

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

Black Voters Matter Capacity  
Building Institute, Inc., *et al.*,

Plaintiffs,

Case No. 2022-ca-000666

v.

Cord Byrd, in his official capacity as  
Florida's Secretary of State, *et. al.*,

Defendants.

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**EXHIBIT APPENDIX - VOLUME 3 OF 4**

<b>Exhibit Letter</b>	<b>Exhibit Description</b>	<b>Reference to Factual Stipulation</b>	<b>Volume Number</b>
A	J. Alex Kelly presentation to Florida House	Joint Factual Stipulation (2)(1): "Transcripts of legislative committee and floor proceedings" are "judicially noticeable"	1
B	J. Alex Kelly presentation to Florida Senate	Joint Factual Stipulation (2)(1): "Transcripts of legislative committee and floor proceedings" are "judicially noticeable"	1-2
C	VAP summary report, enacted map	Joint Factual Stipulation (1): "demographic information" "available on floridaredistricting.gov"	2
D	VAP summary report, benchmark map	Joint Factual Stipulation (1): "demographic information" "available	2

		on floridaredistricting.gov”	
E	Senate session, March 4, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	2
F	Senate session, April 20, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	2-3
G	House congressional redistricting subcommittee, February 18, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	3
H	House redistricting committee, February 25, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	3-4
I	House session, April 20, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	4
J	VAP summary report, 8019	Joint Factual Stipulation (1): “demographic information” “available on floridaredistricting.gov”	4
K	Benchmark north Florida districts, heat map & population density	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional	4

		elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	
L	Benchmark map packet	Joint Factual Stipulation (2)(5): redistricting committee meeting materials from the 2022 regular session	4
M	District compactness report, 8015	Joint Factual Stipulation (1): “demographic information” “available on floridaredistricting.gov”	4
N	Popper written legislative testimony	Joint Factual Stipulation (2)(5): redistricting committee meeting materials from the 2022 regular session	4
O	Benchmark districts, heat map, Duval County	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	4
P	Benchmark districts, heat map, Leon County	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	4

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## Exhibit G



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TRANSCRIPTION OF VIDEO RECORDING  
HOUSE CONGRESSIONAL REDISTRICTING SUBCOMMITTEE  
FEBRUARY 18, 2022

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DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
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(202) 232-0646

1 February 18, 2022

2 CHAIRMAN SIROIS: Good morning, Members.  
3 The Congressional Redistricting Subcommittee will  
4 come to order.

5 DJ, please call the roll.

6 THE SECRETARY: Chair Sirois?

7 CHAIRMAN SIROIS: Here.

8 THE SECRETARY: Vice-Chair Tuck?

9 VICE-CHAIR TUCK: Here.

10 THE SECRETARY: Ranking Member Skidmore?

11 Ranking Member Skidmore?

12 Representative Benjamin has been excused.  
13 Brown?

14 REPRESENTATIVE BROWN: Here.

15 THE SECRETARY: Fabricio?

16 REPRESENTATIVE FABRICIO: Here.

17 THE SECRETARY: Fetterhoff?

18 REPRESENTATIVE FETTERHOFF: Here.

19 THE SECRETARY: Giallombardo?

20 REPRESENTATIVE GIALLOMBARDO: Here.

21 THE SECRETARY: Harding?

22 REPRESENTATIVE HARDING: Here.

23 THE SECRETARY: Hunschofky? Hunschofky?

24 Joseph?

25 REPRESENTATIVE JOSEPH: Here.

1 THE SECRETARY: Maggard?

2 REPRESENTATIVE MAGGARD: Here.

3 THE SECRETARY: Massullo has been excused.

4 McClure?

5 REPRESENTATIVE MCCLURE: Here.

6 THE SECRETARY: Morales?

7 REPRESENTATIVE MORALES: Present.

8 THE SECRETARY: Perez?

9 REPRESENTATIVE PEREZ: Here.

10 THE SECRETARY: Plakon?

11 REPRESENTATIVE PLAKON: Here.

12 THE SECRETARY: Silvers? Silvers? Toledo?

13 REPRESENTATIVE TOLEDO: Here.

14 THE SECRETARY: Trabulsy?

15 REPRESENTATIVE TRABULSY: Here.

16 THE SECRETARY: Williamson?

17 REPRESENTATIVE WILLIAMSON: Here.

18 THE SECRETARY: Ex-officio Clemons?

19 EX-OFFICIO CLEMENS: Here.

20 THE SECRETARY: Ex-officio Davis?

21 UNIDENTIFIED FEMALE: On the way.

22 THE SECRETARY: Members present, Mr. Chair.

23 CHAIRMAN SIROIS: Thank you, DJ.

24 Members, a few reminders before we begin.

25 Please silence all electronic devices, and if you're

1 here today to give public testimony, please take  
2 time now to fill out a speaker appearance form, and  
3 turn it into the sergeant staff. Also, Members, if  
4 you wish to speak, please make sure that you turn  
5 your microphone on.

6 On a personal note, I would ask the members  
7 to bear with me. My voice has been faltering all  
8 week, one of the occupational hazards of being a  
9 legislator.

10 Representative Fetterhoff, I would like to  
11 recognise you for an introduction.

12 REPRESENTATIVE FETTERHOFF: Thank you,  
13 Chair. Good morning. I just wanted to introduce  
14 our doctor of the today. Doctor Steven Golden has  
15 travelled up from Charlotte County to visit with us  
16 today, so if we have need of him today during  
17 Committee, he is here to help. Thank you so much  
18 for being here today, sir.

19 CHAIRMAN SIROIS: Thank you, Doctor. We're  
20 glad to have you with us.

21 Thank you, Representative Fetterhoff.

22 Members, welcome back to our Congressional  
23 Subcommittee. I'm glad to see all of us together  
24 again. For those following along at home, a quick  
25 recap of the last few weeks. After we began

1 session, the Governor requested an advisory opinion  
2 from the Florida Supreme Court centered around  
3 Congressional District 5 in North Florida. The  
4 House paused the congressional redistricting process  
5 once this request was issued. Throughout this  
6 process we've stated that we will follow the law.  
7 And we knew if the Florida Supreme Court issued new  
8 guidance, we would have to take that into account.

9 Last week the Supreme Court issued their  
10 ruling, that they would decline to issue an advisory  
11 opinion. And with that notice being issued and no  
12 additional guidance being provided, we have now  
13 resumed our process. The pause in our process was  
14 the right thing to do to ensure that we continue to  
15 follow all appropriate guardrails. And again, I'm  
16 glad to be back here with all of you today.

17 Today we will present and consider the PCB  
18 for our state's proposed congressional districts. I  
19 want to refocus this Committee on the task at hand.  
20 There's been noise outside of our process dealing  
21 with the congressional map. I would encourage all  
22 members to put that noise aside. Those external  
23 influences need to stay external, and our personal  
24 preferences cannot override our constitutional  
25 responsibility to follow the law.

1           This Committee has undertaken several  
2 months of education in order to understand the  
3 redistricting process and uphold the high bar that  
4 was set for this chamber last decade. The Proposed  
5 Committee Bill, CRS22-01, establishes congressional  
6 districts that will be used in election cycles  
7 beginning in 2022. This PCB has been drafted by  
8 Committee staff with the advice of legal counsel  
9 based on data from the 2020 census and to be in  
10 alignment with the Florida constitution, state and  
11 federal law, and court president. This map can also  
12 be found on [floridaredistricting.gov](http://floridaredistricting.gov) under the  
13 planned name H000C8011.

14           You may have noticed the lengthy bill test  
15 -- the bill text for the congressional map was not  
16 included in the meeting materials for today's  
17 meeting. The bill text reflects the technical  
18 census block, block group, and track numbers that  
19 comprise each district. These are the exact same  
20 districts that are depicted in the printed map  
21 before you. However, to save all of our printers,  
22 and 150 pages of paper, we have printed a copy of  
23 the full bill text for the community's viewing, and  
24 that can be found right here in front of DJ.

25           Now, it is my pleasure to hand the gavel

1 over to Vice-Chair Tuck.

2 VICE-CHAIR TUCK: Thank you, Mr. Chair.

3 Members, up for consideration today is PCB  
4 CRS22-01, establishing the congressional districts  
5 of the state. As a reminder we are holding  
6 questions until the end of the PCB presentation to  
7 ensure we have time to get through an explanation of  
8 the entire state and no one region is rushed.

9 Chair Sirois, you're recognised to present  
10 the PCB.

11 CHAIRMAN SIROIS: Thank you, Vice-Chair  
12 Tuck.

13 The Florida Legislature is directed to  
14 redistrict every ten years, following the decennial  
15 census, to account for growing and shifting  
16 population across Florida. A decade ago, the  
17 Florida Houses process and methodology for drawing  
18 maps was lauded by the Florida Supreme Court, and  
19 I'd like to read a quote from the 2012 ruling.

20 "A review of the House plan, and the record  
21 reveals that the House engage in a consistent and  
22 reasoned approach, balancing the two tier standards  
23 by endeavouring to make districts compact and as  
24 nearly equal in population as possible in utilising  
25 political and geographical boundaries where feasible

1 by endeavouring to keep counties and cities together  
2 where possible. In addition, the House approached  
3 the minority voting protection provisions by  
4 properly undertaking a functional analysis of voting  
5 strength in minority districts."

6 As I mentioned earlier, this Committee has  
7 undertaken several months of education in order to  
8 understand the redistricting process and uphold the  
9 high bar that was set for this chamber last decade.  
10 Last week we released Proposed Committee Bill CRS22-  
11 01, which proposes congressional districts that will  
12 be used in election cycles starting in 2022. As I  
13 mentioned earlier this map, H000C8011, has been  
14 drafted exclusively by Committee staff with the  
15 advice of legal counsel based on data from the 2020  
16 census, and to be in alignment with the Florida  
17 constitution, state, and federal law, as well as  
18 court president.

19 Members, I want to make sure that each of  
20 you has a packet in front of you. This contains a  
21 printout of the proposed map itself, the state-wide  
22 snapshot of statistics, the functional analysis data  
23 used for protected minority districts, a list of  
24 county shares of population, a list of city splits,  
25 and finally the boundary analysis report. These



1 items will be referenced throughout the presentation  
2 today, so please feel free to refer to your packet  
3 as needed. This packet is also available under our  
4 Subcommittee's webpage on myfloridahouse.gov.

5 Now, let's dive in, Members. Excuse me.  
6 Let's first take a look at the map as a whole. When  
7 compared to the benchmark congressional map, the new  
8 proposed Congressional Districts have several points  
9 of improvement throughout our Tier 2 standards.

10 When looking at a state-wide average of  
11 each district's compactness score, we have been able  
12 to recreate compact districts similar to our  
13 benchmark metrics, even after the addition of a new  
14 congressional district. The proposed map state-wide  
15 average compactness scores are a Reock score of  
16 0.43, a Convex Hull score of 0.79, and a Polsby-  
17 Popper score of 0.37. Where feasible, we also work  
18 to improve visual compactness of districts, or the  
19 eyeball test, such as being able to keep Polk County  
20 wholly within a single congressional district.

21 When looking at the number of county  
22 splits, we've kept similar to the benchmark map with  
23 18 counties split last decade and only 20 counties  
24 split this decade. The ideal population for this  
25 decade's congressional districts after adding a

1 district to go from 27 districts to 28 is 769,211  
2 people. The overall deviation range is the same as  
3 it was last decade with 27 districts being the exact  
4 ideal population and one district having a single  
5 person less than the ideal population. We are also  
6 proudly able to improve the number of city splits in  
7 our proposed map. In the benchmark map, there were  
8 39 cities split, and in the proposed new  
9 configurations, we've been able to decrease that to  
10 just 27 cities split.

11 This proposed congressional map also allows  
12 a district to be placed wholly within each of  
13 Florida's top five largest counties: Miami-Dade,  
14 Broward, Palm Beach, Hillsborough, and Orange  
15 respectively. The proposed congressional districts  
16 are also drawn in compliance with Tier 1 of the  
17 Florida constitution. The proposed map is inclusive  
18 of three protected black districts and three  
19 protected Hispanic districts. This is the same  
20 number of protected districts as are found in the  
21 benchmark map. In each district, the minority  
22 group's voting age population are similar when  
23 compared to the benchmark districts, with slight  
24 increases or decreases as permitted by the Florida  
25 Supreme Court president, which states, "slight

1 changes in a minority group's voting age population  
2 are acceptable so long as a functional analysis is  
3 conducted to ensure the voting strength of the  
4 minority group in both general and primary elections  
5 is at a comparable level that existed in the  
6 benchmark district." These districts are also drawn  
7 in a consistent manner with respect to Florida  
8 Supreme Court president to maintain existing  
9 majority-minority districts.

10 All six of these protected minority  
11 districts have had an individual functional analysis  
12 conducted on them to ensure the new district  
13 figuration does not deny or abridge the equal  
14 opportunity of racial or language minorities to  
15 participate in the political process or to diminish  
16 their ability to elect representatives of their  
17 choice. And as we move throughout the map, I will  
18 highlight these districts as well.

19 All of our districts consist of contiguous  
20 territory. And as I'm sure you are aware, the  
21 Committee has also implemented safe guards in order  
22 to ensure that we do not draw districts with the  
23 intent to favour or disfavour a political party or  
24 in incumbent.

25 Members, as we move through the

1 presentation today, you will see an analysis tool  
2 reference called boundary analysis. This is a  
3 report that is available in our map drawing  
4 application and helps to quantify the percentage of  
5 Tier 2 compliant boundaries that are used for each  
6 district. Similar to compactness scores, this tool  
7 is to be viewed in context with other Tier 2 metrics  
8 of districts and surrounding regions. There is no  
9 golden threshold to which we look when evaluating  
10 each district, but it serves as another way to  
11 understand the compliance of what is in front of us.

12 Members, now that we've looked at the  
13 state-wide overview, let's begin to review each  
14 region of the state, starting with Congressional  
15 Districts 1 through 4. Beginning in the panhandle,  
16 Congressional District 1 has the entirety of  
17 Escambia, Santa Rosa, and Okaloosa County. Walton  
18 County is then split as Congressional District 1  
19 achieves the equal population threshold here.

20 Again, Members, for congressional maps,  
21 equal population for each district is plus or minus  
22 one person. And for this purpose, the boundary  
23 between District 1 and 2 primarily uses State Road  
24 83 for the majority of its length, except where it  
25 deviates to ensure that the municipalities of

1 Freeport and Defuniak Springs are kept whole, with  
2 Freeport within Congressional District 1, and  
3 Defuniak Springs Congressional District 2. The  
4 shape of Congressional District 2 and 4 are largely  
5 impacted by Congressional District 3 in this region,  
6 so let's jump ahead to that district first.

7 Congressional District 3 has four whole  
8 counties within it: Gadsden, Madison, Hamilton, and  
9 Baker counties. It also contains parts of four  
10 others in Leon, Duval, Jefferson, and Colombia  
11 counties. It is also a performing black district  
12 that was recreated similarly to the benchmark  
13 district. As noted before, the functional analysis  
14 on this district that was conducted by staff ensures  
15 the minority group's ability to elect is not  
16 diminished.

17 Segueing back to Congressional District 2,  
18 this district is made up mostly of whole counties.  
19 It contains 15 whole counties along with the  
20 remaining portion of Walton County not contained  
21 within Congressional District 1 and the parts of  
22 Leon, Jefferson, and Colombia Counties that are not  
23 in Congressional District 3. Its eastern boundary  
24 is the county lines of Levy, Gilchrist, and Colombia  
25 Counties. This district achieves equal population

1 in Leon County, which it shares with Congressional  
2 District 3 rather than having to split an additional  
3 county. Excuse me.

4 Congressional District 4 has all of Nassau  
5 County, along with the remaining part of Duval  
6 County that is not included in Congressional  
7 District 3. This leaves the district approximately  
8 213,000 people short of the population needed for a  
9 congressional district. So the district must  
10 continue south into St. Johns County for population  
11 equality. In doing so, it is able to keep all of  
12 St. Augustine within the district, and all other  
13 municipalities in St. Johns County remain whole.  
14 The district configuration is similar to the current  
15 district, and conversely, if Congressional District  
16 4 instead went into Clay County instead of St. Johns  
17 County, it would have created an irregular shaped  
18 district that wraps around Congressional District 3.  
19 This would have created a much more visually non-  
20 compact district shape.

21 Moving on to Congressional Districts 5  
22 through 7. In this region we are able to keep seven  
23 counties whole between three districts.  
24 Congressional District 5 contains all of Union,  
25 Bradford, Clay, Putnam, and Flagler counties, as

1 well as the remainder of St. Johns County that is  
2 not a part of Congressional District 4, using major  
3 roadways in the St. Augustine Municipal line as a  
4 boundary line in St. Johns County. In order for  
5 this district to have equal population, it splits  
6 Alachua County along mostly State Roads 20 and 24  
7 and also includes a small part of Volusia County.  
8 Congressional District 6 keeps Marion County whole  
9 and finds the remainder of its population from the  
10 remaining population in Alachua County and includes  
11 both flags of Lake and Volusia County.

12 Congressional District 7 includes all of  
13 Seminole County and a large part of Volusia County.  
14 Its boundary lines going through Volusia County  
15 follow along State Roads 11, 40, I-95 and includes  
16 an area through the Tomoka Wildlife Management Area,  
17 which separates population centers of Volusia  
18 County.

19 Congressional Districts 8 through 11 and  
20 16. Congressional District 8 includes all of  
21 Brevard and Indian River counties, which leaves the  
22 district about 2,800 people short of the population  
23 needed for a district. In order to achieve  
24 population equality required for congressional  
25 districts, the remaining population is added to

1 Congressional District 8 by going north in the  
2 Volusia County along I-95 and then includes the  
3 entire municipality of Oak Hill and its 1,986  
4 people, keeping it whole.

5 Congressional District 9 contains the  
6 entirety of Osceola County, which was the fastest  
7 growing county in the state this past decade. The  
8 district includes part of Orange County following I-  
9 4 to go north, as well as using other primary  
10 roadways such as Curried Ford Road, before using the  
11 Econlockhatchee River, locally known as the Econ  
12 River to go all the way to northern Orange County  
13 boundary line. This compact Tier 2 compliant  
14 district also happens to be a new majority-minority  
15 Hispanic district reflective of the Hispanic growth  
16 in this region.

17 Congressional District 10 is kept wholly  
18 within Orange County, similar to the benchmark map  
19 where a district is kept wholly within the county.  
20 This district is able to keep the municipalities of  
21 Edgewood, Eatonville, Maitland, and Winter Park  
22 whole within the district and has similar  
23 demographic characteristics to the benchmark  
24 district wholly within Orange County.

25 Congressional District 11 adds the



1 remaining population in Orange County, which is  
2 about 280,000 people and goes west to include the  
3 majority of Lake County, all of Sumter County, and  
4 part of Citrus County, where it achieves equal  
5 population.

6 Congressional District 16 keeps Polk County  
7 whole in this map. This is an improvement from the  
8 benchmark map where Polk County was divided between  
9 three districts. Population growth this decade made  
10 this possible and is approximately 44,000 people shy  
11 of the ideal population of a congressional district.  
12 Pairing Polk County with a small part of eastern  
13 Hillsborough achieves the necessary population  
14 needed for the population of a congressional  
15 district while creating a very compactly shaped  
16 district.

17 Moving on to Congressional Districts 12  
18 through 15. Now, looking at Congressional Districts  
19 13 in the Tampa Bay area, which is kept wholly  
20 within Pinellas County, its northern boundary  
21 follows the municipal lines of the cities of  
22 Dunnellon, Clearwater, and Safety Harbor to enable  
23 every city within Pinellas County to remain whole.  
24 Because Pinellas County has more people than it can  
25 fit into a single congressional district, this

1 configuration of Congressional District 13 enables  
2 connecting the remaining portions of the county over  
3 land to another county rather than over water.

4 Congressional District 12 is the entirety  
5 of Hernando County, the remainder of Citrus County,  
6 part of Pasco County, which is divided primarily  
7 along U.S Highway 41, State Road 54, and the  
8 Suncoast parkway, as well as the portion of northern  
9 Pinellas County not already included in  
10 Congressional District 13.

11 Congressional District 14 is located wholly  
12 within Hillsborough County. Its boundary follows  
13 the primary roads of Hillsborough avenue, Bush  
14 Boulevard, and I-4 for its northern border, State  
15 and County Road 39 on the east side, and County Road  
16 672, Palm Road and Big Bend road on the southern  
17 side.

18 Finishing at the Tampa Bay area,  
19 Congressional District 15 then connects the  
20 remaining part of Pasco County with the appropriate  
21 amount of population from Hillsborough County to  
22 complete the district's population.

23 Moving on to Congressional District 17  
24 through 19. Congressional district 17 is the last  
25 of the four districts that have part of Hillsborough

1 County. This district actually has the exact amount  
2 of people on Hillsborough County: 112,723 people.  
3 So that exactly 12 districts make up all of the  
4 remaining population in the counties to the south of  
5 the Polk, Osceola, and Indian River County line.  
6 This ensures that no other district has to cross  
7 these county lines and keeps the counties to the  
8 east whole. Congressional district 17 then  
9 incorporates Manatee County and approximately  
10 250,000 people in Sarasota County to complete its  
11 population. Every city in Sarasota County is kept  
12 whole with Congressional District 17 utilising the  
13 Venice Municipal line for part of its southern  
14 border.

15 The remaining part of Sarasota County,  
16 along with seven entire counties, Hardee, Desoto,  
17 Charlotte, Highlands, Okeechobee, Glades, and Hendry  
18 counties make up the majority of Congressional  
19 District 18. This leaves the district about 150,000  
20 short of the ideal population, allowing it to cross  
21 into Lee County to acquire this remaining  
22 population, using primarily the Able Canal, the  
23 Caloosahatchee river, and the Hancock Bridge  
24 Parkway, Pine Island road and County Road 765 to do  
25 so.

1           Congressional district 19 connects the rest  
2 of Lee County with Collier County, using primarily  
3 I-75, U.S. 41 and Collier Boulevard, except where  
4 it achieves equal population. With the exception of  
5 Cape Coral, all other municipalities are kept whole  
6 in this region between these three districts.

7           Moving on to Congressional Districts 20  
8 through 23, and 25. Congressional District 20 is a  
9 performing majority-minority black district that was  
10 recreated similarly to the benchmark district that  
11 connects population in Palm Beach County to  
12 population in Broward County. As noted before, the  
13 functional analysis on this district conducted by  
14 staff ensures the minority group's ability to elect  
15 is not diminished. This decade we were able to  
16 create this district in such a way that respects  
17 more major roadways in the area, such as U.S. 441,  
18 I-95, and the Florida Turnpike. And it keeps more  
19 cities whole, keeping the cities of Lake Park,  
20 Margate, Tamarac, and others wholly within it, which  
21 were split a decade ago.

22           Congressional District 21 includes all of  
23 St. Lucie and Martin counties and includes just over  
24 280,000 people in Palm Beach County in order to  
25 achieve equal population for this district. The

1 district boundary follows a railway in the northern  
2 Palm Beach County to Okeechobee Boulevard where it  
3 borders Congressional District 20 before going out  
4 to the coast using Palm Beach inlet to complete its  
5 southern border.

6 Congressional District 22 is kept wholly  
7 within Palm Beach County. Its boundary extends  
8 north to Palm Beach Inlet to meet Congressional  
9 District 21 before heading west to include the  
10 entire city of Wellington, creating the rounded  
11 point on the western side of the districts. It then  
12 uses the Loxahatchee National Wildlife Refuge to  
13 continue south until it gets its population  
14 necessary for a district without splitting other  
15 cities in Palm Beach County. It uses Boca Raton and  
16 Highland Beach City Municipal line for much of its  
17 boundary in this area. This leaves approximately  
18 200,000 people in south east Palm Beach County that  
19 is then included in Congressional District 23. This  
20 district then connects this population with Broward  
21 County, utilising many municipal lines in this area  
22 for the boundary line, keeping the cities of Coral  
23 Springs, Coconut Creek, and many others whole within  
24 Broward County. The district then travels down to  
25 the Broward County line along the coast using

1 primarily Route 1 as its western border.

2 Congressional District 25 is kept wholly in  
3 Broward County, giving Broward County a  
4 congressional district wholly within the county for  
5 the first time since the 1980 redistricting cycle.

6 The district utilises as many major roadways as  
7 possible, such as I-75, the Sawgrass Expressway, the  
8 Florida Turnpike, I-95, Davie Boulevard, Sunrise  
9 Boulevard, among others. It also uses the municipal  
10 lines of Weston, Southwest Ranches, Pembroke Pines,  
11 Miramar to the west, and the Broward Miami-Dade  
12 County line on the southern side of the district.

13 Moving on to Congressional Districts 24,  
14 and then 26 through 28. Congressional District 24  
15 is a performing black district. As noted earlier,  
16 the functional analysis on this district conducted  
17 by staff ensures the minority group's ability to  
18 elect is not diminished. This is the only district  
19 that crosses the Miami-Dade Broward County line,  
20 which is an improvement over the benchmark map that  
21 had two such districts. This district also includes  
22 many whole cities within the Miami-Dade County,  
23 including Aventura, North Miami, Biscayne Park,  
24 Miami Shores, Opa-locka, and others, and uses as  
25 many major recognizable roadways in the area as

1 possible, including I-195, 27th Avenue, 47th Avenue  
2 and others.

3 We're almost there, Members.

4 Congressional districts 26, 27, and 28 are all  
5 performing majority-minority Hispanic districts,  
6 where the functional analysis on each district  
7 individually was conducted by staff to ensure that  
8 minority groups' ability to elect is not  
9 diminished.

10 Congressional District 26, similar in  
11 shape to the benchmark map, connects the part of  
12 Collier County not included in Congressional  
13 District 19, with population in Miami-Dade County,  
14 using Collier, Broward, and Miami-Dade County  
15 Lines, as well as I-75, US-41, the Tamiami Trail  
16 and the Dolphin Expressway. It additionally  
17 shares a boundary with Congressional District 24  
18 line eastern side of the district. This district  
19 includes the municipalities of Hialeah, Hialeah  
20 Gardens, Medley, Doral, and Miami Lakes in their  
21 entirety.

22 Congressional District 27 uses the  
23 Dolphin Expressway and the Florida Turnpike for  
24 the vast majority of its boundary lines on the  
25 northern and western sides, while using the

1 Palmetto Bay Municipal boundaries along its  
2 southern border, creating a very compact district  
3 wholly within Miami-Dade County.

4 Congressional District 28 includes all of  
5 Monroe County and then connects with the remaining  
6 population in southern Miami-Dade County, using  
7 US-41 and the Florida Turnpike as its primary  
8 boundary lines in Miami-Dade County. The  
9 municipalities of Color Bay, Florida City, and  
10 Homestead are wholly within the district.

11 Madam Chair, that is the Proposed  
12 Committee Bill.

13 VICE-CHAIR TUCK: Thank you, Mr. Chair.

14 Members, we are in debate and questions  
15 on the PCB.

16 Representative Brown, you're recognized.

17 REPRESENTATIVE BROWN: Thank you, Madam  
18 Chair.

19 I just have a few questions relating to  
20 CD 10, and I want to sort of start with -- I know  
21 it's in the meeting packet. I know we previously,  
22 I believe, did not mention it, but we --

23 CHAIRMAN SIROIS: I'm sorry. Excuse me.  
24 I'm having difficulty hearing if -- thank you very  
25 much. If you won't mind starting and referencing.



1 I apologize, Madam Chair. I'll go  
2 through you next time.

3 REPRESENTATIVE BROWN: Thank you,  
4 Mr. Chair. So as I was mentioning, I have a few  
5 questions about CD 10. And so at a starting  
6 point, I know it's in the packet and I believe it  
7 was mentioned or not mentioned earlier, but wanted  
8 to just confirm. CD 10 here, we're saying with  
9 this map, it's not a district we consider  
10 protected from aggression under Tier 1. Is that  
11 correct?

12 VICE-CHAIR TUCK: Chair Sirois?

13 CHAIRMAN SIROIS: Thank you, Madam Chair.

14 According to our analysis, Congressional  
15 District 10 is not a black-performing district,  
16 and that's according to our functional analysis.  
17 I can tell you just kind of at a high-level review  
18 of the Senate's proposal, they have a different  
19 take on Congressional District 10. They have  
20 identified it according to their analysis as a  
21 protected district. So I expect, moving forward,  
22 that is something that will be reconciled with the  
23 Senate. But, again, according to our analysis,  
24 that has not been recognized as a protected  
25 district.

1 VICE-CHAIR TUCK: Representative Brown?

2 REPRESENTATIVE BROWN: Thank you, Madam  
3 Chair.

4 Is there sort of an explanation as to why  
5 with our maps, as you mentioned, with the Senate,  
6 they saw it as their -- and it's on record that  
7 they saw it as one that was protected. But is  
8 there a reason why we didn't really come up with  
9 that same sort of conclusion in our maps?

10 VICE-CHAIR TUCK: Ms. Kelly, you're  
11 recognized.

12 MS. KELLY: Thank you, Madam Chair, and  
13 thank you Representative for that question. So  
14 again I can't speak to the Senate analysis and,  
15 you know, they are running a parallel process to  
16 us, so I don't want to speak on their behalf. But  
17 as far as the Houses, whenever we run our  
18 functional analysis, just to recap, you've  
19 probably heard me say this before, but there's  
20 four components that we look at.

21 So the first component that you start  
22 with is your population data. So this is what's  
23 provided by the Census Bureau and specifically,  
24 your voting age population data. From there, we  
25 continue on to analyze registered voters in the

1    respective region we're looking at. We  
2    additionally look at voter turnout and the  
3    statewide election results, and that's for  
4    election cycles from 2012 through 2020, both  
5    primary and general election cycles.

6            So when looking at Orange County  
7    specifically -- and, Representative Brown, you  
8    mentioned CD 10 -- in Orange County, over the  
9    decade, the black population is essentially  
10   stagnant. There's some slight variations, but  
11   it's essentially stagnant, which is the first  
12   point, again, going back to our population as our  
13   starting analysis point. From there whenever you  
14   start to look at registered voters, voter turnout,  
15   you can see a consistent decrease over the decade,  
16   about 10 percentage points between where it  
17   started in the beginning of the decade to where it  
18   is now, ultimately resulting in levels that we do  
19   not believe that the black population would be  
20   able to control their shares of the primary or the  
21   general election, therefore not allowing them to  
22   elect a candidate -- the ability to elect a  
23   candidate of their choice.

24           I'd also like to put on record, you know,  
25   going back through last decades of materials and

1 meetings, whenever this was recreated as part of  
2 the remedial redistricting cycles, this district  
3 wasn't created to be a black-performing district  
4 either. It was a result of some other changes  
5 that happen in the congressional map.

6 So that, Madam Chair, concludes my  
7 explanation. Thank you.

8 VICE-CHAIR TUCK: Thank you, Ms. Kelly.  
9 Representative Brown?

10 REPRESENTATIVE BROWN: Thank you, Madam  
11 Chair.

12 So looking at the demographics of recent  
13 Democratic primaries and benchmark CD 10, the  
14 primary elect, they we're just plurality, and even  
15 majority black. So when we look at, in 2020,  
16 we've seen 43 percent; in 2018, it was 47 percent;  
17 2016, 51 percent; 53 percent in '14. And, you  
18 know, if we look even in 2012, 54 percent. So it  
19 seems as though the benchmark in CD 10 is a  
20 district where a cohesive black electorate has an  
21 ability to nominate a candidate of their choice in  
22 a primary and elect that candidate of choice as  
23 well in the general election, since Democratic  
24 candidates prevail in general.

25 In the general, is that wrong?

1 VICE-CHAIR TUCK: Ms. Kelly, you're  
2 recognized.

3 MS. KELLY: Thank you, Madam Chair.

4 Thank you, Representative. So I guess my  
5 first question is: can you re-reference which  
6 exact data points that you're asking about? And  
7 the reason why I ask that is there's no one data  
8 point within a functional analysis that  
9 necessarily dictates whether a candidate can  
10 prevail in the primary or in the general. So  
11 picking out and spot-checking specific data points  
12 wouldn't be a holistic way to look at it. But for  
13 clarity, would you mind re-referencing which  
14 categorical points you were referencing in your  
15 questions?

16 REPRESENTATIVE BROWN: The primary  
17 electorate. So within the primary in 2020, it was  
18 43 percent. In 2018, it was 47 percent. And so  
19 we're speaking directly to the black electorate.

20 VICE-CHAIR TUCK: Ms. Kelly, you're  
21 recognized.

22 MS. KELLY: Thank you.

23 Representative, can I respond now, or did  
24 you have additional --

25 REPRESENTATIVE BROWN: No. No, no, no.

1 MS. KELLY: Okay. Just making sure. So  
2 yes. As you go through those data points -- and,  
3 again, I want to emphasize there's not one  
4 specific column or data point that indicates  
5 whether something is performing. But speaking  
6 specifically to the ones that you mentioned in the  
7 primary election, actually, what you described  
8 demonstrated what I said previously is as we go  
9 back throughout the decade, you know, in reverse  
10 chronological order, we start the decade -- I  
11 believe you mentioned it was at 43 percent. And  
12 as we go back throughout the decade, it actually  
13 increased, which, as I explained, shows that over  
14 the decade, that specific data point has continued  
15 to have a consistent decrease in the black share  
16 of the primary. Whenever you look at the black  
17 population's ability to elect a candidate of their  
18 choice, specifically in the primary, you know, at  
19 43 percent, there's still additional population  
20 out there that wouldn't be able to necessarily get  
21 them over, you know, that 50 percent marker that  
22 would identify them as being able to elect a  
23 candidate of their choice.

24 So I hope that provides some additional  
25 context. Thank you.

1 REPRESENTATIVE BROWN: Thank you.

2 VICE-CHAIR TUCK: Representative Brown?

3 REPRESENTATIVE BROWN: Thank you, Madam  
4 Chair.

5 So comparing the benchmarks of CD 10 and  
6 also looking just with the HD 20, which was in  
7 Ocala, Gainesville, HD 20 had similar statistics  
8 as we see with CD 10. So for example, the  
9 Democratic primary in HD 20 had between 43 and  
10 46.7 percent black in the past eight years. It's  
11 been 43 or 44 percent in the past two elections,  
12 which is actually lower than CD 10, and both are  
13 solidly Democratic in the general election. The  
14 (indiscernible) is similar too with 29 percent in  
15 HD 20 and 27 percent in CD 10. The black share of  
16 registered voters as well is similar.

17 So benchmark HD 20 looks really similar,  
18 but we consider HD 20 to be Tier 1 protected  
19 against diminishing black voters' ability. And we  
20 went out of our way to sort of maintain HD 20 in  
21 Gainesville and Ocala, even splitting both cities  
22 to do so.

23 So can we explain why in HD 20, it's Tier  
24 1 protected, but in CD 10, it's not?

25 VICE-CHAIR TUCK: Chair Sirois?

1 CHAIRMAN SIROIS: Thank you, Madam Chair.

2 You know, I would, I think, revisit  
3 Ms. Kelly's remarks when we started this line of  
4 questions. Functional analysis is a holistic  
5 analysis of a district. So I don't know that  
6 necessarily picking and choosing out which metrics  
7 or criteria you want to look at and then applying  
8 them provides an accurate depiction of the  
9 district. The functional analysis has to be a  
10 holistic review of all the data points in terms of  
11 making that determination.

12 Madam Chair, I would request that  
13 Ms. Kelly perhaps might have something to add.

14 VICE-CHAIR TUCK: Ms. Kelly, you're  
15 recognized.

16 MS. KELLY: Thank you, Madam Chair, and  
17 thank you, Chair Sirois.

18 Representative, additionally, I just  
19 wanted to clarify. You're referencing House  
20 District 20 and Congressional District 10,  
21 correct?

22 REPRESENTATIVE BROWN: Thank you. Yes,  
23 that's correct.

24 MS. KELLY: Okay. I just wanted to make  
25 sure that that was accurate. So again, and I



1     won't repeat what the Chair just said because that  
2     was one of my things that I wanted to make sure  
3     was clear. I think, additionally, something to  
4     think about, holistically, the Congressional  
5     District 10 and its current configuration has only  
6     existed since 2016 as part of the remedial process  
7     when that area was reconfigured. So again, as a  
8     component of the functional analysis that you have  
9     to look at -- that last component I talked about  
10    was the election results -- House District 20 has  
11    a very long timeline and proven record of  
12    electing, you know, a black population's candidate  
13    of choice. CD 10 doesn't have some of those  
14    additional trends that support that elongated data  
15    patterns. So that's one additional data point I'd  
16    like to put out. Thank you.

17                 VICE-CHAIR TUCK: Representative Brown?

18                 REPRESENTATIVE BROWN: Thank you, Madam  
19    Chair.

20                 So part of why I'm asking this is because  
21    in the previous draft we had, which was I believe  
22    the workshop map of 8001, we actually maintained  
23    CD 10 basically, comparable to the benchmark and  
24    what sort of the Senate did in their maps. So  
25    regardless of whether it's sort of Tier 1

1     protected or not, it seems to me we can kind of  
2     choose the configuration of 8001 for Central  
3     Florida. Am I wrong with that?

4             VICE-CHAIR TUCK: Chair Sirois?

5             CHAIRMAN SIROIS: Thank you, Vice-Chair.

6             And I'm sorry I missed the tail end of  
7     that question. If you could repeat for me a  
8     little louder? Thank you, Madam.

9             REPRESENTATIVE BROWN: My apologies,  
10    Mr. Chair. So I was saying the reason I asked --  
11    and I kind of referred to our draft plan in 8001.  
12    We sort of maintain CD 10 comparable to those  
13    benchmarks. So I was saying regardless of whether  
14    we're saying that CD 10 is protected by Tier 1 or  
15    not, it seems that based off of just the ones  
16    we've workshop, we could sort of choose to  
17    configure it, comparable to 8001. Is that  
18    correct?

19            VICE-CHAIR TUCK: Chair Sirois?

20            CHAIRMAN SIROIS: Thank you, Madam Chair.

21            So the difference that you would see, or  
22    what I would characterize as improvement, you see  
23    in the map that we have, overall, more alignment  
24    with our methodology. We have districts that we  
25    improve where they are within the five biggest

1 counties. For example, Congressional District 20  
2 in the map is more compact, and we have one less  
3 split in Hillsborough County. So initially, the  
4 workshop maps were presented to this Committee as  
5 pieces to demonstrate the real-world application  
6 of our constitutional tiers. And throughout that  
7 process, subsequent discussions, follow-up,  
8 feedback from Members, we were able to build and  
9 improve upon the map to the product that you see  
10 before you today.

11 VICE-CHAIR TUCK: Members, any additional  
12 questions?

13 Representative Joseph?

14 REPRESENTATIVE JOSEPH: Thank you, Madam  
15 Chair.

16 I wanted to follow up on a couple of  
17 Representative Brown's questions with respect to  
18 CD 10. I understand that based on the review that  
19 was presented, an evaluation of the criteria,  
20 there's an expectation that the black-performing  
21 district would just decrease in its performance  
22 overtime. That seems to be the underlying  
23 assumption. Even assuming without agreeing that  
24 that assumption will play out correct, are we  
25 prevented from keeping CD 10 closer to its

1 benchmark form under -- using just the Tier 2  
2 criteria, which we're at liberty to do because it  
3 does respect several of the geographical  
4 boundaries if we kept it that way as opposed to  
5 how we are. I know we're still working through  
6 our map, and this is the first iteration. But I'm  
7 just wondering about that.

8 VICE-CHAIR TUCK: Chair Sirois?

9 CHAIRMAN SIROIS: Thank you, Madam Chair.  
10 Thank you, Representative Joseph, for the  
11 question, and I think my answer would also provide  
12 some further insight into Representative Brown's  
13 line of question as well. You know, I think it's,  
14 really important for all of the Committee members  
15 to understand that the PCB that we're looking at  
16 today is at its first Committee stop. And as we  
17 move through the legislative process, the next  
18 stop for this bill, if it's passed out of our  
19 Committee today, of course, is the Full  
20 Redistricting Committee.

