I read a little differently from what the
Judge said about the -- the e-mails. What I read
he wrote, there was no legal duty on the part of
the Legislature to preserve these records, but you
have to wonder why they didn't. Litigation over
these plans was a moral certainty. That doesn't
seem like to me the Judge has said it is just in
the course of business, or that it is okay. He
said everybody knew that there was going to be
litigation.

I think everybody in this Chamber knew it was
going to be litigated, and to erase all of the
e-mails, that is why we have a problem with
accepting these maps. That is why we want to be at

the table at the least. You know, we don't have
the benefit of all of your resources, but put us at
the table, let us be part of it, especially after a
scathing opinion like this.

Yes, members, we are a little concerned here,
but we would love to see everyone participate in
the process. Now, we are not at the table, but
this is what we would like to see. We want to see

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this given back to the Judge. We want the Judge to evaluate it, if the Judge has to re-write the maps himself, or if this can the beginning of a process where we have an independent body that may do this without the unconstitutional violation.

We think that is the right way for the state of Florida to go. Thank you, members.

SPEAKER WEATHERFORD: Representative Rodriguez in debate.

REPRESENTATIVE RODRIQUEZ: Thank you, Mr. Speaker. Along with Leader Thurston I rise against this motion and against this -- this particular map, and mostly for process reasons.

I have been asked like many of you maybe from members back, members of my district back home, members of the press, will fair districts be implemented. And I think the sub text of that is, will fair districts be implemented eventually. And I am optimistic about that for reasons separate from what we have seen here today.

And I think the reason for my optimism is that because of the legal challenge which reviewed what happened that got us here, and because of the last few days I think many of us, and I think some members of the public have been educated as to how to do this process right and it hasn't been done right. The reason for my optimism again is I feel like we have learned a lot about what are those
things that could get us there and get us to comply
with fair districts in terms of how this process
should go.

I think the memorandum that was circulated on
August 5th, suggests some of those things, but
again, it is just a memorandum, it is not a
proposed statute, it is not a proposed House rule,
and it is presumably enforceable by some sort of
evidentiary sanction, but that is it, and that is
not anything more than we have right now.

In terms of how this is very different process
of drawing districts should be treated in the
Legislature, completely apart from any other type
of legislation that we do here or rulemaking, you
know, things like the identity of the person
involved in drawing the map, the criteria used, the
sources of data. Absolutely, perhaps we should
consider a rule that goes into all of that to
require that those things again be presented to us
under oath, and perhaps we should consider a rule
or a statute about recordkeeping. A memorandum
going out to everyone saying you should keep
records again is not enforceable in a way that we
really need it to be to make sure that we are
going to get the best, A, the best out of it, and also
that these records are preserved so that we can
prove what happened in the event of a challenge.

And the other thing is, I think other members
have suggested hearings to investigate what is it that happened in the past. What is it that we can learn as a Legislature in terms of how to do this correctly that we haven't done. Again, I don't think that this map that we have before us meets that challenge to fairly implement, to correctly implement fair districts.

I think we can get there, so what gives me optimism is that we continue to learn what we should do, we haven't done it yet. Thank you.

SPEAKER WEATHERFORD: Representative Stewart, in debate.

REPRESENTATIVE STEWART: Thank you. This has been to me a very rushed debate and rushed mapping process. I understand that we have tight deadlines, but we have, we have had until Friday to make this determination, and the first day we spent 16 minutes, we have been here for four hours today.

I think we owe our constituents a longer review, a consideration and to pass a constitutional map. I don't really think we want a judge to redraw the maps. I think that is something that we should be doing. I have heard objections from the Supervisor of Elections. Who is going to pay for these elections? The map in front of us has seven Congressional Districts spanning dozens of counties.

The amendment proposed by Leader Thurston and
Senator Soto, they show that they were able to do it in -- with only having three counties. In addition to the taxpayers' money that we are wasting here today on our rush to judgment on a map, I think that in doing the special session, the cost to the local taxpayers with there map is going to be millions and millions of dollars, and I think that is something we should really take to heart and pay attention to.

If the Judge has to redraw this map, the Supervisors will probably have less time to get ready to have this election, and it is just doesn't seem fair to me. We are asking the voters of the state, including my constituents and yours, to vote in districts that have been exposed to unconstitutional mapping. This is not about rushing, this should be more about democracy, and I thank you for the time.

SPEAKER WEATHERFORD: Representative Slosberg, in debate.

REPRESENTATIVE SLOSBERG: Thank you, Mr. Speaker. Members, we are called here today for fair districts. Does fair districts mean fair to Republicans, or does fair districts mean fair to Democrats, or does fair districts mean fair to Floridians?

