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

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TRANSCRIPT OF VIDEO-RECORDED
HEARING OF THE FLORIDA SENATE SELECT
SUBCOMMITTEE ON LEGISLATIVE REAPPORTIONMENT
NOVEMBER 17, 2021

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1 SEN. BURGESS: Good morning, everybody. Happy
2 Wednesday. The select committee on legislative
3 reapportionment will now come to order. Dana, please
4 call the roll.

5 CLERK: Chair Burgess.

6 SEN. BURGESS: Here.

7 CLERK: Senator Bracy.

8 SEN. BRACY: Here.

9 CLERK: Senator Gibson. Senator Rodriguez.

10 SEN. RODRIGUEZ: Here.

11 CLERK: Senator Stargel.

12 SEN. STARGEL: Here.

13 CLERK: Mr. Chair, there's quorum.

14 SEN. BURGESS: A quorum is present. Please
15 silence all your electronic devices. Um, and anyone
16 wishing to testify before the subcommittee must fill
17 out an appearance card and hand it a to a member of
18 the sergeant's office. Should you select to waive your
19 speaking time, your position will be read into the
20 record.

21 I thank everybody who's here today for attending
22 on this Wednesday morning, appreciate you. Um, then
23 senators we have a number of items on our agenda
24 today. But before we continue, I'd like to take a
25 moment to talk about the process we are about to

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1 embark on.

2 Under Senate rules, select subcommittees do not
3 consider legislation. We study or investigate a
4 specific issue following within -- falling within the
5 jurisdiction of the standing committee. In this case,
6 that issue is the redrawing of Florida's Senate
7 districts.

8 And so we will use the time allotted to workshop
9 the staff-produced maps and provide feedback and
10 guidance to staff where appropriate. Our feedback and
11 guidance should conform to the directives issued
12 unanimously by the full committee. You will find a
13 copy of the directives in your meeting materials.

14 Our feedback and guidance to staff should also be
15 consistent with cautions expressed in the memorandum
16 we received last week from President Wilton Simpson,
17 President-Designate Passidomo, and Leader Book. Our
18 responsibility as a select subcommittee is to assist
19 the full committee in proposing a constitutional
20 Senate map free of any improper intent.

21 I know that every member of this subcommittee
22 shares that goal. I would caution members and their
23 questions, feedback, or guidance to staff today to
24 express themselves carefully, so that nothing said in
25 this meeting is misperceived as motivated by any

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1 impermissible purpose.

2 In the future, we will submit a recommendation
3 which will include a Senate map or set of Senate maps
4 to the full committee. We will defer on the creation
5 of house maps to the house as often as -- as -- as
6 often has been a customary practice between the two
7 chambers. We will convene at a later time to reconcile
8 our respective processes.

9 When Chair Rodriguez reconvenes the full
10 committee to consider our recommendations, members may
11 offer amendments. Accordingly, the maps that we'll be
12 work-shopping today are not final.

13 Any alterations that are proposed, whether as
14 guidance and feedback to the staff, or as an amendment
15 offered in the future, should adhere to the
16 constitutional principles and apply them consistently
17 throughout the state.

18 I have been advised by the counsel that all plans
19 brought forward by staff today comply with the complex
20 layering of federal and state standards and contain
21 various trade-offs within the co-equal, Tier-Two
22 standards presented in each plan. It is within the
23 balancing of these trade-offs that we must exercise
24 our legislative discretion, and produce a
25 constitutionally compliant map.

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1 Staff has also informed me that while no senators
2 have requested that staff free the publicly submitted
3 comments or plans for consideration, while developing
4 the maps we are work-shopping today, members of the
5 public have been continuing to submit plans and
6 comments to floridaredistricting.gov.

7 Are there any questions before we proceed to the
8 public comment and presentations on our agenda today?

9 No questions. Then we'll go ahead and proceed,
10 senators. Uh, at this point, Mr. Ferrin, s -- seated
11 to my left, you are recognized for a walk-through of
12 the staff-prepared plans.