21 I can assure Committee members that Chair  
22 Leek and I remain committed, as we have been since  
23 day one, to being open to your feedback,  
24 accessible regarding questions that you may have,  
25 suggestions that you can offer within the context

1 of our two tiers that make it a better map. And I  
2 know that both of us continue to be open to  
3 receiving that feedback. The final point that I  
4 would add of course is even after the House  
5 process unfolds, we still have a reconciliation  
6 with the Senate as well, where I think, you know,  
7 additional issues will be brought up as well.

8 Thank you, Madam Chair.

9 VICE-CHAIR TUCK: Follow-up?

10 REPRESENTATIVE JOSEPH: Thank you, Madam  
11 Chair.

12 And thank you, Mr. Chair, for the  
13 explanation, and I look forward to that. Like,  
14 we've had good working relationships in the past  
15 in my entire time in the Legislature, so I fully  
16 anticipate that we'll be able to address that. So  
17 I think part of where I'm going to go with my  
18 questions today is to do exactly that: to  
19 highlight some of the issues that we have in  
20 anticipation that ultimately, maybe not today, but  
21 ultimately, we as the legislative body can stand  
22 in unison behind some maps that we can actually be  
23 proud of. So I think we're ready to roll up our  
24 sleeves with you.

25 So following up on CD 10 real quick,

1 looking at the data, I understand -- I mean, there  
2 are a number of factors that may have contributed  
3 to that decrease of performance, but I think we  
4 can still use the Tier 2 factors to give that  
5 district a fighting chance. There's no reason we  
6 need to take it away right away. I think that as  
7 a policy decision, we can look at, maybe, seeing  
8 if it might perform and preserving it this round.  
9 So that was one thing.

10 Let me move on to CD 26. So looking at  
11 CD 26, was that impacted by the fact that it's a  
12 Tier 1-protected district for Latino voters or  
13 Hispanic voters?

14 VICE-CHAIR TUCK: Chair Sirois?

15 CHAIRMAN SIROIS: Thank you, Madam Chair.  
16 Yes.

17 REPRESENTATIVE JOSEPH: Okay. So looking  
18 at kind of the image of it, it's kind of like an  
19 extruded stair-step shape, stretching up from the  
20 Gulf of Mexico all the way over to a little finger  
21 that points just 700 yards short of Biscayne Bay  
22 in Miami. Was that shape necessary to comply with  
23 Tier 1? Or were there other factors that went  
24 into just how it ends up looking there?

25 VICE-CHAIR TUCK: Chair Sirois?

1 CHAIRMAN SIROIS: Thank you, Madam Chair.

2 I'd like to ask Mr. Poreda to weigh in.

3 VICE-CHAIR TUCK: Mr. Poreda, you're  
4 recognized.

5 MR. POREDA: Thank you, Madam Chair.

6 Yes. The shape of District 26 was  
7 largely because not only it was a Tier 1-protected  
8 district, but the other three districts in Miami-  
9 Dade County - District 24 are protected black  
10 district. And District 27 and 28 are also  
11 protected districts. So trying to balance all the  
12 Tier 2 issues that are there in addition to,  
13 first, protecting all three of those districts and  
14 their ability to elect, that largely impacted the  
15 shapes of all four of those districts.

16 VICE-CHAIR TUCK: Follow-up?

17 REPRESENTATIVE JOSEPH: Thank you, Madam  
18 Chair.

19 And thank you for that response. Yeah,  
20 when you get to Miami-Dade, we got a lot of  
21 protective folks. So -- now, still sticking with  
22 CD 26, I see that it crosses the large unpopulated  
23 stretch of the Everglades between --it looks like  
24 Miami-Dade County and Collier. Would we consider  
25 the Everglades in this area a major geographic

1 boundary?

2 VICE-CHAIR TUCK: Chair Sirois?

3 CHAIRMAN SIROIS: Thank you, Madam Chair,  
4 and I'm going to ask Mr. Poreda to weigh in.

5 But I would add first that, you know,  
6 there are still census block data available within  
7 that territory. And I think if you recall from  
8 earlier presentations when we showed slides that  
9 contained the population of our census blocks,  
10 there were several areas within the state where  
11 maybe just a few people lived. You could count on  
12 one hand the number of people identified in that  
13 census block, but that doesn't change the fact  
14 that they still have accounted for within our  
15 congressional districts.

16 So you will see areas on the map -- the  
17 Everglades is an example. I think closer to  
18 Miami, you have the Miami International Airport,  
19 again, huge tract of land that you're talking  
20 about there. Along the East Coast, we have  
21 wildlife refuges, military insulations, Kennedy  
22 Space Center. You see other large tracts of land  
23 that are included in the census block data as  
24 well. So that's why you may see some variation  
25 there.



1 But, Mr. Poreda, do you have anything  
2 that you'd like to add?

3 VICE-CHAIR TUCK: Mr. Poreda, you're  
4 recognized.

5 MR. POREDA: Thank you, Madam Chair.

6 Yeah. I will echo what the Chair said  
7 about all of the unpopulated census blocks but  
8 also add that District 26, primarily along its  
9 entire length, uses the Collier County and the  
10 Miami-Dade Broward County line, in addition to US-  
11 41, which is the Tamiami Trail to create that  
12 extension. And if you look at actually the  
13 boundary analysis for District 26, it's only 5  
14 percent of its boundaries that do not follow one  
15 of the designated political or geographical  
16 boundaries. So it uses a lot of municipal lines,  
17 actually, in that area that may look a little bit  
18 more jagged against District 24. I believe it  
19 uses the Hialeah Municipal line along with some of  
20 the others there, in addition to using county  
21 lines and the Tamiami Trail for almost its entire  
22 extension until it gets over into Collier County  
23 where it achieves all equal population.

24 VICE-CHAIR TUCK: Follow-up?

25 REPRESENTATIVE JOSEPH: Thank you, Madam

1 Chair.

2 Thank you for that explanation. I try to  
3 play around in the system. I try to be a geek,  
4 but sometimes I can't hang. So this is one of  
5 these instances, so forgive me if my question is a  
6 little weird. So the Esri Mapping program, so it  
7 includes the rivers as one of the options of the  
8 boundaries, right? But the Everglades is  
9 literally a river of grass. So it covers more  
10 than like 4300 square miles? And it's 100 miles  
11 long, and it's up like 60 miles wide? And did you  
12 consider that a major geographic boundary?

13 VICE-CHAIR TUCK: Chair Sirois?

14 CHAIRMAN SIROIS: I would defer to Mr.  
15 Poreda.

16 VICE-CHAIR TUCK: Mr. Poreda, you're  
17 recognized.

18 MR. POREDA: The Everglades by itself,  
19 no. But that's why, through that area, we're  
20 actually using US-41 and the county lines of  
21 Collier and Miami-Dade County. So those are the  
22 geographical or really political boundaries that  
23 we're using to get through that area.

24 REPRESENTATIVE JOSEPH: All right.

25 MR. POREDA: Because we have to include

1 all the census blocks. Even those census blocks  
2 in the Everglades, as the chair mentioned earlier,  
3 that had very little population, they all have to  
4 be accounted for.

5 VICE-CHAIR TUCK: Follow-up?

6 REPRESENTATIVE JOSEPH: Thank you, Madam  
7 Chair.

8 And thank you for the response. So I  
9 agree about the county boundaries as an  
10 alternative way to look at it. I guess it's  
11 because it also coincides -- if I'm not mistaken,  
12 the Everglades boundary coincides with the  
13 political boundary where the Dade-Collier County  
14 boundary is. So with that in mind, looking at the  
15 Tier 2 factors with CD 6, like this stairway to a  
16 mockley shape, it crosses those county lines. It  
17 splits Collier, which is smaller than the ideal  
18 district size. It splits the city of Miami in  
19 three ways, and Miami is smaller than ideal  
20 district size too. All of those Tier 2 -- I don't  
21 want to say deficiencies, but infirmities, if we  
22 can call it that, were those necessary to maintain  
23 Tier 1 compliance?

24 VICE-CHAIR TUCK: Mr. Poreda.

25 Chair Sirois.

1 CHAIRMAN SIROIS: Thank you very much,  
2 Madam Chair.

3 Representative Joseph, I think that's an  
4 excellent example of a different approach, a concept  
5 that can be brought to Chair Leek, for further  
6 examination at the next Committee stop.

7 Madam Chair, I'd ask if Mr. Poreda has  
8 anything more technical to add.

9 VICE-CHAIR TUCK: Mr. Poreda.

10 MR. POREDA: As I mentioned earlier, that  
11 is primarily due to Tier 1 considerations In  
12 addition to the equal population standard because  
13 the boundaries within Collier County, for example --  
14 even though, Collier County, there's lots of  
15 counties throughout the map. Walton County is  
16 another example; Citrus County, where counties have  
17 to be split in a congressional map because of the  
18 equal population standard.

19 VICE-CHAIR TUCK: And, Representative, if  
20 you don't mind, I'm going to move on to a couple  
21 other members and come back to you unless you have a  
22 follow-up.

23 REPRESENTATIVE JOSEPH: Sure, that's fine.  
24 Thank you.

25 VICE-CHAIR TUCK: Representative Fabricio.

1 REPRESENTATIVE FABRICIO: Thank you, Madam  
2 Chair and --

3 VICE-CHAIR TUCK: Representative, one  
4 second. I'm sorry.  
5 Chair.

6 CHAIRMAN SIROIS: Thank you, Madam Chair.  
7 Representative Brown's request -- her good  
8 request, we're going to put the maps back up on the  
9 screen when we're discussing specific areas just to  
10 make it a little bit easier for everybody to follow  
11 along. Thank you, Madam Chair.

12 VICE-CHAIR TUCK: Thank you.  
13 Representative.

14 REPRESENTATIVE FABRICIO: Thank you, Madam  
15 Chair.

16 And I'm going to preface my question with  
17 an apology for its rudimentary nature. But in  
18 looking at the CD 26 District and discussing Tier 1  
19 requirements and Tier 2 requirements, how does the  
20 factor of compactness scores factor into determining  
21 the viability of a CD in light of the Tier 1  
22 requirements?

23 VICE-CHAIR TUCK: Chair Sirois.

24 CHAIRMAN SIROIS: Thank you very much,  
25 Representative, for the good question.

1           As you know and as we've discussed since  
2 we've started, the Tier 1 standards take precedent,  
3 in terms of looking at the districts. And when  
4 compactness becomes a factor -- you know, I don't  
5 know that it's fair to say that compactness can be  
6 viewed in the context of a single district in this  
7 sense, that the other districts that surround the  
8 district that you're referring to also have  
9 different issues at play. Whether it's following a  
10 political boundary, keeping a city whole, for  
11 example, that may affect the ability to keep  
12 surrounding districts as compact as we would like  
13 them to be.

14           The map is very much -- the districts are  
15 very much tied into one another. When you change or  
16 try to pursue, perhaps, one outcome with one  
17 district boundary, it has impact on the surrounding  
18 districts.

19           And, Madam Chair, Mr. Poreda has something  
20 that he'd like to add.

21           VICE-CHAIR TUCK: Mr. Poreda.

22           MR. POREDA: I'll just echo what the chair  
23 said.

24           VICE-CHAIR TUCK: Follow-up?

25           REPRESENTATIVE FABRICIO: Thank you, Madam

1 Chair.

2 And thank you, Chair Sirois, for that  
3 explanation. I appreciate it. It clarifies quite a  
4 bit. Because I'd like to consider the compactness  
5 scores of District 26 vis-à-vis the compactness  
6 scores of, say, District 3, where the Reock scores  
7 in District 23 -- I'm sorry, District 26 are .3.  
8 Whereas we look at CD 3 and we see a Reock score of  
9 .11 and a Polsby-Popper score of .1 vis-à-vis CD 26.  
10 And we see a Polsby-Popper score of .3, both low,  
11 but CD 3 seems to be very low.

12 VICE-CHAIR TUCK: Chair Sirois.

13 CHAIRMAN SIROIS: Thank you, Madam Chair.

14 Ms. Kelly, if you'd like to jump in.

15 VICE-CHAIR TUCK: Ms. Kelly, you're  
16 recognized.

17 MS. KELLY: Thank you, Madam Chair.

18 Thank you, Chair Sirois.

19 Thank you, Representative, for that  
20 question. So I'm going to go back to something I  
21 referenced earlier, but this is a really important  
22 concept to hone in because it applies to several  
23 factors in the map. So first of all, compactness is  
24 secondary to our Tier 1 requirement to ensure that a  
25 minority population has an ability to elect a

1 candidate of their choice. So both of the districts  
2 that you reference, Congressional District 3 in  
3 North Florida and then Congressional District 26 in  
4 South Florida are both Tier 1 protected districts.

5           The first item I'd like to point out is  
6 that Tier 3 is a protected black district. District  
7 26 is a protected Hispanic district. So again,  
8 whenever we're going through that process of  
9 functional analysis, those minority populations  
10 interact differently with one another. So comparing  
11 their functional analysis postures would not  
12 necessarily be a one-to-one comparison. Not only  
13 are they in different regions of the state, those  
14 voters may perform differently or interact  
15 differently, but they're also in different  
16 geographical locations of the state.

17           So in North Florida, you have a lot of  
18 rural counties, where you have less population. So  
19 you have to account for that, as you're not only  
20 drawing down to plus or minus one person, but also  
21 still ensuring that Tier 1 requirement, that they  
22 have the ability to elect. Similarly, in South  
23 Florida, as other representatives have pointed out  
24 as well, you have a lot of Everglades population.  
25 And I guess I say that ironically because there's



1 not a lot of people that live in the Everglades, but  
2 there is a lot of census blocks that we still have  
3 to account for. So even though they have a  
4 different compactness scores, it also has to be done  
5 in context of the geographical constraints of the  
6 region, the Tier 1 constraints of the region, as  
7 well as population of the region. And I believe  
8 that was all the points I wanted to make. Thank  
9 you.

10 VICE-CHAIR TUCK: Follow-up?

11 REPRESENTATIVE FABRICIO: Last follow-up,  
12 and I appreciate your explanation. Could you tell  
13 me which congressional district has the lowest  
14 overall compactness score?

15 VICE-CHAIR TUCK: Ms. Kelly.

16 MS. KELLY: I'm going to ask for a  
17 clarification. Do you mean a state-wide average or  
18 an individual compactness score?

19 REPRESENTATIVE FABRICIO: Thank you.

20 Which congressional district has the lowest  
21 compactness score if you rank compactness scores  
22 from top to bottom?

23 VICE-CHAIR TUCK: Ms. Kelly.

24 MS. KELLY: So it'll take me a second to go  
25 through my list. I will answer your question. I

1 would like to say though, there's not one  
2 compactness score that is superior to another, and  
3 they're to be viewed in context of one another. And  
4 I'll further elaborate on that. Each compactness  
5 score, you can think of it as measuring a slightly  
6 different component of the district. So for  
7 instance, if you remember back to some of the  
8 presentations we did during the Interim Committee  
9 weeks, the Reock score measures, you know, the more  
10 circular a district is, the higher your Reock score  
11 will be. For Convex Hull score, you can think of it  
12 as, perhaps, putting a rubber band around that  
13 district. And the more it's filled out, the higher  
14 that score will be.

15 And the Polsby-Popper score oftentimes  
16 measures a lot of the indentations in the overall  
17 perimeter of the district. So I do need a minute to  
18 get that answer for you, and I will get that answer  
19 for you, but I want to elaborate that whenever we're  
20 ranking compactness scores, it's more just, I think,  
21 as a data point and a much bigger plane of analysis.  
22 But we'll get that answer for you right now.

23 REPRESENTATIVE FABRICIO: Thank you.

24 VICE-CHAIR TUCK: Members, additional  
25 questions?

1 Thank you, Member Skidmore.

2 REPRESENTATIVE SKIDMORE: Thank you, Madam  
3 Chair.

4 I think we're very interested in CD 26  
5 today. A few weeks ago, when we took up the House  
6 maps on the floor, Rep Joseph had a series of  
7 questions, and I kind of want to revert back to some  
8 of them. I remember Chair Leek called the -- he  
9 didn't want to go into a deep rabbit hole, but these  
10 questions are not typical.

11 So Rep Joseph asked if the House analysis  
12 involved ecological regression or inference analysis  
13 to determine the level of minority cohesion and  
14 white block voting, racially polarized voting.  
15 Chair Leek said yes. But he didn't say what the  
16 outcome of those analyses were. So as applied to  
17 the congressional map, specifically, in South  
18 Florida, does the House have an analysis of minority  
19 cohesion, white block voting, and racially polarized  
20 voting in the benchmark Latino majority districts of  
21 South Florida or in the Miami-Dade area, just  
22 generally speaking?

23 VICE-CHAIR TUCK: Chair Sirois.

24 CHAIRMAN SIROIS: Thank you, Madam Chair.  
25 If I could just have a moment.

1 Represent Skidmore, could you -- I'm sorry,  
2 Madam Chair.

3 VICE-CHAIR TUCK: Representative Skidmore,  
4 can you repeat your question?

5 CHAIRMAN SIROIS: Thank you.

6 REPRESENTATIVE SKIDMORE: Sure. I won't go  
7 through the whole setup, but the specific question  
8 is, as applied to the congressional map in South  
9 Florida, does the House have an analysis of minority  
10 cohesion, white block voting, and racially polarized  
11 voting in the benchmark Latino minority-majority  
12 districts in South Florida or in Miami-Dade?  
13 Generally speaking.

14 VICE-CHAIR TUCK: Chair Sirois.

15 CHAIRMAN SIROIS: Thank you very much,  
16 Madam Chair.

17 You know, I want to begin by answering that  
18 the Florida Supreme Court has recognized that the  
19 only performance measure is the functional analysis  
20 test. The data that you're referring to, that Chair  
21 Leek spoke to on the floor, is some of the advanced  
22 statistical analysis that legal counsel has assisted  
23 the House with conducting.

24 I would ask Madam Chair that Ms. Kelly may  
25 have something to add on that subject. Okay. We're

1 good. Thank you, Madam Chair.

2 VICE-CHAIR TUCK: Follow-up?

3 REPRESENTATIVE SKIDMORE: Thank you, Madam  
4 Chair.

5 So the data exists, but we're just not  
6 privy to it?

7 VICE-CHAIR TUCK: Chair Sirois.

8 CHAIRMAN SIROIS: Thank you, Madam Chair.

9 That data is an advanced statistical  
10 analysis that was performed -- expert analysis that  
11 was performed at the request of the legal counsel  
12 that is advising the House on the redistricting  
13 process. So the information that is a part of that  
14 relationship as a part of that contract is retained  
15 by outside counsel.

16 VICE-CHAIR TUCK: Follow-up?

17 CHAIRMAN SIROIS: I would just add -- I'm  
18 sorry -- that information is not retained with the  
19 House of Representatives.

20 VICE-CHAIR TUCK: Follow-up?

21 REPRESENTATIVE SKIDMORE: Thank you, Madam  
22 Chair.

23 So is there any cohesion of voting data  
24 that is available to us?

25 VICE-CHAIR TUCK: Chair Sirois.

1           CHAIRMAN SIROIS: The functional analysis  
2 performs exactly the kind of feedback that you're  
3 referring to. That's the analysis that the Court  
4 requires to be performed is the functional analysis.  
5 So beyond that, you know, I'm not able to answer  
6 your question.

7           VICE-CHAIR TUCK: Follow-up?

8           REPRESENTATIVE SKIDMORE: Thank you, Madam  
9 Chair.

10           Are there any reports, conclusions, or  
11 analysis regarding cohesion that have been conducted  
12 that would be able to be shared with us? I know  
13 Chair Leek said that it's not -- you know, the  
14 average person isn't going to want to go through  
15 this, but is there anything that has been reported  
16 that -- or, you know, memos or anything that would  
17 help us understand cohesion?

18           VICE-CHAIR TUCK: Chair Sirois.

19           CHAIRMAN SIROIS: There are no formal  
20 reports that exist at this stage of the game in  
21 anticipation of litigation. What I would add is  
22 that the Florida Supreme Court requires the  
23 completion of a functional analysis. We have done  
24 that, and that information is contained in your  
25 packet.

1 REPRESENTATIVE SKIDMORE: Thank you.

2 VICE-CHAIR TUCK: Additional questions,  
3 Members?

4 Representative Fabricio.

5 REPRESENTATIVE FABRICIO: Just following up  
6 to see if the data that I requested was available.

7 VICE-CHAIR TUCK: Ms. Kelly, if it's okay,  
8 we'll go and take Representative Joseph's questions.  
9 We can come back?

10 MS. KELLY: Yes, absolutely.

11 VICE-CHAIR TUCK: Representative Joseph.

12 REPRESENTATIVE JOSEPH: Thank you, Madam  
13 Chair.

14 I guess it's more of like a request. We  
15 can work on it later as we work through the map's  
16 thing. But I'd like to see how we can -- actually,  
17 let me back up. It seems that the House took away a  
18 benchmark Hispanic district that or the new map  
19 proposed, that crossed the Everglades from Dade to  
20 Collier. And I'd really like to see how we could  
21 avoid crossing the Everglades because it's been a  
22 practice of doing that since the 2016 court-ordered  
23 Senate map. And as we continue working on the maps,  
24 I'd like to see how we can preserve that because I  
25 actually think it would make it more Tier 2

1 compliant. So that's more of a request than a  
2 question. So there you go.

3 VICE-CHAIR TUCK: Chair Sirois.

4 CHAIRMAN SIROIS: Thank you, Madam Chair.

5 Congressional District 26 remains a  
6 protected Hispanic district, so I'm not sure what it  
7 is that you're referring to.

8 REPRESENTATIVE JOSEPH: My apologies.  
9 Thank you. I described it wrong. So when I say  
10 that, I'm talking about the benchmark district that  
11 crossed from the Everglades to Dade to Collier. So  
12 not that it eliminated, I totally misspoke on that.  
13 I don't believe it eliminates the Hispanic district,  
14 but I thought that something was moved, like there  
15 was a Hispanic district that, maybe I'm mixing them  
16 up. There was a Hispanic district down south that  
17 was moved somewhere else in Florida.

18 VICE-CHAIR TUCK: Chair Sirois.

19 CHAIRMAN SIROIS: Thank you very much,  
20 Madam Chair.

21 And, I think that the district that you  
22 were referring to was in the House map for State  
23 Legislative Districts.

24 REPRESENTATIVE JOSEPH: Just kidding. All  
25 right.



1 CHAIRMAN SIROIS: No, don't apologize.

2 Believe me when I tell you that I understand, you  
3 know, all this stuff starts to run together after a  
4 while. So I appreciate where you come from.

5 REPRESENTATIVE JOSEPH: So thank you.

6 VICE-CHAIR TUCK: Follow-up?

7 REPRESENTATIVE JOSEPH: What I'm really  
8 trying to say, forget the House map and that  
9 district moving, is preserving the lines and trying  
10 to uphold or maximize the Tier 2 criteria. I think  
11 in doing so for there -- and I see staff shaking  
12 their head -- I think we might be able to achieve a  
13 map that does that in a way that protects that area  
14 and does not have a negative impact on Tier 1 and  
15 all of that good stuff. So there you go. Thank  
16 you.

17 VICE-CHAIR TUCK: Chair Sirois.

18 CHAIRMAN SIROIS: Thank you very much,  
19 Madam Chair.

20 I would welcome that conversation with  
21 myself, staff, Chair Leek, and I think that's  
22 something that, you know, we can look at as we move  
23 forward through the Committee process.

24 VICE-CHAIR TUCK: And, Ms. Kelly, you're  
25 recognized to answer Representative Fabricio's

1 question.

2 MS. KELLY: Thank you, Madam Chair, and  
3 thank you for giving us time to pull that data.

4 So I'd like to go through each compactness  
5 score. We were able to identify the district that  
6 has the lowest compactness scores and give it in  
7 context of that region as a whole. So whenever  
8 we're looking at the lowest Reock score, we're  
9 looking at CD 3, and it has a .11. Its Polsby-  
10 Popper score is .10, but I'd also like to point out  
11 that its Convex Hull score is .63, which is right  
12 around the average for the state.

13 Moving into the Convex Hull score, that  
14 one's lowest rate is on CD 28 with a .56. Again,  
15 making sure I provide it in context, the Reock score  
16 on that is .21 and then .24 for Polsby-Popper.  
17 Going back to the Polsby-Popper score, again, CD 3  
18 is there at .10. And again, just to remind everyone  
19 in context, its Convex Hull score is up near the  
20 average of the rest of the state as well. Thank  
21 you. Hopefully that answers your question.

22 VICE-CHAIR TUCK: Members, additional  
23 questions?

24 Ex officio, Davis.

25 REPRESENTATIVE DAVIS: Thank you, Chair.

1 And thank you, Committee, for allowing me to be here  
2 this morning.

3 Just a question, you may have answered it  
4 along the way, but we are talking to the general  
5 public. So could you be clear in the sense of the  
6 difference between the functional analysis and the  
7 performance analysis for me, please?

8 VICE-CHAIR TUCK: Chair Sirois.

9 CHAIRMAN SIROIS: Thank you very much,  
10 Madam Chair.

11 Representative, thank you for the question.  
12 And I think it's important, you know, words do  
13 matter because what we're talking about here is the  
14 functional analysis. And the functional analysis  
15 provides information related to performance, and  
16 that helps us understand as to whether or not our  
17 obligation to identify and to protect -- protected  
18 district's remains in effect. So, you know, I'm  
19 happy -- if you want some more detail on the  
20 functional analysis process, I'm happy to provide  
21 that. But I think that answers your question.

22 VICE-CHAIR TUCK: Follow-up?

23 REPRESENTATIVE DAVIS: Somewhat. I asked  
24 for the difference between the functional analysis  
25 and the performance analysis of a district. So you

1 did answer the functional analysis, but the  
2 performance analysis is what I'm waiting for now.

3 CHAIRMAN SIROIS: Chair Sirois.

4 CHAIRMAN SIROIS: Thank you, Madam Chair.

5 Thank you, Representative Davis. It's the  
6 same thing.

7 If I could, Madam Chair, ask Ms. Kelly to  
8 elaborate.

9 VICE-CHAIR TUCK: Ms. Kelly, you're  
10 recognized.

11 MS. KELLY: Thank you, Madam Chair.

12 Thank you, Chair Sirois.

13 Thank you, Representative. Sometimes I  
14 feel like those terms may be used interchangeably,  
15 because the functional analysis alludes to the  
16 performance ability of a minority group to elect a  
17 candidate of its choice. So Chair Sirois, just  
18 piggybacking off of what you said, I believe what  
19 you're asking about is, in fact, the same analysis,  
20 the same data set. It just may be commonly referred  
21 to, differently.

22 REPRESENTATIVE DAVIS: Thank you. That  
23 cleared it up. Interchangeable terms, I appreciate  
24 that. So with that and we were talking about the  
25 cohesiveness of the districts. How did you apply

1 the non-vote dilution standard when drafting these  
2 maps?

3 VICE-CHAIR TUCK: Chair Sirois.

4 CHAIRMAN SIROIS: I would ask Ms. Kelly.

5 VICE-CHAIR TUCK: Ms. Kelly, you're  
6 recognized.

7 MS. KELLY

: So the provision that you're  
8 alluding to is a provision that's in our Tier 1 of  
9 requirements. It says you cannot deny or diminish  
10 the ability of a racial or language minority group  
11 to elect a candidate of their choice. So when doing  
12 the functional analysis, you know, one of the  
13 components of that is ensuring that that protected  
14 district doesn't have a diluted ability to elect a  
15 candidate of their choice. Which is why, as we've  
16 recreated these districts, we've recreated them at  
17 several similar levels to where the benchmark  
18 districts are. The courts have said a lot over the  
19 years as far as being able to drop different data  
20 points too low or perhaps too high, and so we've  
21 made an effort to make sure that those minority  
22 populations don't have a diluted ability or  
23 diminished ability to elect a candidate of their  
24 choice, in complying with our Tier 1 standards.

25 Ms. Chair: Follow-up?

1           REPRESENTATIVE DAVIS: Just kind of a  
2     variety of questions.

3           So with another process, what did you --  
4     how did you identify the process by way of your  
5     Voting Rights Act and Tier 1 protected districts in  
6     the benchmark map? And did you run that process on  
7     all 28 Districts?

8           VICE-CHAIR TUCK: Chair Sirois.

9           CHAIRMAN SIROIS: Thank you, Madam Chair.  
10          You know, Representative, I may ask you to  
11     be more specific, but I will tell you that the PCB  
12     that is presented before you today is in full  
13     compliance with our state constitution, state and  
14     federal law, judicial president ruling by the Court,  
15     and that would include the Voting Rights Act.

16          VICE-CHAIR TUCK: Follow-up?

17          REPRESENTATIVE DAVIS: Thank you for that  
18     answer, Chair. And the question I was asking was  
19     the process as to how we identified by way of the  
20     using the Voting Rights Act and the Tier 1  
21     protections to get to that. I think you've answered  
22     it, and I appreciate that, saying that you feel like  
23     these maps are completely legal and compliant with  
24     constitutional standards. So thank you for that  
25     answer.

1 VICE-CHAIR TUCK: Seeing no additional  
2 question -- Representative Joseph?

3 REPRESENTATIVE JOSEPH: Thank you, Madam  
4 Chair.

5 For CD 24, I see that it's shifted all the  
6 way east where it wasn't that way before. Can you  
7 walk us through, kind of, what went into that? I  
8 know it had to do with making sure that CD 27 was  
9 okay in terms of meeting the Tier 1 criteria, but  
10 talk to us a little bit more about what happened  
11 there.

12 VICE-CHAIR TUCK: Chair Sirois.

13 CHAIRMAN SIROIS: Thank you, Madam Chair.  
14 Thank you, Representative for the question.  
15 I would ask Mr. Poreda to provide an explanation.

16 VICE-CHAIR TUCK: Mr. Poreda, you're  
17 recognized.

18 MR. POREDA: Thank you, Madam Chair.

19 That district is a protected black  
20 district. Its black voting Age population in the  
21 benchmark was about 43 percent. And the district  
22 you see before you, it's about 42 and a half percent  
23 -- 42, I think, .2 percent. It was brought over to  
24 that population, so it wouldn't impact Districts 26,  
25 27, or 28, which are all protected districts, in

1 addition to adding population to all three districts  
2 to achieve our new ideal population for a  
3 Congressional District.

4 So that was simply where the population  
5 was. In an effort to also, where we could, take  
6 those Tier 1 districts and make them a little bit  
7 more Tier 2 compliant and create a more compact  
8 shape.

9 VICE-CHAIR TUCK: Seeing no more questions?  
10 We are in amendments.

11 Are there any amendments?  
12 Representative.

13 REPRESENTATIVE FABRICIO: Thank you. And I  
14 apologize for jumping in late there. In determining  
15 the importance of the compactness scores, we have  
16 Reock, Convex Hull, and the Polsby-Popper. Does any  
17 one of those three different compactness components  
18 have any different kind of weight over another, or  
19 are they looked at in the aggregate?

20 VICE-CHAIR TUCK: Chair Sirois.

21 CHAIRMAN SIROIS: Thank you,  
22 Representative. The answer to your question is no.  
23 And that's why they have to be used in context and  
24 looked at across the board.

25 VICE-CHAIR TUCK: Follow-up?



1           REPRESENTATIVE FABRICIO: So if you have a  
2 particular congressional district that has two  
3 compact scores that are exceedingly low and one that  
4 happens to be about average, how would that analysis  
5 weigh out?

6           VICE-CHAIR TUCK: Chair Sirois.

7           CHAIRMAN SIROIS: Thank you, Madam Chair.

8           You know, you have to look at in the  
9 context of the entire map. Yes.

10          And, Ms. Kelly, would you like to add  
11 something?

12          VICE-CHAIR TUCK: Ms. Kelly, you're  
13 recognized?

14          MS. KELLY: Thank you. And I agree with  
15 what Chair Sirois said. I'd also like to add,  
16 compactness is one of our Tier 2 standards, but it's  
17 not the only Tier 2 standard. So within that as  
18 well, you have to balance political and geographical  
19 boundaries. So we're looking at riverways,  
20 waterways, county lines, and corporate and  
21 municipality lines. So it's not just, again,  
22 compactness scores as a sole analysis. It's within  
23 the context of our Tier 2 standards as well as the  
24 consideration that that is secondary in nature  
25 always to our Tier 1 standards.

1 VICE-CHAIR TUCK: Follow-up?

2 REPRESENTATIVE FABRICIO: And in that group  
3 of additional Tier 2 standards, would one of the  
4 other considerations be unnecessary appendages?

5 VICE-CHAIR TUCK: Chair Sirois.

6 CHAIRMAN SIROIS: Thank you, Madam Chair.  
7 I think it's -- you know, I would ask you to explain  
8 what you view as being an unnecessary appendage  
9 because, oftentimes, when you see those in the  
10 context of a congressional district, it may be a  
11 municipal boundary or some kind of other feature  
12 which requires us to incorporate into the district  
13 boundary.

14 VICE-CHAIR TUCK: Follow-up?

15 REPRESENTATIVE FABRICIO: For example,  
16 Gadsden County in the western edge of CD 3.

17 CHAIRMAN SIROIS: I'm sorry, Representative  
18 -- Madam Chair?

19 VICE-CHAIR TUCK: You're recognized.

20 CHAIRMAN SIROIS: Could you repeat that?

21 REPRESENTATIVE FABRICIO: For example,  
22 Gadsden County on the western edge of CD 3.

23 VICE-CHAIR TUCK: Chair Sirois, you're  
24 recognized.

25 CHAIRMAN SIROIS: Thank you very much,

1 Representative. Gadsden County is a part of a  
2 majority-minority protected district. So I don't  
3 understand -- in an effort to protect that district,  
4 I don't understand how you view that as an  
5 appendage. Maybe you could elaborate.

6 REPRESENTATIVE FABRICIO: I understand. It  
7 just seems that it's linked up through a very slim  
8 sliver of land there.

9 CHAIRMAN SIROIS: I'm sorry,  
10 Representative. Could you repeat that into the  
11 microphone?

12 REPRESENTATIVE FABRICIO: I'm sorry. Can  
13 you hear me now?

14 CHAIRMAN SIROIS: Yes.

15 REPRESENTATIVE FABRICIO: It seems to be  
16 linked to the rest of CD 3 through a very slim  
17 sliver of land.

18 VICE-CHAIR TUCK: Representative, was there  
19 a question in there?

20 REPRESENTATIVE FABRICIO: I believe the  
21 Chair asked me to elaborate why I considered the  
22 Gadsden County portion of CD 3 to be a appendage.

23 VICE-CHAIR TUCK: Chairs Sirois.

24 CHAIRMAN SIROIS: Ms. Leda, would you like  
25 to weigh in?

1 MS. KELLY: Yes. Thank you, Chair.

2 Thank you, Chair.

3 So as far as an appendage goes, whenever  
4 you look at the Gadsden County connected to  
5 Congressional District 3, Gadsden County in its  
6 entirety is connected to Congressional District 3.

7 So usually, whenever you, in the context of  
8 redistricting, talk about appendages, or, I believe,  
9 the courts have used the frayed tortured shapes,  
10 things that would be abnormal to the visual eyeball  
11 test of compactness, a whole county being included  
12 in a district is very in-line with the rest of the  
13 methodology that we've applied across the map.  
14 There's several districts that include the whole  
15 counties.

16 And again, I'll reiterate. District 3 has  
17 Tier 1 protections. Gadsden County is Florida's  
18 only majority-minority black county in the entire  
19 state, which goes into part of that Tier 1  
20 consideration, which, again, outranks compactness as  
21 a Tier 2 requirement. Thank you.

22 VICE-CHAIR TUCK: All right. Seeing no  
23 more questions, we are in amendments.

24 Are there any amendments on the PCB?

25 Representative Hunschofsky, any questions.

1           REPRESENTATIVE HUNSCHOFSKY: Thank you very  
2 much. Going back to the section that my colleague  
3 is so concerned about, Congressional District 3,  
4 could you go again through how many counties were  
5 kept whole and cities were kept whole in that  
6 district, because those are also Tier 2, and I  
7 wasn't sure how many were kept whole in that area?

8           VICE-CHAIR TUCK: Mr. Poreda, you're  
9 recognized.

10          MR. POREDA: Thank you, Madam Chair. That  
11 district contains four whole counties. Those are  
12 the counties of Gadsden, Madison, Hamilton, and  
13 Baker Counties. In addition to that, it has  
14 portions of Leon County, Jefferson County, Columbia  
15 County, and then Duval County. That district has  
16 all of these municipalities that would be in those  
17 whole counties. It then also splits the city of  
18 Tallahassee, the city of Lake City, and the city of  
19 Jacksonville.

20          VICE-CHAIR TUCK: Follow-up?

21          REPRESENTATIVE HUNSCHOFSKY: And when we  
22 were going through the Tier 1 and Tier 2, in the  
23 Tier 1, I just want to confirm, is it true that Tier  
24 1, they're all held equally, or we have to  
25 prioritize one of the Tier 1 over another?

1 VICE-CHAIR TUCK: Chair Sirois.

2 CHAIRMAN SIROIS: Thank you, Representative  
3 Hunschofsky. They are equal within the tier.

4 VICE-CHAIR TUCK: Follow-up?

5 REPRESENTATIVE HUNSCHOFSKY: And the Tier 1  
6 always comes before the Tier 2 when we are weighing  
7 this, correct?

8 VICE-CHAIR TUCK: Chair Sirois.

9 CHAIRMAN SIROIS: Thank you very much,  
10 Representative Hunschofsky. Yes.

11 REPRESENTATIVE HUNSCHOFSKY: Yeah, I was  
12 paying attention to it. And then lastly, I have  
13 brought up several times ad nauseam on this  
14 Committee, how important I think it is to keep  
15 cities and counties as whole as possible having come  
16 from municipal office. So but is it true that when  
17 we're looking at those Tier 2 standards, we can also  
18 choose -- when looking at the totality of it and  
19 what we're trying to accomplish, and that there's a  
20 good representation in each of these districts, that  
21 we can choose, for example, to prioritize keeping  
22 counties and cities Whole over prioritizing  
23 compactness? Is that within our option on those  
24 Tier 2 or do we have to go in the order that it  
25 would -- that they were presented to us?

1 VICE-CHAIR TUCK: Chair Sirois.

2 CHAIRMAN SIROIS: Thank you very much,  
3 Madam Chair. On the issue of city splits, and I  
4 know that that is important to you. You've raised  
5 that consistently throughout this process, and I  
6 think you should proud of the progress that this map  
7 makes in that regard Because we improve -- in the  
8 benchmark map, there were 39 city splits. In the  
9 PCB before you today, there are 27. So we have made  
10 some improvement in that regard.

11 If there are additional areas of the state  
12 that you would like to make some recommendation in  
13 terms of -- perhaps a way we could further reduce  
14 the number of city splits, I'm happy, and I can  
15 speak for Chair Leek in saying we're happy to  
16 continue to have that conversation with you.

17 I would ask also, if you could repeat and  
18 clarify the second part of your question?

19 REPRESENTATIVE HUNSCHOFSKY: Yeah. I just  
20 wanted to make sure -- I'm asking that we are  
21 allowed to prioritize in -- within the Tier 2, we  
22 can make the choice to prioritize keeping more  
23 counties and cities whole than compactness. Are we  
24 allowed to do that?

25 VICE-CHAIR TUCK: Chair Sirois.

1 CHAIRMAN SIROIS: Within Tier 2, each of  
2 those receive equal consideration.

3 REPRESENTATIVE HUNSCHOFSKY: Okay. Thank  
4 you.

5 VICE-CHAIR TUCK: All right. Last chance.  
6 Seeing no more questions.

7 All right. Members, we are in amendments.

8 Are there any amendments on the PCB?

9 Seeing none, we are now in public  
10 testimony. I'll remind all the speakers to keep  
11 their comments on topic and to the constitutional  
12 standards as the maps we are voting on today must be  
13 in alignment with these standards.