We all know we are supposed to be fair to all Floridians. So how much input did the Democrats
have in drawing these maps? I was told in questions and answers that, I don't know what I was told, but I wasn't told yes, I wasn't told no, but like in reality, we know the Democrats had zero input in the people who they represent, and it is probably 50 percent or more of the people in the state of Florida. I was told this Bill is like a committee process. If so, why didn't staff and why didn't the attorneys and why didn't the Chairs come to the Democrats and say, hey, guys, let's sit down and let's figure out a way to draw these maps so they will be fair to the people of the state of Florida? You know, how are you -- how am I sure that this isn't a Democratic bill, this is a Republican Bill, and do you know why I am sure it is a Republican Bill, because not one question was asked by the Republicans to the Chair, not one question. Do you know why? Because of the fact they were all told, be sheep, don't ask any questions, and it is exactly what happened here. In closing, a lion does not lose sleep over what a sheep thinks. Please give this map back to the Judge and let him figure out what is fair to Floridians, because this is not a fair map.

SPEAKER WEATHERFORD: Representative Zimmermann, in debate.

REPRESENTATIVE ZIMMERMANN: Thank you,
Mr. speaker. I am opposed to this Bill and the maps that it contains within, because I am truly offended that we were not included, that the minority party was not included prior it these maps being drawn.

These maps were drawn, they were e-mailed to everyone of us before, the day before the committee ever met. I mean, imagine if you were in a divorce court and one side got to draw up the settlement before the other side was ever allowed to say a word, and then the only conversation that they could have is, and they would be out numbered, by the way, is do you agree, and that is it.

I am also opposed because until, until we adopt a process that is a grid like process where the squares are only governed by the size of the population, and that grid is laid over the state of Florida, until we do that, every district will always be gerrymandered.

I ask the Chair, I said, did you look at the party affiliation when you were doing these maps and I trust that he didn't, but that is the first thing that every member of this body looks at, is how many Democrats are there, how many Republicans are there, and that will always gerrymander a district. So I ask that we oppose this Bill.

SPEAKER WEATHERFORD: Representative Castor
Dentel in debate.

REPRESENTATIVE CASTOR DENTEL: Thank you, Mr. Speaker. And members, we have been assured today that the process of redrawing the districts was above board, and I really want to believe it, but the same assurances were given two years ago. And we are only to find out through a legal challenge that the process was indeed rigged.

Such behind the scenes collusion violated the Constitution, as well is the public's trust, and makes the voters even more cynical about the people who are elected to this body. Nothing really changed in this process this time around which would restore the integrity called into the first time around. There was in good faith effort to involve substantive participate for the minority party in redrawing the maps.

Members, the process matters. The people of Florida deserve a process that is fair and properly executed. The cost to the taxpayers for this special session is about $68,000, but the cost to the citizens and the degree of trust they have lost in us is immeasurable and I can't help but remain sinical as well.

SPEAKER WEATHERFORD: Representative Lee in debate.
REPRESENTATIVE LEE: Thank you, Mr. Speaker.

Mr. Speaker and members, I want to share a story with you. I had all but made my mind up that I didn't want to come back to this House. I came in Tallahassee because I really and truly believed in my heart that I could make a difference in pulling this body together, both Democrat and Republican, Conservative and Liberal. And I talked it some of you, and I won't call names, from both sides, and a couple of you on the Republican side convinced me, and I won't call any out, because you are not supposed to be encouraging a Democrat to run, but I said I am going to come back and try and make a difference.

George Washington said in 1796, he warned in his farewell address to the nation the dangers of political parties. We are seeing it here, not just here in this house, but in houses all over the country and in our nation's Capitol.

Saturday morning at 3:00 a.m. I awakened because I couldn't sleep thinking about what we are doing here, and something told me, I don't know where it was, but it just came to me, study the Roman Empire and what caused the Roman Empire to fail.

Friends, we are following that same path, and I asked myself, can I, or can any of us do anything about it. Can we stop this train wreck, and all
Saturday I thought about how can we come together as a body. How can we come together as a people. This country is so torn apart, we get, we dig in on the right, we dig in on the left and nobody wants to budge.

I wake up Sunday morning, and I really believe God was telling me something. My favorite, one of my favorite radio, television Pastors is a guy by the name of Charles Stanley, and something came to me and said, turn the television on and see if you can find Stanley, low and behold, there was Charles Stanley, and the message was, opportunities, look for opportunities to do something good.

He was telling a story about the Good Samaritan, and I thought about that for a second and I thought about what we are doing here. We have missed an opportunity. I was talking earlier today to my good friend, John Tobia and Matt Gaetz. I was sitting in the cafeteria just before I was to present my Literacy Bill, which all of you supported and I thank you.