13 MR. FERRIN: Thank you, Mr. Chairman. So we've
14 produced a series of maps since receiving the
15 directives from the full committee on October 18th.
16 The districts in these maps have been numbered to be
17 roughly analogous to the districts and the benchmarks,
18 but may be renumbered.

19 We relied on the plain language of the
20 constitution, federal law, and existing judicial
21 precedent to ensure the plans comply with the complex
22 layering of federal and state standards. Districts
23 were drawn to balance the co-equal, Tier-Two standards
24 in the Florida constitution, unless doing so would
25 conflict with the standards in Tier-One.

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1 To comply with, uh, in order to comply with the
2 Tier-One standards, and the directives that were
3 issued by the committee, districts were drawn without
4 reviewing any political data other than where it was
5 required to perform a functional analysis, and
6 evaluate whether or not a district denied or abridged
7 a racial or language minority group's ability to
8 participate in the political process, or diminished
9 their ability to elect representatives of their ch --
10 of their choice.

11 Districts were drawn without the use of any
12 resident's information, of any sitting member of the
13 Florida legislature, or -- or Congress. And districts
14 were drawn without regard to the preservation of
15 existing district boundaries.

16 To comply with Tier-Two standards, district were
17 -- districts were drawn to be as nearly equal in
18 population as practical. With district population
19 deviations of less than one percent of the ideal
20 population of 5003 -- 538,455 people. Districts were
21 drawn to be visually compact in relation to their
22 shape and geography. Mathematical scores were used
23 where appropriate.

24 Districts were drawn to use County boundaries
25 where feasible, unless populated areas, whole counties

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1 were grouped together to make district -- uh, district
2 or a set of districts.

3 And in more populated areas where it was feasible
4 to do so, districts were kept wholly within a County.
5 Districts were also drawn to use two graphic features
6 that are easily recognizable and readily ascertainable
7 as district boundaries where feasible.

8 The boundary analysis for each plan illustrates
9 the rate at which railways, Interstates, federal and
10 state highways, and large bodies were used as district
11 boundaries for each district. To keep cities whole
12 where doing so -- the plans were also drawn to keep
13 cities whole where doing so was feasible while
14 recognizing the impermanent and irregular shapes of
15 municipal boundaries.

16 If or when a city was split, static geographic
17 features were sought out for usage as district
18 boundaries. Accordingly these plans contain trade-offs
19 within the co-equal, Tier-Two criteria and are
20 presented for consideration in an exercise of
21 legislative discretion.

22 All these plans we're reviewing today have been
23 published and are available on
24 floridaredistricting.gov. They can be viewed
25 interactively or downloaded from the submitted plans

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1 page for independent analysis.

2 Each one of these links, if anyone's following
3 along on a computer, for the plan name will pull up
4 the interactive maps of the -- uh, members of the
5 public can zoom around the map and turn on the
6 different reference layers or base maps, a few things
7 with satellite images, and road maps. Things like
8 that.

9 We've also published plan packets, uh, as part of
10 the meeting materials. And these are, um, the maps
11 that the members have in front of them. The 11 by 17
12 formatted maps. Uh, these are also available with the
13 meeting materials on the sele -- select subcommittee's
14 page of the floridaSenate.gov website.

15 These plan packets are provided for the benchmark
16 Senate plan, and referred to as FLSD2016. And for each
17 of the Senate plans we'll be work-shopping today. They
18 contain everything used to analyze the district plan -
19 - the redistricting plan. The data comes from the
20 redistricting app location. It is reformatted for
21 easier consumption.

22 They contain statewide maps with insets of south
23 Florida, Jacksonville, Tampa Bay, and Orlando. Page
24 including census and boundary statistics. Pages of
25 split cities and counties. And a functional analysis

1 of districts protected from non-diminished rent
2 standards in Tier-One, article three of the Florida
3 constitution.

4 In the meeting materials there's also the copy of
5 the over-under map that is there to provide a visual
6 references to how and why a region's population growth
7 rate relative to the ideal district population
8 influences how the districts have to be redrawn.