14 First up, Robert Popper, Judicial Watch.  
15 Thank you for being here. You're recognized.

16 MR. POPPER: Thank you, Madam Chair. Good  
17 morning. My name is Robert Popper. I am a voting  
18 specialist at Judicial Watch. Judicial Watch is a  
19 Washington DC nonprofit devoted to transparency,  
20 accountability, and fidelity to the rule of law.  
21 I'm here to testify in particular about the  
22 constitutional status and what I view as potential  
23 infirmities of District 3.

24 I've been a litigator for 32 years, and  
25 I've worked on voting issues for much of that time.



1 I've submitted written testimony, which I believe  
2 was emailed to the Committee. I also understand  
3 that revised statistics were sent to the Committee,  
4 not by me, but I do understand that that needs to be  
5 emphasized as well.

6 To summarize my testimony in my written  
7 statement, District 3 was drawn on the basis of  
8 racial considerations, as I believe the Florida  
9 Supreme Court acknowledged and as I believe this  
10 Committee would frankly acknowledge. That puts it  
11 in a difficult position in terms of federal law.  
12 Its boundaries correlate with African American  
13 populations in Duval County and Leon. And one of  
14 the points I'd like to emphasize is that I believe  
15 that it violates traditional districting criteria.  
16 That is a specialty of mine.

17 I am the Popper of the Polsby-Popper  
18 criterion. Professor Polsby and I developed that  
19 criterion 30 years ago to develop and understand the  
20 non-compactness of gerrymandered districts. Under  
21 the Polsby-Popper criterion, that scores a 0.1 or a  
22 10 percent. That is extremely low. That is low  
23 nationally. That is the lowest in Florida. Below  
24 20 percent for a landlocked district, which District  
25 3 is, is extremely non-compact. It is not the worst

1 district I've ever seen, but 10 is low. And those  
2 boundary lines do not contort as they would. For  
3 example, and if this was the district in the  
4 Chesapeake Bay in my home state of Maryland, those  
5 districts are manmade. The contortions are manmade.  
6 The district is 200 miles long. It narrows to three  
7 miles wide. It runs through eight counties and  
8 splits four of them.

9 In addition to the Polsby-Popper method of  
10 measuring compactness, there is the Reock  
11 measurement, which gives it an 11 percent or 0.11.  
12 It is unusual for the Polsby-Popper and the Reock  
13 method to agree. Usually, the Reock method is more  
14 forgiving. The fact that they agree means that this  
15 is non-compact on at least two kinds of scales. The  
16 indentations measured by Polsby-Popper, the length  
17 to width typically flagged by Reock. It is also the  
18 third worst was my measurement.

19 Madam Chair, forgive me if I've not  
20 calculated that accurately, but by my count, it was  
21 the third worst scoring district in the state on  
22 Convex Hull.

23 As a practitioner in the area of  
24 traditional districting criteria, I do not believe  
25 that Convex Hull is that useful of a measurement.

1 It doesn't see too much. If you imagine a rubber  
2 band stretched over the outward points of a  
3 district, anything that happens internally that  
4 doesn't affect the area just is not seen at all.  
5 But that being said, it does not score well on  
6 Convex Hull. As I pointed out, it's a landlocked  
7 district, which makes the non-compactness harder to  
8 explain, and I think we know why the non-compactness  
9 exists. It was to connect particular communities to  
10 create a particular result.

11 Now, as a race-based district under the  
12 jurisprudence of Shaw vs. Reno and Miller vs.  
13 Johnson, the Supreme Court has determined that the  
14 equal protection clause is potentially violated  
15 unless the district meets strict scrutiny, unless  
16 there is a compelling justification met by a  
17 narrowly tailored remedy.

18 It has been held that Section 2 will not  
19 serve as a justification where you cannot create a  
20 greater than 50 percent minority voting age  
21 population. That is the case here. It has been  
22 held that Section 5 of the Voting Rights Act, prior  
23 to its becoming unconstitutional, and Section 4  
24 becoming unconstitutional, and Section 5 becoming  
25 inoperative, prior to that, you needed a

1 specialized finding of a particular harm in order to  
2 justify that remedy. And I would add that we in the  
3 modern age have forgotten what those findings were,  
4 including states of the union where minority voting  
5 turnout was less than 10 percent. We don't have  
6 that now. But I submit there have not been those  
7 findings.

8           And this is the point I would particularly  
9 like to emphasize to this Committee. If this  
10 district is not narrowly tailored, it will not  
11 satisfy strict scrutiny. If it is not compact, it  
12 will not satisfy strict scrutiny. The Supreme Court  
13 has viewed extremely non-compact districts as not  
14 required by federal law. I understand that we are  
15 discussing here today Tier 1 and Tier 2, and  
16 compactness and traditional districting criteria are  
17 Tier 2 under federal law. They are not Tier 2 --  
18 I'm sorry, Tier 2 under Florida law. They're not  
19 Tier 2 under federal law. It will torpedo the  
20 ability of Florida to submit a set of districts that  
21 it can call narrowly tailored if the district is  
22 submitted, I believe, in its present form.

23           We all know that in a state of this  
24 importance, this district is going to end up. The  
25 entire map is going to end up in litigation. We

1 know that. I respectfully submit that this  
2 Committee and this House would want to be holding  
3 the strongest hand that it could. District 3 as  
4 drawn will not permit that.

5 Madam Chair, I look forward to your  
6 questions.

7 VICE-CHAIR TUCK: Thank you, Mr. Popper,  
8 and we do have a couple of questions. We've had a  
9 very transparent process throughout the entire last  
10 four months or so, and I just wanted to give  
11 Committee members a holistic view of the testimony  
12 given here today. So I just have a couple of  
13 questions. If you don't mind, other Committee  
14 members do as well. Were you asked to be here by  
15 Governor DeSantis today?

16 MR. POPPER: I was.

17 VICE-CHAIR TUCK: And were you compensated  
18 for being here today?

19 MR. POPPER: I was not.

20 VICE-CHAIR TUCK: Then can you share with  
21 us who you collaborated with in order to prepare for  
22 your testimony today?

23 MR. POPPER: It was just -- I wrote my  
24 testimony myself. It's based on my experience. I  
25 did talk with lawyers from Holtzman Vogel and Josh

1 Pratt, but I wrote my testimony.

2 VICE-CHAIR TUCK: Chair Sirois.

3 CHAIRMAN SIROIS: Thank you, Madam Chair.

4 And good morning, sir.

5 MR. POPPER: Morning.

6 CHAIRMAN SIROIS: You know, in all my  
7 reading, I've seen Polsby-Popper. I expected  
8 Professor Polsby to be here with you today, joined  
9 at the hip. I will see your names appearing  
10 together, but thank you for being here this morning.

11 My question is: you say that the district  
12 is not narrowly tailored, but in your testimony, you  
13 didn't propose an alternative. Can you point us to  
14 a district that does not diminish minority voting  
15 ability but is more narrowly tailored?

16 MR. POPPER: Thank you for the question. I  
17 would respond in a couple of ways. The first is  
18 that the requirement of showing a district that  
19 accomplishes the same thing in a more efficient or  
20 less compact -- or more compact way was a one-time  
21 requirement in federal court. It no longer is. And  
22 I suppose this is a prelude to saying, no, I cannot  
23 propose such a district to you, but I would  
24 respectfully submit that the Tier 2 requirements of  
25 Florida law will be superseded by the narrow

1 tailoring requirement of meeting the strict scrutiny  
2 required for this not to be an equal protection  
3 violation. I hope that answered your question.

4 CHAIRMAN SIROIS: Yes, thank you.

5 VICE-CHAIR TUCK: Representative Perez,  
6 you're recognized in questions.

7 REPRESENTATIVE PEREZ: Thank you, Madam  
8 Chair.

9 As I was looking up your biography before  
10 you spoke -- which, by the way, welcome. Welcome to  
11 the Committee. Welcome to Florida. I noticed that  
12 you used to work for DOJ, and I think it's the early  
13 2000s, mid 2000s. Did you ever work with Eric  
14 Holder?

15 MR. POPPER: I've met Eric Holder. I guess  
16 you could call it working with him when one is  
17 subordinate to a subordinate to a subordinate, but  
18 yes.

19 REPRESENTATIVE PEREZ: The reason that I  
20 ask that is I'm sure you're aware, as many people  
21 are aware, he's part of an organization now that  
22 focuses on redistricting in a very partisan way,  
23 specifically to make sure that that Democrats can  
24 get elected or favorable redistricting measures in  
25 different states. Did you consult or have you

1 consulted with anyone from Eric Holder's group that  
2 he currently works with prior to today?

3 MR. POPPER: No, I have not.

4 REPRESENTATIVE PEREZ: Thank you.

5 VICE-CHAIR TUCK: Representative Clemons,  
6 you may be recognized in questions.

7 REPRESENTATIVE CLEMONS: Thank you. And  
8 I've read your report, your resume that you sent in  
9 earlier, and you have a very impressive level of  
10 expertise.

11 MR. POPPER: Thank you, sir.

12 REPRESENTATIVE CLEMONS: I'm just curious  
13 though, what state do you reside in?

14 MR. POPPER: Maryland.

15 REPRESENTATIVE CLEMONS: Okay. So you  
16 reside in Maryland. And then I think, previously,  
17 you were asked if you were compensated, and you  
18 responded that you were not. Can you just share  
19 with us today the expenses, your hotel, your travel?  
20 Are you borne -- are you absorbing those expenses  
21 yourself, or will you submit a reimbursement to  
22 anyone for those travel expenses?

23 MR. POPPER: Thank you. I must clarify,  
24 based on what you're saying, that's true. It's my  
25 understanding that we will be compensated. I would



1 say that we offered to forego that, but yes. We  
2 would receive -- my understanding is that my flight  
3 and my hotel will be compensated by the Governor's  
4 office. That's my understanding.

5 REPRESENTATIVE CLEMONS: Follow-up, Madam  
6 Chair.

7 There's no doubt that you are an expert in  
8 these matters, and I do applaud you for being here  
9 today. My follow-up question would resolve in: have  
10 you offered this level of testimony in any other  
11 state, at any other redistricting committee to date?

12 MR. POPPER: Missouri, long ago. Not on  
13 gerrymandering; on different topics, sir.

14 REPRESENTATIVE CLEMONS: Follow-up.

15 So in the 2022 census and redistricting  
16 throughout the nation, this is the only Committee  
17 that you have testified in front of to share your  
18 level of expertise?

19 MR. POPPER: That is correct as far as  
20 committees go, but we are suing the state of  
21 Maryland over their gerrymandering. And, in fact,  
22 I'll be going to trial on March 15th. So that will  
23 be process I'll be engaged in.

24 REPRESENTATIVE CLEMONS: And I think maybe  
25 this is the last one. So when you say "we," are you

1 talking about your law firm?

2 MR. POPPER: I'm talking about Judicial  
3 Watch.

4 REPRESENTATIVE CLEMONS: Okay. Judicial  
5 Watch. Okay. Thank you. That concludes my  
6 questions. Thank you, and thank you for being here.

7 MR. POPPER: Thank you.

8 VICE-CHAIR TUCK: Thank you,  
9 Representative.

10 Mr. Popper, as you know, in the last  
11 decade, we've had some landmark redistricting cases  
12 in Florida law. So as it relates to Florida case  
13 law, do you agree with Chief Justice Kennedy's  
14 dissenting opinion, what he describes as  
15 diminishment?

16 MR. POPPER: And you're talking about the  
17 fair districting amendments and the Florida Supreme  
18 Court's determination on those amendments? I'm not  
19 an expert in Florida law. I understand the  
20 decision. I understand that it's meant to be in  
21 many ways an analog or even governed by the Federal  
22 Authority that pertains to Section 2 and Section 5  
23 of the Voting Rights Act. In that respect, if the  
24 Florida courts follow the federal law, one would  
25 expect that a non-compact district would not satisfy

1 the requirements of these state analogs of the  
2 federal statute. Now, I don't say that as a Florida  
3 practitioner. I'm not licensed in Florida. I'm not  
4 as familiar with Florida law. My familiarity is  
5 with federal law.

6 VICE-CHAIR TUCK: Thank you for that  
7 answer. And so are you aware of any court's  
8 interpretation of Section 5 that requires a district  
9 to be compact?

10 MR. POPPER: Thank you for the question.  
11 No. I'm not aware of any federal court decisions  
12 that state that it must be compact, but I am aware  
13 of Miller vs. Johnson Supreme Court decision  
14 indicating that a district that was not compact was  
15 not required by federal law. There's a lot of  
16 interpretation from the fact that non-compact  
17 districts were not permitted to fulfill certain  
18 roles. And I know of no exceedingly non-compact  
19 district that has been used to justify a compelling  
20 explanation or justification that's narrowly  
21 tailored to allow a race-based district to be drawn  
22 in a congressional race.

23 VICE-CHAIR TUCK: Sure. So just keeping  
24 our focus on diminishment for a minute, do you agree  
25 that going from the current CD 5 to the proposed

1 Governor's district diminishes the ability to elect?

2 MR. POPPER: I'm sorry, I didn't hear that.

3 VICE-CHAIR TUCK: Oh, sorry. So just  
4 focusing still on diminishment, do you agree that  
5 going from the current CD 5 to the proposed  
6 Governor's district will diminish the ability to  
7 elect?

8 MR. POPPER: I can't speak to that, Madam  
9 Chair, as an attorney. I can speak to it as an  
10 individual. When you're talking about less than 50  
11 percent, it's not clear. It's not clear to me as an  
12 individual, not as an attorney. But there is  
13 federal case law suggesting that -- well, there's  
14 federal case law stating that a crossover district,  
15 in which there is a minority participation that's  
16 less than 50 percent, does not satisfy Section 2 of  
17 the Voting Rights Act. That's Bartlett vs.  
18 Strickland. There's also an indication in Perry vs.  
19 Perez that the same restrictions would apply to a  
20 district drawn under Section 5. But again, it's one  
21 of those backwards implications where the court  
22 simply says, these districts were not required. And  
23 there they're talking about a coalition district,  
24 which is a couple of minority groups together  
25 combining to exceed 50 percent.

1           The crossover district is a minority group  
2     combining with white voters to exceed 50 percent.  
3     If you just have a minority-minority district, I'm  
4     not sure what that accomplishes. As a practical  
5     matter, it does create something of an influence  
6     district, but does it diminish minority influence  
7     and surrounding districts? It's ambiguous, but  
8     that's not my call.

9           VICE-CHAIR TUCK: Thank you. Chair Sirois.

10          CHAIRMAN SIROIS: Thank you, Madam Chair.  
11     Can you tell us, did you explore alternative  
12     district configurations and performed the required  
13     functional analysis to determine whether a more  
14     compact district could have been drawn without  
15     diminishing the minority's voting ability?

16          MR. POPPER: Representative Sirois, I did  
17     not.

18          CHAIRMAN SIROIS: Thank you, Madam Chair.

19          VICE-CHAIR TUCK: Representative Fabricio,  
20     you're recognized.

21          REPRESENTATIVE FABRICIO: Thank you, Madam  
22     Chair. Earlier in the question and answer that I  
23     was involved in, I asked about the relevance of  
24     compactness, and one of the responses that I heard  
25     was that compactness is also a factor of the

1 surrounding districts. And in light of CD 3 having  
2 a Polsby-Popper score of .10, what would be your  
3 analysis of that low score in the light of the  
4 surrounding districts?

5 MR. POPPER: Thank you for the question.  
6 The surrounding districts are always affected by a  
7 non-compact district, but they're not as directly  
8 affected. One can have non-compact districts  
9 surrounded by compact districts. There tends to be  
10 some spillover, particularly as districts become  
11 serrated and indented on a small scale. But at the  
12 same time, often, that's a smaller district  
13 affecting a larger one, and the effect on  
14 compactness is muted.

15 It's not always clear that changing a non-  
16 compact district will affect the districts around  
17 it. That being said, it can, but where you have a  
18 district that is so low, when you have an average of  
19 -- I believe it was 30, 37 percent Polsby-Popper,  
20 and you have a district scoring 10, you could  
21 increase that district. It doesn't have to just to  
22 speak like someone who has sat at a computer and  
23 tried to draw districts. It doesn't have to be  
24 jammed up against the border like that. Those are  
25 man-made district lines. Look at District 1, also

1 jammed up against the border and against natural  
2 boundary. That's a compact district. Did that  
3 answer your question?

4 VICE-CHAIR TUCK: And, Mr. Popper, does the  
5 state of Florida's shape affect the compactness?

6 MR. POPPER: It doesn't affect the  
7 compactness, Madam Chair, of District 1. I mean,  
8 that's a flat border that it's pressed up -- I'm  
9 sorry District 3. That's a flat border. I reside  
10 in Maryland, and districts around the Chesapeake Bay  
11 are naturally non-compact because the Chesapeake Bay  
12 is non-compact. At the same time, you can see  
13 what's man-made. There's a current district in  
14 Maryland that goes across the Bay Bridge to connect  
15 Anne Arundel County to the eastern portions of the  
16 state. That didn't have to happen. And the  
17 district we're looking at in District 3,  
18 particularly the indentation in the western part of  
19 the state heading north where it narrows, that  
20 didn't have to be that way.

21 VICE-CHAIR TUCK: Thank you. And just  
22 to provide full clarity for the Committee members  
23 here. We seem to be focusing on about two of the  
24 three compactness score methodologies, even though  
25 there's only over 30 measures of compactness. So

1 can you provide any stats on all of these 30  
2 measures of compactness?

3 MR. POPPER: No. But I -- no, Madam  
4 Chair. I can tell you that the social scientists  
5 tended to focus on Polsby-Popper, Reock, sometimes,  
6 total perimeter, and sometimes Convex Hull. For the  
7 reasons I've given, I don't believe Convex Hull is a  
8 very good measure. I do think that there are things  
9 captured by Reock that are not captured by Polsby-  
10 Popper. I do believe there are things captured by  
11 Polsby-Popper that are not captured by Reock. I  
12 believe, as a professional in this field, that one  
13 should focus on those two measures. But there are  
14 many measures, and one can see -- if the chair has  
15 any particular one in mind, one can see how they do  
16 and don't work. I mean, there's a measure that you  
17 look at north south divided by east west. Well,  
18 that doesn't see a lot of convolutions that can  
19 occur in the middle.

20 The Reock score doesn't necessarily see  
21 serrations on a smaller level, while Polsby-Popper  
22 does. But the Reock score is particularly good at  
23 picking up a district that stretches. And as I  
24 pointed out, it is unusual for those two scores to  
25 agree to this extent. Usually, the Reock score is



1 more forgiving.

2 VICE-CHAIR TUCK: Now, are you aware of  
3 which methodology was endorsed by the Supreme Court  
4 in the last redistricting cycle?

5 MR. POPPER: We're speaking about the  
6 Florida Supreme Court?

7 VICE-CHAIR TUCK: Correct.

8 MR. POPPER: I was, Madam Chair. I forget.

9 VICE-CHAIR TUCK: That's fine. Thank you.  
10 Keep on going, if that's okay.

11 MR. POPPER: Please.

12 VICE-CHAIR TUCK: Representative  
13 Giallombardo, you're recognized in questions? Good?  
14 okay.

15 Representative Harding, any questions?

16 REPRESENTATIVE HARDING: Thank you, Madam  
17 Chair.

18 And thank you for being here, and I  
19 appreciate your experience and expertise you bring.  
20 And I would also preface this question by saying I  
21 come from a rural part of Florida, where we are the  
22 large and long districts or something that we are  
23 used to. And it's definitely a different  
24 perspective on this.

25 If you view current Congressional

1 District 5 as racially gerrymandered, are you aware  
2 of any court decision holding a state constitutional  
3 provision that protects minority voting rights that  
4 is insufficient to justify the use of race to draw a  
5 district?

6 MR. POPPER: Well, no. But I am aware of  
7 Miller versus Johnson talking about section two and  
8 section five, DS versus Silver talking about section  
9 two and section five, Cooper versus Harris talking  
10 about section two. And these are federal statutes  
11 that didn't do the job under the supremacy clause.  
12 I would imagine that the Tier 1, Tier 2 requirements  
13 of federal law would be in an even weaker position,  
14 but no.

15 VICE-CHAIR TUCK: Representative  
16 Hunschofsky, any questions?

17 REPRESENTATIVE HUNSCHOFSKY: Thank you,  
18 Madam Chair. I'm not an attorney, so please forgive  
19 me in my elementary way of asking this question.  
20 You talk about compactness and how important it is  
21 from a federal law standpoint. When looking at  
22 federal law, in your opinion, is compactness more  
23 important than having an equal opportunity  
24 representation in our districts?

25 MR. POPPER: I suppose my answer would be

1     that I don't think that they're pitted against each  
2     other in the same way that they are under Florida  
3     law. Compactness arises in the legal framework --  
4     I'm talking about at the tail end of an analysis of  
5     a race-based district violates the equal protection  
6     clause unless it satisfies strict scrutiny. It  
7     satisfies strict scrutiny if there's a compelling  
8     justification that is narrowly tailored to achieve  
9     its object.

10           And there in the narrow tailoring is where  
11     the Supreme Court has said this doesn't work. So  
12     they're not aligned in the same sentence or in the  
13     same provision as they are in Article III, Section  
14     20 of the Florida constitution. So I can't really -  
15     - as important is a difficult question.

16           VICE-CHAIR TUCK: Follow up?

17           REPRESENTATIVE HUNSCHOFSKY: Thank you,  
18     Madam Chair. So, again, I'm not an attorney, and  
19     your focus on compactness is just kind of as a  
20     layperson, made me incredibly curious that that  
21     seems to be -- and I understand, you know, with your  
22     last name and everything -- why it is your focus.  
23     But in the reality, we're here, big picture, trying  
24     to weigh what is best for the residents of the state  
25     of Florida and Florida's representation.

1           You mentioned the term "compelling  
2   justification." Do you believe there is a  
3   compelling justification to have less access for  
4   racial or language minorities to less access and  
5   less ability to elect their representatives of  
6   choice? You believe there's a compelling  
7   justification to have less of that in favor of more  
8   compactness?

9           MR. POPPER: Thank you for the question. I  
10   think I can address it both as a lawyer and as a  
11   non-lawyer. As a lawyer, under Section 2 of the  
12   Voting Rights Act, even under Section 5, it is  
13   possible to show the strong basis and evidence that  
14   permits a compelling justification that, for  
15   example, a district drawn to enhance and equalize  
16   the opportunity of minority populations to elect  
17   their candidates of choice. This is all very much  
18   as a lawyer. That can justify a race-based  
19   district. It has been held to be that that can  
20   happen. I'm saying that it's unlikely to happen  
21   with a district that looks like this.

22           As a layperson, I think that's an entirely  
23   ambiguous question, just in the sense of 42 percent  
24   black voting age population in District 3, or 44  
25   percent, as I believe the state's figures. Is that

1 going to lead to more representation of the kind  
2 that you're talking about than 10 percent in 4  
3 districts? It's not clear, particularly when the 44  
4 percent comes from other districts which now have  
5 less black population. That's not -- speaking as a  
6 non-lawyer, it's not clear -- as a politician, I  
7 guess -- it's not clear what that does. So I don't  
8 know that -- I wouldn't say that that's a compelling  
9 explanation unless it's explained further.

10 VICE-CHAIR TUCK: Follow up?

11 REPRESENTATIVE HUNSCHOFSKY: I'm not an  
12 attorney, but I too am just a regular person. And  
13 I'm asking this question because this is the  
14 question that we're faced with when we are making  
15 these decisions. This is a balancing act, as I  
16 think we've heard from everybody. So I ask again,  
17 if the two do come into conflict, that what we see  
18 is the Tier 1, the opportunity of racial or language  
19 minorities to participate in the political process  
20 or to diminish their -- we're not allowed to deny  
21 their -- or bridge the equal opportunity for racial  
22 or language minorities to participate in the  
23 political process or to diminish their ability to  
24 elect a representative of choice, or districts shall  
25 be compact. If the two come in conflict, which wins

1 out in law, in your opinion?

2 MR. POPPER: In law? That's a matter of  
3 Florida law. I can't tell you. I don't know, and I  
4 think there's some speculation about what the  
5 Florida Supreme Court would do with that question.  
6 In federal law, the district is in trouble. In  
7 federal law, it's not going to come down to that  
8 way. And I shouldn't presume to be in your  
9 difficult position making these difficult choices,  
10 and I don't mean to do that and second guess you on  
11 that.

12 When I talk as a politician, I think I'm  
13 talking out of turn. I should talk only as a  
14 lawyer. And talking as a lawyer, this district is  
15 going to have problems in federal court. If I had a  
16 client, I would counsel them that way. And it's  
17 going to have problems as a question of narrow  
18 tailoring. And they, the federal court, are not  
19 going to care to the same extent that the Florida  
20 Supreme Court cares about Tier 1 and Tier 2.  
21 They're going to view it as not narrowly tailored.  
22 That's my prediction. Did that answer your  
23 question?

24 REPRESENTATIVE HUNSCHOFSKY: Not really,  
25 but thank you.

1 MR. POPPER: I would like to answer your  
2 question.

3 Madam Chair.

4 VICE-CHAIR TUCK: Representative, you're  
5 good? Hunschofsky?

6 REPRESENTATIVE HUNSCHOFSKY: Madam Chair,  
7 I've asked my question in several ways, and it's the  
8 same answer. So yes, I'm good. Thank you. And I  
9 appreciate your indulgence on that.

10 VICE-CHAIR TUCK: That's good. Thank you.  
11 Mr. Popper, do you agree that protecting minority  
12 voting ability from diminishment is a compelling  
13 state interest?

14 MR. POPPER: It can be. Yes. If it's  
15 accomplished, Madam Chair, with a narrowly tailored  
16 remedy. Yes.

17 VICE-CHAIR TUCK: So in that case, do you  
18 believe there should be any minority districts in  
19 North Florida, whether protected by state law or  
20 federal law?

21 MR. POPPER: Madam Chair, you're asking me  
22 to act as a politician. I mean, I think my  
23 testimony -- the thing that I am an expert in -- I  
24 guess everyone's an expert in their own opinions.  
25 But the thing that I am an expert in is traditional

1 districting criteria and narrow tailoring of  
2 districts. And there's a problem. It's a difficult  
3 weighing the kind of thing you all do.

4 VICE-CHAIR TUCK: Thank you.

5 Representative Joseph, any questions?

6 REPRESENTATIVE JOSEPH: Thank you, Madam  
7 Chair.

8 So how many compact metrics are there that  
9 you're aware of?

10 MR. POPPER: There are a lot,  
11 Representative Joseph.

12 REPRESENTATIVE JOSEPH: Estimation?

13 MR. POPPER: I believe 20, perhaps, or 30.

14 REPRESENTATIVE JOSEPH: 20 to 30?

15 MR. POPPER: Yeah.

16 REPRESENTATIVE JOSEPH: And some are better  
17 than others, correct.

18 MR. POPPER: One is best, but yes.

19 REPRESENTATIVE JOSEPH: The one that you  
20 believe is best, I would assume that's yours, yeah?

21 MR. POPPER: It does happen to be that.  
22 Yes.

23 REPRESENTATIVE JOSEPH: Okay. So since it  
24 happens to be that and you believe that it's best,  
25 why don't you tell me about some of the -- talk to



1 the Committee about some of the infirmities of that  
2 particular method.

3 MR. POPPER: Well, okay. That's an  
4 interesting question.

5 REPRESENTATIVE JOSEPH: Yes, it is.

6 MR. POPPER: I think what it does is a  
7 number of things, and perhaps as I'm discussing what  
8 it does, I can pick out the infirmities. What it  
9 definitely does is it arrays along a scale, so more  
10 is more and less is less. There are some measures  
11 of compactness that just don't see certain kinds of  
12 contortions. For example, the Reock score, if a  
13 district was generally compact but there was a spike  
14 oriented down, it would score that as better because  
15 the circumscribing circle would be smaller than if  
16 that same spike were heading due east. There's no  
17 logical reason for that. The person drawing a map  
18 who's trying to gerrymander might want the spike to  
19 point in any particular direction. That's a problem  
20 with the Reock score, but Polsby-Popper doesn't have  
21 that problem. That spike score is exactly the same  
22 in both scenarios.

23 I suppose focusing on the Reock score, it  
24 very much captures when a district is long, when a  
25 district is wandering, just the whole district is

1 shooting through the state. Polsby-Popper may not  
2 capture that as well. Polsby-Popper captures  
3 indentations, and Convex Hull doesn't capture them  
4 at all. In my opinion, barely captures them.

5 REPRESENTATIVE JOSEPH: Thank you.

6 Follow up?

7 So you compared and contrasted the Reock  
8 score with the Polsby-Popper score, what about its  
9 infirmities compared to any of the other metrics for  
10 compactness that can be used? Are there any other  
11 ones that are superior to yours, in your opinion, or  
12 that you've heard or heard criticized about that  
13 exceed your metric in any way, shape, or form?

14 MR. POPPER: I do not believe so. There's  
15 one qualification I would make: no one has perfectly  
16 compact districts. It would do -- wreak havoc on  
17 political subdivisions, on communities of interest.  
18 You can't have a honeycomb of hexagons. We can't be  
19 silly about it, but if the minimum district length  
20 were perfect, that would be a perfectly compact set  
21 of districts. That's the aggregate of all district  
22 lines added up the total.

23 REPRESENTATIVE JOSEPH: Thank you, Madam  
24 Chair.

25 And thank you for the response. My next

1 question is following up on that. In your opinion,  
2 none of the other ones come close to yours, it  
3 sounds like, other than, maybe, Reock on that one  
4 point of length. To your knowledge, have there been  
5 any individuals, entities, organizations, court  
6 opinions, policy, folks who have criticized or  
7 identified other infirmities in your metric versus  
8 the other alternatives.

9 MR. POPPER: No courts. I would say that  
10 courts typically rely on Polsby-Popper, Reock, and  
11 Convex Hull. And bear in mind, that's what the  
12 Florida Legislature has done. So I guess my  
13 response as a professional would be that you're very  
14 much in the right ballpark. These are the ones that  
15 you should be looking at. I know of no court that's  
16 criticized Reock or Polsby-Popper, or Convex Hull, I  
17 think.

18 REPRESENTATIVE JOSEPH: Aside from courts?

19 MR. POPPER: Yeah, they're commentators. I  
20 mean, the commentators are all over the map. There  
21 are commentators who don't believe that there is  
22 such a thing as gerrymandering. Many of them have  
23 advised the United States Supreme Court, but there  
24 are state courts that think differently. There are  
25 commentators that have incredibly complicated

1 mathematical expressions of compactness involving  
2 minimum distance from the center of gravity, and  
3 then minimum distance from the center of gravity of  
4 population. And it can get absurd and certainly  
5 well beyond my mathematical abilities. Thank you  
6 for allowing me to get this much in the weeds. No  
7 one else on earth would want to hear me talk about  
8 these things, but I appreciate your interest.

9 VICE-CHAIR TUCK: Representative Joseph, if  
10 it's okay, we have two more members that want to ask  
11 questions. We need to move on.

12 REPRESENTATIVE JOSEPH: Sure. Yep.

13 VICE-CHAIR TUCK: Representative Perez in  
14 questions.

15 REPRESENTATIVE PEREZ: Thank you, Madam  
16 Chair. I want to follow up on a question that was  
17 asked by Representative Harding that had to do with  
18 if there were any State Court decisions that said  
19 race could not be used in drawing a district. I  
20 think he had asked you that question, I think you  
21 had said that you were not aware of any. Assuming  
22 that that premise is correct, would it be fair to  
23 say that the 14th Amendment would invalidate fair  
24 district amendments, specifically the prohibition on  
25 not diminishing the ability of minority communities

1 to elect a candidate of their choice. And if it  
2 doesn't -- assuming that that isn't true, if it does  
3 not, then why is complying with the Florida  
4 constitution not a compelling state interest?

5 MR. POPPER: It absolutely can be a  
6 compelling state interest, just as it could have  
7 been when it was operative, the compelling state  
8 interest to comply with and enforce Section 5 of the  
9 Voting Rights Act. It could be. It depends on the  
10 remedy.

11 The remedy has to be narrowly tailored. I  
12 do not suggest, and my testimony is not to suggest  
13 that the Fair Districts amendment would be  
14 unconstitutional in all its applications. It  
15 absolutely wouldn't. It could justify a race-based  
16 district. It could. My testimony is just that it  
17 doesn't, not with this district.

18 VICE-CHAIR TUCK: Representative Davis in  
19 questions?

20 REPRESENTATIVE DAVIS: Thank you. Kind of  
21 a sidebar. Thank you, Madam Chair.

22 You mentioned earlier, as I was noting,  
23 that you reside in Maryland.

24 MR. POPPER: I do.

25 REPRESENTATIVE DAVIS: And so you were

1 offered or told you would be compensated your flight  
2 and hotel by the Governor's office, correct?

3 MR. POPPER: That's right.

4 REPRESENTATIVE DAVIS: Could you just tell  
5 me, and I'm just curious, how often are you invited  
6 to states to testify on the redistricting process  
7 itself by a Governor?

8 MR. POPPER: This would be the first.

9 VICE-CHAIR TUCK: Follow up?

10 REPRESENTATIVE DAVIS: Thank you, Madam  
11 Chair.

12 Is that unusual, in your opinion, to be  
13 asked to come and testify about a redistricting  
14 process that you've heard my colleagues say that  
15 we're trying to keep this as transparent as  
16 possible. Is this unusual, in your opinion, for a  
17 Governor's office to reach out to you to testify on  
18 the redistricting process itself?

19 MR. POPPER: Representative, I don't  
20 believe so. I've testified on other bills, not  
21 redistricting, other voting bills and other  
22 legislatures, including every Judicial Watch,  
23 including Pennsylvania. But I am a person who can  
24 offer expert testimony on this district, and so I  
25 believe it would have been logical to think of me.

1 VICE-CHAIR TUCK: Final question. Chair  
2 Sirois.

3 CHAIRMAN SIROIS: Thank you very much,  
4 Madam Chair.

5 Sir, in your written testimony that you  
6 provided, that I had an opportunity to read earlier  
7 this morning, I think you said that Florida's non-  
8 diminishment standard protects only majority-  
9 minority districts. What is your strongest legal  
10 authority for that proposition? And didn't the  
11 Florida Supreme Court say the exact opposite in its  
12 first apportionment decision in 2012?

13 MR. POPPER: Thank you. And forgive me,  
14 could you read back to me what I said again? I  
15 don't recall that.

16 CHAIRMAN SIROIS: I don't have it in front  
17 of me, sir, but it's your written testimony that you  
18 provided this morning.

19 MR. POPPER: And if I made a representation  
20 about what the Florida Supreme Court would do; is  
21 that correct? I'm not --

22 CHAIRMAN SIROIS: Yes, that's correct. In  
23 your written testimony.

24 MR. POPPER: I don't recall that. I should  
25 not have been opining about what the Florida Supreme

1 Court would do. May I have a look at my testimony?

2 Or is that not fruitful?

3 VICE-CHAIR TUCK: Thank you. We're going  
4 to try to move on a little bit so we can get through  
5 all public testimony and debate. So we appreciate  
6 you being here. Thank you so much.

7 MR. POPPER: Thank you for having me.  
8 Thank you, Madam Chair.

9 VICE-CHAIR TUCK: All right. Next up,  
10 Michael Johnson. Is he here? He's a proponent of  
11 the bill. Miranda Galindo? And, Members, as a  
12 reminder, we have about seven public appearance  
13 cards left, and we need time for a debate. So just  
14 keep that in mind.

15 You're recognized.

16 MS. GALINDO: Good morning. Miranda  
17 Galindo for Latino Justice, PRLDEF. Thank you for  
18 your hard work this redistricting season and for the  
19 opportunity to present our opposition to the  
20 proposed map, which unfairly represents your  
21 constituents.

22 Florida's booming Latino population is  
23 underrepresented. The 2020 census counted nearly  
24 one and a half million more Latinos in Florida than  
25 it did a decade ago, and common sense dictates that



1 a protected class comprising over a quarter of  
2 Florida's total population should enjoy a fair  
3 number of Latino majority districts. In 2010,  
4 Latinos comprised about 22 percent of Florida's  
5 total population and have grown substantially over  
6 the last decade to now comprise over 26 percent of  
7 Florida's total population. While Latinos now  
8 represent over a quarter of Florida's total  
9 population, only 14.2 percent of the congressional  
10 seats proposed in Map H-8011 are majority Hispanic  
11 voting age population districts. In contrast, non-  
12 Hispanic white Floridians are approximately 53  
13 percent of Florida's total population but are a  
14 majority voting age population and 64 percent of the  
15 congressional districts in H-8011.

16 The redistricting process should mitigate,  
17 not exacerbate, the injustice of desperately low  
18 Latino political power. Congress passed the Voting  
19 Rights Act of 1965 to protect our democratic process  
20 from racial discrimination, and I'd like to note  
21 that the Voting Rights Act exists in harmony with  
22 the equal protection clause of the United States  
23 Constitution.

24 Florida Legislature is entrusted with  
25 enforcing this landmark Civil Rights Law to combat

1 discriminatory practices that have historically  
2 disenfranchised black, brown, and indigenous  
3 Floridians, including English-only electoral  
4 practices, all-white primaries in malapportionment,  
5 all of which undermined the ability of racial and  
6 language minorities to elect their candidates of  
7 choice. The Voting Rights Act requires that where  
8 Latino majority districts may be drawn feasibly and  
9 consistent with Section 2, they must be drawn.

10 First, we urge the House to create an  
11 additional Latino opportunity district in Central  
12 Florida, which is supported by the census data.  
13 Such a district would accurately reflect demographic  
14 changes and provide districts that are more aligned  
15 with the true voting strength of Latino Floridians.

16 Second, while proposed Congressional  
17 District 9 create one new Latino majority district,  
18 the House has drawn it with a barest Latino  
19 majorities. The Hispanic voting age population is  
20 only 50.06 percent. We urge the House to strengthen  
21 the slim Latino majority in CD 9, a region that  
22 accounts for some of the greatest Latino population  
23 growth over the last 10 years.

24 Without an additional opportunity district  
25 in Central Florida and a more robust Latino majority

1 in CD 9, H-8011 fails to meaningfully account for  
2 the substantial Latino population growth that  
3 largely fueled Florida's receipt of an additional  
4 congressional seat after the 2020 Census. Census  
5 data does not support the creation of additional  
6 white majority districts. That benchmark map had 17  
7 white majority voting age population districts, and  
8 H-8011 increases that number to 18. This is  
9 fundamentally unfair.

10 District maps generally violate Section 2,  
11 where they crack or fragment minority voters among  
12 several districts, where black voting majority can  
13 routinely outvote them. The House has a duty to  
14 evaluate how to avoid cracking geographically  
15 compact Latino populations, yet H-8011 cracks many  
16 more Latino communities than the Senate's adopted  
17 map, Senate Plan H-8060. The first egregious  
18 example of H-8011 cracking is proposed Congressional  
19 Districts 14 and 15, which split them Latino  
20 populations in Hillsborough and Pasco County, near  
21 the (Indiscernible) City Riverbend area.

22 In contrast, the Senate's adopted plan and  
23 the benchmark map kept these communities whole. H-  
24 8011 also unnecessarily cracks Latino communities in  
25 Hendry and Collier counties. In contrast, the

1 Senate's adopted plan and the benchmark map largely  
2 kept these communities whole.

3 Similarly, H-8011 unnecessarily cracks  
4 black communities compared to the Senate's adopted  
5 plan. The most egregious example is the dismantling  
6 of Congressional District 10, a benchmark district  
7 in Orlando, which a geographically compact  
8 population of black voters have had an opportunity  
9 to elect candidates of choice. We urge the House to  
10 avoid cracking Orlando's black community across  
11 three separate congressional districts, as was  
12 achieved in the Senate's adopted plan.