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Tobia and Gaetz said, Lee, we are not going to support your Bill. I said why, and Matt had a very good, Representative Gaetz had a very good coming. He said, you know, Escambia County has a higher dropout rate than St. Lucie County. And so I could have said the heck with you, John, the heck with you, Matt, I got the votes, but I didn't. And when
I rose that day I reached out to those two brothers and I pleaded with them, I showed them respect and they voted for my Bill. That is what we need to do more of in this House.

Sometimes I am in the cafeteria and we sit there, Democrats and Republicans alike, and we laugh and we joke and I am reminded of a story that Representative Taylor and I was sitting this morning, he was telling me about the coyote and the sheep dog, and every morning the coyote and the sheep dog packed their lunch box and they walked to work together, smiling and talking about their day.

The sheep dog gets up in the tree to watch over the sheep, and the coyote prepares to chase the sheep, and they do their thing. At the end of the day they pack their lunch and they walk back home as though that day never took place. That is what I see happen here many times.

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Members, I don't know what we can do about what has been done, but I plead with you, let us start looking for opportunities to make this body a better body, this state a better state and this nation a better nation. Thank you, Mr. Speaker.

SPEAKER WEATHERFORD: Representative Berman.

Yes.

REPRESENTATIVE BERMAN: Thank you, Mr. Speaker. Members, let's be real clear about why we are here today. We are here because the

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Leon County Circuit Court found that this Republican dominated Legislature acted in an unconstitutional manner in preparing the maps. This is a serious matter. It is not simply a minor administrative fix for two districts. Given this background I am not convinced that the map before the Legislature actually redresses the unconstitutional actions. We have a map that taken at the drafter's words was put together over two days by some of the same individuals that drafted the first map.

No Democrats were consulted or asked to participate in the process, which to me raises a red flag as to the map's partisanship. Yes, Democrats had the opportunity to question it in committee and on the floor, but it was pretty clearly fait accompli. Because of the short time frame one committee hearing was held which resulted in almost non existent public input.

Significantly, at that committee the Republican committee members voted down a motion to place the witnesses under oath which denied the citizens of Florida accountability. Interestingly, in committee an alternative map was presented by Leader Thurston and Senator Darren Soto. Senator Soto was constrained by the time frame, but even more significantly, he didn't have access to the tools and various analysis that the legislative

Committee and on the floor, but it was pretty clearly fait accompli. Because of the short time frame one committee hearing was held which resulted in almost non existent public input.

Significantly, at that committee the Republican committee members voted down a motion to place the witnesses under oath which denied the citizens of Florida accountability. Interestingly, in committee an alternative map was presented by Leader Thurston and Senator Darren Soto. Senator Soto was constrained by the time frame, but even more significantly, he didn't have access to the tools and various analysis that the legislative
committee had.

Using his limited resources he crafted what I believe is a preferable map. His map only changes three Congressional Districts as opposed to seven. I believe that his map would pass the diminishment test even though there was a strange argument made using Senatorial maps that it wouldn't.

If you look at his map, well over 60 percent of the primary voters are African-American and the district, itself, votes strongly Democratic. The fact that one Senator diligently working solo could do what I consider a better map begs the question.

Is Senate Bill 2-A really the best map that we can submit to the Court?

Is this map simply the legislators' attempt to put a with bandaid on a gaping wound once again and act in a partisan manner to protect Republican districts?

I sat in this Chamber in 2012, and was repeatedly told that the maps were the most transparent and open ever and that they complied with all constitutional requirements. A lawsuit was filed challenging that assertion, and yes, it dragged on for almost two years, in part because of attempts to keep secret those documents that ultimately showed the unconstitutional actions. I feel that I was lied to. The citizens of Florida were lied to, and we need to address this.
wrong. I am not comfortable that map, the Senate map does redress this wrong and will be voting no. 

SPEAKER WEATHERFORD: Representative Saunders.

REPRESENTATIVE SAUNDERS: Thank you, Mr. Speaker. Mr. Speaker, I will just rise in opposition to this Bill for a few reasons, but one specific one.

Preserving the rights of voters in District 5 to elect a vote, a candidate of their choice, preserving the rights of African-American and black voters in that district to represent somebody that represents them should not come at the expense of Hispanic districts, Hispanic voters in Congressional District 9.

This map as was handed to us shifts away from the ability of Hispanic voters in my area in Osceola County to build up political power, to build up political support to one day represent somebody that really speaks to them in their community and I think that is a wrong. I think there is a different way to draw this.

So for that reason and many others I stand in opposition to this Bill.

SPEAKER WEATHERFORD: Representative Danish, in debate.

REPRESENTATIVE DANISH: Thank you, Mr. Speaker. What we have done in this process is try to fix a broken leg by using a bandaid. As I
have learned by working with maps in the last couple of weeks, that if you make a slight change, move a few precincts it will have a small impact. Move enough and you can change the entire dynamics of a district. However, in this case this was not done.