9 On the census and boundaries statistics page, we
10 show the district population deviation from the ideal
11 expressed in terms of people and as a -- as a whole
12 percent -- as a percentage. We show the voting age
13 population for black voting age, that what BVAP is.
14 And that includes respondents who identified as being
15 black either singly or in combination with some other
16 race and/or ethnicity including Hispanic.

17 We also show HVAP, which is Hispanic voting age
18 population. And that is respondents who identified as
19 Hispanic and any -- and of any race or combination of
20 races including black. District area is also reported
21 in square miles, or perimeter of a district in miles,
22 and we should report the compactness scores for convex
23 hull, Polsby-Popper, and reock calculations.

24 This page also include counts of whole and
25 partial counties and cities within each district, and

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1 counts of cities and counties that have all of their
2 population only in one district. Each district's
3 boundary coincidences also reported with certain types
4 of features identified by the U.S. census br -- bureau
5 and their geometry layers.

6 These include those recognized by the Florida
7 supreme court as political and geographic boundaries.
8 That includes c- -- city boundaries, County
9 boundaries, primary and secondary roads, which are
10 Interstates, U.S. Highways, and state highways.
11 Railroads and then water features with contiguous area
12 of greater than 10 acres.

13 This report also includes, uh, a statistic for
14 the portion of each districts boundary that does not
15 coincide with these features. The next sets of pages,
16 uh, is a full report of the split counties and cities,
17 so this lists any County with two or more districts.
18 Presents total population, uh, in each portion of the
19 district and the area.

20 And it's also expressed in -- in terms of count
21 and a percentage. It's there for cities as well. And
22 now may be a good time to note that while it's not
23 included within this meeting materials packet, we
24 looked at the benchmarks Senate district plan when it
25 was drawn in 2016.

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1 And that circumstance, it only split seven cities
2 -- uh, by population and by area. Since then without
3 moving any district lines, the benchmark now splits
4 five times as many for a total of 55 cities. Due to
5 the impermanent and ever changing nature of municipal
6 annexations.

7 The last few pages in the packet, uh, contain the
8 functional analysis. There's a couple summary pages,
9 these list only the districts for which it is
10 necessary to evaluate whether or not a district denies
11 or abridges the racial or language minority group's
12 ability to participate in the political process.

13 Or if the district diminishes their ability to
14 elect representatives of their choice. We then report
15 the BVAP and HVAP scores and include 2020 general
16 election voter registration information for
17 registrants by party, by race or ethnicity, by race or
18 ethnicity and party, and by party and race or
19 ethnicity.

20 This next page of the summary of functional
21 analysis displays the average voter turnout in 2012,
22 2014, 2016, 2018, and 2020 primary elections. It
23 displays the percentage of turnout by party and race
24 or ethnicity.

25 We display the average of voter turnout in 2012,

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1 2014, 2016, 2018, and 2020 general elections. Report
2 those statistics by turnout by party, turnout by party
3 and race or ethnicity, and turnout by race or
4 ethnicity and party.

5 Finally, we have the general election performance
6 and statewide elections for 2012 through 2020. This
7 reports the average performance, which is the vote
8 share for the Democrat and Republican candidate; a
9 count of wins and statewide contests for Democrat and
10 Republican candidates; and then the margins. So we
11 have the maximum margin of victory in a statewide
12 contest for either the Democrat or Republican
13 candidate. We report that minimum margin of victory
14 and then the average margin of victory.

15 Finally, we have the returns for the -- included
16 in the functional analysis. So there's a page for
17 primary and a page for general elections. This show
18 the percentage of votes received by each candidate in
19 contest for which there was a statewide primary and
20 includes 2012, 2014, 2016, and 2018. There was no, uh,
21 2020 statewide primary.

22 And then the general page shows the votes for --
23 received by each candidate, the percentage of votes
24 received by each candidate in contest for which there
25 was a statewide general election. Which is all

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1 statewide elections between 2012 and 2020.

2 We can jump into the plans or pause if there's
3 any questions.

4 SEN. BURGESS: I think we're, uh -- senators, if
5 everybody's agreeable, I prefer to just jump into the
6 plans and I think there'll be some questions that
7 maybe just arrive through those plans. So, uh, if
8 everybody's okay with that, Mr. Ferrin, if you don't
9 mind proceeding to our first plan.