13 We call upon the House to exercise its duty  
14 to keep black and Latino communities whole where  
15 possible, and we know this is possible because the  
16 Senate's adopted plan did a better job of it.  
17 Latino Justice reiterates its request for meaningful  
18 opportunities for public participation in the form  
19 of improved language access services, virtual  
20 participation options for public hearings, and  
21 regional public hearings outside of Tallahassee.  
22 Floridians who are limited English proficient  
23 impacted by the COVID-19 pandemic and reside far  
24 away from Tallahassee are no less deserving of  
25 having their voices heard in this forum.

1           We have repeatedly asked for translation of  
2   the forms to submit public input in the "get  
3   involved portion" of the floridaredistricting.gov  
4   website. The willful failure to provide these  
5   minimal, yet fundamental, translations is an  
6   inexcusable obstacle for your limited English-  
7   proficient constituents and deprives the Legislature  
8   and the redistricting process of complete  
9   information on protected communities.

10           Finally, the earlier mention of performance  
11   analysis data held by outside counsel but  
12   unavailable to the members of this Committee and  
13   unavailable to the public undermines the ability for  
14   a meaningful public and your representatives'  
15   evaluation of this map's compliance with anti-  
16   discrimination laws. We urge this Subcommittee to  
17   release it immediately. Where more information  
18   exists, why hide it? Thank you.

19           VICE-CHAIR TUCK: Thank you for being here.  
20           David Trotti. You're recognized.

21           MR. TROTTI: Good morning. My name is  
22   David Trotti, and thank you for allowing me to speak  
23   in front of you this morning. I'm a resident of  
24   Jacksonville, Florida, but my physical office and my  
25   residence is in District 3. I am here today to

1 speak on behalf of what I do in my spare time, which  
2 is represent veterans. I'm the chairman of the  
3 Veterans Council of Duval County. That is a  
4 Committee that was born of a mayor's executive order  
5 since 1986. Since 2016, I was the vice chairman,  
6 and since 2020, I was Chairman.

7           There are over 80,000 veterans in Duval  
8 County alone. In St. Johns, Nassau, they count as a  
9 120,000. So the mass of veterans are in the east  
10 side of the state, surrounding Jacksonville. I  
11 believe it's only about 15,000 veterans in Leon  
12 County and 3400 in Gadsden County. What we need is  
13 we need representation in Jacksonville, Duval County  
14 area that's going to be there, boots on the ground,  
15 to hear what veterans need in Duval County.

16           In District 4, Councilman Rutherford, he's  
17 there. He's present. He's at our meetings. I'm  
18 not speaking that Al Lawson doesn't do things for  
19 veterans. That's not what I'm here about. It's  
20 like having a football team in the Super Bowl for  
21 your defensive coordinator or for the front team,  
22 and it's not at your practices. So I implore you to  
23 reconsider the consolidation of District 3. Let  
24 Duval County, Jacksonville, stay consolidated as  
25 one, or -- I believe the Governor has created a new

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1 district. I only saw that on Facebook a couple of  
2 days ago. And I was asking some of my veteran  
3 friends, what do you think about having Jacksonville  
4 and Duval County as one district? I think it will  
5 benefit veterans. We're talking about  
6 consolidation, best interest of our residents, and  
7 things we have to consider. I think we have to  
8 consider the best interests of Jacksonville, Duval  
9 County in that redistricting. Thank you.

10 VICE-CHAIR TUCK: Thank you for being here.  
11 Jasmine Burney with Equal Ground Action  
12 Fund. You're recognized.

13 MS. BURNEY: Thank you. Good morning,  
14 everyone. I'd like to first say thank you all so  
15 much for following the lead of the Supreme Court and  
16 moving forward with a map drawing process that you  
17 have all been constitutionally tasked to do so with.

18 Second, again, my name is Jasmine Burney-  
19 Clark. I am the founder and director of Equal  
20 Ground Education and Action Fund. We are created to  
21 advocate for the voting rights of black voters,  
22 specifically, along the I-4 corridor. We work to  
23 register, educate, and mobilize black voters. We  
24 were founded in 2019, and that's important because  
25 it's two cycles after CD 10 was created and because

1 we were established to help break the barriers  
2 facing black voters as we witnessed the acts of  
3 voter suppression across the state of Florida.

4           Suppression tactics in the form of  
5 legislation signed into law by this Governor and  
6 other Governors in past years that have been proven  
7 to diminish the black voter turnout. I'm also here  
8 as a resident of CD 10. I ask that you learn from  
9 the lessons of 2016 and don't make the same mistakes  
10 that led to the redrawing of maps due to misconduct  
11 and gerrymandering. I also ask that you follow the  
12 lead of the Senate when it comes to preserving CD 10  
13 under the Tier 1 status or, as Rep Joseph pointed  
14 out earlier, of the possibility of placing it under  
15 Tier 2 standards in future iterations.

16           This district only provides election  
17 performance for less than a decade compared to the  
18 other districts designed with similar makeup. And  
19 so the general election book closing data, that I  
20 had a chance to look up on black voters in Orange  
21 County where they are largely situated in CD 10, saw  
22 an increase in voter registration actually from  
23 2016, 2018, and 2020 despite the turnout that  
24 decreased as those years proceeded. So the will of  
25 the resident is to elect someone who represents them



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1 in their district. However, it's not something that  
2 they are opposed to. It does, however, appear that  
3 the laws in this state have made it difficult for  
4 them to actually access the ballot box.

5 So I ask that you give CD 10 and the voters  
6 of CD 10 the same fighting chance over the course of  
7 the next decade without diluting the voting power  
8 before you've been given a decade of data to  
9 accurately prove otherwise. I am in opposition of  
10 the current iteration of this map, and I thank you  
11 for your time.

12 VICE-CHAIR TUCK: Thank you for being here.  
13 Kristen -- I apologize, Folulee (phonetic)?

14 MS. FORLULEE: (Indiscernible)

15 VICE-CHAIR TUCK: Thank you for being here.  
16 Genesis Robinson?

17 GENESIS ROBINSON: (Indiscernible).

18 VICE-CHAIR TUCK: Thank you for being here.  
19 Pastor Marcus McCoy with Equal Ground as  
20 well.

21 PASTOR MCCOY: (Indiscernible).

22 VICE-CHAIR TUCK: Thank you for being here.  
23 Cecile Scoon with the League of Women  
24 Voters of Florida.

25 MS. SCOON: Good morning. My name is

1 Cecile Scoon. I'm president of the League of Women  
2 Voters of Florida, and I've been listening intently  
3 to the testimony and the questioning that the  
4 members have had. It's been a very robust debate  
5 and conversation.

6 I have my own comments, but I also wanted  
7 to speak to some of the comments that Mr. Popper  
8 made. And if you listen very carefully to what  
9 Mr. Popper said, he admitted to you under your  
10 questioning which was very thorough, he had no case  
11 to point to to support his comments. He could not  
12 point to one case on point. He literally stated to  
13 you that the analysis of narrowly construing and  
14 protecting minority access districts did not appear  
15 in the same sentence. He literally is taking  
16 ingredients for salad and mixing them up in a bowl  
17 and says, oop, I like this new salad. There is no  
18 case law. The United States Supreme Court and,  
19 certainly, the Florida Supreme Court has not  
20 supported, in any way, the statements that were made  
21 before you today. When you questioned him, he  
22 backed up and said, no, I don't have a case. Oh,  
23 but there is some other things that we're  
24 discussing, some other parameters. Well, we  
25 lawyers, we call that dicta, and those of us who

1 practice in court, which I do, I know that to build  
2 my case on dicta, that does not directly support the  
3 contention that I'm trying to make before the Court,  
4 I'm just burning my client's money and time. Dicta  
5 that you mix up in a bowl, that does not even occur  
6 in the same sentence, does not support going against  
7 the well understood analysis of the Voting Rights  
8 Act Section 2 and our Fair Districts.

9 Remember the point of our Fair Districts,  
10 we basically poured Section 2 into our Tier 1. So  
11 there is a lot of closeness to our Tier 1 and  
12 Section 2. And it literally says -- and the case  
13 law when you deal with race, whether it be in  
14 employment matters, where I would consider myself  
15 somewhat of an expert on employment discrimination,  
16 the analysis is the same when you're dealing with  
17 race, when you're dealing with women. Because when  
18 our nation started, there were only two groups that  
19 were held down in writing. Women were considered  
20 Chattel. They could not vote when our nation  
21 started, and people of African descent were three-  
22 fifths of a person. Because in our founding  
23 documents we started that way, as our nation grew,  
24 and we tried to make real this concept of equal  
25 rights, their concept of strict scrutiny came about.

1 And it said, because prior to that time, the laws  
2 were against women, the laws held women down and  
3 blacks down, so the law came out strict scrutiny.  
4 When you have a law that touches those groups  
5 because they started out under the heel of our  
6 government, you have to have strict scrutiny. If so  
7 the idea of --

8 VICE TUCK CHAIR: Ms. Scoon.

9 MS. SCOON: Yes, ma'am.

10 THE COURT: We appreciate the passion but  
11 if we could bring it back to the comments of the  
12 bill --

13 MS. SCOON: I just wanted to clarify -- and  
14 I thank you for getting me back on point. The point  
15 is the strict scrutiny thing is not the way Mr.  
16 Popper said it. It's because of the history of  
17 using it against these groups. So it says when you  
18 use strict scrutiny -- when you deal with race and  
19 you deal with gender also, you have the government  
20 needs to do it properly and narrowly. So we have  
21 our guidelines in our Fair Districts. We have our  
22 guidelines in our Voting Rights Act, and they were  
23 written in a way that you could use strict scrutiny  
24 to create the proper districts. And by taking into  
25 consideration the Gingles elements which are laid

1 out in the Supreme Court, as laid out. That is  
2 their methodology to doing the strict scrutiny. So  
3 it's not like, we're taking race into consideration.  
4 Are we being discriminatory? It's because you're  
5 trying to remedy a historical problem, and you need  
6 to do it following the guidelines. And so taking  
7 into consideration the ability of a minority,  
8 racial, or language group to be able to select a  
9 representative of their choice is not being  
10 discriminatory. And I have a few more comments that  
11 I wanted to -- I just wanted to address some of the  
12 things that he had said, and thank you for that.

13 The League would support the maintenance of  
14 Congressional District 10, for reasons testified to  
15 by Latino justice and Equal Ground and some of the  
16 issues raised by some of your own representatives.  
17 We believe that the voting record and the voting age  
18 population and how they have actually functionally  
19 performed demonstrates that the capacity for that  
20 district to select a represent a representative of  
21 their choice, who is African-American, they have  
22 demonstrated that, and there's nothing like history,  
23 you know, to show you that they can do that. So  
24 that district, we contend should be maintained.

25 I also wanted to point out that the United

1 States Supreme Court in the Rucho v. Common Cause  
2 case, literally phrased Florida and literally quoted  
3 our Fair Districts in a footnote. And because at  
4 the case, the people were going to the federal  
5 government to the United States Supreme Court, and  
6 they were saying, help me. This particular state or  
7 the Governor is doing political gerrymandering. Can  
8 the federal government step in? And Rucho said,  
9 hey, the federal government is not laying out these  
10 guidelines. The State has the capacity to, and they  
11 cited Florida. And they told the rest of the  
12 states, if you want guidelines in your state  
13 constitution, to protect against political  
14 gerrymandering, literally do what Fair Districts  
15 says. And this was established in the Supreme  
16 Court, I mean, our Florida Supreme Court case that  
17 everyone's been talking about in 2015. And they  
18 literally said Florida's Fair Districts' amendments  
19 are clear. They are enforceable. And if other  
20 states want to protect against political  
21 gerrymandering, look and do what Florida has done.  
22 They held us out to the rest of the nation. So our  
23 Fair Districts were looked at by our United States  
24 Supreme Court. Our Fair Districts were approved by  
25 our United States Supreme Court. So whatever

1 Mr. Popper was trying to tell you that our Fair  
2 Districts don't stand up to muster, the Supreme  
3 Court has looked at us. They've held us out as an  
4 example to the rest of the world.

5 And finally, I said that we have done a  
6 good job, and I'm proud of us for that. And the  
7 last thing I wanted to like to say is we would also  
8 like to be able to see the analysis that the outside  
9 legal counsel has been doing with regards to data  
10 analysis, that was utilized in providing legal  
11 advice and assistance to you. Thank you very much.

12 VICE-CHAIR TUCK: Thank you for being here.

13 Members, we are going to be going into the  
14 debate. We have about 35 minutes left. We need to  
15 give Chair Sirois an opportunity to close and vote,  
16 so please keep that in mind.

17 With that said, any members wishing to  
18 debate?

19 Representative Harding, you're recognized.

20 REPRESENTATIVE HARDING: Thank you, ma'am  
21 Chair. And first, I want to commend you today.  
22 You've done a great job and also Chair Sirois. And  
23 the way that you've conducted this whole process,  
24 it's been very educational. And I think that it's  
25 probably the most awesome responsibility that we

1 have as a legislator and pretty unique that we get  
2 to be a part of it here in our first term. You  
3 know, I've stated it earlier in one of my questions,  
4 but I come from a rural part of Florida where we  
5 have really large districts, and it's interesting --  
6 and part of the educational part of this Committee  
7 is listening on questions of districts that are  
8 obviously much smaller than the areas that I come  
9 from and that I see. But it's an interesting banter  
10 that I've learnt.

11 I'm going to support what is coming out of  
12 this Committee today with this map, and I'm going to  
13 do it for two reasons. Number one, I trust and  
14 believe this Committee, and I think that the product  
15 that we have proposed. And, number two, I trust the  
16 process that this is the first Committee stop, and  
17 there will be a process. And I think that, you  
18 know, as we've heard today, I would say on both  
19 sides of this issue, there's always room for  
20 improvement and discussion.

21 And I have full confidence in you, Chair,  
22 and then also Chair Leek, that as this moves  
23 forward, any things that are necessary or changes  
24 that are needed will be addressed. I look forward  
25 to supporting the map, and again, I want to thank



1 all of you that have been a part of creating this.

2 VICE-CHAIR TUCK: Thank you, Representative  
3 Harding.

4 Ranking member Skidmore on debate?

5 REPRESENTATIVE SKIDMORE: Thank you, Madam  
6 Chair.

7 I too want to thank all the Committee  
8 members for being so engaged in this process. It's  
9 been a little bit challenging and the work product  
10 that we have today is one that we do hope will  
11 change and be amended throughout the process so that  
12 at some point along the way, we will be able to  
13 support it.

14 I will say also that Mr. Popper almost  
15 convinced me to vote for it in his testimony, but I  
16 will be voting no today because there are still some  
17 major concerns that we have in Central Florida and  
18 in South Florida as well. And we know that this is  
19 just the beginning point of this process. It is  
20 nice.

21 We are happy to finally have a map that we  
22 can discuss and appreciate the pause that was taken  
23 to make sure we were all on the right track moving  
24 forward. So I will be a no vote today, but I do  
25 also love and respect and admire the legislative

1 process that allows us to start at a point where we  
2 might be in disagreement and at a point where we are  
3 all on the same page. So I'm looking forward to  
4 that process.

5 Thank you, Mr. Chair, and thank you, Ma'am  
6 Chair.

7 VICE-CHAIR TUCK: Thank you, Ranking  
8 Member.

9 Any other members?  
10 Representative Brown?

11 REPRESENTATIVE BROWN: Thank you, Madam  
12 Chair, and thank you, Chair Sirois, for your  
13 continuous conversations relating to the maps that  
14 we see today but also those that we've workshopped  
15 in the past. I thank you for the open process and  
16 for your continuous openness to sit down to hear  
17 many of my concerns.

18 And I think I have been -- you know, I've  
19 said several times just the concerns I have with CD  
20 10 among other areas and just again questioning what  
21 we were able to see, well, based off of my own  
22 knowledge and understanding of that particular  
23 community and those boundary make ups but also how  
24 we weren't able to get to it, but it seems as though  
25 the next chamber was able to see or have a different

1 opinion. And so it would be -- my ask, I will be a  
2 no today, but just with the confidence that myself  
3 along with staff and you to sort of sit down to sort  
4 of figure out a different configuration of this  
5 particular benchmark district.

6 Thank you again, and I appreciate staff and  
7 Kelly. But I look forward to, you know, being able  
8 to see it in a different way once it goes to the  
9 full Committee. So thank you again, just for the  
10 process and your understanding of my concerns, and I  
11 look forward to working with you to see how we  
12 rectify some of those issues. Thank you.

13 VICE-CHAIR TUCK: Ex-officio Davis in  
14 debate.

15 REPRESENTATIVE DAVIS: Thank you, Chair, and  
16 I won't be long because I definitely want to give  
17 the time to Chair to make this close. But I do want  
18 to thank my colleagues for allowing me to be a part  
19 of the Committee today. But I definitely didn't  
20 know that CD 3 on this map would be a focus of  
21 conversation. I appreciate the questions that was  
22 asked of the person testifying, but one of the  
23 speakers made the statement, and I actually wrote  
24 the note myself. There was through all of those  
25 suggestions that the gentleman was making, he

1 provided us with actually no functional analysis to  
2 illustrate any of the testimony that he was sharing  
3 with us. And, Chair Sirois, that's why I was going  
4 back and forth with you with that functional  
5 analysis versus the performance analysis, to just  
6 make sure I was clear with that.

7           So with that, as you've heard from my  
8 colleagues, there are concerns with CD 10 because  
9 the House is not in the same position as the Senate  
10 with that District. I know we can get to the middle  
11 and find a common ground with that. But I am glad  
12 that in both of these maps, we do have an existence  
13 of CD 3 in our map and CD 5 over in, I think, the  
14 Senate map, and I would like to make sure I'm on  
15 record to state that I appreciate wholeheartedly  
16 that district being protected and being seen in both  
17 maps and that we are not following the lead of an  
18 administration who obviously has a different  
19 mindset. So just wanted to put that on record.

20           Today, I will be down on this map just  
21 because simply I know we still have work to do. And  
22 I know the two Houses we'll get together and produce  
23 maps that we eventually, hopefully, all can agree  
24 on. So with that, I'll turn it back over to Chair  
25 to close, and we get on our way. But today I will

1 be a no vote just because I know there's still work  
2 to be done. Thank you.

3 Representative Joseph in debate.

4 REPRESENTATIVE JOSEPH: Thank you, Madam  
5 Chair.

6 Let me say that I'm grateful to be in a  
7 country that has certain constitutional protections  
8 and provisions, where we have a form of government  
9 where there are checks and balances, and there is a  
10 separation of powers. And the Legislature has its  
11 function, and the Executive branch has its function.  
12 And they're not the same. Our job is to handle  
13 these maps. It is highly unusual for a Governor to  
14 do what our Governor has been doing.

15 I look forward to ultimately getting to a  
16 point where we have some maps that we all can be  
17 proud of, and I'm hopeful that we can work towards  
18 that. And we've had some good conversations to get  
19 that started, and we'd heard some testimony to help  
20 guide us along that path. I still have my  
21 reservations about CD 10 and the things we talked  
22 about. We're going to work that through the  
23 process, but that's literally our job. Like, that's  
24 what we're here to do is to work through that  
25 process. So I'm grateful for the opportunity to do

1 what the people elected us to do.

2 My question for the Chair, if he would be  
3 so kind as to address in debate if possible, is:  
4 we've heard a lot of testimony, and we've gotten  
5 some public feedback. But as we're continuing to  
6 cook the cake or bake the cake out, I would say,  
7 what is the best way to get the input from the  
8 public to staff without exposing members to any  
9 issues? I'm still a little unclear about how that  
10 is ideally supposed to work in a way that does not  
11 expose anybody to anything.

12 So there were some comments made, like I  
13 want to know more about what's going on in 14 and 15  
14 with respect to Latino districts. I can kind of  
15 just put it out there in the ether for them to send  
16 those stuff. But I want to figure out what's the  
17 best way to do that so that we can communicate that  
18 with staffs as we continue working on these maps.  
19 So that's my question, and I thank you all for your  
20 service.

21 Representative Hunschofsky in debate.

22 REPRESENTATIVE HUNSCHOFSKY: Thank you,  
23 Madam Chair. And I'd first like to compliment you  
24 on navigating this meeting so well. Never been in a  
25 meeting like this one today, and I think you did a

1 great job. And I appreciate that.

2 I've appreciated learning in this process.

3 I didn't realize there was as much to learn when I  
4 originally got assigned to this Subcommittee. I  
5 also appreciate the focus on cities being kept  
6 whole. That has been important to me, and there has  
7 been improvement in that area. I do still think  
8 there is more room for improvement in this map, as  
9 we've heard from my colleagues, and I do look  
10 forward to the process continuing with the inclusion  
11 of all these concerns that we've heard today from  
12 members of the Subcommittee to make the map the best  
13 map that can be. So thank you.

14 Additional members in debate?

15 Seeing none, Chair Sirois, you're  
16 recognized to close on the PCB.

17 CHAIRMAN SIROIS: Thank you very much,  
18 Madam Chair.

19 Members, I want to thank you for your  
20 questions and your time and attention this morning  
21 and over the previous weeks. Some of you have said  
22 redistricting might be the most complicated of all  
23 of our constitutional duties both as a body and,  
24 certainly, as individual members, and I want to say  
25 I share that as well. It's a historic task. It's

1 one that happens every 10 years, and I'm personally  
2 honored to have had the opportunity to work with all  
3 of you through it.

4 The process, as you know, requires us to  
5 set personal interests aside. We had a lot to  
6 learn. The external pressures are significant.  
7 When it comes to our communities and neighborhoods,  
8 emotions run high. But this process requires us to  
9 follow the law, follow the law, specifically our  
10 Tier 1 and Tier 2 constitutional standards. And I  
11 want to mention, you know, I enjoy so much working  
12 with Representative Hunschofsky because I've learned  
13 that she has a way about her where she can just cut  
14 to the heart of the matter, and I think she did that  
15 today with her question.

16 And I just wanted to -- I felt compelled  
17 after hearing your question, Representative, to go  
18 back to where we started our Committee meetings,  
19 with a review of our constitutional standards, Tier  
20 1 and Tier 2. "No apportionment plan or individual  
21 districts shall be drawn with the interest of favor  
22 or disfavor a political party or incumbent.  
23 Districts shall not be drawn with the intent or  
24 result of denying or abridging the equal opportunity  
25 of racial or language minorities to participate in



1 the political process or diminish their ability to  
2 elect a representative of their choice. Districts  
3 shall consist of contiguous territory." And then we  
4 move on to Tier 2. "Districts shall be as nearly  
5 equal in population as practical. Districts shall  
6 be compact. District shall where feasible utilizing  
7 existing political and geographical boundaries

8 We have to follow the law. Representative  
9 Joseph, I appreciate your questions about receiving  
10 that input, and I would remind Committee members  
11 that we continue to be the vehicle for that input.  
12 Those information, if there's something that you  
13 hear, if there's something that you think adds to  
14 the process, I encourage you to bring it forward.  
15 But you have to be prepared, as we have said  
16 consistently from the beginning of this process, to  
17 disclose who brought it to you and be prepared to  
18 back it up.

19 Individuals out there who wish to provide  
20 input and feedback on this process have the ability  
21 to do so, [floridaredistricting.gov](http://floridaredistricting.gov), where nearly 100  
22 individuals have utilized the website to create and  
23 to submit maps of their own. In January, we noticed  
24 a two-hour meeting to accept public input in  
25 addition to public input at each of our meetings,

1 where we have received testimony. As elected  
2 members of this House of Representatives, it is our  
3 constitutional duty and responsibility to present  
4 the views of our constituents in the conduct of  
5 their business.

6 Members, you're going to have an  
7 opportunity as you have had today throughout our  
8 Committee meetings, at Chair Leeks Committee, on the  
9 floor, when we reconciled with the Senate throughout  
10 this process. You will have an opportunity to  
11 provide that input, and I encourage you to get with  
12 me and Chair Leek if there is something on your  
13 mind. But we have to follow law. And once again, I  
14 want to read to you the first line from the 2012  
15 Supreme Court ruling that I started today's  
16 presentation with. And this is what the Court said  
17 then, "A review of the House plan and the record  
18 reveals that the House engage in a consistent and  
19 reasoned approach." Members, we hit that mark  
20 again. We hit that mark again, and I'm proud of  
21 this Committee's work product.

22 Now, as I said, our PCB is going to work  
23 through the normal process, just like any other  
24 bill, and this PCB is going to move on to the Full  
25 Redistricting Committee, where the conversation that

1 we started weeks ago will continue with our  
2 colleagues. If you have further policy points for  
3 discussion, please, please, Members, don't wait.  
4 Get with me and Chair Leek, and we are happy to hear  
5 you and to continue this conversation. But,  
6 Members, I want to assuage any doubt that may be in  
7 front of you today. This is a legally sound map.  
8 It's a constitutionally compliant map. Please join  
9 me in voting yes.

10 VICE-CHAIR TUCK: Chair Sirois having  
11 closed, Members, please remember to turn on your  
12 mics when you vote.

13 DJ, please call the roll on PCB CRS 22-01  
14 and announced the vote.

15 THE SECRETARY: Chair Sirois?

16 CHAIRMAN SIROIS: Yes

17 THE SECRETARY: Representative Benjamin has  
18 been excused.

19 Brown?

20 REPRESENTATIVE BROWN: No.

21 THE SECRETARY: Fabricio?

22 REPRESENTATIVE FABRICIO: Yes.

23 THE SECRETARY: Fetterhoff?

24 REPRESENTATIVE FETTERHOFF: Yes.

25 THE SECRETARY: Giallombardo?

1 REPRESENTATIVE GIALLOMBARDO: Yes.

2 THE SECRETARY: Harding?

3 REPRESENTATIVE HARDING: Yes.

4 THE SECRETARY: Hunschofky?

5 REPRESENTATIVE HUNSCHOFSKY: No.

6 THE SECRETARY: Joseph?

7 REPRESENTATIVE JOSEPH: No.

8 THE SECRETARY: Maggard?

9 REPRESENTATIVE MAGGARD: Yes.

10 THE SECRETARY: Massullo has been excused.

11 McClure?

12 REPRESENTATIVE MCCLURE: Yes.

13 THE SECRETARY: Morales?

14 REPRESENTATIVE MORALES: No.

15 THE SECRETARY: Perez?

16 REPRESENTATIVE PEREZ: Yes.

17 THE SECRETARY: Plakon?

18 REPRESENTATIVE PLAKON: Yes.

19 THE SECRETARY: Silvers?

20 REPRESENTATIVE SILVERS? No.

21 THE SECRETARY: Skidmore?

22 REPRESENTATIVE SKIDMORE: No.

23 THE SECRETARY: Toledo?

24 REPRESENTATIVE TOLEDO: Yes.

25 THE SECRETARY: Trabulsy?

1 REPRESENTATIVE TRABULSY: Yes.

2 THE SECRETARY: Tuck?

3 VICE-CHAIR TUCK: Yes.

4 THE SECRETARY: Williamson?

5 REPRESENTATIVE WILLIAMSON: Yes.

6 THE SECRETARY: Ex-officio Clemons?

7 REPRESENTATIVE CLEMONS: Yes.

8 THE SECRETARY: Ex-officio Davis?

9 REPRESENTATIVE DAVIS: No.

10 THE SECRETARY: 14 yeas, 7 nays, Madam

11 Chair.

12 VICE-CHAIR TUCK: Show the PCB reported

13 favorably. Now, I'll pass the gavel back to Chair

14 Sirois.

15 CHAIR SIROIS: Thank you very much,

16 Members. I'd like to thank all the members of the

17 public that provided input today and the members of

18 the Committee for your questions as well.

19 I particularly want to thank Vice-Chair

20 Tuck. You did an outstanding job, and I've been

21 proud to have you as my vice chair throughout this

22 process.

23 As a reminder, the proposed congressional

24 map has another Committee stop in the Full

25 Redistricting Committee. If you have any questions

1 for myself, or Chair Leek, or staff, I encourage you  
2 to reach out to us. As this is most likely our last  
3 Subcommittee meeting, I'd like to thank  
4 Speaker Sprowls and Chair Leek and the Committee  
5 members for this tremendous honor to lead you  
6 through this process.

7 I'd also like to thank our redistricting  
8 staff, Leda, Jason, Sam, Karen, DJ, for your help in  
9 and your accommodation for this rookie chairman.  
10 It's been a pleasure to work with you, our ranking  
11 member as well. Thank you very much.

12 That concludes our Committee meeting agenda  
13 for today. Representative Perez moves that we rise  
14 without objection.

15 (END OF VIDEO RECORDING)

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## CERTIFICATE OF TRANSCRIPTIONIST

I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

I do further certify that I am neither a relative, nor employee, nor attorney of any of the parties to this action, and that I am not financially interested in the action.



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Julie Thompson, CET-1036

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## Exhibit H

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Common Cause, et al.        )  
  )  
v.                                 ) 4:22-cv-109  
  )  
Cord Byrd                        )  

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TRANSCRIPTION OF VIDEO FILE  
HOUSE REDISTRICTING COMMITTEE  
FEBRUARY 25, 2022

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DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
Washington, D.C. 20036  
(202) 232-0646

1     FEBRUARY 25, 2022

2             CHAIRMAN LEEK:   The Redistricting  
3     Committee will come to order.  DJ, please call  
4     the roll.

5             THE SECRETARY:   Chair Leek.

6             CHAIRMAN LEEK:   Here.

7             THE SECRETARY:   Vice Chair Fine.

8             VICE-CHAIR FINE:  Here.

9             THE SECRETARY:   Ranking Member Geller.

10            REPRESENTATIVE GELLER:  Here.

11            THE SECRETARY:   Representative Andrade.

12            REPRESENTATIVE ANDRADE:  Here.

13            THE SECRETARY:   Bush.

14            REPRESENTATIVE BUSH:  Here.

15            THE SECRETARY:   Byrd

16            REPRESENTATIVE BYRD:  Here.

17            THE SECRETARY:   Clemons.

18            REPRESENTATIVE CLEMONS:  Here.

19            THE SECRETARY:   Drake.

20            REPRESENTATIVE DRAKE:  Here.

21            THE SECRETARY:   Driskell.

22            REPRESENTATIVE DRISKELL:  Here.

23            THE SECRETARY:   Goff-Marcil.

24            REPRESENTATIVE GOFF-MARCIL:  Here.

25            THE SECRETARY:   Grall.

1 REPRESENTATIVE GRALL: Here.

2 THE SECRETARY: Grant.

3 REPRESENTATIVE GRANT: Here.

4 THE SECRETARY: Jenne has been excused.

5 Latvala.

6 REPRESENTATIVE LATVALA: Here.

7 THE SECRETARY: Mariano.

8 REPRESENTATIVE MARIANO: Here.

9 THE SECRETARY: McClain.

10 REPRESENTATIVE MCCLAIN: Here.

11 THE SECRETARY: Omphroy.

12 Omphroy.

13 REPRESENTATIVE OMPHROY: (No audible

14 response).

15 THE SECRETARY: Payne.

16 REPRESENTATIVE PAYNE: Here.

17 THE SECRETARY: Robinson.

18 REPRESENTATIVE ROBINSON: Here.

19 THE SECRETARY: Rommel.

20 REPRESENTATIVE ROMMEL: Here.

21 THE SECRETARY: Sirois.

22 REPRESENTATIVE SIROIS: Here.

23 THE SECRETARY: Slosber-King.

24 REPRESENTATIVE SLOSBER-KING: Here.

25 THE SECRETARY: Thompson.

1 REPRESENTATIVE THOMPSON: Here.

2 THE SECRETARY: Tuck.

3 REPRESENTATIVE TUCK: Here.

4 THE SECRETARY: Ex Officio Skidmore.

5 REPRESENTATIVE SKIDMORE: Here.

6 THE SECRETARY: Quorum is present, Mr.  
7 Chair.

8 CHAIRMAN LEEK: Thank you, DJ.

9 Members, a few reminders before we  
10 begin. Please silence all electronic devices.  
11 And if you're here today to give public  
12 testimony, please take time now to fill out an  
13 appearance form and turn it into the sergeant  
14 staff.

15 Also, as a reminder, for our members and  
16 speakers, please ensure that you turn your  
17 microphone on when you are speaking and off when  
18 you are finished.

19 Members, I'm going to kick off today's  
20 meeting a little differently than I had planned  
21 at the beginning of the week, such has been this  
22 week. We had a pause in our congressional  
23 redistricting process. We paused our process  
24 when the governor voiced an opinion over the  
25 legal standards of our maps and requested an

1 advisory opinion from the Supreme Court regarding  
2 CD5, in which we joined.

3           Once the Court chose not to opine on  
4 that request, we immediately resumed our process.  
5 We have a lot of work ahead of us today; and  
6 before regular session concludes, I want to make  
7 sure we are focused.

8           We received a letter from Ranking Member  
9 Geller. I think another letter. One of several.  
10 All along, I have encouraged the members to  
11 provide feedback and ask questions as we move  
12 maps throughout this process. Myself, Chair  
13 Sirois, and staff have met with dozens of members  
14 from both sides of the aisles, who have brought  
15 forth legitimate feedback and questions.

16           Despite all the fluidity that this  
17 process has encountered, I was feeling optimistic  
18 and like we had partners who wanted to work  
19 collaboratively with us in this process for a  
20 landing. This letter shakes my confidence in  
21 that.

22           On Monday, I received a letter from the  
23 Ranking Member requesting items that have been  
24 discussed ad nauseam on the record. This letter  
25 didn't espouse the same genuine concerns that



1 many of you have provided to us, rather it  
2 reiterated questions that have already been  
3 before us many, many times, with many, many  
4 answers.

5 I want to stop here, and I want to thank  
6 those of you who have engaged in the process.  
7 Those of you who have come to us, those of you  
8 who have brought your suggestions forth, many of  
9 which we have been able to accommodate.

10 Specifically, I'd like to thank  
11 Representative Brown. I would like to thank  
12 Representative Woodson. And actually, I'd like  
13 to thank the entire black caucus who took the  
14 time to meet with us the other day. We have been  
15 able to accommodate many, many of your requests,  
16 and I appreciate you bringing those genuine  
17 concerns to us.

18 So here's the deal. We're going to  
19 knock this out right now. I'm going to directly  
20 address this letter because we have a significant  
21 amount of work ahead of us today, and I don't  
22 want to spend any more time on things that don't  
23 bring us closer to the finish line.

24 Point one of the Geller letter. Your  
25 first point asked for functional analysis data.

1 That's the same data that has been before you,  
2 available to you the entire time. You already  
3 have it. Check your meeting packet. It's on the  
4 desk in front of you, posted to our website,  
5 emailed to you last night, and it's also  
6 available in our software.

7           You also asked for us to run a  
8 functional analysis on every single district in  
9 the map. This question at this point has been  
10 raised from the very first Committee meeting. I  
11 will tell you again that the partisan analysis of  
12 these maps that are not protected districts will  
13 lead us down a road to disaster. Stop injecting  
14 the partisan nature into this process. Let us do  
15 our work.

16           Let me be clear, the Committee will  
17 absolutely not run a functional analysis on every  
18 single district in the map. What you're asking  
19 us to do sets this Committee and this process up  
20 for failure. This has never been done by the  
21 House for any map drawn under the Fair District  
22 amendments. It would compromise our process, and  
23 I repeat, this Committee will not do it.

24           The second point of the letter. We have  
25 hired outside counsel to advise us in this

1 process because we want the House to be  
2 successful, because we want our maps to be  
3 upheld, just like it looks like the House map is  
4 going to be because we do not want to spend years  
5 in litigation. But the reality is we all know  
6 the chances of litigation are real.

7 The House is committed to a legal  
8 process, but there are entities that want to see  
9 us fail for their own selfish partisan benefit.  
10 Our counsel advises us on the legalities of our  
11 maps, period. The items you're seeking are not  
12 public records retained by the House.

13 And I want to step back for a second  
14 because, as I go through this and I see this come  
15 up again, there's something called a consulting  
16 expert, something called a testifying expert that  
17 many of us lawyers would know. I was standing in  
18 my office when I got a call from a reporter. I  
19 think it was August.

20 And the reporter was asking me to  
21 comment on the fact that the Fair Districts  
22 Coalition had announced that they had planned to  
23 file suit on redistricting. We didn't have  
24 numbers. We didn't have census data yet. We  
25 hadn't drawn the first line, and someone is

1 declaring that they're going to sue us over maps  
2 that have yet to be drawn.

3 I want to go back to one of the things  
4 that Ranking Member Geller has said in this  
5 Committee. We all know where we're headed. We  
6 all know that this will end up in litigation.  
7 That is why it's necessary for the House to  
8 retain its work product privilege. So you may not  
9 like my answer, but that is the answer. The House  
10 has conducted and analyzed the congressional map  
11 exactly the same way as the House map, which has  
12 gone unchallenged after receiving heavy  
13 criticism.

14 Finally, as it relates to your request  
15 for all alternate configurations of the maps,  
16 again, a question that I've addressed countless  
17 number of times, we have provided to the  
18 Committee, the districts that we believe are the  
19 best. All members have the exact same ability to  
20 draw districts and produce maps. All members  
21 have the same ability to come to staff with  
22 alternate ideas. And many of you have. Thank  
23 you for engaging.

24 This is not the same as changing a  
25 "shall" to "may" in a bill text. Every single

1 time you move a line means a ripple effect across  
2 multiple districts. Besides my amendment today,  
3 there has not been a single alternative district  
4 configuration produced for consideration during  
5 the Committee process, House or congressional,  
6 for the last five months.

7 I want to commend the members that have  
8 spent time to understand the maps and to ask  
9 questions. That is what this process is all  
10 about. So let's stop the political theater.  
11 Let's stop focusing on moving pieces across the  
12 litigation chessboard, and let's just do our  
13 work. With that, I'm moving on to the important  
14 business that we have before us today.

15 I'm not done. I'll call you. I'll call  
16 on you at the appropriate time.

17 You may have noticed the lengthy bill  
18 and amendment text for the congressional map and  
19 was once again not included in the meeting  
20 materials for today's meeting. The bill text  
21 reflects the technical census block, block group,  
22 and tract numbers that comprise each district.  
23 These are the exact same districts that are  
24 depicted in the printed maps before you. DJ has  
25 the printed copy of the bill text, about 300

1 pages for the Committee's viewing right here at  
2 the desk.

3 To kick things off, I'm going to hand  
4 the gavel over to Vice Chair Fine in a second.

5 Ranking Member Geller, we'll get to you  
6 in just a minute in the appropriate order.  
7 You'll have all the time that you need to ask  
8 questions or debate and respond in any way you'd  
9 like. But we're going to make sure we get the  
10 work that we actually have to get done today over  
11 with first.

12 So now I'm going to hand the gavel over  
13 to Vice Chair Fine.

14 VICE-CHAIR FINE: Thank you,  
15 Mr. Chairman.

16 Members, up for consideration today we  
17 have one bill, it is HB 7503, Establishing the  
18 Congressional Districts of the State. And I  
19 would again remind everyone, we have a fair  
20 amount of time to do this. So everyone should  
21 have adequate time to have their questions,  
22 answers, and have whatever debate.

23 I think we did this well the last time  
24 when we did state redistricting. Hopefully, we  
25 can do this again here.

1                   And with that said,  
2   Representative Sirois, you are recognized to  
3   present the bill.

4                   REPRESENTATIVE SIROIS: Thank you,  
5   Mr. Chairman.

6                   House Bill 7503 contains the  
7   congressional map that passed out of  
8   Congressional Redistricting Subcommittee last  
9   Friday. Chair Leek has offered an amendment to  
10   this bill, and I request that we take up the  
11   amendment to ensure we're discussing the most  
12   updated congressional map, as there have been  
13   updates made to it.

14                  VICE-CHAIR FINE: Okay.  
15   Representative Sirois has addressed the  
16   Committee, are there questions on the bill?  
17   Members, we are in questions, and I'm sure you  
18   have a lot of questions. I would prefer,  
19   although you have the right, I'd prefer that we  
20   take up the strike-all amendment so we can get  
21   into the proper posture on the correct map. But  
22   I will recognize folks if they have questions for  
23   Rep. Sirois on the map that we're hoping to amend  
24   in a strike-all.

25                  Ranking Member Geller, you are

1 recognized for a question on the existing map  
2 that we're planning to amend.