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Could we take a look at this and say since we did so little of changes that we have actually succeeded in making incumbent protection and that one of the things that has to be looked at at this. In addition I hope we learn from this and from what was done two years ago that maybe we need to in the future by the year 2022, find a better way to do this more transparently and more successfully without having maps that everyone is going to argue about constantly. Thank you.

SPEAKER WEATHERFORD: Representative Rangel in debate.

REPRESENTATIVE RANGEL: Thank you, Mr. Speaker. We were brought here in the special session, we are spending taxpayers' money in order to redraw district lines that were unconstitutional.

I think now we are seeing that we are not going to make these districts effective until the next election. So now we are knowingly allowing voters to vote for districts that are unconstitutional.
Lastly we are trying to fix a couple of districts and diminishing other districts like District 9. We are taking away Hispanic voters from being able to properly being represented in District 9 here in central Florida, and for this reason I can't support this Bill. Thank you.

SPEAKER WEATHERFORD: Representative Gwyn Clarke-Reed in debate. Representative Clarke-Reed in debate from Representative Reed's desk.

REPRESENTATIVE CLARKE-REED: Thank you, Mr. Speaker. Members, while the Judge specified Districts 5 and 10 were unconstitutional he also understood that moving lines moved people, and that it would have a rippling effect to the surrounding districts.

The map that is being presented does not satisfy the needs, satisfy what needs to be done in my opinion. The Order of the Judge has not been satisfied. No inclusion of the minority party in the efforts is not how this was supposed to happen. Memos were sent with various directives, but none were sent outlining the minority party's input into this map.

I am also concerned that public input was limited or non existent. You thought it was important to have the public in the initial drawing, why wasn't it important now? Having dressed one map doesn't allow the Judge to see
other views of what is possible to solve this issue. Thank you.

SPEAKER WEATHERFORD: Representative Stark in debate.

REPRESENTATIVE STARK: Thank you, Mr. Speaker. Representative Corcoran, I would like to thank you for your intestinal fortitude today. I give you credit for that.

As an old time Poly-Si major, reapportionment and studying it was always a very interesting topic, and, of course, the old days are just not there anymore. The public, we have more and more Independents today. We are constantly hearing that they want the reapportionment process to be fair, and not to be skewed, and I realize that there has been some effort to do that, but after really looking at the entire process and then as we were getting close and I listened to Representative Waldman's synopsis of the situation, I have to agree with him.

I read what the Judge said as well and I am very concerned that we are doing may not be Constitutional at all. So for that reason I am rising in opposition to this. I am a small businessman. I certainly would like to be home
running my business and not be doing this, but if
we are going to make a quick fix we are just going
to be revisiting this again, and like I said, I am
voting down on this. Thank you.

SPEAKER WEATHERFORD: Representative Torres,
in debate.

REPRESENTATIVE TORRES: Thank you,
Mr. Speaker. I rise in opposition. Make no
mistake, Judge Terry Lewis gave us a task to draw a
map. We heard today how this map was drawn without
our input. I hope Judge Lewis throws this map out,
vote no.

SPEAKER WEATHERFORD: Representative Pafford
in debate.

REPRESENTATIVE PAFFORD: Thank you,
Mr. Speaker. For those of you who were not here on
February 3rd, 2012, then Speaker Cannon took time
to ridicule selected members in this Chamber who
made the, and I quote, the not so subtle
insinuation, frankly, being that there was no way
that the Republican majority in this House would
follow the law.

Then he smiled and he said he was proud to say
that those members were wrong. I took that rather
personally. I think it is interesting now that the

only person that was wrong was our Former Speaker,
Dean Cannon, because we are here today to address
an issue, an issue that the minority in this Chamber feels it is very, very important.

I, too, was a legislative assistant many years ago in this House, and what is very, very important to understand, the minority leans on this House to maintain a presence, and when that is denied you have a minority in this House who continues to be disenfranchised as we are today.

What occurred over the last number of days, and I don't believe by the way this is Chair Corcoran's problem, I think there is a much, much greater problem that occurred outside of these walls, and it goes back to some of the operatives. It goes back to many, many people we don't hear about.

And these people grab our ear and they basically try to make their, their issues happen. And what doesn't happen in the public spotlight that we have right now, it is like an iceberg, 75 percent of what goes on happens outside of what we see as a public process. And for that reason alone we have spent four days, five days denying an ability to have a part in a process that a Judge basically said was wrong, that ultimately provided an unconstitutional map for people to vote in Congressional Districts.

We heard about a process where apparently we didn't check with the Department of Justice, nor
did we check with the Division of Elections, because perhaps they would have checked with the Department of Justice, and then today on the floor we have a Senate version that is a little different, but it does sound to me like there may be a problem in terms of what the Judge asked for and what this Chamber is going to provide in a matter of 25 minutes.