3 REPRESENTATIVE GELLER: Has the counsel  
4 retained by the House performed any analysis on  
5 that map or on the maps that are being offered as  
6 an amendment?

7 VICE-CHAIR FINE: You can ask questions  
8 relating to the other maps. I would note that it  
9 is my understanding that the amendment, which has  
10 two maps effectively, the second map is very  
11 similar to Representative Sirois's existing bill.  
12 But if you want to ask about the existing bill,  
13 I'll allow him to answer that question but not  
14 about the amendment until we get to the  
15 amendment.

16 Representative Sirois, would you like to  
17 answer that question?

18 REPRESENTATIVE SIROIS: Mr. Chairman,  
19 could you repeat the question, please?

20 VICE-CHAIR FINE: I'm not going to try  
21 that. I'm going to let Ranking Member Geller do  
22 that, within the confines of the map that is  
23 before us, which again, I think  
24 Representative Sirois and Chair Leek intend to  
25 amend away anyway.



1           You're recognized.

2           REPRESENTATIVE GELLER: My question is  
3 whether or not counsel retained by the House has  
4 performed any analysis or retained an expert to  
5 look at that particular version of the map.

6           VICE-CHAIR FINE: Chair Leek, I'm going  
7 to recognize you to answer that question.

8           CHAIRMAN LEEK: Yeah. That same  
9 question was asked and answered in the prior  
10 Committee stop. And because we're now wasting  
11 time on a map that's going to be amended out of  
12 this bill, I would recommend that we move on.  
13 But that question has certainly been asked and  
14 answered, and I know you know the answer to it.

15          REPRESENTATIVE GELLER: Well --

16          VICE-CHAIR FINE: Would you like a  
17 follow-up, Ranking Member Geller?

18          REPRESENTATIVE GELLER: If can respond  
19 to that, since I was addressed directly. With  
20 all deference, I was not in the prior Committee,  
21 the congressional subcommittee. I'm not a member  
22 of that committee. I didn't attend it, so saying  
23 that some other committee talked about it does  
24 not really go to my question.

25               But my question does go to the

1 statements that you made earlier. And I guess  
2 what I'm really trying to find out, first of all,  
3 was did counsel analyze it? I'll ask the same  
4 question about the amended maps when they're in  
5 front of us. But as to the existing one, did  
6 counsel analyze it? Did they retain an expert?  
7 Did the expert provide an opinion?

8 VICE-CHAIR FINE: Rep. Geller, I'm going  
9 to let you ask one question at a time. So if you  
10 want to ask --

11 REPRESENTATIVE GELLER: We'll stop with  
12 that on. That's fine.

13 VICE-CHAIR FINE: That was three. I'm  
14 relatively good at math.

15 REPRESENTATIVE GELLER: Okay. Then let  
16 me --

17 VICE-CHAIR FINE: So you can ask one  
18 question.

19 REPRESENTATIVE GELLER: I'll be happy to  
20 rephrase it.

21 VICE-CHAIR FINE: And then you can ask a  
22 follow-up. You're recognized.

23 REPRESENTATIVE GELLER: The question is:  
24 Did counsel analyze it --

25 VICE-CHAIR FINE: Okay. You've asked a

1 question.

2 REPRESENTATIVE GELLER: No. I'm not  
3 done with that question, sir.

4 VICE-CHAIR FINE: Nope. There was a  
5 question mark after that.

6 REPRESENTATIVE GELLER: Did counsel  
7 analyze it --

8 VICE-CHAIR FINE: I'm going to move.

9 REPRESENTATIVE GELLER: -- retain an  
10 expert --

11 VICE-CHAIR FINE: Okay. I'm going to  
12 move on. We're going to be done with this. You  
13 can ask one question that ends with a question  
14 mark. I will recognize someone to answer it. If  
15 you're going to ask three or four again, we're  
16 going to be done and we're just going to move on  
17 to the amendment.

18 Would you like to ask one question?  
19 I'll ask more, but we're not going to do a  
20 three-minute soliloquy with 47 questions for  
21 Chair Leek. If you have a question, you can ask  
22 it. You're recognized to ask a question. Last  
23 chance --

24 REPRESENTATIVE GELLER: I promise it  
25 will not be a three-minute soliloquy --

1 VICE-CHAIR FINE: All right.

2 REPRESENTATIVE GELLER: -- with 47  
3 questions. My question is: Did counsel analyze  
4 it or --

5 VICE-CHAIR FINE: That's a --

6 REPRESENTATIVE GELLER: -- or retain an  
7 expert who performed an analysis?

8 VICE-CHAIR FINE: Okay. Chair Leek,  
9 you're recognized to answer the question.

10 CHAIRMAN LEEK: The question is moot,  
11 Vice Chair, as this map's about to be amended  
12 away.

13 REPRESENTATIVE GELLER: I'm sorry, sir,  
14 but this map is still -- my understanding is --

15 VICE-CHAIR FINE: Ranking Member Geller,  
16 you don't have --

17 REPRESENTATIVE GELLER: No. Excuse me,  
18 sir, point of order.

19 VICE-CHAIR FINE: Yep.

20 REPRESENTATIVE GELLER: Point of order.

21 VICE-CHAIR FINE: What's your point?

22 REPRESENTATIVE GELLER: I cannot be told  
23 that I can't ask about the maps that are about to  
24 be introduced because they're not in front of us  
25 yet and simultaneously be told I can't ask about

1 the map that is in front of us because the  
2 amendment hasn't occurred yet. One or the other,  
3 sir.

4 VICE-CHAIR FINE: Rep. Geller, what I  
5 would say is you've asked a question about the  
6 map. Chair Leek has answered the question. I  
7 don't think you find his answer satisfactory, and  
8 that is your right. But he has asked a question  
9 about the map in front of you. And to --

10 REPRESENTATIVE GELLER: No, sir. The  
11 question --

12 VICE-CHAIR FINE: No. You don't like  
13 his answer. I'll recognize you for another  
14 follow-up on the map that is before us now. I  
15 would again note, it's Friday afternoon, many of  
16 us want to go home, and we're asking questions  
17 about -- I'm missing my son's first track meet.  
18 To lighten the mood, I can't understand why my  
19 son wants to be in a track meet, since he's my  
20 son. But you know, despite that, if you want to  
21 ask questions about a map that I believe the  
22 sponsor is hoping is amended, you can do that.  
23 So I'm going to recognize you for a question on  
24 this exact map.

25 REPRESENTATIVE GELLER: Thank you,

1 Mr. Chair.

2 And let me say that since we were to  
3 meet yesterday and it was postponed not because  
4 of me or anyone else, that to say, oh, now it's  
5 Friday, is not really appropriate. Now is when  
6 the Committee has decided to call the meeting.

7 My question is: Did counsel perform an  
8 analysis of the map that is before us or retain  
9 an expert to perform such an analysis?

10 VICE-CHAIR FINE: Okay. That question  
11 has been asked and answered. You don't like  
12 Chair Leek's answer. I understand that, but he's  
13 asked that question. So since you're asking the  
14 same question again and again, you all will  
15 remember, I had a three-word answer to this  
16 question before on the floor last year, I don't  
17 want to say it again in this room. We're going  
18 to move on.

19 REPRESENTATIVE GELLER: Sir, if I might?

20 VICE-CHAIR FINE: Yes.

21 REPRESENTATIVE GELLER: Being told my  
22 question is moot and will not receive an answer  
23 is not asked an answer.

24 VICE-CHAIR FINE: I did not say it --  
25 well, okay. That wasn't what I said.

1               REPRESENTATIVE GELLER: No. So you said  
2 I got an asked and answered. "The question is  
3 moot" is not an answer.

4               VICE-CHAIR FINE: I think --

5               REPRESENTATIVE GELLER: It's a punch  
6 line from a TV show.

7               VICE-CHAIR FINE: Chair Leek is entitled  
8 to answer the question however he sees fit and  
9 that's how he chose to answer the question.  
10 Okay. We're going to move on.

11              All right. We are going to take up our  
12 first amendment. It's amendment barcode 258203  
13 by Chair Leek. This is going to take a little  
14 bit of time.

15              As a reminder, we are holding questions  
16 until the end of the amendment presentation to  
17 ensure we have time to get through an explanation  
18 of the entire state and no one region is rushed.

19              So Chair Leek, you are recognized to  
20 explain the amendment.

21              CHAIRMAN LEEK: Thank you, members.  
22 We're going to focus on the substantive work in  
23 front of us now. And I'm going to go through  
24 some high-level items first, and we'll then  
25 explain the structure of the amendment and the

1 changes that were filed last night. Again, this  
2 is a strike-all, so this will replace everything  
3 that was before you initially.

4 Representative Sirois will also be  
5 helping me to explain those changes throughout  
6 the map. The Florida Legislature is directed to  
7 redistrict every ten years following the  
8 decennial census to account for growing and  
9 shifting population across Florida. A decade  
10 ago, the Florida House's process and methodology  
11 for drawing maps was allotted by the Florida  
12 Supreme Court. And I'd like to read a quote from  
13 the 2012 ruling.

14 "A review of the House plan in the  
15 record reveals that the House engaged in a  
16 consistent and reasoned approach, balancing the  
17 two-tier standards by endeavoring to make  
18 districts compact and as nearly equal in  
19 population as possible and utilizing political  
20 and geographical boundaries were feasible by  
21 endeavoring to keep counties and cities together  
22 where possible. In addition, the House  
23 approached the minority voting protection  
24 provision by properly undertaking a functional  
25 analysis of voting strength in minority



1 districts."

2           As I mentioned earlier, this Committee  
3 has undertaken several months of education in  
4 order to understand the redistricting process and  
5 uphold the high bar that was set for this chamber  
6 last decade. Last week, the Congressional  
7 Redistricting Subcommittee passed map H000C8011,  
8 what is now HB 7503, which proposes congressional  
9 districts that will be used on election cycle  
10 starting in 2022. Today, we will walk through an  
11 amendment to HB 7503 that has two maps. And I'll  
12 explain that further here in a few minutes.

13           As I mentioned earlier, this map has  
14 been drafted exclusively by Committee staff with  
15 the advice of legal counsel based on the data  
16 from the 2020 census and to be in alignment with  
17 the Florida Constitution, state and federal law,  
18 as well as court precedent.

19           Members, I want to make sure each of you  
20 has a map packet in front of you. This contains  
21 a printout of the proposed map itself, the  
22 statewide snapshot of statistics, the functional  
23 analysis data for our six protected minority  
24 districts, a list of county shares of population,  
25 a list of city splits, and finally, the boundary

1 analysis report. These items will be referenced  
2 throughout the presentation today, so please feel  
3 free to refer to your packet as needed. This  
4 packet is also available on our subcommittees  
5 webpage on myfloridahouse.gov.

6 Now, let's talk about the structure of  
7 the amendment before we segue into its specific  
8 contents. This is new, and I want to take time  
9 to explain. This amendment contains a primary  
10 map, H000C8017, that addresses concerns about the  
11 shape of Congressional District 5 by creating a  
12 more compact North Florida district that will  
13 enable minority voters to elect the candidates of  
14 their choice. We believe this solution creates a  
15 singular exception to the diminishment standard.

16 The amendment also contains a secondary  
17 map, H000C8015. The legislature knows it's  
18 legally compliant under the current law and keeps  
19 the previously proposed configuration of District  
20 5. Outside of the districts impacted by the  
21 change to District 5, the structure of both maps  
22 is exactly the same throughout the rest of the  
23 state.

24 The amendment also includes other  
25 adjustments that have been made, the same in both

1 maps, to bring us more in alignment with our  
2 Senate partner so we can bring this process in  
3 for landing prior to the conclusion of the  
4 regular session. I want to emphasize that.  
5 Prior to the conclusion of the regular session.

6 So why two maps and one amendment, you  
7 may be asking. The primary map was put forward  
8 as a way to address the novel legal theory raised  
9 by the governor, while still protecting a black  
10 minority seat in North Florida. If this  
11 configuration of CD5 and the primary map is  
12 struck down by a court, the secondary map is  
13 postured to take immediate effect and contains a  
14 district configuration similar to the benchmark  
15 district.

16 I know this has a lot to take in. I  
17 acknowledge these maps look visually different,  
18 even having two maps is a unique setup. However,  
19 we are faced with a unique situation, and this is  
20 the House attempt at continuing to protect the  
21 minority group's ability to elect a candidate of  
22 their choice, addressing compactness concerns,  
23 and working to make sure we bring this process in  
24 for a landing during the regular session.

25 And perhaps most importantly, we want to

1 make sure all Floridians have clarity and  
2 finality, going into our upcoming election cycle  
3 with where our map stands. Now let's dive into  
4 the details of the primary map, and we'll walk  
5 through the secondary map after that.

6 Here's an overview of the primary map.  
7 Let's first look at the map as a whole. When  
8 compared to the benchmark congressional map, the  
9 new map of new proposed congressional districts  
10 has several points of improvement throughout tier  
11 2 standards. When looking at a statewide average  
12 of each district's compactness scores, we have  
13 been able to recreate compact districts that  
14 improve on our benchmark metrics even after the  
15 addition of the new congressional district.

16 The proposed map statewide average  
17 compactness scores are a Reock score of 0.48, a  
18 Convex-hull score of 0.82, an Polsby-Popper score  
19 of 0.42. Where feasible, we also worked to  
20 improve visual compactness of districts or the  
21 eyeball test, such as being able to keep Polk  
22 County wholly within a single congressional  
23 district. When looking at the number of counties  
24 splits, we've kept similar to the benchmark map  
25 with 18 counties split last decade and only 18

1 counties split this decade.

2 The ideal population for this decade's  
3 congressional districts after adding the 28th  
4 district is 769,211 people. The overall  
5 deviation range is the same as it was last  
6 decade, with 27 districts being the exact ideal  
7 population and one district having a single  
8 person less than the ideal population. We also  
9 are proudly able to improve the number of cities  
10 split in our proposed map. In the benchmark map  
11 there were 39 cities split. In the PCB that  
12 passed last week, there were 27 cities split.

13 In today's amendment we've been able to  
14 decrease that to just 17 cities split. This  
15 proposed congressional map also allows a district  
16 to be placed wholly within each of Florida's top  
17 six largest counties, Miami-Dade, Broward, Palm  
18 Beach, Hillsborough, Orange, and Duval  
19 respectively. The proposed map is inclusive of  
20 three protected black districts and three  
21 protected Hispanic districts. This is the same  
22 number of protected districts as found in the  
23 benchmark map.

24 All six of these protected minority  
25 districts have had an individual functional

1 analysis conducted. And in performing this  
2 analysis, we can confirm each district will be a  
3 solidly performing district as under the  
4 benchmark map. And we will continue to provide  
5 minority voters with the ability to elect  
6 candidates of their choice and the equal  
7 opportunity to participate in the political  
8 process.

9           These districts are also drawn in a  
10 consistent manner, with respect to the Florida  
11 Supreme Court precedent, to maintain existing  
12 majority-minority districts. As we move  
13 throughout the map, I will highlight these  
14 districts as well. All of our districts consist  
15 of contiguous territory. And as I'm sure you're  
16 aware, the Committee has also implemented  
17 safeguards in order to ensure that we do not draw  
18 districts with the intent to favor or disfavor a  
19 political party or an incumbent.

20           Now that we've looked at the statewide  
21 overview, let's begin to review each region of  
22 the state. I'm going to hand it over to  
23 Representative Sirois to walk through each  
24 region.

25           VICE-CHAIR FINE: Representative Sirois,

1     you're recognized.

2                 REPRESENTATIVE SIROIS: Thank you very  
3     much, Mr. Chairman. Thank you, Chair Leek. Good  
4     afternoon, members. Let's start with  
5     Congressional Districts 1 through 5.

6                 Starting in the Panhandle, Congressional  
7     District 1 has the entirety of Escambia, Santa  
8     Rosa, and Okaloosa County. Walton County is then  
9     split as Congressional District 1 achieves the  
10    equal population threshold here.

11                Again, members, for congressional maps  
12    equal population for each district is plus or  
13    minus one person. And for the purpose of the  
14    boundary between District 1 and 2 primarily uses  
15    State Road 83 for the majority of its length,  
16    except where it deviates to ensure that the  
17    municipalities of Freeport and DeFuniak Springs  
18    are kept whole, with Freeport within  
19    Congressional District 1 and DeFuniak Springs in  
20    Congressional District 2.

21                Congressional District 2 and three 3 two  
22    of the districts that are affected by the changes  
23    we've made to Congressional District 5. Both  
24    Congressional District 2 and Congressional  
25    District 3 are compact districts that are made up

1 almost entirely whole counties, except where both  
2 districts need to add the necessary population to  
3 achieve equal population. Those districts that  
4 are split for this purpose are Lafayette and  
5 Marion Counties. However, Congressional District  
6 3 contains the entire city of Ocala in Marion  
7 County.

8           These two districts alone contain 25  
9 whole counties throughout the Panhandle and the  
10 Big Bend regions. Congressional District 4  
11 contains all of Nassau and Clay County, along  
12 with the remaining part of Duval County that is  
13 not included in Congressional District 5, which  
14 I'll talk about more shortly. This leaves the  
15 district approximately 234,000 people short of  
16 the population needed for a congressional  
17 district.

18           So the district includes part of  
19 St. Johns County for population equality and to  
20 create a more compact district shape in the  
21 region. The part of the district in St. Johns  
22 County keeps all of St. Augustine and  
23 St. Augustine Beach within the district, and all  
24 the other municipalities in St. Johns County  
25 remain whole. The most striking visual



1 difference in this new configuration of the map  
2 is Congressional District 5, which is now wholly  
3 within Duval County.

4 Duval County itself is too large for a  
5 single congressional district and, therefore, has  
6 to be split. This district faithfully adheres to  
7 all tier 2 principles. This new district  
8 configuration creates a very compact district  
9 that utilizes the Duval County line for much of  
10 its boundary as well as I-295 and many other  
11 major roadways, while keeping this district  
12 within Duval County.

13 It also has compactness scores above the  
14 statewide averages for compactness, a Reock score  
15 of 0.51, a Convex-hull score of 0.91, and a  
16 Polsby-Popper score of 0.49.

17 The configuration of this district,  
18 although very visually different than the  
19 benchmark district, is still a protected  
20 black-performing district. There is a reduction  
21 in voting-age population; however, our functional  
22 analysis concludes that this is a reliable  
23 performing district.

24 We believe this configuration balances  
25 the feedback we've been perceived dealing with

1 the compactness of current Congressional District  
2 5 and still protects the minority voting group of  
3 this district and helps to ensure the citizens of  
4 Florida have an enforceable congressional map  
5 before the fast approaching 2022 election cycle.

6 Congressional District 6 through 11 and  
7 16. Moving south, Congressional District 6 is  
8 created in a circular compact shape that is tied  
9 for the highest Reock score of any district in  
10 the map at 0.71. It does this by keeping Flagler  
11 and Putnam County wholly within it, while  
12 including the southern part of St. Johns County,  
13 as well as parts of Volusia, Lake, and Marion  
14 Counties.

15 The oddly shaped flags of Lake and  
16 Volusia Counties are absorbed by this compact  
17 district, while also keeping every municipality  
18 and these counties whole, with the exception of  
19 Port Orange and Volusia County, which is split  
20 between District 6 and 7 to achieve equal  
21 population.

22 Because Congressional District 6 was  
23 created with such a compact shape, it left about  
24 212,000 people in Volusia County without a  
25 district. So that population is included in

1 Congressional District 7, which also includes the  
2 entirety of Seminole County. Within Volusia  
3 County, Congressional District 7 primarily uses  
4 municipal lines keeping Debary, Deltona, Orange  
5 City, and Lake Helen whole.

6 District 7 is then left approximately  
7 85,000 short of the ideal district population,  
8 and it continues south into Orange County to get  
9 this remaining population. Congressional  
10 District 8 includes all of Brevard and Indian  
11 River Counties, which leaves the district about  
12 2,800 people short of the population needed for a  
13 district. In order to achieve the population  
14 equality required for congressional districts,  
15 the remaining population is added to  
16 Congressional District 8 by going north into  
17 Volusia County along I-95 and then including the  
18 entire municipality of Oak Hill and it's 1,986  
19 people keeping it whole.

20 Congressional District 9 contains the  
21 entirety of Osceola County, which was the  
22 fastest-growing county in the state this past  
23 decade. The district includes part of Orange  
24 County following almost entirely primary roadways  
25 such as State Road 50, known as Colonial Drive;

1 State Route 436, known as Boulevard; and  
2 U.S. 441, known as Orange Blossom Trail; as well  
3 as others before using the Orange County line as  
4 well.

5 This compact tier 2 compliant district  
6 also happens to be a new majority-minority  
7 Hispanic district reflective of the Hispanic  
8 growth in this region.

9 Congressional District 10 is kept wholly  
10 within Orange County, similar to the benchmark  
11 map where a district is kept wholly within the  
12 county. After receiving feedback on this  
13 district, adjustments were made to align it  
14 closer to the district that exists in the  
15 benchmark map, as well as to -- excuse me. Let  
16 me go back, members, to clarify. I want to  
17 restate that.

18 After receiving feedback on this  
19 district, adjustments were made to align it  
20 closer to the district that exists in the  
21 benchmark map as well as to the proposal by our  
22 Senate partners. We accomplished this by  
23 bringing its western border all the way to the  
24 Orange County line, which enabled us to keep the  
25 municipalities of Edgewood, Belle Isle,

1 Eatonville, Maitland, Winter Park, Ocoee, Winter  
2 Garden, and Oakland whole within the district,  
3 while at the same time improving to have three  
4 mathematical compactness measures for the  
5 district bringing the Reock score to 0.50, up  
6 from 0.35 in the previous version of the  
7 district; and the Polsby-Popper score to 0.39, up  
8 from 0.35.

9 Congressional District 11 has the  
10 remaining population in Orange County, which is  
11 about 194,000 people, and goes west to include  
12 the majority of Lake County, all of Sumter  
13 County, and part of Marion and Citrus County  
14 where it achieves equal population.

15 Congressional District 16 keeps Polk  
16 County whole in this map. This is an improvement  
17 from the benchmark map where Polk County was  
18 divided in between three districts. Population  
19 growth this decade made this possible and is  
20 approximately 44,000 people shy of the ideal  
21 population of a congressional district. Pairing  
22 Polk County with a small part of Eastern  
23 Hillsborough County achieves the necessary  
24 population needed for the population of a  
25 congressional district while creating a very

1 compactly shaped district.

2 Moving on to Congressional Districts 12  
3 through 15. Now looking at Congressional  
4 District 13 in the Tampa Bay area, which is kept  
5 wholly within Pinellas County. Its northern  
6 boundary follows the municipal lines of the  
7 cities of Dunedin, Clearwater, and Safety Harbor  
8 to enable every city within Pinellas County to  
9 remain whole. Because Pinellas County has more  
10 people than can fit into a single congressional  
11 district, this configuration of Congressional  
12 District 13 enables connecting the remaining  
13 portion of the county overlay into another county  
14 rather than over water.

15 Congressional District 12 is the  
16 entirety of Hernando County, the remainder of  
17 Citrus County, part of Pasco County, which is  
18 divided primarily along U.S. Highway 41, State  
19 Road 54, and the Suncoast Parkway, as well as the  
20 portion of Northern Pinellas County, not already  
21 included in Congressional District 13.

22 Congressional District 14 is located  
23 wholly within Hillsborough County. Its boundary  
24 follows primary roads Hillsborough Avenue, Busch  
25 Boulevard and I-4 for its northern border, State

1 and County Road 39 on the east side, and County  
2 Road 672, Balm Road and Big Bend Road on the  
3 southern side.

4 Finishing out the Tampa Bay area,  
5 Congressional District 15 then connects the  
6 remaining part of Pasco County with the  
7 appropriate amount of population from  
8 Hillsborough County to complete the district's  
9 population.

10 Moving on to Congressional Districts 17  
11 through 19. Congressional District 17 is the  
12 last of the four districts that have part of  
13 Hillsboro County. This district actually has the  
14 exact amount of people in Hillsborough County,  
15 112,723 people, so that exactly 12 districts make  
16 up all the remaining population in the counties  
17 to the south of the Polk, Osceola, and Indian  
18 River County line. This ensures that no other  
19 district has to cross these county lines and  
20 keeps the counties to the east whole.

21 Congressional District 17 then  
22 incorporates all of Manatee County and  
23 approximately 250,000 people in Sarasota County  
24 to complete its population. Every city in  
25 Sarasota County is kept whole with Congressional

1 District 17 utilizing the Venice municipal line  
2 for part of its southern border.

3 The remaining part of Sarasota County,  
4 along with six entire counties, Hardee, DeSoto,  
5 Charlotte, Highlands, Okeechobee, and Glades  
6 County, make up the majority of Congressional  
7 District 18. This leaves the district about  
8 192,000 short of the ideal population, allowing  
9 it to cross into Lee County to acquire this  
10 remaining population using primarily the  
11 Caloosahatchee River, State Road 82, the Fort  
12 Myers municipal line, and other roadways.

13 Congressional District 19 connects the  
14 rest of Lee County with Collier County using  
15 primarily I-75, U.S. 41, and Collier Boulevard,  
16 creating a very recognizable boundary with the  
17 county, except where it deviates to achieve equal  
18 population.

19 Moving on to Congressional Districts 20  
20 through 23 and 25. Congressional District 20 is  
21 a performing majority-minority black district  
22 that was recreated similar to the benchmark  
23 district that connects population in Palm Beach  
24 County to population in Broward County. As noted  
25 before, the functional analysis on this district



1 conducted by staff ensures the minorities'  
2 ability to elect does not diminish.

3 This decade, we were able to create this  
4 district in such a way that respects more major  
5 roadways in the area, such as U.S. 441, I-95, and  
6 the Florida Turnpike, and keeps more cities  
7 whole, keeping the cities of Lake Park, Margate,  
8 Tamarac, and others wholly within it, which were  
9 split a decade ago.

10 Congressional District 21 includes all  
11 of St. Lucie and Martin counties and includes  
12 just over 280,000 people in Palm Beach County in  
13 order to achieve equal population for this  
14 district. The district boundary follows a  
15 railway in the northern Palm Beach County to  
16 Okeechobee Boulevard, where it borders  
17 Congressional District 20 before going out to the  
18 coast, using the Palm Beach inlet to complete its  
19 southern border.

20 Congressional District 22 is kept wholly  
21 within Palm Beach County. Its boundary extends  
22 north through the Palm Beach inlet to meet  
23 Congressional District 21, before heading west to  
24 include the entire city of Wellington, creating  
25 the rounded point of the western side of the

1 districts.

2 It then uses the Loxahatchee National  
3 Wildlife Refuge to continue south until it gets  
4 the population necessary for a district without  
5 splitting any other city in Palm Beach County.

6 It uses the Boca Raton and Highland Beach City  
7 municipal line for much of its boundary in this  
8 area.

9 This leaves approximately 200,000 people  
10 in southeast Palm Beach County that is then  
11 included in Congressional District 23. This  
12 district then connects this population with  
13 Broward County utilizing many municipal lines in  
14 this area for the boundary line, keeping the city  
15 of Coral Springs, Coconut Creek, and many others  
16 whole within Broward County.

17 Congressional District 25 is kept wholly  
18 in Broward County, giving Broward County a  
19 congressional district wholly within the county  
20 for the first time since the 1980 redistricting  
21 cycle. The district utilizes as many major  
22 roadways as possible, such as I-75, the Sawgrass  
23 Expressway, the Florida Turnpike, I-95, Davie  
24 Boulevard, Sunrise Boulevard, among others.

25 It also uses municipal lines of Weston,

1 Southwest Ranches, Pembroke Pines, Miramar, and  
2 Hallandale Beach, as well as the  
3 Broward/Miami-Dade County line on the southern  
4 side of the district.

5           Within these five districts, several  
6 adjustments were made to improve visual  
7 compactness, improve the boundary analysis  
8 scores, as well as keep more municipalities  
9 whole. One specific example of those changes is  
10 shown here. In the previous version of the map,  
11 the city of Royal Palm Beach was split between  
12 three districts. In this new map, an adjustment  
13 was made so that is now wholly within  
14 Congressional District 20.

15           Members, Congressional District 24 is a  
16 performing black district. As noted earlier, the  
17 functional analysis on this district conducted by  
18 staff ensures the minority group's ability to  
19 elect is not diminished. This is the only  
20 district that crosses the Miami-Dade/Broward  
21 County Line, which is an improvement over the  
22 benchmark map that had two such districts.

23           This district also includes many whole  
24 cities within Miami-Dade County, including  
25 Aventura, North Miami, Biscayne Park, Miami

1 Shores, Miami Gardens, Opa-locka, and others, and  
2 uses many other major recognizable roadways in  
3 the area as possible. This is another district  
4 that we heard some great feedback on by members  
5 regarding Miami Gardens and Opa-locka. Similar  
6 to our Senate partners, we have now been able to  
7 keep these two municipalities whole within  
8 Congressional District 24.

9 Moving on to Congressional Districts 26  
10 through 28. Congressional Districts 26, 27, and  
11 28, are all performing majority-minority Hispanic  
12 districts where the functional analysis on each  
13 district individually was conducted by staff,  
14 ensures the minority group's ability to elect is  
15 not diminished.

16 Congressional District 26, similar in  
17 shape to the benchmark map, connects part of  
18 Collier County, not including in Congressional  
19 District 19, with population in Hendry County, as  
20 well as Miami-Dade County using the Collier,  
21 Broward, and Miami-Dade County lines, as well as  
22 I-75, U.S. 41, the Tamiami Trail, and the Dolphin  
23 Expressway. It additionally shares a boundary  
24 line with the Congressional District 24 line in  
25 the eastern side of the district.

1           This district includes the  
2   municipalities of Hialeah, Hialeah Gardens,  
3   Medley, Doral, and Miami Lakes in their entirety.

4           Representative Latvala, did I pronounce  
5   that correctly?

6           REPRESENTATIVE LATVALA: (No audible  
7   response).

8           REPRESENTATIVE SIROIS: Our adjustments  
9   to Congressional Districts 27 and 28 mirror those  
10   of the districts that were in the map approved  
11   off the Senate floor. We were able to include  
12   these districts in this way as we try to bring  
13   this process in for a landing as soon as  
14   possible.

15           Congressional District 27 uses the  
16   Dolphin Expressway and the Florida Turnpike for  
17   the vast majority of its boundary line on its  
18   northern and western sides, while using the  
19   Cutler Bay municipal boundary along its southern  
20   border, creating a very compact district wholly  
21   within Miami-Dade County with a very high Reock  
22   score of 0.71.

23           Congressional District 28 includes all  
24   of Monroe County and then connects with the  
25   remaining population in southern Miami-Dade

1 County using U.S. 41 and the Florida Turnpike as  
2 its primary boundary lines in Miami-Dade County.  
3 The municipalities of Sweetwater, Florida City,  
4 and Homestead are whole within the district.

5 And I'd like to highlight a couple of  
6 technical changes. Along with the changes we've  
7 already highlighted, staff made other technical  
8 changes in the map by adjusting lines to improve  
9 the visual shape of the districts, clean up  
10 roadblocks, or make small adjustments to improve  
11 the mathematical compactness of districts.

12 Two examples are included here. Now  
13 using I-75 as the major roadway between Districts  
14 17 and 18, on the left and following the cleaner  
15 railway as a boundary line between Districts 12  
16 and 15 on the right.

17 VICE-CHAIR FINE: Chair Leek, you're  
18 recognized.

19 CHAIRMAN LEEK: Thank you.

20 Members, I want to pause for a second  
21 and refocus before we move on to our secondary  
22 map. What we just heard described by  
23 Representative Sirois, was a description of the  
24 primary map that is part of this amendment. As I  
25 mentioned before, the secondary map that we are

1 about to segue into would only take effect should  
2 CD5 and the primary map be struck down by a  
3 court.

4 The secondary map is labeled H000C8015.  
5 The structure of this map is exactly the same as  
6 the primary map except for six districts that are  
7 impacted by the changes to CD5. The other 22  
8 congressional districts are identical to the  
9 districts in the primary map. For everyone's  
10 sanity, in this next presentation, we are only  
11 going to walk through those districts that are  
12 different than the primary map.

13 All right. Let's begin. Overall, this  
14 map splits 20 counties, which is the same as the  
15 map that passed our subcommittee last week. It  
16 now only splits 18 cities, an improvement of nine  
17 cities when compared to the previous version of  
18 this map. There were also improvements made in  
19 the overall mathematical compactness score and in  
20 the boundary analysis. The mathematical  
21 compactness scores are now Reock, 0.45; Convex-  
22 hull, 0.80; and Polsby-Popper at 0.40.

23 So even though this is our secondary  
24 map, it is still an improvement over the map that  
25 passed through the subcommittee with the same

1 methodology being applied for the improvements.

2 And similarly, this map still maintains three  
3 protected black districts and three protected  
4 Hispanic districts.

5 I'd now like to hand it back over to  
6 Representative Sirois to take us through the  
7 differences in the secondary map from the primary  
8 map.

9 VICE-CHAIR FINE: Rep. Sirois, you're  
10 recognized to explain the secondary map.

11 REPRESENTATIVE SIROIS: Thank you.  
12 Thank you, Chair Leek.

13 The changes to Congressional District 5  
14 impact an additional five districts, Districts 2,  
15 3, 4, 6, and 11. Let's start with Congressional  
16 District 5. The configuration of this district  
17 is very similar to the map passed out of the  
18 subcommittee and has had slight changes made to  
19 bring it more in alignment with our Senate  
20 partners and improve our boundary analysis  
21 metrics.

22 It still of course remains a protected  
23 black district as well. Additionally, we have  
24 been able to equalize our population in Leon  
25 County, which prevents Congressional District two



1 from having to split Marion County to find the  
2 remainder of its population. This is a  
3 combination of both the House and Senate  
4 configurations of this district with the  
5 additional benefit of not splitting Lake City in  
6 Columbia County.

7           Segueing back to Congressional District  
8 2. This district is made up mostly whole of  
9 whole counties. It contains 15 whole counties  
10 along with the remaining portion of Walton County  
11 not contained within Congressional District 1 and  
12 the parts of Leon, Jefferson, and Columbia County  
13 that are not in Congressional District 3. Its  
14 eastern boundary is the county lines of Levy,  
15 Gilchrist, and Columbia Counties.

16           Congressional District 3 is made up of  
17 five whole counties: Alachua, Bradford, Union,  
18 Clay, and Putnam Counties. It then splits Marion  
19 County for its remaining population, while  
20 keeping the city of Ocala wholly within it,  
21 creating a very compactly shaped district,  
22 similar to the current Congressional District 3.

23           Congressional District 4 has all of  
24 Nassau County along with the remaining part of  
25 Duval County that is not included in

1 Congressional District 3. This leaves the  
2 district approximately 213,000 people short of  
3 the population needed for a congressional  
4 district. So the district must continue south  
5 into St. Johns County for population equality.

6 In doing so, it is able to keep all of  
7 St. Augustine within the district, and all of the  
8 other municipalities in St. Johns County remain  
9 whole. This district configuration is similar to  
10 the current district.

11 In an effort to impact as few districts  
12 as possible with regard to the primary map,  
13 Congressional District 6 uses the same boundary  
14 line with Congressional District 7 in Volusia  
15 County, while including all of Flagler County and  
16 a part of St. Johns, Lake, and finally, Marion  
17 County. This district helps absorb the uniquely  
18 shaped parts of Lake and Volusia Counties to  
19 create a compact district for this area.

20 Congressional District 11 is very  
21 similar to the district in the primary map as it  
22 adds the remaining population in Orange County,  
23 which is about 194,000 people, and goes west to  
24 include the majority of Lake County, all of  
25 Sumter County, and part of Marion and Citrus

1 County, where it achieves equal population.

2 The final slide shows all the remaining  
3 districts throughout the state that are unchanged  
4 between the two maps. The gray area represents  
5 the area of the six districts impacted by the  
6 changes to Congressional District 5, where the  
7 changes occurred.

8 And that, Mr. Chair, are both maps in  
9 the amendment.

10 VICE-CHAIR FINE: Thank you for the  
11 presentation of the amendment.

12 Members, are there any questions on the  
13 amendment? Are there any questions?

14 Mr. Representative Driskell, you're  
15 recognized for a question.

16 REPRESENTATIVE DRISKELL: Thank you, Mr.  
17 Chair. I have a lot of questions, actually.

18 VICE-CHAIR FINE: Well, you're welcome  
19 to ask them, but one at a time.

20 REPRESENTATIVE DRISKELL: Okay. Thank  
21 you. So I know, as we've been going through this  
22 process, we talk a lot about the methodology that  
23 we've used and that we have to make sure that  
24 they're compliant with tier 1 and tier 2 criteria  
25 in the Constitution. So looking at the primary

1 map, could you identify the districts where those  
2 criteria were in tension with one another?

3 VICE-CHAIR FINE: I'm sorry, can you  
4 identify those criteria where what? I just  
5 didn't hear the end of the question.

6 REPRESENTATIVE DRISKELL: Yep. Sure.  
7 So we've got methodology that we have to follow,  
8 tier 1 and tier 2. We have to look at those  
9 criteria. And when they're in tension with one  
10 another, you have to --

11 VICE-CHAIR FINE: Oh, "in tension."  
12 Okay.

13 REPRESENTATIVE DRISKELL: Yes.

14 VICE-CHAIR FINE: Or in conflict, I  
15 understand.

16 REPRESENTATIVE DRISKELL: Sorry.  
17 Probably did not articulate that, enunciate it  
18 clearly enough. And when they're in tension with  
19 one another, you have to reconcile or harmonize  
20 or prioritize them. And so, in trying to make  
21 sure that we did that, I just want to identify  
22 like were there any districts --

23 VICE-CHAIR FINE: I understand.

24 REPRESENTATIVE DRISKELL: -- where those  
25 criteria were in tension, and if so, can we

1 identify them?

2 VICE-CHAIR FINE: Two words, in tension  
3 as opposed to an intention. So I understand.

4 REPRESENTATIVE DRISKELL: In tension.  
5 Yes.

6 VICE-CHAIR FINE: Chair Leek, you're  
7 recognized to answer the question.

8 CHAIRMAN LEEK: Thank you. I'll do the  
9 best I can with it.

10 And Representative Driskell, I want to  
11 thank you again for all of your work on this and  
12 engaging in the process.

13 So as I think we know, there's tier 1  
14 and tier 2. Each of the pieces of tier 1 are in  
15 tension with the other pieces of tier 1, so one  
16 doesn't get priority over the other.

17 REPRESENTATIVE DRISKELL: Right.

18 CHAIRMAN LEEK: Same thing with tier 2.  
19 So there is no tension between tier 1 and tier 2.  
20 There is tension between each of the categories  
21 within each tier, and that tension happens in  
22 every district.

23 VICE-CHAIR FINE: Okay. You're  
24 recognized.

25 REPRESENTATIVE DRISKELL: Thank you, Mr.

1 Chair.

2 So then how did the Committee staff --  
3 I'm presuming Committee staff -- resolve the  
4 times where they had tension? What policy  
5 decisions were made to resolve the tension in the  
6 districts set out in the primary map?

7 VICE-CHAIR FINE: Chair Leek, you're  
8 recognized.

9 CHAIRMAN LEEK: Thank you.

10 I don't think there's any way to answer  
11 that question as asked. If you look at the maps  
12 in front of you, you can see where a railway was  
13 chosen over a road, or you can see where a  
14 waterway was chosen over a county line. That's  
15 the best I'm going to be able to do with that  
16 question as it's asked.

17 REPRESENTATIVE DRISKELL: Okay.

18 VICE-CHAIR FINE: You're recognized.

19 REPRESENTATIVE DRISKELL: And was the  
20 same methodology used throughout both maps, both  
21 the primary and the secondary map?

22 VICE-CHAIR FINE: Chair Leek, you're  
23 recognized.

24 CHAIRMAN LEEK: Yes.

25 REPRESENTATIVE DRISKELL: Okay.

1           VICE-CHAIR FINE: And by the way, I'll  
2 do this the same way I did the state  
3 redistricting map. So if people want to ask a  
4 few questions, take another bite at the apple, it  
5 won't get held against you if you want to round  
6 robin. And so you don't have to know all your  
7 questions right now. So feel free to keep going,  
8 but this isn't your only shot. So you're  
9 recognized for another question.

10           REPRESENTATIVE DRISKELL: Thank you, Mr.  
11 Chair.

12           So I know in dealing with the state  
13 House maps, it seemed like we relied primarily on  
14 census data. But for purposes of the  
15 congressional maps, did we use more than census  
16 data?

17           VICE-CHAIR FINE: You're recognized.

18           CHAIRMAN LEEK: We relied primarily on  
19 census data again.

20           REPRESENTATIVE DRISKELL: Okay.

21           VICE-CHAIR FINE: You're recognized.

22           REPRESENTATIVE DRISKELL: So no  
23 secondary data was used?

24           VICE-CHAIR FINE: Chair Leek, you're  
25 recognized.

1           CHAIRMAN LEEK: The process that we use  
2   in the congressional maps is the exact same  
3   process that we used in the state maps.

4           REPRESENTATIVE DRISKELL: So to be very  
5   clear --

6           VICE-CHAIR FINE: You're recognized.

7           REPRESENTATIVE DRISKELL: I probably  
8   didn't ask that clear enough. So was only census  
9   data used in preparing the primary and secondary  
10   congressional maps?

11          VICE-CHAIR FINE: Chair Leek, you're  
12   recognized.

13          CHAIRMAN LEEK: There's a lot more that  
14   goes into that. So what I'm having trouble with  
15   is confining it to "only census data," because we  
16   used a lot of member input as well. There's also  
17   elections data and performing a functional  
18   analysis. So to state that it's "only census  
19   data," I think would be inaccurate.

20          REPRESENTATIVE DRISKELL: Okay.

21          VICE-CHAIR FINE: Rep. Driskell, you're  
22   recognized if you want to couple more, or do you  
23   want to take a break?

24          REPRESENTATIVE DRISKELL: No. I want to  
25   I want to follow up on that thread to just make



1     sure that we get absolute clarity.

2                 Was there anything other than census  
3     data, member input, I think you said political  
4     data, that was used?

5                 VICE-CHAIR FINE:   You recognized.

6                 CHAIRMAN LEEK:    I said elections data.

7                 REPRESENTATIVE DRISKELL:   Oh, elections  
8     data.   I apologize.

9                 CHAIRMAN LEEK:    You know, the only data  
10    used was the data that we are permitted to use.  
11    Now, I don't want to get in a situation where  
12    we're quibbling whether this was member input or  
13    communities of interest or those types of things  
14    because sometimes member input crosses over into  
15    arguments about communities of interest or, you  
16    know, whether tier 2 standards are being met.  Is  
17    it appropriate to use this road, is it  
18    appropriate to use this highway, et cetera.

19                So I'm having trouble confining it to a  
20    single set of lists, which I know we, as lawyers,  
21    like to get a single set of list.  I can't do  
22    that for you.  But the only information that was  
23    used was information that is appropriate in  
24    drawing maps.

25                REPRESENTATIVE DRISKELL:   Okay.

1 VICE-CHAIR FINE: You're recognized.

2 REPRESENTATIVE DRISKELL: Yes. So let's  
3 talk about those six districts where we receive  
4 the performance data for. And I know we've gone  
5 through this with the House maps too. Could you  
6 talk about the process for the congressional maps  
7 for how we selected those six districts that were  
8 identified as protected districts?

9 VICE-CHAIR FINE: You're recognized,  
10 Chair Leek.

11 CHAIRMAN LEEK: It was the exact same  
12 process that we use for the state maps.

13 VICE-CHAIR FINE: Follow up?

14 REPRESENTATIVE DRISKELL: Yes.

15 So just to get clarity because it's been  
16 a couple of weeks since we had that meeting. So  
17 that means that we looked at the BVAP scores, and  
18 I believe that was the primary metric that we use  
19 for purposes of the House maps? Oh, and HVAP.  
20 Sorry. Yes.

21 CHAIRMAN LEEK: Yeah, thank you. No.  
22 That would be inaccurate. So you have to look at  
23 the process as a whole. You take the benchmark  
24 maps. You layer on top of it the 2020 census  
25 data. You'd look at the benchmark. Then you

1 perform a functional analysis, and it could be  
2 BVAP, HVAP. Could also be election data. It  
3 could be a number of different things that go  
4 into a functional analysis.

5 VICE-CHAIR FINE: You're recognized.

6 REPRESENTATIVE DRISKELL: I had another  
7 question about Tampa Bay, in the area where I  
8 represent. So the old Congressional District 15,  
9 actually, the way that is in the benchmark map  
10 actually is designed to be -- I know we don't  
11 identify it as protected, but it is thought of,  
12 at least back home, as like a black district or a  
13 district where there are a lot of black voters  
14 who could elect the candidate of their choice,  
15 even though their candidate of their choice  
16 happens to be non-black.

17 I guess my question is: Did the  
18 Committee staff take a look at that district and  
19 make a decision about it, that, no, it doesn't  
20 look like it could be a black district, and is it  
21 possible to take another look at that one?

22 VICE-CHAIR FINE: Representative Sirois,  
23 you're recognized to answer that question.

24 REPRESENTATIVE SIROIS: Thank you,  
25 Mr. Chairman.

1           Congressional District 15 in the  
2   benchmark map is not presently a protected  
3   district.

4           REPRESENTATIVE DRISKELL: To follow up,  
5   my question was: Can we take another look at  
6   that one?

7           VICE-CHAIR FINE: Representative Sirois,  
8   you're recognized.

9           REPRESENTATIVE SIROIS: Thank you,  
10   Mr. Chairman.

11           No. The functional analysis process  
12   that occurs on the benchmark map is to make sure  
13   that protected districts have been properly  
14   identified in the benchmark map.

15           VICE-CHAIR FINE: I'm going to recognize  
16   our staff director, Ms. Kelly --

17           REPRESENTATIVE DRISKELL: Okay.

18           VICE-CHAIR FINE: -- to add a little  
19   more color on that.

20           STAFF DIRECTOR KELLY: Thank you,  
21   Mr. Chair.

22           And I'll just piggyback off what Rep.  
23   Sirois had said. So if you'd like to stop by,  
24   you know, we can take a look at that. And I will  
25   piggyback off of what Chair Leek had said

1 originally as well.

2           Going into additional functional  
3 analysis on districts that aren't protected may  
4 lead us down a path of having information that  
5 would potentially lead to improper intent behind  
6 the decisions we're making. So we would not  
7 analyze that district normally because it was not  
8 a performing district in the benchmark map. So  
9 again, I know that was kind of a combination of  
10 what they said, but just to help clarify. Thank  
11 you.

12           VICE-CHAIR FINE: You're recognized.

13           REPRESENTATIVE DRISKELL: Thank you,  
14 Leda. So that actually is really helpful. So it  
15 sounds like, on the benchmark map -- by the end  
16 of this, we're all going to be redistricting  
17 experts, I hope. On the benchmark map, the  
18 functional analysis was performed on all  
19 districts to identify which might be protected  
20 and CD15 did not rise to that threshold.

21           VICE-CHAIR FINE: I know the answer to  
22 that's no. But Chair Leek, you're recognized to  
23 answer the question.

24           CHAIRMAN LEEK: No. Functional analysis  
25 is only performed on the protected districts.

1 REPRESENTATIVE DRISKELL: Okay.

2 VICE-CHAIR FINE: Yeah. I'll come back.

3 REPRESENTATIVE DRISKELL: Okay.

4 VICE-CHAIR FINE: So Ranking Member  
5 Geller, you're recognized.

6 REPRESENTATIVE GELLER: Thank you,  
7 Mr. Chair.

8 If I'm not mistaken, I believe,  
9 Chair Leek, that you used the phrase "singular  
10 exception" when you were discussing, I think it's  
11 the primary map, and I think it was the proposed  
12 District 5. Would you explain what you mean by  
13 "singular exception" and why there is this  
14 singular exception? What does that mean?

15 VICE-CHAIR FINE: Chair Leek, you're  
16 recognized.

17 CHAIRMAN LEEK: Thank you. CD5 in the  
18 primary map has a reduction in the BVAP, and  
19 that's the only place that that reduction has  
20 been more than immaterial. That is the singular  
21 exception of it. CD5, however, still is a  
22 performing district.

23 VICE-CHAIR FINE: Follow up?

24 REPRESENTATIVE GELLER: What is the  
25 reduction in BVAP in that particular map, that

1 district?

2 VICE-CHAIR FINE: Chair Leek, you're  
3 recognized.

4 CHAIRMAN LEEK: It goes from about 43 to  
5 about 35 and a half percent BVAP.

6 REPRESENTATIVE GELLER: Follow up.

7 VICE-CHAIR FINE: Yep. You're  
8 recognized.

9 REPRESENTATIVE GELLER: What is the  
10 effect of that reduction in the functional  
11 analysis of the ability of the minority voter  
12 population to elect representatives of their  
13 choice?

14 VICE-CHAIR FINE: Chair Leek, you're  
15 recognized.

16 CHAIRMAN LEEK: Well, the district still  
17 performs, so the answer is none.

18 VICE-CHAIR FINE: Yep. Follow up.

19 REPRESENTATIVE GELLER: Okay. Thank  
20 you, Mr. Chair. My ears play tricks on me. Did  
21 you say the districts still perform so the answer  
22 is there is no effect of that reduction?

23 VICE-CHAIR FINE: Chair Leek, you're  
24 recognized.

25 CHAIRMAN LEEK: Yeah. The question that

1     you asked was: What affect would it have on the  
2     functional analysis? Functional analysis is a  
3     combination of several factors to determine  
4     whether something performs. This district, CD5,  
5     as drawn even in the primary map, still performs.  
6     So there was no effect on the functional analysis  
7     for CD5.

8             VICE-CHAIR FINE: You're recognized.

9             REPRESENTATIVE GELLER: Thank you,  
10    Mr. Chair.

11            Under the non-dilution standards that  
12    apply to drawing constitutionally compliant maps,  
13    isn't weakening of the performance of  
14    historically performing districts considered  
15    dilution?

16            VICE-CHAIR FINE: You're recognized.

17            CHAIRMAN LEEK: No. Remember we're  
18    talking about overall performance, right. So a  
19    change, a variation, in any of the factors that  
20    go into that performance analysis, that doesn't  
21    impact performance. It's not a weakening, and  
22    you know, ultimately, a court is going to have to  
23    decide what diminishment means, which is, I  
24    think, what you're getting after. Ultimately, a  
25    court's going to have to decide that, but this



1 district drawn in the primary map still performs.

2 VICE-CHAIR FINE: You're recognized.

3 REPRESENTATIVE GELLER: Thank you,  
4 Mr. Chair.

5 The House filed a brief for the Florida  
6 Supreme Court in the state legislative  
7 reapportionment case, apparently with the  
8 assistance of Andy Bardos of GrayRobinson. And I  
9 think it said that, in a prior case called  
10 Apportionment I, new districts may not weaken  
11 historically performing districts and that that  
12 constituted diminishment. And then further said,  
13 reducing a safe district to a competitive  
14 district is a downward shift and that differences  
15 are at the margins where many elections are  
16 decided. And I'm quoting from the position that  
17 the House itself just took in court.

18 VICE-CHAIR FINE: Is there a question?

19 REPRESENTATIVE GELLER: I'm getting  
20 there, Chair Fine. Called a predicate.

21 Doesn't that contradict this statement  
22 that moving from 43 to 35, which is considered to  
23 be in that questionable margin, does not  
24 constitute dilution or weakening?

25 VICE-CHAIR FINE: Chair Leek, you're

1 recognized.

2 CHAIRMAN LEEK: You know, again, the  
3 ultimate question of diminishment is going to  
4 have to be one determined by a court. But I can  
5 tell you looking at all of the factors, this  
6 district still performs. So what we know is we  
7 don't have to stay strictly where it was before,  
8 right. The courts have been out saying you can  
9 move, in this case, BVAP up and down, right, as  
10 long as the district still performs.

11 Ultimately, I think a court is going to  
12 decide whether that constitutes diminishment or  
13 not. But in our analysis, the functional  
14 analysis, that district still performs.

15 VICE-CHAIR FINE: You're recognized.

16 REPRESENTATIVE GELLER: Thank you,  
17 Mr. Chair.

18 Isn't it so that, in the analysis that's  
19 actually released to us, that very limited  
20 analysis that we've gotten to look at, that  
21 instead of performing in 14 out of 14 test  
22 elections under the old configuration, under the  
23 new configuration, approximately one-third of  
24 those same test elections, it does not perform to  
25 allow minorities to elect the candidate of their

1 choice?

2 VICE-CHAIR FINE: I'm going to recognize  
3 Staff Director Kelly to answer that question.

4 STAFF DIRECTOR KELLY: Thank you,  
5 Mr. Chair.

6 And thank you, Representative, for that  
7 question. I think this is a really good point to  
8 drive home why a full functional analysis is  
9 needed, right.

10 So we have primary and general elections  
11 for every statewide election throughout the  
12 entire decade. So what you're referencing, the  
13 portions where that district would not perform  
14 for a candidate of choice, we're in the earlier  
15 parts of the decade. So as we look at the trends  
16 of how that portion of the state performs and how  
17 it's moved over the decade, the portions that you  
18 said where it does perform are actually the more  
19 recent elections, which again, is why  
20 wholistically, not only election results, but  
21 looking at voter registration turnout is also  
22 important.

23 I think it's also important to  
24 acknowledge, you know, the primary maps  
25 configuration of CD5 does have a slightly

1 different electorate than the secondary map or  
2 the maps that we've previously put before the  
3 Committee as well.

4 So again, with having a different  
5 electorate, that could change voting patterns as  
6 well. Hopefully that provides some context.  
7 Thank you.

8 VICE-CHAIR FINE: Ranking Member Geller,  
9 you're recognized.

10 REPRESENTATIVE GELLER: Thank you.

11 Thank you for that answer. Does that  
12 answer mean that it doesn't perform as well based  
13 on the analysis but there is some suppositions  
14 that are being made about possible trends and how  
15 much weakening still allows it to, as the Chair  
16 calls it, "perform"?

17 VICE-CHAIR FINE: Chair Leek, you're  
18 recognized.

19 CHAIRMAN LEEK: Okay. You know, first  
20 of all, performance is not an air quote thing.  
21 It's an actual part of the law. So the district  
22 itself --

23 REPRESENTATIVE GELLER: It's all air  
24 quote stuff, Chair. It's all air quotes in here.

25 CHAIRMAN LEEK: The district still

1 performs. You know, when you redraw districts  
2 necessarily, they're going to change. I mean,  
3 that happens with every redistricting, so  
4 necessarily going to change. They're not  
5 suppositions. The trends are what the trends  
6 are. This district that we have that is now in  
7 this primary map, CD5, would still perform.

8 VICE-CHAIR FINE: You're recognized.

9 REPRESENTATIVE GELLER: Thank you,  
10 Chair.

11 Chairman, I hear you. I think I  
12 understand the word. When you say "perform," you  
13 don't mean -- and go ahead and correct me, I'm  
14 sure you will -- you don't mean it will have the  
15 same result; you mean that based on assumptions  
16 about things like trends, you think it's likely  
17 that it would get to the same place when you say  
18 "perform" but statistically, it is less likely to  
19 get there. But you think it'll get there anyway.  
20 Is that basically what you're saying?

21 VICE-CHAIR FINE: Chair Leek, you're  
22 recognized?

23 CHAIRMAN LEEK: Thank you.

24 The ultimate measure is performance.  
25 And every time you move a line and you put this

1 neighborhood in that district now, the  
2 performance of that district may change. But the  
3 ultimate measure is whether the district that is  
4 drawn before you performs. This district under a  
5 functional analysis still performs.

6 VICE-CHAIR FINE: Ranking Member Geller,  
7 you're recognized,

8 REPRESENTATIVE GELLER: Thank you,  
9 Mr. Chair.

10 And I hear you, Chair. But every time  
11 you move a line, it changes, but you can move  
12 those lines in a way that makes it more likely  
13 that it will perform or less likely that it will  
14 perform. And we're moving those lines in a way  
15 that makes it less likely that it will perform,  
16 right?

17 VICE-CHAIR FINE: You're recognized.

18 CHAIRMAN LEEK: Thank you.

19 That happens in every map drawing every,  
20 changes in every map drawing. And what I can  
21 tell you is after the functional analysis of CD5,  
22 is still performs. Is it less likely to perform?  
23 Honestly, I don't know. Is it more likely to  
24 perform? But what I want you to understand is  
25 you can't take and pull BVAP out alone and draw

1 the conclusion that it's less likely to perform.

2 So it's important that you look at all of the  
3 factors and then come up with the performance  
4 scale. This one performs.

5 VICE-CHAIR FINE: I'm going to ask a  
6 question real quick, if that's okay. Just to  
7 maybe help move this long.

8 Chair Leek, would it be fair to say,  
9 just since we can talk about performance, it's  
10 not a guess, it's not a trend, it's an actual  
11 data thing, would it be fair to say, looking at  
12 the 2020 performance in this district, that the  
13 district outperformed by 13 points? So it wasn't  
14 close in 2020 in terms of the performance of the  
15 district based on how we do the functional  
16 analysis, a 13-point overperformance?

17 REPRESENTATIVE GELLER: Can I object to  
18 the leading question?

19 VICE-CHAIR FINE: No. You can and  
20 you're denied. So I'm asking a question.

21 Chair Leek.

22 CHAIRMAN LEEK: Thank you. And you  
23 raise an excellent point. So it's relative  
24 performance, right. And so that's the trends,  
25 right. When you look at the trends, that

1 district performs stronger and stronger in each  
2 election cycle. So it's relative. The district  
3 still performs. It is not a diminishment unless  
4 the district does not perform.

5 VICE-CHAIR FINE: But one follow-up by  
6 me, but 13 percent's not close, right?

7 CHAIRMAN LEEK: I would agree with you.

8 VICE-CHAIR FINE: Okay. Great. Ranking  
9 Member Geller, we'll come back to you now.

10 REPRESENTATIVE GELLER: Thank you,  
11 Mr. Chair.

12 Was outside counsel retained to analyze  
13 that congressional district or to hire an expert  
14 to analyze that congressional district?

15 VICE-CHAIR FINE: Chair Leek, you're  
16 recognized.

17 CHAIRMAN LEEK: Okay. I'm going to  
18 answer this one more time again, right, because I  
19 know you know the answer to this question.  
20 Outside counsel has been retained. They've  
21 spoken to you. Outside counsel has performed all  
22 of the required analyses for each protected  
23 district.

24 VICE-CHAIR FINE: Ranking Member Geller,  
25 you're recognized.



1 REPRESENTATIVE GELLER: Thank you,  
2 Mr. Chair.

3 Who is their client?

4 VICE-CHAIR FINE: Chair Leek, you're  
5 recognized.

6 CHAIRMAN LEEK: Ultimately, the House is  
7 by and through the Speaker. And I want to  
8 correct something I just said. Remember staff  
9 performs functional analysis. So I said outside  
10 counsel, but staff performs the functional  
11 analysis.

12 VICE-CHAIR FINE: Ranking Member Geller,  
13 you're recognized.

14 REPRESENTATIVE GELLER: Well, thank you,  
15 Mr. Chair.

16 Let's clarify that. Was an expert  
17 retained by counsel to review and opine on the  
18 functional analysis or performance of that  
19 district? Let's get that clear.

20 VICE-CHAIR FINE: Chair Leek, you're  
21 recognized.

22 CHAIRMAN LEEK: Staff performs the  
23 functional analysis, and our counsel advises the  
24 staff and Committee through the staff.

25 REPRESENTATIVE GELLER: And the expert?

1 VICE-CHAIR FINE: I'm sorry. You're  
2 recognized, Ranking Member Geller. Is there an  
3 expert, I guess, was the question.

4 Chair Leek, you're recognized.

5 CHAIRMAN LEEK: Thank you.

6 Our expert is not retained for  
7 functional analysis, but experts advise staff.

8 VICE-CHAIR FINE: I'm going to -- sort  
9 of go into round robin, so if you --

10 REPRESENTATIVE GELLER: Let me just --

11 VICE-CHAIR FINE: If you want to bring  
12 this kind of question in for a landing --

13 REPRESENTATIVE GELLER: Just this one  
14 point. Let me --

15 VICE-CHAIR FINE: -- you'll get a second  
16 bite at the apple to collect your thoughts.

17 REPRESENTATIVE GELLER: Let me just  
18 close this one point, Mr. Chairman.

19 VICE-CHAIR FINE: Yep. Ranking Member  
20 Geller, you're recognized.

21 REPRESENTATIVE GELLER: Is my  
22 understanding of your other answer that the  
23 client is the House? Is that correct?

24 VICE-CHAIR FINE: He answered that, but  
25 yes, so --

1           REPRESENTATIVE GELLER: Okay. So if the  
2 client is the House, and last time I looked, I'm  
3 still a member of it, why is it not available to  
4 every member of the House to see what the outside  
5 counsel's opinions were and what the expert they  
6 retained included, recommended, studied, advised,  
7 or whatever it is that the expert did?

8           VICE-CHAIR FINE: Chair Leek, you're  
9 recognized.

10          CHAIRMAN LEEK: Thank you.

11                It seems we're going to go down the path  
12 here of consulting expert versus testifying  
13 expert. But the short answer, and probably the  
14 one that you want to hear, is you, along with  
15 many folks out there, have gone on record saying  
16 you're going to sue the House. So if you take  
17 your analogy to its end, you would be suing  
18 yourself under that analogy and not accepting the  
19 decision as of the whole.

20                So because we are in anticipation of  
21 litigation, as previously announced by you, and  
22 because the House moves through the Speaker, we  
23 are retaining the consulting expert work product  
24 privilege.

25                VICE-CHAIR FINE: Still on this?

1 REPRESENTATIVE GELLER: Oh, yeah.

2 VICE-CHAIR FINE: Okay. Ranking Member  
3 Geller.

4 REPRESENTATIVE GELLER: Mr. Chair, and I  
5 say this with the greatest respect for you  
6 personally, but with all deference, you totally  
7 have misstated what I said. And since I said it,  
8 I think I have a pretty good idea of what I've  
9 said. I assure you I never said I was going to  
10 sue the House, possibly for some of the reasons  
11 you just mentioned but others as well.

12 When I said, undoubtedly, there will be  
13 litigation, it was a comment on the process and  
14 results that we have followed. But I never said  
15 I was going to sue the House. And by the way, I  
16 don't think any of my colleagues on my side of  
17 the aisle have ever said they were going to sue  
18 the House. Predicting that there will be  
19 litigation is not the same as saying that we  
20 would, or I would, be the author of it.

21 If that's the only reason why some  
22 decision apparently has been made, that I, as a  
23 member of the House, are not entitled to see what  
24 our counsel has done or the experts --

25 VICE-CHAIR FINE: If you'd bring it in

1 for a question.

2 REPRESENTATIVE GELLER: -- to that  
3 counsel, I would say, respectfully, that I'd like  
4 that information today because I at present --

5 VICE-CHAIR FINE: I'm going to ask you  
6 for a question.

7 REPRESENTATIVE GELLER: -- have no  
8 intention --

9 VICE-CHAIR FINE: What's your question?

10 REPRESENTATIVE GELLER: -- of suing the  
11 House.

12 VICE-CHAIR FINE: Okay. So all right.  
13 I let you talk there for a while. Is there a  
14 question? I'm not recognizing Chair Leek. You  
15 didn't ask a question.

16 REPRESENTATIVE GELLER: Yes. There is  
17 ask a question.

18 There is a question.

19 VICE-CHAIR FINE: Let's ask a question  
20 quickly.

21 REPRESENTATIVE GELLER: Okay. Thank  
22 you.

23 The question that I would follow that  
24 with is: Will that information be released to  
25 any House member who verifies they have no

1 present intention of suing the House?

2 VICE-CHAIR FINE: Chair Leek, you're  
3 recognized.

4 CHAIRMAN LEEK: No.

5 VICE-CHAIR FINE: All right.

6 REPRESENTATIVE GELLER: Why? I'd just  
7 like to ask why that is.

8 VICE-CHAIR FINE: You're recognized,  
9 Chair Leek.

10 CHAIRMAN LEEK: Work product doctrine  
11 privilege.

12 VICE-CHAIR FINE: Okay. We're going to  
13 move on. And again, you'll get another bite at  
14 the apple. I know Representative Skidmore has  
15 been waiting to ask a --

16 You had questions, correct? Yeah.

17 So you're the only other hand I've seen.  
18 So if other people -- okay. All right. I'll  
19 come to you guys.

20 So your next, Rep. Skidmore. Go ahead,  
21 you're recognized for a question.

22 REPRESENTATIVE SKIDMORE: Thank you,  
23 Mr. Chair.

24 And I think we kind of were touching on  
25 this, but I'm still a little confused about a

1 CD5. And this may be a question for either Chair  
2 Leek or staff or Chair Sirois.

3 But when I'm looking at the primary map  
4 and we are talking about performance, in more  
5 than one-third of the time that districts did not  
6 elect the candidate of its choice. But in the  
7 secondary map, 100 percent of the time they did.  
8 So can you explain, again, for me how that's not  
9 diminishment under the definition, as I  
10 understand it?

11 VICE-CHAIR FINE: Chair Leek, you're  
12 recognized.

13 REPRESENTATIVE SKIDMORE: And I hope I  
14 asked that the right way.

15 CHAIRMAN LEEK: You did. I appreciate  
16 the question. The answer is going to be the  
17 same. Ultimately a court is going to have to  
18 determine what diminishment means. Diminishment  
19 is a legal conclusion. We have determined that  
20 that district still performs.

21 VICE-CHAIR FINE: Follow up?

22 REPRESENTATIVE SKIDMORE: Thank you,  
23 Mr. Chair.

24 And when you say that "it still  
25 performs," the rest of that sentence is for the

1 candidate of choice for that district?

2 VICE-CHAIR FINE: You're recognized.

3 CHAIRMAN LEEK: Correct. Yeah. Under  
4 the legal standards. I'm sorry. I'm trying to  
5 move the meeting along. When I say "performs," I  
6 mean the functional analysis still demonstrates  
7 to the candidate that they're able to choose or  
8 elect a candidate of their choice.

9 REPRESENTATIVE SKIDMORE: Okay. Follow  
10 up, Mr. Chair?

11 VICE-CHAIR FINE: Yes, you're  
12 recognized.

13 REPRESENTATIVE SKIDMORE: Thank you.  
14 I'm sorry I have so many papers. I lost one of  
15 my questions. But it ultimately has to do with  
16 the 30-day statute of limitations for filing  
17 against the maps. And is there any precedent for  
18 that? Have we done that before in this type of a  
19 situation, and does federal law not supersede  
20 that at some level?

21 VICE-CHAIR FINE: You're recognized,  
22 Chair Leek.

23 CHAIRMAN LEEK: Thank you.

24 And listen, I think that is a very, very  
25 fair question. Of course, throughout law, there



1 are statute of limitations. In this particular  
2 instance, we have qualifying in what, four  
3 months? I think we have an election, let's call  
4 it nine months. So the statute of limitation is  
5 designed to move the process along and get to an  
6 end so people know what districts they're running  
7 in.

8 VICE-CHAIR FINE: Follow up?

9 REPRESENTATIVE SKIDMORE: Thank you,  
10 Mr. Chair.

11 Thank you for that answer. That filing  
12 of the lawsuit, however, doesn't end,  
13 necessarily, the lawsuit in time for that. So  
14 how does that really jive with us being able to  
15 know what districts we're going to run in or any  
16 candidate know what districts they're going to  
17 run in?

18 VICE-CHAIR FINE: Chair Leek, you're  
19 recognized.

20 CHAIRMAN LEEK: The filing of the  
21 lawsuit is the initial step that gets us to that  
22 answer. And the Court can then accelerate the  
23 process such that you can get an answer prior to  
24 June, but this is the part of it that we can  
25 control is when the lawsuit, when it must be

1 initiated.

2 VICE-CHAIR FINE: You're recognized.

3 REPRESENTATIVE SKIDMORE: Thank you,  
4 Mr. Chair.

5 And the second part of that is does  
6 federal law, VRA, you know, I think there's a  
7 six-year statute of limitations on that level,  
8 does that now in conflict with the 30 days?

9 VICE-CHAIR FINE: Chair Leek, you're  
10 recognized.

11 CHAIRMAN LEEK: Potentially it could  
12 conflict if it has a longer statute of  
13 limitations and if the person -- but potentially  
14 it may not. So if the challenge is solely within  
15 federal court on federal law, then I would say  
16 the federal statute of limitations would likely  
17 prevail. Ultimately, a court's going to have to  
18 decide this. I'm just giving you my opinion as I  
19 sit here today. But if it's going to be filed in  
20 state courts, it's a 30-day statute of  
21 limitations.

22 VICE-CHAIR FINE: Rep. Skidmore, do you  
23 have another question?

24 REPRESENTATIVE SKIDMORE: I'm good for  
25 now. Thank you, Mr. Chair.

1 VICE-CHAIR FINE: Okay. Again, everyone  
2 can have a second.

3 REPRESENTATIVE SKIDMORE: I may  
4 reorganize.

5 VICE-CHAIR FINE: Yep, that's fine. I  
6 think it keeps us moving a little more smoothly.

7 Representative Thompson, I think I saw  
8 your hand. Did you have a question?

9 REPRESENTATIVE THOMPSON: Yes. Thank  
10 you, Mr. Chairman.

11 VICE-CHAIR FINE: You're recognized.

12 REPRESENTATIVE THOMPSON: I have a  
13 question regarding the increase in the minority  
14 population across the state of Florida. And I'd  
15 like to know, given the proportional increase of  
16 minorities in Florida, was there the possibility  
17 of creating additional minority districts that  
18 are not in either the primary or the secondary  
19 plans that we've seen?

20 VICE-CHAIR FINE: I'm actually going to  
21 answer that question myself since I spoke to it  
22 on the floor. The proportion of black voters in  
23 Florida has not materially changed in the last  
24 ten years.

25 REPRESENTATIVE THOMPSON: Thank you,

1 Representative Fine. And yes. I did raise this  
2 same issue on the floor, and I guess I just don't  
3 understand, given 1.5 million individuals who,  
4 when they responded to the census, identified  
5 themselves as Hispanic and 500,000, who  
6 identified, additional individuals, as black, why  
7 there's no change, you indicated that there's no  
8 change?

9 VICE-CHAIR FINE: I'll take this, again,  
10 particularly as it relates to black voters. Let  
11 me give a mathematical example.

12 If ten years ago, there was there were  
13 ten people who lived in Florida and one of them  
14 were black and ten years later, there are two  
15 people in Florida that are black, that would be a  
16 100 percent increase. But if the population of  
17 Florida has gone from 10 to 20, even though the  
18 black population has doubled, their proportion  
19 remains the same at 10 percent. That is the  
20 situation in the state of Florida as it relates  
21 to the black population.

22 Yes. There are more. But there are  
23 more of everybody, so the black percentage has  
24 not materially changed.

25 REPRESENTATIVE THOMPSON: Thank you. So

1 I should understand, then, from your response  
2 that there was not an opportunity to create  
3 additional minority districts. Is that correct?

4 VICE-CHAIR FINE: That'd be a question  
5 for Chair Leek.

6 CHAIRMAN LEEK: Yep. We've maintained  
7 the benchmark. They're not entirely in the same  
8 places, but we've maintained the benchmark.

9 VICE-CHAIR FINE: Do you have a  
10 follow-up?

11 Okay. You're good for now.

12 Representative Slosber-King, I see you.

13 And then Rep. Omphroy, you'll be up  
14 next.

15 REPRESENTATIVE SLOSBER-KING: Thank you,  
16 Chair. My question centers around the statute of  
17 limitations. So what is the current statute of  
18 limitations that somebody can bring to challenge  
19 the maps?

20 VICE-CHAIR FINE: Chair Leek, you're  
21 recognized.

22 CHAIRMAN LEEK: Yeah. So remember that  
23 each one of these redistricting bills lives its  
24 own life, and that life necessarily ends at the  
25 end of the decade. So there's not a current one,

1 period. There was not, to my knowledge, a  
2 statute of limitations on the prior set of maps.  
3 Right.

4 But because of where we are, because we  
5 know this is headed to litigation, and because we  
6 want finality for people out there to know what  
7 district they live in, to know what district they  
8 want to run in, a 30-day statute of limitations  
9 works.

10 Listen, people are going to have to make  
11 that decision and qualify in four months, right.  
12 You know, people are going to have to make that  
13 decision and win or lose an election in nine  
14 months. So forcing the initiation of a lawsuit  
15 early is the best course of action to have some  
16 finality of what district you live in and what  
17 district you're going to run in.

18 VICE-CHAIR FINE: Follow up.

19 REPRESENTATIVE SLOSBER-KING: Thank you.

20 Is there any other laws that you're  
21 aware of that has a 30-day statute of  
22 limitations?

23 VICE-CHAIR FINE: Chair Leek, you're  
24 recognized.

25 CHAIRMAN LEEK: Not that I'm aware of,

1 but again, this is its own beast.

2 VICE-CHAIR FINE: Okay. All right.

3 Again, there'll be more bites of the apple.

4 Rep. Omphroy, you're recognized for a  
5 question.

6 REPRESENTATIVE OMPHROY: Thank you so  
7 very much, Chair.

8 So I'm looking at the protected  
9 districts. And when I look at the protected  
10 districts, all six of them, my concern happens to  
11 be -- well, I know the House and the Senate  
12 worked on this map. Unfortunately, the senator  
13 for my part of Broward County is not in seat. So  
14 I'm looking at this map, and I'm noticing that  
15 Congressional District 20, there's eight city  
16 splits. And I only compared it to the other  
17 protected districts.

18 There are eight city splits in  
19 Congressional District 20. There are two city  
20 splits and Congressional District 24. There is  
21 one in 5. There is one in 26. There is one in  
22 27 and zero in 28. So my question is: Why is it  
23 that CD20 has been split eight times?

24 I'm going to recognize our Chief Map  
25 Drawer, Mr. Poreda, to answer that question.

1 CHIEF MAP DESIGNER POREDA: Thank you,  
2 Mr. Chair.

3 That's a good question. That revolves  
4 heavily around there being so many municipalities  
5 all right up against each other in Broward  
6 County, where that district -- and really, into  
7 Palm Beach County too. And the other areas,  
8 where a lot of the other minority districts that  
9 you're referring to, they're either not cities or  
10 their cities that can be incorporated differently  
11 into the district.

12 So it's simply that there are just so  
13 many municipalities in Broward County that are  
14 all right up against each other.

15 VICE-CHAIR FINE: Follow up.

16 You're recognized.

17 REPRESENTATIVE OMPHROY: How many  
18 municipalities are in Miami-Dade County?

19 VICE-CHAIR FINE: I don't know that  
20 that's the subject of the bill.

21 REPRESENTATIVE OMPHROY: My reason for  
22 asking the question, Chair, is that we're talking  
23 about Broward County having all these cities all  
24 configured all together. I'm almost certain that  
25 Miami-Dade has a similar amount of cities, and



1 yet Miami-Dade does not have a similar amount of  
2 splits.

3 VICE-CHAIR FINE: Do you want to take a  
4 shot at that?

5 CHIEF MAP DESIGNER POREDA: I don't have  
6 that exact number in front of me, Representative.  
7 But I'd be happy to get the total number of  
8 municipalities for both Broward and Miami-Dade  
9 County. You are correct that Miami-Dade County  
10 does have a great number of municipalities just  
11 like Broward County, but it's where those  
12 minority populations are distributed throughout  
13 those cities and how the districts can be  
14 constructed where it might lend itself to  
15 splitting fewer in Dade County than in Broward  
16 County because, if you remember, the keeping of  
17 municipalities being closed at tier 2 concern and  
18 all of these districts are tier 1 protected  
19 districts.

20 So splitting them sometimes is a  
21 requirement to make sure those districts can  
22 perform rather than trying to keep the  
23 municipalities whole. So it's just a function of  
24 where their geography is, but I'll be happy to  
25 get you the total number of municipalities in

1 both those particular counties.

2 VICE-CHAIR FINE: Follow up?

3 REPRESENTATIVE OMPHROY: Yes. Is there  
4 any way for us to -- because, you know, when we  
5 look at these maps, we can't necessarily see all  
6 the cities that are in the particular protected  
7 districts. And is there any way for me to get  
8 all the cities within 20, all the cities within  
9 24, all the cities within -- I know 5 only has  
10 one city, all the cities within 27, all the  
11 cities within 28.

12 I just want to be able to look at actual  
13 cities within the protected districts. And I  
14 thank you very much for allowing me to ask  
15 questions.

16 VICE-CHAIR FINE: of course. And I'm  
17 going to let Chair Leek answer this in a minute.  
18 But I would note that in the software, you can  
19 zoom in. I've done it. You can zoom in and you  
20 can see cities and you can do that. It's hard to  
21 see on the maps, but it is available on the  
22 software that we all have access to and we've  
23 been trained on.

24 I don't know if you have anything you  
25 want to add to that, Chair Leek.

1           CHAIRMAN LEEK: That was precisely what  
2 I was going to say. I would also invite you, if  
3 you would like, to sit down with any of the  
4 staff, and we can walk you through all of that.

5           VICE-CHAIR FINE: You're recognized,  
6 Representative Omphroy.

7           REPRESENTATIVE OMPHROY: Thank you so  
8 very much, Chair.

9           I have zoomed in, zoomed around, sat  
10 with staff. It is extremely difficult for me to  
11 see because some of my cities are very, very  
12 tiny, and that's why my area had to be zoomed in  
13 the way it is where it has a southeast section.  
14 It is extremely difficult, and so that's why I'm  
15 asking for a printout of the actual cities within  
16 each of the protected districts because I have  
17 zoomed. I have swum through these maps. So I  
18 please ask for that consideration. I thank you.

19           VICE-CHAIR FINE: Sounds like we need to  
20 ask the Speaker for bigger computer monitors, but  
21 staff has said they're happy to sit down and  
22 provide that to you.

23           Okay. Is there any member who has not  
24 yet asked a question who would like to before we  
25 move on to round two?

1           Okay. I see Ranking Member Geller.

2       You're recognized. Okay.

3           And you'll be next, Rep. Driskell.

4           REPRESENTATIVE GELLER: Thank you very  
5       much, Mr. Chair.

6           The obligation we have is to produce a  
7       map that is constitutionally compliant. Is it  
8       the belief of -- I'll direct it to whoever wants  
9       to answer whether that's the Chair or the  
10      staff -- that the so-called primary map is  
11      constitutionally compliant?

12          VICE-CHAIR FINE: Chair Leek, you're  
13      recognized.

14          CHAIRMAN LEEK: Thank you.

15                You know, so you've hit on the crux of  
16      the question, right. It is a novel legal  
17      question that is being put forth, and if that  
18      question is answered in the affirmative, it will  
19      be constitutional. But that's also why we have a  
20      secondary map in case that that question is not  
21      answered in the affirmative.

22          VICE-CHAIR FINE: Ranking Member Geller,  
23      you're recognized.

24          REPRESENTATIVE GELLER: Thank you.

25                Appreciate that answer. Is it therefore

1 fair to say -- and watch for what follows that --  
2 is it therefore fair to say that there is a  
3 serious legal question in the mind of the  
4 proponents of the so-called primary map as to  
5 whether it will be found constitutionally  
6 compliant and that's why a secondary map is being  
7 proposed?

8 VICE-CHAIR FINE: Chair Leek, you're  
9 recognized.

10 CHAIRMAN LEEK: You know, I think all  
11 questions that go to the Supreme Court are  
12 serious legal questions. So it is a serious  
13 legal question, and what we've done is we put  
14 forth a primary map. But we don't know the  
15 answer to the question, right. So we put forth a  
16 primary map, and if that primary map is found to  
17 be unconstitutional, then the secondary map kicks  
18 in.