This 25 minutes could have been on day one, because the map that was dropped in the Senate on August 5th, really was a shell Bill. Perhaps there is a pun there with the use of the word shell, and we sit here today basically having done nothing, most of the members in this Chamber, but pass another map that I feel the Judge is going to kick out, and it is really a shame that we have not taken the time to do this.

I don't believe anybody in the back row has received an invitation to any type of meeting that occurred while we developed these maps, and that is really unfortunate, and we are ready, we are capable to be part of a process, but when you drop a Bill on a Friday and do nothing over a weekend when you know very, very well that there is more that can be done, this was a dog and pony show. And unfortunately that is what we are going to send back to the Judge on Friday. So I apologize for being so blunt, but after a number of years in this
process you really hope for a day and a time where as Representative Lee said, we will be able to have a position at the table and work with many of my friends in the front rows to develop policy that is really good for Florida. Thank you, Mr. Speaker.

SPEAKER WEATHERFORD: Representative Waldman in debate.

REPRESENTATIVE WALDMAN: Thank you, Mr. Speaker. And just so everybody knows, the good news, the good news is I am the last speaker. So we are actually, the bad news is I still have got 23 and-a-half minutes left to go. So, you know, I was complaining it Representative Thurston I wasn't going to have enough time and I think the longest the I ever spoke was my farewell speech, and what I did is I decide since I still have enough time for this after I am going to do the farewell speech also if I can, if I can do that, but I will yield some to Patronis so he can also participate in this.

My hope is, of course, that actually that I don't have to come back here for another farewell speech, but I am actually very fearful that that in fact might be an option, because I don't think that this map is legally constitutional.

I think that there will be a challenge, whether or not we come back is of course up to the Judge and we will see, and I hope, of course, he
doesn't do that. I hope he decides to do it or at least have an impartial panel do it.

Because the fact is that this map has been tainted from the beginning. The map was, as we all know now and what the Judge ruled, was drawn to favor Republicans. Interestingly, for those who weren't here back then when the maps were drawn, in fact, Representative Thurston, Leader Thurston was supposed to be the Ranking Member for Reapportionment for the Democrats and everybody talked about it, everybody knew that that is what it was going to be, and then low and behold Speaker Cannon chose not to appoint him, citing a technicality that he didn't know that Leader

Thurston was interested in being on that Reapportionment Committee. So it is kind of suspect right from the beginning.

That being said I will tell you this. And I know that the Judge in this case, Judge Lewis spent long time talking about intent, and what is it. How do you define it? I have to say, and I will say it, I would say it if I were called to court in the future. I don't think that Representative Corcoran's intent was drawn to favor or disfavor any party. I don't, I don't think you personally did that, and nor do I think that Senator Galvano did. I don't question the staff today, I don't question ours, I don't question theirs.
I think that, I think you guys probably did a pretty good job of complying with what the Court said you should have done for redistricting, but that being said you still came up with a bad map. I mean, that is the reality.

And the reality is you couldn't help it, you couldn't help come up with a bad map, because all you did was try to fix a couple of pieces that you thought is what the Judge said. But the Judge actually went beyond just those appendages and all. He talked about the weird shapes, he talked about CD 5 and how it just meandered and what it did. That is the problem. You didn't fix that. You widened it, I mean, you made it much bigger in the middle.

So maybe to you it looks much more optically pleasant, but you still have that part that goes up right in the beginning, right up at the top that still makes it go all the way from, from the top of Florida down to the middle of Florida. So you didn't fix that. So that is, that is a problem that you have.

You talked a lot about how, hey, this is better, this one is better, you know, the Court said that he liked 9043. In fact, I asked you at, when we were talking about questions, I said, hey, let me, refer me to those sections that you are talking about that the Court says that are so...
wonderful on 9043, and for those who weren’t paying
attention that much, the 9043 was what the House
had proposed to the Senate, which was and we
acknowledge, was better than what ultimately got
passed and what the Senate had.

But the Judge, he didn’t like that, he didn’t
think it was great. In fact, he says the problems
that I find in Districts 5 and 10 were not present
and then he goes on, at least to the same degree in
the House version. So said it was still bad in
9043, but not as bad as them over there. So he
didn’t praise it in this, so we shouldn’t be
looking at that as a benchmark that that is so
wonderful what we did here, 9043.

And I know we talk about the legal opinions
here, we talk about, we should be listening to
House counsel when House counsel tells us how to
handle things. Well, as you will recall, those are
same House counsel who told us that what we passed
back in 2012, were legally valid or constitutional.
So why are we going to place so much trust in what
legal counsel has to say today about what an
interpretation of the law is.

We have to question the BVAP, the black voting
age population. In fact, just so everybody knows,
I didn’t know any of this stuff until last week
until finally he told me I had to come back to work
and so I decided, okay, I will read some of this
stuff, but I didn't even participate in any of this redistricting when it was going on.