19 VICE-CHAIR FINE: You're recognized.

20 REPRESENTATIVE GELLER: Thank you,  
21 Mr. Chair.

22 Is it a fair paraphrase of what you've  
23 just said that there is -- watch again, be  
24 careful here -- is it a fair paraphrase of what  
25 you just said to say that there is a serious

1     doubt or question as to the constitutional  
2     compliance of the so-called primary map?

3             VICE-CHAIR FINE: Chair Leek, you can  
4     answer that question.

5             CHAIRMAN LEEK: No. I mean, the nature  
6     of a novel question is that it's unknown. It's  
7     unanswered. And so, you know, what you see is  
8     the effort to make sure that we're covered if the  
9     novel question is if the answer is not as  
10    expected.

11            REPRESENTATIVE GELLER: Follow-up  
12    question.

13            VICE-CHAIR FINE: You're recognized.

14            REPRESENTATIVE GELLER: Has the Chair, a  
15    noted attorney, or any of the staff or our -- I  
16    use the word "our" in a colloquial  
17    sense -- outside legal expert opined as to  
18    whether or not proposing two different maps  
19    violates the single-subject rule because we're  
20    being asked to vote on two completely distinct  
21    legal propositions as part of a single bill?

22            VICE-CHAIR FINE: Chair Leek, you're  
23    recognized.

24            CHAIRMAN LEEK: No.

25            REPRESENTATIVE GELLER: Follow up?

1 VICE-CHAIR FINE: You're recognized.

2 REPRESENTATIVE GELLER: Has there been  
3 consideration given to whether or not voting on  
4 two alternative propositions in a single bill  
5 violates the single-subject rule?

6 VICE-CHAIR FINE: And before Chair Leek  
7 answers that, I would note that -- I don't  
8 remember what the vote was, but the House passed  
9 HJR. And that did have two maps in it, a House  
10 map and a Senate map, even though it was a single  
11 --

12 REPRESENTATIVE GELLER: Not the same,  
13 but --

14 VICE-CHAIR FINE: Maybe not, but there  
15 were two -- one bill, two maps, and by the way,  
16 completely different. One was the House, and one  
17 was the Senate.

18 But with that, Chair Leek, you're  
19 recognized to answer the question.

20 CHAIRMAN LEEK: And this doesn't violate  
21 the single subject. The subject is  
22 redistricting, and this has two maps, one  
23 secondary and one primary. Doesn't violate the  
24 single subject.

25 VICE-CHAIR FINE: Yes, you're

1 recognized.

2 REPRESENTATIVE GELLER: My next set of  
3 questions is intended to focus on how this  
4 primary/secondary approach, which is apparently  
5 novel, would work. Is it intended that if the  
6 reviewing court makes any change whatsoever in  
7 the so-called primary map, if it does not strike  
8 it in its entirety, if it says there's a problem  
9 here or a problem there, we have to adjust this  
10 district or the boundaries of this district,  
11 which of course affects at least the contiguous  
12 ones, or if it says this precinct is in the wrong  
13 place, is it the intent of this -- because I  
14 can't tell from the way the bill was worded --  
15 that any change whatsoever automatically  
16 disqualifies the entire primary map and  
17 automatically moves us to the secondary or is the  
18 secondary only intended if the whole map gets  
19 struck?

20 VICE-CHAIR FINE: Chair Leek, you're  
21 recognized?

22 CHAIRMAN LEEK: Yeah. I addressed that  
23 upfront, and it's also in the bill language. If  
24 the Court strikes down CD5, then the secondary  
25 map goes into place.



1 VICE-CHAIR FINE: Yep, you're  
2 recognized.

3 REPRESENTATIVE GELLER: Thank you,  
4 Mr. Chair.

5 If there is any other change made  
6 anywhere else in the map by the Court, am I to  
7 understand that the secondary still doesn't kick  
8 in?

9 VICE-CHAIR FINE: Before he asks that, I  
10 mean, isn't the map the same, the primary and the  
11 secondary, other than the CD, so they're the same  
12 map other than that. So I'm not sure it would  
13 matter.

14 But Chair Leek, you're recognized to  
15 answer the question.

16 CHAIRMAN LEEK: Yeah. The secondary  
17 only kicks in if the court finds a problem with  
18 CD5.

19 REPRESENTATIVE GELLER: I'm good for  
20 now.

21 VICE-CHAIR FINE: All right.  
22 Rep. Driskell, you're recognized, and then  
23 Rep. Omphroy will be after you.

24 REPRESENTATIVE DRISKELL: Thank you,  
25 Mr. Chair.

1           So it sounds like, I just want to go  
2   back to CD10, that the Senate views CD10 as a  
3   protected black performing minority access  
4   district but that the House maintains that it's  
5   not. Could you talk to us about why it's not now  
6   that we have the Senate data to understand why  
7   they believe it is?

8           VICE-CHAIR FINE: Chair Leek, you're  
9   recognized.

10          CHAIRMAN LEEK: Yeah. The underlying  
11   data is roughly the same, but the conclusion is  
12   different. And if you look at the performance  
13   trends of CD10, we've come to the conclusion that  
14   it's no longer a protected district. The Senate  
15   came to the opposite conclusion.

16          VICE-CHAIR FINE: Rep. Driskell, you're  
17   recognized. Or do you want to wait and come  
18   back?

19          There could be --

20          REPRESENTATIVE DRISKELL: Just I guess -  
21   -

22          VICE-CHAIR FINE: -- a third bite of the  
23   apple even. So if you don't know your question,  
24   you can take a few minutes.

25          REPRESENTATIVE DRISKELL: Thank you. I

1 guess the question is, you know, it's why. I  
2 mean, why are we drawing that opposite  
3 conclusion?

4 VICE-CHAIR FINE: Chair Leek, you're  
5 recognized.

6 CHAIRMAN LEEK: I'll kick part of this  
7 over to staff, but we're drawing that opposite  
8 conclusion based on the trends and the  
9 performance data.

10 But if somebody wants to go through  
11 those trends, I'm happy to do it.

12 VICE-CHAIR FINE: Staff Director Kelly,  
13 you're recognized.

14 STAFF DIRECTOR KELLY: I'll piggyback  
15 off of -- thank you, Chair. I appreciate it.

16 And thank you, other Chair, for that  
17 answer. I'll piggyback off of what you were  
18 saying.

19 So I can't speak to the Senate's  
20 process. I want to be real clear about that.  
21 The House, whether it's going through the state  
22 House map, the state Senate map, or any other  
23 congressional proposals that have come before us,  
24 we've run independent processes. So I want to be  
25 clear that we're not opining on what the Senate

1 has done or the conclusions that we've reached.

2 Whenever we analyze this district, as we  
3 know, going through the subcommittee and the  
4 other maps we put out, we don't feel that it's  
5 performing. I think one thing that's good to  
6 focus on with, you know, the primary, and again,  
7 it's the same district in the secondary map for  
8 this proposal as well, we've been able to bring  
9 it more in alignment with where we know the  
10 Senate is. I think that's important because it  
11 shows that we're working towards an in-process  
12 and it's also as a direct result of several  
13 members' feedback actually, some that was given  
14 in committee and some that have come to talk with  
15 staff as well. Thank you.

16 VICE-CHAIR FINE: All right. It's going  
17 to be Rep. Omphroy, and then I will come back to  
18 Rep. Skidmore.

19 Rep. Omphroy, you're recognized.

20 REPRESENTATIVE OMPHROY: Thank you so  
21 very much, Chair.

22 Okay. So my question this time around  
23 is in regards to CD24. And I'm looking at the  
24 2012 information for the black voting-age  
25 population, and then I'm looking at the proposed.

1 And I'm trying to figure out why there's a 6  
2 percent difference between what it was before  
3 compared to what it is currently being proposed.

4 VICE-CHAIR FINE: Rep. Omphroy, could  
5 you point us exactly --

6 REPRESENTATIVE OMPHROY: Sure. I'm on  
7 page 3 on -- and I'm looking at --

8 VICE-CHAIR FINE: "The total registered  
9 voters percentage" at the top?

10 REPRESENTATIVE OMPHROY: Yes.

11 VICE-CHAIR FINE: Okay. So what  
12 exactly? Which line are you looking at and which  
13 column are you looking at?

14 REPRESENTATIVE OMPHROY: So I'm looking  
15 at column 2012, and it's 48.21. And then I'm  
16 looking at the proposed BVAP, and it's 42.7,  
17 which I'm trying to figure out why we have gone  
18 down 6 percent in eight years.

19 VICE-CHAIR FINE: Okay. So thank you.  
20 We see the data.

21 And Mr. Poreda, you're recognized to  
22 answer that.

23 CHIEF MAP DESIGNER POREDA: Thank you.

24 Just to make sure I'm looking at the  
25 right column, you're on the packet for 8017, and

1 you're on page 4. And you're looking at the --

2 REPRESENTATIVE OMPHROY: No, sorry.

3 Page 3.

4 CHIEF MAP DESIGNER POREDA: Oh, I'm  
5 sorry, page 3. So page 3, and you're looking at  
6 District 24, and you're looking at the black  
7 column from 2012 to 2012 and wondering why there  
8 was -- and here, it looks like in 2012, it was  
9 48.21 percent black total registered voters, and  
10 in 2020, it was 44.01 percent registered voters.  
11 Am I looking at the right data points?

12 REPRESENTATIVE OMPHROY: Correct.

13 CHIEF MAP DESIGNER POREDA: Okay. So  
14 that just indicates that over the course, from  
15 2012 to 2020, and you look at the other data  
16 points in between, there's been a steady decline  
17 of the share that black total registered voters  
18 are of the total electorate in that particular  
19 district. So over the course of the decade, with  
20 the five election cycles that we have, that black  
21 population has decreased from 48 percent to 44  
22 percent just naturally throughout the decade.

23 VICE-CHAIR FINE: You're recognized.

24 REPRESENTATIVE OMPHROY: Thank you for  
25 the follow-up, Chair.

1           So my question is: When I look at,  
2   let's say, 26 or 27 and 28, I see that we have  
3   tried to intensify the Hispanic voting-age  
4   population in those districts, is there a reason  
5   why we didn't intensify the black voting-age  
6   population in 24?

7           VICE-CHAIR FINE: You're recognized,  
8   Mr. Poreda.

9           CHIEF MAP DESIGNER POREDA: I mean,  
10   you're dealing with different types of  
11   population, and you're just dealing with the  
12   different geographies for the different  
13   districts. And 24, that black population has  
14   just naturally decreased over the decade, and in  
15   Districts 26, 27, and 28, it's just a different  
16   segment of population that you're looking at.

17           That's also why the functional analysis  
18   is individual for each individual district in  
19   looking at its individual functional analysis to  
20   determine that. And looking here, I would say  
21   looking at the Hispanic total registered voters  
22   over the course of the decade in all three of  
23   those districts, they, all three of them are less  
24   in 2020 than they were in 2012.

25           VICE-CHAIR FINE: You're recognized.

1 REPRESENTATIVE OMPHROY: Thank you,  
2 Chair.

3 I just want to say thank you.

4 VICE-CHAIR FINE: Okay. Thank you.

5 Okay. Rep. Skidmore, you are recognized  
6 for your second round.

7 REPRESENTATIVE SKIDMORE: Thank you, Mr.  
8 Chair.

9 And this is a question that has probably  
10 been asked, and I apologize. During the period  
11 of time that the maps could be under litigation,  
12 do we adopt what has been proposed in the primary  
13 map or secondary map in terms of what candidates  
14 would be able to prepare for?

15 VICE-CHAIR FINE: Chair Leek, you're  
16 recognized.

17 CHAIRMAN LEEK: I think I'm answering  
18 your question, but once it's adopted, the primary  
19 map becomes the map.

20 REPRESENTATIVE SKIDMORE: I'm sorry.  
21 Say it again.

22 CHAIRMAN LEEK: So the primary map  
23 becomes a map upon adoption. And if it's  
24 challenged, it is the map that is being  
25 challenged, but it is in place.



1 VICE-CHAIR FINE: And the secondary  
2 map's like that backup plan if the primary map  
3 gets thrown out for whatever reason.

4 REPRESENTATIVE SKIDMORE: Okay.

5 VICE-CHAIR FINE: I'm going to do a  
6 third round in a minute. Let's let Rep. Skidmore  
7 go ahead.

8 REPRESENTATIVE SKIDMORE: So I'm just  
9 trying to sort of play out the scenario in my  
10 head knowing we don't have crystal balls. I  
11 don't mean to suggest that. So because we have  
12 an additional congressional seat, we wouldn't be  
13 able to stick with our current map while that  
14 litigation is taking place. We'd have to adopt  
15 either the primary or secondary.

16 VICE-CHAIR FINE: Chair Leek, you're  
17 recognized.

18 CHAIRMAN LEEK: Yeah. Let me see if I  
19 can explain it. So when this comes out of the  
20 legislature as a bill, it will either be signed  
21 or vetoed or become law without being signed,  
22 that is then the adoption time that map is in  
23 place unless it's overturned or replaced.

24 VICE-CHAIR FINE: And Chair Leek,  
25 wouldn't it be fair to say that if we only passed

1 one map and it was litigated, same thing? It  
2 would still be in place. The only difference  
3 being that, if it got tossed for whatever reason,  
4 there's a plan B, and the other instance, it's  
5 back to the drawing board, correct?

6 Okay.

7 CHAIRMAN LEEK: Right.

8 VICE-CHAIR FINE: All right. I'll let  
9 us have a third bite at the apple in a minute,  
10 but I do want folks to be aware that we do have  
11 two amendments to the amendment that we're going  
12 to be considering. There won't be questions back  
13 on it afterwards, but I just want people to know  
14 from a sense of timing here that I want everybody  
15 to know what's coming up. I'm happy to allow  
16 more questions on the amendment if there are  
17 questions.

18 Rep. Omphroy, are you ready for round  
19 three?

20 All right. You're recognized.

21 REPRESENTATIVE OMPHROY: You might have  
22 answered this already, Chair, but very  
23 hypothetical, maps are passed out of the House,  
24 they're passed out of the Senate, governor says  
25 no, and he vetoes it, how does that work? And

1 has that ever happened in the history -- and this  
2 is just me being completely curious.

3 VICE-CHAIR FINE: It's a process  
4 question.

5 REPRESENTATIVE OMPHROY: Yeah. I'm just  
6 wondering what that looks like for us as a  
7 committee.

8 VICE-CHAIR FINE: Okay. So even though  
9 this isn't a question relating to the bill, I  
10 mean, I think it's a question relating to the  
11 process. People have the right to know.

12 Staff Director Kelly, would you like to  
13 talk about the process?

14 STAFF DIRECTOR KELLY: Absolutely. And  
15 I don't know about the entire history of  
16 Florida's redistricting, so I don't want to  
17 misspeak on that. I'd say in recent history that  
18 hasn't happened.

19 And so, you know, as you described, you  
20 know, we'll have a congressional map that goes  
21 out of the House. It'll eventually pass out of  
22 the Senate. And since the congressional map is  
23 formed just like any other bill or piece of  
24 litigation, as opposed to the House and Senate  
25 maps, it doesn't go to the Supreme Court for

1 review.

2 It will go straight through to the  
3 governor, and he has three options. He has the  
4 ability to veto it, the ability to sign it, or  
5 the ability to allow it to pass into law. So  
6 depending on what happens at that stage in the  
7 game, would indicate what comes next.

8 VICE-CHAIR FINE: Did that answer your  
9 question?

10 Okay. So anyone else wishing to ask any  
11 more questions before we move on?

12 Yes. Representative Thompson, you're  
13 recognized.

14 REPRESENTATIVE THOMPSON: Thank you,  
15 Representative Fine.

16 Is the primary map that you're proposing  
17 essentially the same as what the governor is  
18 proposing in terms of the congressional maps?

19 VICE-CHAIR FINE: Chair Leek, even  
20 though it's not a question relating to the bill,  
21 you're welcome to answer that.

22 CHAIRMAN LEEK: No, it's not.

23 REPRESENTATIVE THOMPSON: Thank you.

24 VICE-CHAIR FINE: Any additional  
25 questions?

1 Representative Driskell, you're  
2 recognized.

3 REPRESENTATIVE DRISKELL: Thank you.

4 With this novel process that we're  
5 proposing with having a primary and a secondary  
6 map, there's nothing in the legislation that  
7 would preclude the Court -- not saying that the  
8 Court would, but if the Court decided that it  
9 didn't like either map, from just tossing both of  
10 them out?

11 VICE-CHAIR FINE: Chair Leek, you're  
12 recognized.

13 CHAIRMAN LEEK: Yeah. This doesn't  
14 restrict the authority of the Court. Right.

15 REPRESENTATIVE DRISKELL: Okay.

16 VICE-CHAIR FINE: All right. Yep.  
17 Ranking Member Geller, round three.

18 CHAIRMAN LEEK: Four? No, five.

19 VICE-CHAIR FINE: I don't know. I'm  
20 losing track.

21 All right. Ranking Member Geller,  
22 whatever round it is, you're recognized.

23 REPRESENTATIVE GELLER: Thank you. I  
24 think it's round and round to be technical.

25 But Chair, are you concerned and have

1     you considered whether the adoption of a 30-day  
2     statute of limitations is not authorized in the  
3     Florida Constitution Fair District Amendment?

4             VICE-CHAIR FINE: Chair Leek, you're  
5     recognized.

6             CHAIRMAN LEEK: No.

7             REPRESENTATIVE GELLER: Follow-up,  
8     please.

9             VICE-CHAIR FINE: You're recognized.

10            REPRESENTATIVE GELLER: Given the --  
11     let's just say, does that mean that you're not  
12     concerned about it or you haven't considered it,  
13     which?

14            VICE-CHAIR FINE: Chair Leek, you're  
15     recognized.

16            CHAIRMAN LEEK: Yeah. There's nothing  
17     set forth in the Constitution that would require  
18     it or disallow it.

19            REPRESENTATIVE GELLER: Follow-up,  
20     please.

21            VICE-CHAIR FINE: You're recognized.

22            REPRESENTATIVE GELLER: You don't think  
23     there is anything in the abruptness of that  
24     30-day statute that would interfere with the  
25     constitutional right of access to courts?

1 VICE-CHAIR FINE: I think that's a  
2 different question than what you asked before.

3 But Chair Leek, you're recognized.

4 REPRESENTATIVE GELLER: It is a  
5 different -- yes, sir. That's correct.

6 CHAIRMAN LEEK: Yeah. You're asking my  
7 legal opinion, and no. I don't think it would  
8 interrupt or disrupt access to court.

9 REPRESENTATIVE GELLER: Okay.

10 VICE-CHAIR FINE: You're recognized.

11 REPRESENTATIVE GELLER: Thank you.

12 Am I correct that we have been unable to  
13 determine anytime in the history of this state in  
14 any previous separate beasts, as you call them,  
15 these individual redistricting or reapportion  
16 laws, where a statute of limitations has been  
17 imposed?

18 VICE-CHAIR FINE: One second. When  
19 you're ready, Chair Leek, you're going to be  
20 recognized.

21 Just a minute.

22 CHAIRMAN LEEK: I'm sorry. I needed a  
23 little refresher. But this is very much akin to  
24 the 30-day challenge to ballot language. So your  
25 specific question is whether it's ever happened

1 in reapportionment or redistricting. And I  
2 actually don't know the answer to that question,  
3 but the 30-day challenge actually goes on each  
4 time you've tried to put something on the ballot.

5 VICE-CHAIR FINE: Chair Leek, just a  
6 follow-up, isn't the reason for that is the  
7 timeliness because there's an election coming up?

8 CHAIRMAN LEEK: That's exactly right.  
9 So the reasoning would be consistent with what we  
10 have here.

11 VICE-CHAIR FINE: Ranking Member Geller,  
12 you're recognized.

13 REPRESENTATIVE GELLER: Thank you,  
14 Mr. Chair.

15 Given that the previous redistricting  
16 and reapportionment plan adopted after the 2010  
17 census and the plan that was voted in 2012,  
18 including the congressional plan which was struck  
19 down, did not occur until 2015, affecting  
20 elections in 2016, what's the policy reason  
21 behind the rush to try to compel this litigation  
22 to be filed when it's manifest that if it takes  
23 longer to resolve, if it's filed later, heard  
24 later, tried later, ordered later, it simply  
25 doesn't kick into effect until it kicks into



1 effect?

2 VICE-CHAIR FINE: Chair Leek, you can  
3 answer that.

4 But my understanding is when that  
5 happened, that lawsuit, by the way, was filed  
6 almost immediately. They didn't even need 30  
7 days. It sounds like they needed like 30  
8 minutes.

9 You're recognized, Chair Leek.

10 CHAIRMAN LEEK: Thank you. Yeah. You  
11 know, we're trying to give the Court every  
12 opportunity to expedite resolution of any  
13 litigation that happens.

14 VICE-CHAIR FINE: Okay. Any other  
15 questions before we move on to the amendment to  
16 the amendment?

17 Okay. Seeing none, we're going to move  
18 on. You should each have yellow papers on your  
19 desk. These were not distributed in advance. So  
20 I am going to take up -- and they don't have  
21 barcode on them, so I'm going to explain which  
22 one we're going to do by basically reading the  
23 amendment so you know.

24 They're both by Rep. Driskell. The one  
25 we're going to do is the one that says, "Remove

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1 lines 7129 to 7136 of the amendment." It's Draft  
2 Request 84152. So we're going to take that  
3 amendment to the amendment up.

4 Representative Driskell, you're  
5 recognized to explain the amendment.

6 REPRESENTATIVE DRISKELL: Thank you,  
7 Mr. Chair.

8 This amendment removes the portion --  
9 the amendment to the amendment removes a portion  
10 of the amendment that is imposing the 30-day  
11 statute of limitations. Presently, the statute  
12 of limitations for challenge to districts will be  
13 four years under statute 95.11(3)(p). Moving  
14 this statute of limitations from four years to 30  
15 days, I believe, would be highly problematic, and  
16 actually, it does nothing to help the Court  
17 expedite litigation.

18 It expedites the timeframe to file  
19 litigation. But in terms of the judicial economy  
20 or judicial efficiency, it's not an apples-to-  
21 apples comparison. So what we're trying to do is  
22 make sure that we remove that to give potential  
23 litigants the time that they need to review the  
24 information and to file a lawsuit.

25 And while it may not be the intention, I

1 sincerely doubt it is the intention of this  
2 Committee or the legislature when we vote on this  
3 map to appear as though we're using procedure as  
4 a weapon to stave off substantive challenges, I'm  
5 concerned about the appearance of that. And I'm  
6 trying to save us from that and just remove that  
7 language in the amendment so that we can leave  
8 things with the status quo as they've always  
9 been.

10 And that is the amendment, Mr. Chair.

11 VICE-CHAIR FINE: Okay. Thank you.

12 Representative Driskell having explained  
13 her amendment, members, are there questions on  
14 the amendment to the amendment?

15 Representative Mariano, you're  
16 recognized for a question.

17 REPRESENTATIVE MARIANO: Thank you,  
18 Chair. Thank you, Representative.

19 Can you please explain why a potential  
20 litigate would not be able to meet the  
21 requirements within 30 days?

22 VICE-CHAIR FINE: Representative  
23 Driskell, you're recognized.

24 REPRESENTATIVE DRISKELL: Absolutely.  
25 And there may be a number of reasons why they

1     couldn't. For example, look at how thick this  
2     packet is and thick this packet is. I mean, it's  
3     a lot of data that we're considering. It takes a  
4     lot of time to analyze it. It may take time to  
5     develop legal theories and to make sure that the  
6     lawsuit is in the posture that they want. It may  
7     take time for them to do pre-suit discovery and  
8     talk to people who were involved, if they can get  
9     that. It may take time to go through legislative  
10    records, for example.

11           So with these hearings that we've been  
12    having, sometimes these committee meetings have  
13    gone on hours long. And the meeting that we're  
14    in right now, we've already been here for an hour  
15    and 52 minutes. It takes a lot to review that  
16    material. It can take a lot of time to do legal  
17    research, take a lot of time to read briefs. It  
18    could take a lot of time to do comparative  
19    analyses under the law.

20           In other words, in sum, it could take a  
21    lot of time. And I keep saying "a lot of time,"  
22    and maybe I shouldn't use that descriptive. What  
23    I'm just saying is that it could take more than  
24    30 days. Thirty days sounds like a lot, but I  
25    can tell you, as a business litigator, it's not a

1 lot of time to review an entire record and the  
2 evidence that you may want to rely on in bringing  
3 a case.

4 VICE-CHAIR FINE: Representative  
5 Mariano, follow up.

6 REPRESENTATIVE MARIANO: Thank you.

7 And are you aware of any previous  
8 challengers not filing within this deadline? How  
9 quickly do they normally file?

10 VICE-CHAIR FINE: Representative  
11 Driskell.

12 REPRESENTATIVE DRISKELL: You know, I  
13 can't answer that for you. And to be very honest  
14 with, you know, this being filed overnight and it  
15 only coming to my attention this morning, on the  
16 same day that we had session, I've done the best  
17 that I could to try to make sure that we're not  
18 wading into a situation where we could appear  
19 that we want to use procedure as a way to stave  
20 off litigation.

21 Listen, if we believe that our maps are  
22 good and they're constitutional, we should give  
23 people every right that they're afforded under  
24 the law to challenge those because, hopefully,  
25 and I do believe we'll come up with congressional

1 maps, this is not the way to stave off  
2 litigation.

3 VICE-CHAIR FINE: Representative  
4 Mariano. Good?

5 All right. Any other members wishing to  
6 ask a question on this amendment to the  
7 amendment?

8 Okay. Seeing none, we don't have any  
9 public testimony, I don't think, on the amendment  
10 to the amendment?

11 No? Okay. Seeing no public testimony,  
12 members, is there anyone wishing to debate on the  
13 amendment?

14 Ranking Member, you're recognized.

15 REPRESENTATIVE GELLER: Thank you,  
16 Mr. Chair.

17 I support this amendment. I urge the  
18 members to support it. We've only heard about  
19 this idea, for one thing, since pretty late last  
20 night, and 13 and a half hours in advance of our  
21 meeting today. I did try to use a couple of  
22 those to get a little bit of sleep.

23 I actually also think not only that it's  
24 not harmful to have people file a little bit  
25 later and take a little more time to be able to

1 investigate so things can go more quickly, even  
2 if that means that the maps we vote might turn  
3 out to be the ones that govern the elections at  
4 the end of this year.

5 In fact, there was recently a decision  
6 that was made in regard to Alabama, that the  
7 Supreme Court, by a narrow vote, decided to leave  
8 the map that had been put forth in place for the  
9 moment. They said that that can be reviewed and  
10 decided in the fullness of time. And perhaps  
11 that's what will happen here in this state and  
12 maybe it'll take more time and maybe it won't get  
13 done before 2022 since I don't personally plan to  
14 be that litigant. I have no idea how long they  
15 might need.

16 But I'll point out one other unintended  
17 consequence. If you require people to file  
18 within 30 days, you're likely to force some  
19 litigation that perhaps, in the fullness of time,  
20 might not occur.

21 If you simply gave people enough time to  
22 study all the issues, gather all the data,  
23 perhaps they would find that the plan that's  
24 ultimately adopted is satisfactory, that they  
25 don't need to challenge it, and forcing them to

1 run down and get to the courthouse and get  
2 something in before the 30 days is up might  
3 actually result in unnecessary litigation, which  
4 I know we would all not like to see happen.

5 So I strongly support the amendment to  
6 delete the 30 days, and I urge you to vote in  
7 support of it.

8 VICE-CHAIR FINE: Representative Rommel,  
9 were you wishing to debate?

10 REPRESENTATIVE ROMMEL: Thank you,  
11 Chair.

12 And Rep. Driskell, I understand your  
13 concern in making sure possible litigants have  
14 proper time to prepare for a possible lawsuit,  
15 but I truly don't think it's necessary. And I  
16 urge our members to vote down on this.

17 Before we even started session this  
18 year, multiple groups on the outside already  
19 indicated there were prepared to file lawsuits  
20 before we even filed a bill. So I think 30 days  
21 is more than ample time since they've already  
22 threatened to file lawsuits. So please vote  
23 down.

24 VICE-CHAIR FINE: Any of the members  
25 wish to debate?



1           Representative Skidmore, you're  
2   recognized.

3           REPRESENTATIVE SKIDMORE: Thank you, Mr.  
4   Chair.

5           Because the 30 days doesn't really  
6   indicate how long litigation is going to take, it  
7   just really just a number picked out of the air.  
8   Just filing doesn't do anything about restricting  
9   how long it's going to take. So it doesn't help  
10   in terms of, oh, we need to know what we're  
11   doing, candidates need to know where they're  
12   running, because the litigation could take, you  
13   know, two, three years before it's completed. So  
14   I'm not sure I really understand the purpose for  
15   that.

16           And I also think one year is certainly a  
17   compromise between what we understand four years  
18   is what we have at the moment in terms of other  
19   types of statutes of limitation. So I certainly  
20   think one year is an appropriate compromise from  
21   30 days giving the folks who want to be able to  
22   understand all of this process.

23           And Rep. Driskell, you know, she  
24   motioned to some of the things on our desks that  
25   we're going through, not to mention the bill

1     itself that is sitting on the counter that has  
2     repeatedly been, we've been reminded is, you  
3     know, in excess of 300 pages.

4             So I certainly think one year is a  
5     significant compromise, and we should definitely  
6     vote up on this amendment.

7             VICE-CHAIR FINE: Representative  
8     Goff-Marcil, you are recognized.

9             REPRESENTATIVE GOFF-MARCIL: Thank you,  
10    Chair.

11            I need to reiterate as well, because  
12    going from four years to 30 days, that's enough  
13    of a red flag to have people file a lawsuit just  
14    from that. So I definitely think that this is a  
15    great amendment, and we should vote up on it.

16            VICE-CHAIR FINE: Yes. Representative  
17    Thompson, you are recognized.

18            REPRESENTATIVE THOMPSON: Thank you,  
19    Representative Fine.

20            I just want to point out that in 2012,  
21    there was a challenge to the State Senate maps,  
22    not to the House but to the Senate that certainly  
23    took considerably more than 30 days. So I wanted  
24    to point that out and ask for your support of  
25    Representative Driskell's very good amendment.

1 VICE-CHAIR FINE: And not to -- just  
2 that challenge, while it took a long time, it was  
3 filed within 30 days. It was filed, my  
4 understanding is within 30 minutes. So just so  
5 folks understand.

6 Any other members wishing to speak in in  
7 debate? Anyone else?

8 Representative Leek, you are recognized.  
9 Chair Leek.

10 CHAIRMAN LEEK: Thank you. I appreciate  
11 it. And listen, the first lawsuit, 2012, was  
12 filed within the first hour of the maps. We need  
13 to disabuse ourselves of the fantasy that these  
14 lawsuits aren't already prepared and weren't  
15 started before we got census data.

16 Any serious challenge to the maps can  
17 easily be achieved within the first 30 days, and  
18 we can start the clock running to get the Court  
19 to expedite the case and give some finality to  
20 our voters. That's the purpose of the 30 days.  
21 I urge you to vote this amendment down.

22 VICE-CHAIR FINE: Before I recognize  
23 Representative Driskell to close on her  
24 amendment, look, I would add to what Chair Leek  
25 said. There's a compelling public policy

1 interest for this to be done quickly. And  
2 anyone, frankly, who has concerns with the maps  
3 and who wishes to sue, if they don't sue fast,  
4 they're not all that concerned because we have an  
5 election very soon.

6 Let's just hypothetically play this out.  
7 If the governor were to sign this, we get this  
8 done over the next couple of weeks, governor  
9 signs that by the end of March, you know,  
10 qualifying is two months later. The primary is  
11 four months later.

12 So voters have a right, we have an  
13 obligation to help our voters have some funding  
14 to vote on. And frankly, if people think those  
15 districts are wrong, then they owe it to those  
16 voters to do it fast to try to change it before  
17 the election.

18 If they're going to drag it out, then  
19 they're actually hurting the same people that  
20 they claim to want to help.

21 With that, Representative Driskell,  
22 you're recognized to close on your amendment.

23 REPRESENTATIVE DRISKELL: Thank you, Mr.  
24 Chair, and thank you, members, for the robust  
25 conversation around this.

1           I suppose what I would say is a few  
2 points. The first is that the measure of concern  
3 that a member of the public or group may have  
4 about the constitutionality of the maps is not a  
5 perfect measure for how quickly that lawsuit  
6 should be filed.

7           I think that the rules of civil  
8 procedure are enacted to provide guardrails and  
9 make sure that litigation has a cognizable basis  
10 and that a lawsuit is reasonable when it is  
11 brought. It doesn't track or comport to say I  
12 really don't like this map, I really want to  
13 bring this lawsuit, and slap something together  
14 within 30 days. No. You want to take your time  
15 and make sure that you get it right.

16           Second, there was a lot of comment about  
17 groups that have made statements in the public.  
18 I don't know what all groups have done that, but  
19 it sounds like there's been some conversation  
20 today that there are groups that have made  
21 comments around wanting to sue. Well, that's  
22 great. And it sounds to me -- I mean, I don't  
23 want to say that's great. I'm just like, well,  
24 you know, whatever, that they did that. But my  
25 suspicion is that any group that would say that

1 might have more resources than just say like an  
2 average citizen who wanted to bring a lawsuit.  
3 We keep talking a lot about groups.

4 But this is a statute of limitations  
5 that would govern everybody. And so you think  
6 about the members of the public who have been  
7 doing their best to track the process, to use the  
8 website to submit their maps, and you think about  
9 what resources they may have. They may not have  
10 the resources to retain counsel or, you know, to  
11 mount a large challenge, but they certainly would  
12 have standing to bring a challenge if they wanted  
13 to. And 30 days is far too short a time for  
14 something that this important.

15 And the third thing that I would  
16 mention. I really don't understand the arguments  
17 that are being made. To me, it's just a red  
18 herring around wanting to have the Court resolve  
19 these issues as quickly as possible.

20 I've yet to see in any of the  
21 jurisprudence that I've read around  
22 redistricting, the Court saying that it hasn't  
23 had sufficient time, or if only these lawsuits  
24 had been brought sooner, they could have done  
25 their job better. This has nothing to do with

1 the Court's ability to do its job. What we're  
2 talking about is on the front end, giving  
3 litigants the time, potential litigants the time  
4 that they would need to bring an effective  
5 lawsuit.

6 And if we think that these maps are  
7 constitutional, if we believe in our work, and I  
8 believe that through this process, we will be  
9 able to get to a place where we can all stand  
10 behind our work, then we should stand behind our  
11 work and not use a procedural and, frankly,  
12 arbitrary deadline that is removing it from four  
13 years, 48 months. If my math is right, Randy's  
14 probably better, Chair Fine's better at math  
15 tonight than I am. He always says. Forty-eight  
16 months down to one month to do it.

17 We're using procedure as a weapon and  
18 it's wrong. We're using procedure as a weapon to  
19 stave off substantive challenges and that is  
20 wrong. That's why I brought the amendment. You  
21 know, I regret that there was not enough time to  
22 talk to the Chair about it. It all kind of came  
23 together pretty fast this morning. But that's  
24 the intention of the amendment because I do not  
25 believe that it would be the intention of this

1 Committee or the legislative body to not stand  
2 behind its work product. So please vote up on  
3 the amendment.

4 VICE-CHAIR FINE: Having closed on the  
5 amendment, members will vote on the amendment  
6 now. All in favor say yea.

7 MULTIPLE SPEAKERS: Yea.

8 VICE-CHAIR FINE: All opposed, nay.

9 MULTIPLE SPEAKERS: Nay.

10 VICE-CHAIR FINE: Show the amendment  
11 failed.

12 Okay. We're now going to move on to our  
13 second amendment. Again, you should have the  
14 yellow piece of paper in front of you. At the  
15 bottom, it says Draft Request 84153. And just so  
16 you know, we're talking about the amendment  
17 having three lines in it. They're on line 7, 8,  
18 and 9. So that's the amendment.

19 Representative Driskell, you are  
20 recognized to explain the amendment.

21 REPRESENTATIVE DRISKELL: Thank you, Mr.  
22 Chair.

23 So this amendment, rather than maintain  
24 the status quo, which would be four years under  
25 statutes, would bring it to one year. Although



1 one year is only 25 percent of the current  
2 statute of limitations, at least it's longer than  
3 30 days, and I think it would be a reasonable  
4 compromise to require litigants to bring a  
5 lawsuit within one year. And that is the  
6 amendment to the amendment.

7 VICE-CHAIR FINE: Okay. Thank you. And  
8 that math is correct.

9 Members, are there any questions on the  
10 amendment?

11 All right. Seeing no questions. We  
12 don't have any public comment on this amendment  
13 to the amendment. Members, is there anyone  
14 wishing to debate on the amendment?

15 Yes. Representative Goff-Marcil, you  
16 are recognized.

17 REPRESENTATIVE GOFF-MARCIL: Thank you,  
18 Mr. Chair. And thank you for this really good  
19 amendment. I think the other amendment was  
20 better than this amendment that this amendment,  
21 but this seems like a compromise.

22 I feel when we go from 48 months to 30  
23 days, that just seems -- we're starting to go  
24 into violating notice and due process of law,  
25 which is very concerning. And again, there will

1 be a lot of red flags going up on that.

2 But going from 48 months to 12 months,  
3 is a very good compromise. And as Representative  
4 Driskell said, if these maps are fine, this is  
5 all a moot point because it doesn't matter how  
6 many lawsuits are out there or are brought up,  
7 they would have to be successful to overturn the  
8 map. And these are congressional maps, and  
9 they're constitutional maps, then there's not a  
10 problem. So please accept this, vote up on this  
11 amendment.

12 VICE-CHAIR FINE: Any other members  
13 wishing to debate on this amendment to the  
14 amendment? Okay.

15 Oh, yes. Representative Leek you're  
16 recognized.

17 CHAIRMAN LEEK: Thank you. Members, I  
18 urge you to vote down on this. And if you think  
19 about what you're asking, right, you're asking  
20 for someone to initiate a challenge. Not the  
21 conclusion. This 30-day statute of limitations  
22 doesn't require the Court to rush, doesn't  
23 require the Court to conclude it within 30 days.  
24 But you're telling the world that you can file a  
25 lawsuit three months after we've elected a member

1 into one of the districts.

2 I mean, that just does not make any  
3 sense. All this requires is that you initiate  
4 the lawsuit within the 30 days. I urge you to  
5 vote down on this.

6 VICE-CHAIR FINE: Seeing no additional  
7 debate, Representative Driskell, you are  
8 recognized to close.

9 REPRESENTATIVE DRISKELL: Thank you, Mr.  
10 Chair.

11 I'm having a hard time with this one  
12 because we already have process and procedure in  
13 place for if the maps get challenged. We just  
14 move forward with the maps that we passed. Why  
15 do we do that? Because we believe in the maps  
16 that we passed. And that's the process that's  
17 allowed.

18 The process is the process. I know  
19 we've wanted this process to be very  
20 collaborative. This is a change that I was  
21 surprised to see. Maybe with some further  
22 conversation, we can talk about a compromised  
23 position as these head to the floor, because  
24 moving it from four years to 30 days, it's quite  
25 drastic. And I don't think that this is an

1 invitation to litigation in any way. It's not an  
2 invitation. We're not asking people to sue us.

3 I'm sure the Committee would prefer that  
4 they didn't and that they, you know, like our  
5 work product. But that's not what statute of  
6 limitations are for. Statute of limitations are  
7 to recognize, with a sense of equity and fairness  
8 and justice under the law, that you cannot  
9 restrict people's access to the Court. And part  
10 of access to the Court is providing a reasonable  
11 amount of time for people to bring a lawsuit.

12 We have statutes of limitations for like  
13 everything under the law, whether it's a wrongful  
14 death suit, you know, whether it's an action in  
15 tort, an action in contract, if it's not clear  
16 what it is, you've got latches, you got all sorts  
17 of things to make sure that people have the  
18 access that they need.