And so I learned about this. Well, all of the analysis that Mr. Meros is talking about and that you talked about, Representative Corcoran, today

about the diminution and all of that, that is absent in the opinion. There is no determination in that opinion as to what is actually a definition of the diminution such that it would be unconstitutional.

So we can't be sitting here and saying, oh, this is bad, that the Soto/Thurston thing is not as good as what you have. We don't know and we shouldn't be looking at that.

Next I have a feeling that of course I talked to you about I think that your amendment today that was on or take up the Senate Bill with the amendment is beyond the call. That being said, I think it is improper. I think it is in direct violation of what the Judge's Order is and I think we have an obligation to legally comply with what the Judge's Order is.

There is no question that this map is better than what was passed out of this House before. I would grant you that. It corrects a bunch of the problems. But a long time my father told me the story about this guy, this guy who passed away, and he was a miserable guy.
He was, he was a guy who beat his wife, he beat his kids, he was terrible, he cheated everybody in business. He did whatever he could do to have an advantage over somebody else, and everybody hated him. He was just terrible, there was nothing good about him. So one day, one day he dies and they go and they go to the funeral and, of course, to the eulogy and so the -- I don't want to say whether it was a priest or a rabbi, but I don't remember exactly whether he was a Jewish or whether he was a Christian.

So whatever it was, but asked, is there anybody here who, who would like to give the eulogy for this man, and there is dead silence, nobody, nobody is getting up. Finally my father told me about this, somebody he knew went over and figured, you know, somebody has got to eulogize this guy, it is just not right, you can't pass away and be buried and not have a eulogy.

So the guy et cetera up there and he looks out at everybody and he is just trying to think what in the world he can say about this miserable human being. And he gets up and he says, well, he was better than his brother. So that being said, that being said, though this is better than his brother, listen, it is not, it is not what we should be doing. We really ought to be doing what is proper.
and what is in compliance with the Fair Districts Amendment. I urge you to vote this down and with that we have no more debate on this side. Thank you.

SPEAKER WEATHERFORD: Further debate? Further debate? Seeing none, Representative Corcoran, you are recognized to close.

CHAIRMAN CORCORAN: Thank you, Mr. Speaker. It is an emotional issue obviously, but I do want to take just a moment in time. I appreciate Representative Waldman’s close and having a little joke at the end, to bring back up a little levity into the floor during some of this debate.

I will tell you it is out of levity, the irony of this case is that back when I had two knees that worked a few years back I would regularly play basketball with Judge Lewis. He plays in the morning basketball league, so do other members here who played in that league right across the street at the Baptist Church, and Judge Lewis is a regular.

And when I read the opinion and I saw what he had written and I was thinking about the time that I played basketball with him and to anyone here or anyone who does play with Judge Lewis, he really does have an excellent 17-foot jump shot, but if he...
is covering you, what we all know about Judge Lewis
is he fouls like crazy.

So I thought the irony of him telling us our
map was foul was interesting, and Judge, if you are
listening, I say that in jest just because --

SPEAKER WEATHERFORD: We love you, Judge, we
love you. If you are listening.

CHAIRMAN CORCORAN: As the Speaker of the
Senate President said, Judge Lewis, he was
extremely deliberative. He was, handled the case
in a thorough manner, and to the fact that we
didn't even appeal his decision I think says what
we really think about Judge Lewis, but I just
wanted to give you a little levity.

As to your comments about the process, you
guys had some great comments and I appreciate it, I
really do.

But I want to, just again, a little history.

As I grew up in this process. I graduated from
college and pretty much came to work here, somehow,
some way over my entire life I have been affiliated
with the process. When I came to work here as a
staffer in the Minority Office I don't happen to
remember the number, but it was 42 or less or so,

and in fact it was less, because we didn't have
two-thirds. So I understand what you guys are
saying.

In fact, even as another historical vantage point.
point, the members' lounge, I appreciate it, Representative Lee, you mentioning it, but that members' lounge, the reason that members' lounge exists in part, I don't take any credit away from my boss, was I grew up in a minority party and I grew up as you guys sometimes feel disenfranchised, not included, and so when I was Chief of Staff to the incoming Speaker, new Senator Rubio, I strongly suggested in a conversation with him that we ought to have instead of members going out across the street and eating with lobbists or just amongst themselves, what we ought to do is try to have a lounge in this Chamber where Democrats and Republicans can break bread and get to know how many kids you have and understand each other in a much more meaningful level than it currently exists.

So the lounge that you are referencing, that is the history of that lounge. And again, taking no credit from Senator Rubio, I didn't take any criticism for that, but I can tell you if you go back and Google that lounge and read the articles that were written when we were, that was the noble goal we were trying to achieve to your point and the articles, one after the other, they called it and we have all eaten in that lounge. They called it a fancy banquet hall. We were spending money to build a fancy banquet hall and you have eaten in
that lounge, and I think all of this in this whole Chamber, Republican and Democrat alike, would say that lounge affords a tremendous opportunity for -- for emboldening the relationships and helping us all understand, not only our districts, our parties, our philosophy in a much more greater level that serves the people of Florida very well.

The other thing I would say to that is sometimes when we get into debate, and this is an emotional issue, but some of your debate, and I mean this in the best of terms and I have to guard myself like we all do, but to the extent that you stand on this floor and you impugn a personal individual member's character, or you impugn somehow what at the did or what they didn't do without having the requisite knowledge that you would have to have, I would say what we are doing when we do that in these debates is we are not only degrading this institution of the House of Representatives, but we are degrading the entire legislative body.

And I -- there is no promise of a future which I was unopposed so I, health being an issue, hopefully not, I will serve out my next two years. After that there is no guarantee that I will be a Presiding Officer or have a, Mr. Speaker, can I -- I did not know that I was on a clock, but thank you for that, I appreciate the graciousness.
SPEAKER WEATHERFORD: Representative Waldman, I will be the judge of that.

CHAIRMAN CORCORAN: Thank y'all, but anyway, when you do that, but it not only lifts up the volume of this institution, but it degrades it. And so to the extent that I do come back and if I am honored by the voters of my district and I am able to be a Speaker of this wonderful Chamber, I would tell certainly to the members of my conference and I would encourage the members of the entire body to guard yourself in your -- in your rhetoric.

I get it there are emotional issues, but some of the stuff that is said is just, it is unbecoming to the institution.

The next thing I wanted to say was that it was said that it is a Republican map, and I can tell you that is not the case. This is a map that legally to Representative Waldman's point, complies with the law. It complies with the Florida Constitution, it complies with the Florida Voters Rights Act and it complies specifically to the Judge's Order in addressing those issues.

And in that context I want to say, thinking about it, so if a Republican map, which it is not, but if a Republican map is one where all of the metrics are better than the plan where 25 of 27 districts were found constitutional and even in
those two districts all of the metrics, both visual
compactness and on the two tests the Court looked
at, ours is much better. If it is a republican map
and we maintain a 48.03 BVAP which the Court has
said a 48.03 BVAP is not retrogression, if that is
a Republican map then I am proudly, if that is your
definition, we are guilty, but that map complies
with the law.
And I will tell you, understand that law and
that history. Our counsel in that opening meeting
gave a tremendous speech. We still, we still in
Florida in 2014, the richest most prosperous
country in the world, we still live in a state
where you have entire districts and counties,
Alachua County, not a single County Commissioner in
Alachua County, an African-American County
Commissioner has of been elected. In Marion County
since reconstruction, no County Commissioner has
been elected African-American in Marion County.
And we have the testimony about why the north
south. The reason it goes north/south and the
testimony from the experts who testified in this
case talked about the migratory patterns of people
who were victims of atrocious racism, and that is
the lines they went. And some of the phrases that
we use all of the time in our vernacular, I learned
this week stem from the racism that existed in this
country historically.
When we say, he lives down by the river in a derogatory context, that is a racist context, that is why we have all of those people, the African-Americans who lived along the St. Johns River, they had to because of racism. When we say they live on the other side of the tracks, again, it is the migratory patterns that were testified by an expert that said these are the migratory patterns and they had to live on the other side of the tracks, and that is why that district is compact and they are communities of interest that go north to south.

But if that is Republican map I am proudly and utterly guilty of doing or creating and being a part of a process of a map that is created to rectify that and protect that that doesn't happen moving forward.

The other thing I would like to say is that if you look at all of the metrics on this map, and I have talked about it, but the one this was thrown out again on the visual compactness and on the test, in five of the seven districts we changed we were better in visual compactness in all seven, and in five of the seven on both of those tests the Court looked at.

On the BVAP, again, our BVAP was better than the map and the language I kept using and I will be even more careful with my words, is spoken of in a
more favorable light in reference to 9043. He spoke of that in a favorable light and clearly said it didn't retrogress, and ours is 48.11, theirs was 48.03. So in all of the metrics it has gotten better.

On every level we have complied with the

Judge's Order. We have complied with the Constitution and we have complied with Federal law and I can tell you, members, I couldn't be more proud. This is a terrific map. It is a legal map and I have no doubts that it will be found Constitutional.

And before I close I would be remiss if I didn't say when it comes to this process I think that the process was fair. Whether it was staff reaching out to the minority members or whether it was me reaching out to the minority members, whether it was staff working with Representative Danish, staff working with Senator Soto, staff working with individuals of you who had questions and set up meetings, our Chief of Staff reaching out to your Chief of Staff and saying, what else can we do for you. On every level we addressed the ability of you guys to have a part in this process. And I would like to say, last thing, in defense our staff, I think we have a tremendous staff and it bears reading because a lot of you might not have read the Order, but I do want you to
know what Judge Lewis said about the staff that helped us in this map.