19 And I'm here to tell you that this looks  
20 like we're weaponizing procedure to cut off  
21 substantive challenges to the map. And I don't  
22 think that's right. And so this is a compromise  
23 position to try and do this within one year,  
24 which frankly, probably also is still too short,  
25 but at least we're trying to work with what's

1     been proposed by the Committee staff and by the  
2     Chair and try to reach a compromise position.

3             And if the amendment is voted down  
4     today, I do hope that maybe we can continue  
5     conversations and see what a compromise position  
6     might be. With that, I asked you to vote up on  
7     this amendment to the amendment. Thanks.

8             VICE-CHAIR FINE: Representative  
9     Driskell having closed on her amendment, all in  
10    favor say yea.

11            MULTIPLE SPEAKERS: Yea.

12            VICE-CHAIR FINE: All opposed, nay.

13            MULTIPLE SPEAKERS: Nay.

14            VICE-CHAIR FINE: Show the amendment  
15    failed.

16            Okay. That concludes both of our  
17    amendments to the amendment. So we will now  
18    return to the original amendment that has been  
19    unchanged. We're now at the point in the process  
20    where we would do public testimony.

21            We do have one public testimony card on  
22    this amendment. It is Cecile Scoon, with the  
23    League of Women Voters of Florida who wishes to  
24    speak for information only.

25            MS. SCOON: Thank you for this

1 opportunity. Cecile Scoon, president of the  
2 League of Women Voters of Florida. And I've been  
3 listening. It's been a very interesting debate  
4 and a lot of information without a whole lot of  
5 time to absorb it. The league would say that we  
6 would like this body to exercise caution with  
7 regards to the primary map that has been  
8 presented with the change in the voting-age  
9 population of the black population.

10 As Chair Leek indicated, it is not a  
11 de minimis change. He indicated it was  
12 substantial and when asked, readily admitted, he  
13 didn't know for sure if a court or anybody would  
14 say it was constitutional or not because it's  
15 kind of a new concept to present two maps in this  
16 way.

17 And the concern that we have is, when  
18 you all were presenting your prior map, I believe  
19 on Friday, there was only one real force against  
20 your map at that time, a strong force, and that  
21 was the governor's office and his representative,  
22 Mr. Popper, came and spoke before you. And of  
23 course, we know that the governor had presented a  
24 map that diminished the voting strength of  
25 African Americans by two districts.

1           And so to have this map here now before  
2   us, that is the only entity that we know that was  
3   pushing in that direction was the governor who  
4   has indicated that his desire was to limit  
5   access, it is concerning that anything would  
6   change that may be possibly go in that direction.

7           So I think that -- just ask everyone to  
8   be very cautious about this move. Your analysis  
9   from Friday, I think was interesting and strong.  
10   And you asked a lot of really good questions of  
11   Mr. Popper. He had no case law to support what  
12   he was advising you to do.

13           So I would just ask you to be cautious  
14   in adhering in any way to the guidance from that  
15   direction from Mr. Popper and his efforts, when  
16   he could not cite any case law to support his  
17   position and actions. So we'll just leave it  
18   there.

19           There's not a lot of time to do the deep  
20   analysis that we would normally like to, you  
21   know, work on, and we know that everybody's  
22   working as hard as they can. But we just asked  
23   you to be very cautious in this move. Thank you.

24           VICE-CHAIR FINE: Thank you for your  
25   testimony. I would note, however --

1                   We're good. You're welcome.

2                   I would note, however, most of us aren't  
3   on the committee last Friday. And while we said  
4   there was one, you said there's only one strong  
5   force against what was presented Friday, it was  
6   my understanding that every single democratic  
7   member of the Committee voted against it. So I  
8   don't know that it's very respectful of them to  
9   say they're not a strong force because it didn't  
10  pass unanimously.

11                  Ranking Member Geller.

12                  REPRESENTATIVE GELLER: I had a question  
13  if Ms. Scoon would entertain one.

14                  VICE-CHAIR FINE: That's fine. You're  
15  welcome to come back up.

16                  MS. SCOON: Absolutely. And  
17  Representative Fine, I was referring to  
18  District 5 with regards to that part of the map.  
19  Just to clarify for you. Thank you.

20                  Yes, sir.

21                  REPRESENTATIVE GELLER: Thank you,  
22  Mr. Chair.

23                  Ms. Scoon, I understand they haven't  
24  been out very long and we're all in the same  
25  boat. But so far, has your organization been



1 able to develop any analysis as to whether or not  
2 the proposed primary map with an all in Duval  
3 County purported minority district to elect  
4 representatives of the Community's own choice is  
5 constitutionally compliant or whether conversely,  
6 it constitutes diminishment, dilution, or  
7 backsliding?

8 MS. SKOON: No, we have not had that  
9 opportunity.

10 VICE-CHAIR FINE: Thank you. Okay.

11 Seeing that, we're going to move on to  
12 debate on the amendment. We will obviously still  
13 have debate on the bill as amended, assuming it  
14 is amended.

15 Members, is there anyone wishing to  
16 debate on Chair Leek's amendment?

17 Okay. Well, seeing none, Chair Leek --  
18 oh. Okay.

19 Ranking Member Geller, you are  
20 recognized to debate on the amendment.

21 REPRESENTATIVE GELLER: Thank you.

22 I don't believe that the change in the  
23 proposed minority district contained wholly  
24 within Duval County is constitutionally compliant  
25 in that I think that it represents a substantial

1 dilution or diminishment of the minorities'  
2 ability to elect representatives of that  
3 community's own choice. In that sense, I believe  
4 that proposed map is constitutionally deficient.

5 I understand there have been concerns  
6 raised about compactness. Compactness is a  
7 tier 2 standard. Tier-two standards are not  
8 supposed to imperil tier 1 standards.

9 This is a protected district or ought to  
10 be a benchmark district. The proposed dilution  
11 of having that district entirely within Duval  
12 County, which is a substantial numerical  
13 dilution, is not, in my opinion, satisfied by  
14 reliance on trends, especially where we've not  
15 been able to see that analysis, the work of  
16 outside counsel, or any of what the consulting  
17 expert may have determined.

18 The notion that that map is  
19 constitutionally compliant is belied by the very  
20 fact that there is a so-called secondary map in  
21 an effort to assure constitutional compliance.  
22 If there was confidence that the proposed  
23 district in Duval County was constitutionally  
24 compliant, we would not have a secondary map or a  
25 need for a secondary map. And it is therefore

1     apparent that even the proponents of that map  
2     have no confidence in it as being  
3     constitutionally compliant.

4             It may, in fact, be a novel legal  
5     theory, or it may be simply a blatantly  
6     unconstitutional violation of all the  
7     jurisprudence we have seen under Voting Rights  
8     Act cases and the precedent set when this map  
9     was, in fact, drawn only a few years ago by the  
10    same courts that we're now saying, well, who  
11    knows what they'll do.

12            If it was as unconstitutional as we've  
13    been led to believe, why did the Court draw it?  
14    At the conclusion of that, I also think the  
15    process of a primary and secondary is improper.  
16    I think it violates the single-subject rule, and  
17    I think it is a terrible precedent for us to set.

18            Can you imagine applying that precedent  
19    to every law, that this body votes? We're going  
20    to have a new law. We don't know if it's legal,  
21    but we're going to have a new law. And in case  
22    it turns out it's not legal, we'll have a  
23    different law.

24            What if we did that on everything? I  
25    don't think it's the right approach. I have

1 serious questions as to whether it's authorized  
2 by law, and it is, in fact, the culmination of a  
3 process that has left minority members of this  
4 Committee seriously in the dark.

5           It is the culmination of a process that  
6 has seen our lawyers and our experts working for  
7 our House produce information and analyses and  
8 opinions which are not shared with us, though  
9 they are paid for by the taxpayers of Florida,  
10 whom the minority members of this Committee  
11 represent, as well as the majority members of the  
12 Committee.

13           This primary secondary approach is  
14 flawed. Perhaps the secondary map, if adopted,  
15 with some tweaks that have been put on it, would  
16 be something there that an agreement could be  
17 reached with the Senate. I can't say that that  
18 map would be constitutionally compliant based on  
19 the fact that I haven't seen all of the data I  
20 would need to look at, apparently based on some  
21 incorrect assumption that I said I personally was  
22 going to sue the House, which I have no intention  
23 of doing it this time.

24           But regardless of whether I have the  
25 information to determine if that secondary map is

1 or is not constitutionally compliant, I think it  
2 is abundantly clear that that so-called primary  
3 map is not constitutionally compliant.

4 And again, if the people voting it in  
5 thought it was, we would not have a secondary  
6 map. So I oppose this amendment. And I would  
7 ask, respectfully, that the Chair and the  
8 majority party members of the Committee make a  
9 choice. Pick a map that you think will survive  
10 constitutional review and pass that map because  
11 this primary/secondary approach unprecedented in  
12 the history of our state is wrongheaded, bad  
13 precedent, and in my opinion, unconstitutional.

14 Vote down on this proposed amendment and  
15 make a choice as to what you think is  
16 constitutional. Thank you.

17 VICE-CHAIR FINE: Any other members  
18 wishing to speak in debate?

19 Yes, Representative Sirois, you are  
20 recognized.

21 REPRESENTATIVE SIROIS: Thank you very  
22 much, Mr. Chairman.

23 And you know, as I'm sitting here  
24 listening to these comments and I hear that, you  
25 know, the amendment before us is improper, I look

1 at it and find it to be prudent and reasonable  
2 given the circumstances ahead of us.

3 This amendment, I think, is making the  
4 best decision that we can with the information  
5 that we have in front of us in our awareness of  
6 the timetable moving forward. We also have an  
7 election cycle ahead of us. And I think that  
8 Floridians deserve some clarity in terms of  
9 district boundaries.

10 I think candidates deserve some clarity  
11 in terms of qualifying. You know, so I think  
12 that this is a good step for us to take to kind  
13 of lay the groundwork but also recognize the time  
14 constraints that exist as we approach the end of  
15 session.

16 You know, we also have a Senate that we  
17 have to work with, and obviously, take into  
18 consideration their views on these matters. The  
19 governor has proposed a novel legal theory that,  
20 you know, remains somewhat of an open question  
21 for us moving forward. So I think that the  
22 amendment, you know, takes all of that  
23 wholistically into account and puts us in a good  
24 position to proceed.

25 The other thing that I feel compelled to

1 talk a little bit about, because with all due  
2 respect, Ranking Member, you know, I think this  
3 suggests that this hasn't been an effort where  
4 there's been collaboration and communication  
5 among members. That's not been my experience.

6 And I think as Chair Leek indicated in  
7 his comments at the start of our Committee  
8 meeting, both of us have been open and receptive  
9 to feedback from members, perspectives,  
10 experiences that members have in their own  
11 communities and neighborhoods that they're  
12 bringing to the table. And I think that there's  
13 a lot in this map, in the amendment that we can  
14 all be very proud of in terms of member input and  
15 a collaborative effort towards, you know, a final  
16 product.

17 And I've been a participant in those  
18 meetings around the Capitol with many of you and  
19 members not on this Committee, and I think those  
20 conversations have been very productive and  
21 helpful and have resulted in the amendment, the  
22 maps that are before us today.

23 So I encourage members to be proud of  
24 this work product to vote up on this amendment,  
25 and I appreciate the continued conversation.

1           VICE-CHAIR FINE: Any other members  
2 wishing to speak in debate?

3           Before I give it to Chair Leek to close,  
4 a couple of comments of my own. I want to reject  
5 a couple of the comments that were made, because  
6 I don't think they're accurate, relating to the  
7 process.

8           The notion of the secondary map,  
9 frankly, is probably a good idea that might have  
10 been done before, because I would note that, even  
11 if what we're proposing is a secondary map or the  
12 primary map, there are folks who have said they  
13 would litigate against it. And so the notion  
14 that was put forth as though like the second map  
15 is like the safety school, if you think about  
16 college admissions, that you know you're going to  
17 get into if you don't get into your stretch  
18 school, I think is a false analysis.

19           I mean, frankly, there's no guarantee  
20 because there are folks who take issue with that  
21 map as well. So the notion is it's a guaranteed  
22 backup. And so if we were so confident about it,  
23 why wouldn't we put that out as the only map I  
24 think is false equivalence.

25           Again, there are folks who have



1 legitimate concerns about that map. And I think  
2 the notion, you know, that the governor's  
3 argument is going to be so easily dismissed, I  
4 think there's a lot of reason to support that.

5           The other thing I would note is this  
6 notion of "what if's." I'd like to remind folks  
7 that a number of months ago, we did something  
8 exactly like this in what is one of our other  
9 most significant things we will work on the  
10 legislature because of the time horizon. When we  
11 passed the Seminole Compact, which had a 30-year  
12 time horizon, this is a 10-year time horizon, we  
13 all knew that there was a risk in the compact.  
14 And so we put in that compact, distinct  
15 severability that said, if X is found illegal by  
16 the courts, the rest of it can still exist.

17           Now, unfortunately, the Biden  
18 administration did not share that information  
19 with the courts, and so we are in a different  
20 place than we expected to be. But all of us who  
21 voted for that compact explicitly voted for  
22 something that included severability and a backup  
23 plan if there was an issue with the Court. So  
24 something we actually all thought was a good idea  
25 just a few months ago, and I think this builds on

1 that here as well.

2 With that, Representative Leek, you are  
3 recognized to close.

4 CHAIRMAN LEEK: Thank you. Very well  
5 said. And in fact, good enough I don't think I  
6 need to add any more of the substantive arguments  
7 here.

8 But what I do want to tell you is where  
9 we are procedurally. This, much like a budget,  
10 even though we pass a budget out of a committee,  
11 then it goes on to the floor, we pass it on the  
12 Committee then goes to conference, and the budget  
13 that you end up eventually may not resemble  
14 entirely the budget that you passed out of the  
15 committee. That's where we are today.

16 So what we're doing is we're putting  
17 this in a posture to move on to the next step.  
18 The next step for us will be the floor, and then  
19 potentially it's in conference and then  
20 potentially, to the governor's office. So that's  
21 what we're doing today. I urge you to vote up on  
22 this amendment. Let's keep us moving. Our  
23 timeline is getting shorter, so we need to get  
24 this thing moving and out of Committee now. And  
25 with that I close.

1 VICE-CHAIR FINE: Having closed on the  
2 amendment, all in favor of this amendment say  
3 yea.

4 MULTIPLE SPEAKERS: Yea.

5 VICE-CHAIR FINE: Opposed nay?

6 MULTIPLE SPEAKERS: Nay.

7 VICE-CHAIR FINE: Show the amendment  
8 adopted.

9 All right. Members, we are on the bill  
10 as amended. Are there any questions on the bill  
11 as amended? There shouldn't be because it's the  
12 same thing we just talked about.

13 All right. Seeing none, we're going to  
14 move on to public testimony on the bill as  
15 amended. We do have two appearance forms.

16 The first is Jerry Nolan, who's  
17 representing himself as an individual citizen and  
18 voter. Multiple titles. Are you here,  
19 Mr. Nolan?

20 He is not here, but he is a proponent.

21 And our second speaker is Lashonda  
22 Holloway, who is representing, I think herself.  
23 Is she here?

24 Okay. And she is also a proponent of  
25 the bill. All right.

1           Unless there's anybody else, public  
2   testimony? All right. Seeing none, members, are  
3   there any members wishing to debate?

4           Yes. Representative Skidmore, you're  
5   recognized in debate.

6           REPRESENTATIVE SKIDMORE: Thank you, Mr.  
7   Chair.

8           And as a member of the Congressional  
9   Redistricting Subcommittee, I was encouraged by  
10   our meeting last week and encouraged by the  
11   individual meetings that Chair Sirois has  
12   acknowledged. So this big change overnight has  
13   me, you know, a little caught off guard a little  
14   bit. And I do have some major concerns with a  
15   couple of things. Not as many as maybe Ranking  
16   Member Geller, but a couple of things.

17           I am very concerned about the primary  
18   map District 5 because it does seem to me, based  
19   on language that the House actually used, that it  
20   does reflect diminishment. And I recognize that  
21   the secondary map is there in case the Court does  
22   rule that way. But to me, I feel like we should  
23   have just gone forward with the secondary map.  
24   And I really reject the governor's interference  
25   in our legislative process. I think it's wrong.

1           He gets to, you know, to veto or approve  
2   the maps that we create. He has no authority  
3   here. And I'm kind of disappointed that our  
4   House acquiesced based on testimony that was  
5   given that really did not have a lot of substance  
6   behind it.

7           I also think 30 days is an inappropriate  
8   maneuver, and it's a false narrative that that 30  
9   days would somehow compel the Court to rule more  
10   quickly or sooner rather than later, in any  
11   litigation that was brought forward. And I also  
12   believe that the work product that's created by  
13   the general counsel and Mr. Alford, the expert  
14   consultant, is mine. I am the client. We are  
15   all the client. And I truly believe that.

16           And I don't see any reason why that  
17   information has been withheld from us, so that we  
18   can understand this map better and be more  
19   collaborative partners so that we understand some  
20   of the analysis, some of the things threshold  
21   data that we don't have and we don't know how to  
22   analyze.

23           So I think there are some flaws here,  
24   and I won't be able to vote for it. I still have  
25   high hopes at the end of the day, with our Senate

1 partners, we're going to get somewhere that we  
2 all agree on. And I think we all want to do  
3 that. And so that is the direction I will  
4 continue to move in.

5 But for today, I will not be able to  
6 support the bill as amended. Thank you.

7 VICE-CHAIR FINE: Representative  
8 Robinson, you're recognized in debate.

9 REPRESENTATIVE ROBINSON: Thank you, Mr.  
10 Chair.

11 Look, our Committee has met six or seven  
12 times this session. We've done a lot of  
13 different things, whether it's education or our  
14 workshop maps, and I'm very proud of what we've  
15 done over the past several weeks. But frankly,  
16 we only have one charge, and that's to produce a  
17 legally compliant map to the full vote by the  
18 House.

19 And to me what we're doing today, while  
20 being unique, I frankly, don't think it's  
21 terribly unique. As Chair Fine mentioned, we do  
22 severability stuff all the time here, and so I  
23 have no problem changing our goal from a legally  
24 compliant map to a legally compliant product,  
25 which is exactly what we're doing here.

1           And to me, we accomplished our primary  
2   goal, which is to produce a legally compliant  
3   product to the full House for consideration. And  
4   look, this product is closer to our Senate  
5   colleagues. So that's very good. And frankly,  
6   to me, the voters and the candidates in these  
7   congressional districts deserve some certainty  
8   and deserve us to do this work to move it  
9   forward, to give them all certainty.

10           So I'm very pleased with what we've  
11   done, and I look forward to voting on this  
12   product. Thank you.

13           VICE-CHAIR FINE: Ranking Member Geller,  
14   you are recognized.

15           REPRESENTATIVE GELLER: I won't waste my  
16   colleagues' time with a repetition of what I've  
17   already said. I just ask that for the record my  
18   comments against the amendment be considered  
19   against the bill as amended. Thank you.

20           VICE-CHAIR FINE: Representative Tuck,  
21   you are recognized.

22           REPRESENTATIVE TUCK: Thank you,  
23   Mr. Chair.

24           And members, I think we need to keep in  
25   mind here that every redistricting cycle was very

1 different, very unique. I had the privilege to  
2 sit on both the congressional and this Committee  
3 as well. And it's been incredible to see the  
4 input from members from the public, from  
5 everybody to get it in a posture to what we see  
6 today. And I want to commend staff and everybody  
7 involved for that.

8 I think the changes that we see here are  
9 a great effort to make sure that members, all  
10 members have the opportunity to participate in  
11 the entire process in a meaningful way while  
12 still bringing a constitutionally compliant  
13 product in for a landing during our regular  
14 session. So with that, I would encourage  
15 everyone to vote up on this great change to this  
16 map. Thank you.

17 VICE-CHAIR FINE: Okay. Representative  
18 Driskell, you are recognized.

19 Yep, Representative Driskell.

20 REPRESENTATIVE DRISKELL: Thank you,  
21 Chair.

22 So just a few things I'm not sure had  
23 been raised and just wanted to make sure that  
24 they were covered. When it comes to CD10, I  
25 don't think we're there yet. The Senate



1 recognizes that as a protected district, the  
2 House does not. I have concerns around that. As  
3 Rep. Skidmore pointed out, and as I attempted to  
4 correct in my amendments to the amendments, 30  
5 days is not a lot of time. It's not sufficient  
6 time for litigation to be brought. I'm concerned  
7 about us shortening that statute of limitations.

8           And then the third point that I wanted  
9 to make was around CD5. I have real concerns  
10 about how it's drawn in the primary map. And  
11 while it's capable of -- it appears under this  
12 analysis of being drawn wholly within Duval  
13 County, you know, I think about those voters in  
14 Tallahassee and Gadsden and other places who  
15 would be perhaps losing their ability to elect  
16 the candidate of their choice.

17           And so, for those reasons, I'll have to  
18 be down. You know, I would echo that I  
19 appreciate the staff for taking time to meet and  
20 try to help answer some of my questions about  
21 this process. And I think that's a good thing.  
22 I think we're headed on the right track in terms  
23 of having this be a collaborative process. And I  
24 remain optimistic that we can get there.

25           But we have some work to do. We have

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1     some real work to do around CD5, around CD10.  
2     And you know, just to echo Rep. Skidmore and Rep.  
3     Geller's comments, you know, I hope we can  
4     continue this conversation around legal counsel  
5     because I was personally not satisfied with the  
6     rationale that I heard today for why, as members  
7     of the House, we aren't all able to have access  
8     to that counsel.

9             And if it's the situation where, you  
10    know, we can't have access to that counsel, then  
11    could resources be made available to provide  
12    counsel for those who of us who would appreciate  
13    the opportunity to talk to counsel in this  
14    process? So thank you. And for those reasons,  
15    I'll be down today.

16            VICE-CHAIR FINE: Additional debate?

17            Representative Byrd, you are recognized  
18    in debate.

19            REPRESENTATIVE BYRD: Thank you,  
20    Chairman Fine.

21            A decade ago when litigation arose over  
22    redistricting, Congresswoman Corrine Brown said  
23    redistricting makes strange bedfellows, and it  
24    certainly does because, while I'm going to join  
25    Representative Geller in opposing the bill under

1 constitutional grounds, I'm going to do so for  
2 very different reasons.

3 And I'm sure it's no surprise to any of  
4 you that I'm going to focus my comments on the  
5 concept of the constitutionality of what we're  
6 about to do.

7 So I think it's a necessary to  
8 understand the legal landscape, which includes  
9 the Federal Constitution, the Federal Voting  
10 Rights Act, and the rules contained in  
11 Article III, Section 20 of the Florida  
12 Constitution.

13 Since 1993, the Supreme Court has held,  
14 under the equal protection clause and the 15th  
15 Amendment to the Constitution, that states are  
16 prohibited from using race as a predominant  
17 factor in drawing district lines unless the state  
18 can show a compelling state interest and that its  
19 reason for doing so are narrowly tailored to  
20 pursue that compelling state interest. This is  
21 the strict scrutiny test, and outside of  
22 redistricting litigation, states are almost never  
23 able to meet it.

24 There's been some discussion about what  
25 the Supreme Court of Florida did back in 2015.

1 But redistricting cases continue to evolve. And  
2 I want to look at three cases that have come out  
3 from the United States Supreme Court. Cooper v.  
4 Harris in 2017, Bethune-Hill v. Virginia State  
5 Board of Education in 2017, and Abbott v. Perez  
6 in 2018.

7 Cooper struck down racial gerrymanders  
8 designed to create majority-minority House  
9 districts in North Carolina. So I want to read  
10 from the Cooper case, and once again, this is  
11 2017. Supreme Court of Florida case in the last  
12 redistricting round was 2015.

13 And this opinion was delivered by  
14 Justice Kagan she wrote the majority opinion for  
15 the Court. She says, "The Constitution trusts  
16 states with the job of designing congressional  
17 districts, but it also imposes an important  
18 constraint. A state may not use race as the  
19 predominant factor in drawing district lines  
20 unless it has a compelling reason. The Equal  
21 Protection Clause of the 14th Amendment limits  
22 racial gerrymanders and legislative redistricting  
23 plans. It prevents a state in the absence of  
24 'sufficient justification' from separating its  
25 citizens into different voting districts based on

1 race.

2 "First, the plaintiff must prove that  
3 race was the predominant factor motivating the  
4 legislature's decision to place a significant  
5 number of voters within or without a particular  
6 district. That entails demonstrating that the  
7 legislature subordinated other factors.  
8 Compactness, respect for political subdivisions,  
9 partisan advantage, as have you, to racial  
10 considerations. The plaintiff may make the  
11 required showing through direct evidence of  
12 legislative intent, circumstantial evidence of a  
13 district shape and demographics, or a mix of  
14 both.

15 "Second, if racial considerations  
16 predominated over others, the design of the  
17 district must withstand strict scrutiny. The  
18 burden now shifts to the state to prove that its  
19 race-based sorting of voters serves a  
20 'compelling interest' and is narrowly tailored to  
21 that end. This Court has long assumed" -- again  
22 assumed not required -- "that one compelling  
23 interest is complying with operative provisions  
24 of the Voting Rights Act of 1965.

25 "So how do racial gerrymanders survive

1 such strict scrutiny? Supreme Court has assumed  
2 the Voting Rights Act sometimes requires drawing  
3 racial gerrymanders and, therefore, states have a  
4 compelling interest in complying with federal law  
5 that is itself an exercise of Congress's power to  
6 enforce the 14th and 15th amendments.

7 "A state doesn't have to prove that its  
8 racial gerrymander was literally required by the  
9 VRA, only that the state had good reasons or a  
10 strong basis to believe that it needed to  
11 discriminate on the basis of race and drawing  
12 district lines in order to create a VRA district.

13 "The state then must meet the narrow  
14 tailoring requirement, it must show that the  
15 actual district doesn't go too far in packing  
16 disparate voters into a district just because  
17 they are black. States are more commonly faulted  
18 for excessive packing than for the creation of  
19 such districts in the first place."

20 So now, I want to focus a little bit on  
21 the secondary map, which was the primary map  
22 before the amendment. And I think that's where  
23 some of the disagreement begins because we  
24 assume, and I understand why there's the illegal  
25 assumption that that map is the benchmark map,

1 because it is the one that the Supreme Court of  
2 Florida approved last redistricting cycle.

3 But I want to read from Justice  
4 Polston's dissenting opinion. And in the 2015,  
5 Florida Supreme Court case, he said -- and this  
6 is under our current map, which is the same or  
7 essentially the same as the secondary map. And  
8 this is so this is concerning the district that  
9 runs from Jacksonville, west of Tallahassee.

10 This is what Justice Polson said. "This  
11 is a court adopted map, not a legislative-drawn  
12 map. The map the trial court recommended and the  
13 majority adopts was drawn by a democratic  
14 consulting firm, a firm that has performed  
15 mapping and data analysis for numerous democratic  
16 candidates and causes.

17 "It traditionally adopts a remedial plan  
18 drawn entirely by Democrat operatives.  
19 Plaintiffs even stated in oral argument, and the  
20 majority opinion agrees, that if the remedial  
21 plan had been drawn by the Democratic National  
22 Committee itself, the outcome would be the same.  
23 Not only is this ironic, it is an  
24 unconstitutional violation of the Fair District's  
25 amendments in the separation of powers."

1           And Justice Polston, therefore,  
2   dissented. I think it's important to put that in  
3   the proper context.

4           It's also important to note that we've  
5   talked a little bit when we were going through  
6   the historical analysis, the Shelby County  
7   opinion, which struck down the pre-clearance  
8   requirements under the Voting Rights Act. Fair  
9   District amendments were passed prior to the  
10   United States Supreme Court's opinion in Shelby,  
11   and that's important for this reason.

12           So in addition to the federal law, there  
13   is the Florida rule that districts shall not be  
14   drawn with the intended result of denying or  
15   abridging the equal opportunity of racial or  
16   language minorities to participate in the  
17   political process or to diminish their ability to  
18   elect representatives of their choice and  
19   district shall consist of contiguous territory.

20           The requirements of compactness and  
21   following existing boundaries are flagrantly  
22   violated by the secondary map, in my opinion and  
23   the opinion of others. It's really not in  
24   dispute, and I think that's why we've gone to the  
25   primary map.



1 But the Florida rule incorporates  
2 language similar to Sections 2 and 5 of the  
3 Voting Rights Act and gives those rules  
4 preference over compactness, and this is where  
5 things get tricky.

6 The prohibitions on districts that  
7 diminish racial minorities' ability to elect a  
8 representative of their choice is a state analog  
9 to Section 5 of the VRA. Section 5 was written  
10 to apply only to states that were required to  
11 pre-clear changes in their voting rules or  
12 districts before implementing them. Covered  
13 jurisdictions had to show that they were not  
14 retrogressive a rule that the Court read to mean,  
15 among other things, that states could not reduce  
16 the number of majority-minority districts.

17 Proponents have argued that once a VRA  
18 district exists, a VRA territory exists forever.  
19 Here's what's important to note, the state of  
20 Florida was never one of the pre-clearance  
21 districts. Five counties in Florida were  
22 pre-clearance districts. None of those five  
23 counties are in the district in question.

24 So if we call Florida's little  
25 Section 5, it prompts the question of complying

1 with Section 5 of the VRA is a compelling state  
2 interest that justifies racial discrimination, is  
3 complying with the state version of Section 5  
4 also enough to justify racial discrimination?

5 I would submit that it does not because,  
6 last week when Mr. Popper testified, and I  
7 watched the entirety of the committee, and he was  
8 asked the question, you know, do you have any  
9 case law to support your proposition? He said,  
10 no. The flip side is true as well. There's no  
11 case law addressing whether or not the State Fair  
12 Districts amendments are or constitute a  
13 compelling state interest for the State of  
14 Florida to draw racially gerrymandered districts,  
15 or use race as the predominating factor in  
16 opposition to the 14th and 15th amendments.

17 So now we come to the primary map, which  
18 I think during the presentation of the amendment,  
19 it was conceded that, you know, while it  
20 addresses the compactness issue, it's still a  
21 racially gerrymander or a district drawn upon a  
22 racial basis that violates the 14th amendment.

23 It has been suggested that the governor  
24 has a novel legal theory. I don't think it's a  
25 novel at all. I think it's well grounded in the

1 United States Constitution, the 14th and 15th  
2 amendments which, let's remember, the 14th and  
3 15th Amendments were specifically written to  
4 prevent states from using race in voting and in  
5 redistricting. We have to remember that.

6 So the State Fair Districts, I do not  
7 believe can constitute the compelling state  
8 interest to draw maps based on racial lines. And  
9 so therefore, just because the Court approved the  
10 districts in 2015 and they were court-approved,  
11 does not mean today that they are  
12 constitutionally valid when looked in light of  
13 the 14th and 15th amendments and the subsequent  
14 case law and cases that are continuing, you know,  
15 currently and before the Supreme Court, such as  
16 the Alabama opinion.

17 So for that reason, because I believe  
18 that both the primary and secondary maps violate  
19 the United States constitutional provisions of  
20 the 14th and 15th Amendment, I regretfully must  
21 be down today. Thank you.

22 VICE-CHAIR FINE: Additional members  
23 wishing to speak in debate?

24 Okay. Seeing none, just a couple of  
25 points. I did want to address the comment that I

1 thought was inappropriate here about the  
2 governor's involvement. Neither map that we are  
3 voting on today is the governor's map. The  
4 governor has a separate map that we have not  
5 considered here.

6 And I also want to belie the notion that  
7 his interest and his opinions are not  
8 appropriate. He's a citizen of the state of  
9 Florida. And he submitted a map the same way any  
10 other citizen did. In addition, he does have the  
11 right to veto whatever we pass.

12 And frankly, if you don't talk to the  
13 governor's office when you're running any bill in  
14 the process to make sure you're getting their  
15 opinion as you move through the process, then  
16 you're not doing a good job of being a bill  
17 sponsor because he does have that right. We  
18 sometimes assume if you get a bill through the  
19 House and Senate, he's just automatically going  
20 to sign it. I think some of you have experienced  
21 that that is not necessarily the case.

22 I certainly respect his view. And I  
23 certainly respect the opinion that Chair Byrd has  
24 put forth. I think that it's an interesting  
25 concept, and it's one that certainly does need to

1 be explored. But I also recognize we're 14 days  
2 from the end of session, and we do have an  
3 obligation to keep a product moving forward.

4 I think you've seen, this Committee  
5 listens at every step of the process, and you see  
6 changes. There have been changes, I think, on  
7 every map and every committee at every stage, and  
8 I'm assuming that there will continue to be as  
9 all of the stakeholders are involved in all of  
10 the opinions are weighed as it moves through the  
11 process.

12 So I'm optimistic that at the end of  
13 these next 14 days, we've got something that  
14 everyone can be excited about, hopefully, whether  
15 it is my good friend and, I think, future law  
16 professor Cord Byrd or Rep. Driskell and our  
17 Ranking Member. Hopefully that is where we will  
18 end up over the next two weeks, but we will see.

19 And with that, I'm going to let  
20 Rep. Sirois close on his bill.

21 REPRESENTATIVE SIROIS: I appreciate the  
22 time, members, this afternoon. I won't spend too  
23 much of your time revisiting subjects that we  
24 have already talked about. But I do want to  
25 mention I'm proud of the significant member input

1 that we have had, and I also appreciate all of  
2 the comments that my colleagues have made in  
3 supportive Chair Leek's amendment.

4 I'm not much of a legal scholar, far  
5 from it. But I believe that the bill that we  
6 have in front of us today is the best outcome  
7 that we could have given the information and the  
8 realities in front of us.

9 When I embarked on this process over the  
10 summer, a lot to learn, especially from you,  
11 Chair Leek, and I appreciate that and the time  
12 that we have spent together.

13 But part of my understanding is that  
14 this process of redistricting is not as much  
15 about what the law could be, as it is as much  
16 about what it is. And I feel compelled to  
17 revisit what the law is related to this process  
18 that we have touched on time and time again in  
19 this Committee and in my subcommittee, and I just  
20 want to take a moment to read from our  
21 constitutional standards because we haven't had  
22 an opportunity to do that today. And I think we  
23 should before we have an opportunity to vote on  
24 the work product that is in front of us.

25 So our tier 1 standards. "No

1     apportionment of planned or individual districts  
2     shall be drawn with the intent to favor or  
3     disfavor a political party or an incumbent.  
4     Districts shall not be drawn with the intent or  
5     result of denying or abridging the equal  
6     opportunity of racial or language minorities to  
7     participate in the political process or to  
8     diminish the ability to elect a representative  
9     their choice. Districts shall consist of  
10    contiguous territory."

11             Our tier 2 standards. "Districts shall  
12    be nearly equal in population as practical. We  
13    know with our congressional districts, they must  
14    be drawn to the person. Districts shall be  
15    compact. Districts, where feasible, shall  
16    utilize existing political and geographical  
17    boundaries."

18             Members, the work product that is in  
19    front of you today is legally compliant. I am  
20    proud to have my name attached to it. I am proud  
21    to have spent the last six months working with  
22    members and receiving their input and perspective  
23    on it. I think is the best product that we could  
24    have given the information and the reality that  
25    is in front of us. And I ask for you to join me

1 in voting yes today.

2 VICE-CHAIR FINE: Thank you. Having  
3 closed on his bill, members, please remember to  
4 turn on your microphones when you vote.

5 DJ, please call the roll.

6 MS DJ: Chair Leek.

7 CHAIRMAN LEEK: Yes.

8 THE SECRETARY: Representative Andrade.

9 REPRESENTATIVE ANDRADE: Yes.

10 THE SECRETARY: Bush.

11 REPRESENTATIVE BUSH: No.

12 THE SECRETARY: Byrd.

13 REPRESENTATIVE BYRD: No.

14 THE SECRETARY: Clemons.

15 REPRESENTATIVE CLEMONS: Yes.

16 THE SECRETARY: Drake.

17 REPRESENTATIVE DRAKE: No.

18 THE SECRETARY: Driskell.

19 REPRESENTATIVE DRISKELL: No.

20 THE SECRETARY: Fine.

21 VICE-CHAIR FINE: Yes.

22 THE SECRETARY: Geller:

23 REPRESENTATIVE GELLER: No.

24 THE SECRETARY: Goff-Marcil.

25 REPRESENTATIVE GOFF-MARCIL: No.



1 THE SECRETARY: Grall.  
2 REPRESENTATIVE GRALL: Yes.  
3 THE SECRETARY: Grant.  
4 REPRESENTATIVE GRANT: Yes.  
5 THE SECRETARY: Jenne has been excused.  
6 Latvala.  
7 REPRESENTATIVE LATVALA: Yes.  
8 THE SECRETARY: Mariano.  
9 REPRESENTATIVE MARIANO: Yes.  
10 THE SECRETARY: McClain.  
11 REPRESENTATIVE MCCLAIN: Yes.  
12 THE SECRETARY: Omphroy.  
13 REPRESENTATIVE OMPHROY: Yes.  
14 THE SECRETARY: Payne.  
15 REPRESENTATIVE PAYNE: Yes.  
16 THE SECRETARY: Robinson.  
17 REPRESENTATIVE ROBINSON: Yes.  
18 THE SECRETARY: Rommel.  
19 REPRESENTATIVE ROMMEL: Yes.  
20 THE SECRETARY: Sirois.  
21 REPRESENTATIVE SIROIS: Yes.  
22 THE SECRETARY: Slosber-King.  
23 REPRESENTATIVE SLOSBER-KING: No.  
24 THE SECRETARY: Thompson.  
25 REPRESENTATIVE THOMPSON: No.

1 THE SECRETARY: Tuck.

2 REPRESENTATIVE TUCK: Yes.

3 THE SECRETARY: Ex Officio Skidmore.

4 REPRESENTATIVE SKIDMORE: No.

5 THE SECRETARY: Fifteen yeas, nine nays,  
6 Mr. Chair.

7 VICE-CHAIR FINE: Show the bill reported  
8 favorably.

9 Members, I will now give the gavel back  
10 to Chair Leek.

11 CHAIRMAN LEEK: Thank you, all. Boy,  
12 this is a technical, tedious process. And I want  
13 to thank, you know, the few members of the public  
14 who showed up at the committee meetings and all  
15 the members in this Committee for your thorough  
16 and thoughtful questions.

17 I also want to thank our staff. When I  
18 say this is a tedious process, I mean that it  
19 requires hours upon hours upon hours of work to  
20 achieve the first piece of work product. So I  
21 want to thank our staff: Leda, Jason, Sam, DJ,  
22 Karen. Am I missing anybody? Don't get me in  
23 trouble. Kyle.

24 I want to thank all of you because I  
25 know how much work that you've put in coming up

1 with any work product. I also want to thank you  
2 for sitting down with every member who engaged in  
3 the process in a substantive way and walking them  
4 through the same thing that I'm sure you had  
5 walked us all through at some point or another so  
6 that they had an understanding of how to  
7 participate and how to engage in the process.

8 This concludes our committee meeting for  
9 this Committee. I want to thank you all for  
10 stepping up, engaging in the process, and I want  
11 to encourage you all to know that this is not the  
12 end. We'll keep going. You'll see this on the  
13 floor, probably see this on conference, and the  
14 work product, much like the budget, the work  
15 product that we end up with may look different  
16 than what we're doing here today. But thank you  
17 for keeping the process moving.

18 And with that, Vice Chair Fine moves, we  
19 rise.

20 (END OF VIDEO RECORDING)

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1 CERTIFICATE OF TRANSCRIPTIONIST

2 I certify that the foregoing is a true  
3 and accurate transcript of the digital recording  
4 provided to me in this matter.

5 I do further certify that I am neither a  
6 relative, nor employee, nor attorney of any of  
7 the parties to this action, and that I am not  
8 financially interested in the action.

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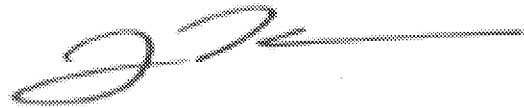
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Julie Thompson, CET-1036

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