The most compelling evidence in support of the contention of the Democrats which is the Legislature is the testimony of the staff members who did the bulk of the actual map drawing for the Legislature. I had the ability to judge the demeanor of Alex Kelly, John Guthrie and Jason Preda at trial and found each of them to be frank, straightforward and credible. I conclude that they were not part of the conspiracy nor directly aware of it, and that significant efforts were made by them and their bosses, Speaker Weatherford, to insulate them from direct partisan influence. I accept that their motivation in drawing draft maps for consideration of the Legislature was to produce a final map which would comply with all of the requirements of the Fair Districts Amendment as their superiors had directed them.

And I will just echo Judge Lewis, the map that is before you and the staff that was involved and the process that was involved, I echo, they did everything in compliance with the law, the Constitution, the Voters Right Act. It is a great map, members, and I encourage you to vote for it.

Thank you.

SPEAKER WEATHERFORD: Okay, members, the question now occurs in final passage for SB 2-A.
The Clerk will unlock the machine and the members will proceed to vote.

Have all members voted? Have all members voted? The Clerk will lock the machine and announce the vote.

READING CLERK: Seventy-one yeas, 38 nays, Mr. Speaker.

SPEAKER WEATHERFORD: The Bill passes.

Members, if I could, just for a second, Chair Corcoran, I want to thank you for your efforts. Many of you did not know this, but the same day that we got the order to come back into special session I was actually literally laying on a chair at my dentist office having my wisdom teeth about to be yanked out.

And so I literally jumped out of the chair and I got on the phone and I talked to my Chief of Staff and said, what does this mean, and she explained it to me very quickly, I was literally about it go under anesthesia and I called Chair Corcoran and I said, I am about it go under anesthesia. He didn't ask why, but I am going to be out of capacity for about 24 hours, but we are probably going to have to go back into special session and I know that I can count on you to carry
the torch, and I also know that this is not a job that anyone wants.

He has probably watched what many people before him like myself have gone through. It is not easy, but for him within three days to get up speed on this process, to present a map, to spend time with the membership, to spend time with our staff, to understand the legal implications of everything we are doing is an amazing feat, and whether you vote for this map or not I just want you to know, we are all proud of the efforts that you have done for this House. Thank you very much, Chairman Corcoran.

I also want to thank our staff, particularly Jason Preda, Dan Dorby, our counsel, George Meros and Andy Bardos, who worked diligently to make sure, this is a lot of work to do in a very short period of time. Frankly it is unprecedented from us to come into special session in that manner.

I want to thank the members of the Minority Caucus for holding us accountable, for asking good thoughtful questions and engaging with us in debate.

Lastly I will just say my dad told me a long time ago that if you don't do something right the first time you just try harder and do it right the next time, and I believe that we have done that.
today. I thought that the next time I would be standing in this chair would be handing a Gavel over to a person who I believe is going to be a tremendous Speaker and I am very much looking forward to that day in just about three months from now, Speaker Crisafulli, looking forward to it, but we have all given away our going away speeches, and Jimmy, you are not going to get another one, but I will just wrap up our session and then call Senate President Gaetz as we sine die and say that a famous person once had a quote and he said that faith is taking the first step even when you don’t see the whole staircase, and many people in this room have felt the need to allow me to lead you in this Chamber, I have never forgotten that, it has been a tremendous honor and we should all be proud of what we have accomplished, not just today, but over the last two years. Speaker Crisafulli, I wish you God speed and all the luck in the world. Thank you.

And bear with me, I am calling the President, bear with me, one minute. Hold on one second. President Schenck, you are recognized for a motion.

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REPRESENTATIVE SCHENCK: Thank you, Mr. Speaker, I move to lay HB 1-A on the table.

SPEAKER WEATHERFORD: President Schenck moves to lay HB 1-A on the table. All in favor say yea.

(Chorus of yeas.)
SPEAKER WEATHERFORD: Opposed, no. Show HB 1-A laid on the table. You are recognized for a motion.

PRESIDENT CRISAFULLI: Mr. Speaker, I move that the House do now adjourn sine die.

SPEAKER WEATHERFORD: President Crisafulli moves that the House do now adjourn sine die. All in favor say yea.

(Chorus of yeas.)

SPEAKER WEATHERFORD: Opposed no. Show the House is adjourned sine die.

(Whereupon, the proceedings were concluded.)

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CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 02 through 182, is a true and correct record of my stenographic
notes.

Dated this 14th day of August, 2013, at Tallahassee, Leon County, Florida.

__________________________
CLARA C. ROTRUCK
Court Reporter

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Exh. J at 00524