10 MR. FERRIN: Absolutely. Thank you, Mr. Chairman.
11 So the first plan is plan S000S8010. Pursuant to the
12 directives given to staff, this plan was drawn to be
13 consistent with the plain language of the Florida
14 constitution, federal law, and existing judicial
15 precedent. This plan balances the co-equal criteria
16 outlined in the Tier-Two standards of article three,
17 section 21 of the Florida constitution, except where
18 doing so conflicts with the Tier-One standards.

19 Functional analysis of the minority districts in
20 the plan confirm that it does not diminish the ability
21 for racial and language minorities to elect candidates
22 of their choice.

23 And when we were drawing the visually compact
24 districts in the plan, County boundaries were used
25 where is feas -- feasible to do so. When a County was

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1 split, static geographic features such as major roads,
2 railroads, and water bodies were used in a manner that
3 sought to keep cities whole where it was feasible.

4 In cases where a city was split, static
5 geographic features were used. Where none were
6 available or in cases where it was possible to
7 illustrate the trade-off between using political or
8 geographic features, a municipal boundary may have
9 been used. This plan has an overall deviation of
10 10,457 people, which is 1.94 percent.

11 The average compactness scores of the plan are
12 .82 convex hull, .46 Polsby-Popper, .46 Reock, and the
13 average use of nonpolitical or geographic boundaries
14 is six percent; which means that the -- of the
15 district boundaries, 94 percent of the district
16 boundaries fall on features identified by the U.S.
17 census bureau's geographic layers as city boundaries,
18 County boundaries, Interstates, U.S. Highways, or
19 State Roads, contiguous water bodies larger than 10
20 acres, or railroads.

21 This plan has 51 whole counties, 16 districts
22 wholly contained within a County, 350 cities with all
23 of their boundaries contained within a single
24 district, and 360 cities with all their population
25 contained within a single district.

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1 Like the benchmark plan, this plan has five
2 effective minority districts for African-Americans.
3 That's Senate districts six, 11, 19, 33, and 35. It
4 has four minority majority Hispanic districts in south
5 Florida, those are 36, 37, 39, and 40. And an
6 opportunity district in central Florida that's become
7 a majority minority Hispanic district. That's district
8 15.

9 Let's start in the panhandle where districts one
10 and two split Okaloosa County. Where the boundary
11 primarily follows State Road 85, Interstate 10, and
12 the Yellow River. While this configuration splits the
13 cities of Crestview and Laurel Hill, the boundary
14 follows only static geographic features all the way
15 through the County.

16 District three, which you can see most of in this
17 slide, consists of all of Gadsden, Liberty, Golf,
18 Leon, Wakulla, Franklin, Jefferson, Madison, Taylor,
19 Hamilton, Suwannee, Lafayette, and Dixie counties in
20 their entirety.

21 The next slide shows northeast Florida and north
22 Florida. We can see the remaining portion of district
23 three here and districts four, five, six, seven, and
24 eight. Nassau and Duval counties combine to form two
25 whole Senate districts.

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1 With district six being kept wholly within Duval.
2 The boundary between these two districts primarily
3 follows the Nassau-Duval County line, State Road 115;
4 which is Lem Turner Road, Interstate 295, U.S. Highway
5 90; which is Beach Boulevard, State Road 109; which is
6 University Boulevard, and the St. John's River.

7 The district boundary departs from these
8 geographic features where necessary to balance
9 population and to maintain the ability to elect in
10 district six. District six is an effective minority
11 district protected from diminishment under Tier-One of
12 article three; section 21 of the Florida constitution.

13 While the BVAP is slightly reduced from the
14 benchmark, the functional analysis confirms the
15 district does not deny or abridge the opportunity for
16 African-Americans to participate in the political
17 process, and does not diminish their ability to elect
18 candidates of their choice.

19 District five consists of all of Columbia, Baker,
20 Union, Gilchrist, Bradford, and Clay counties and a
21 part of Alachua County. And Alachua County the
22 boundary follows static geographic features including
23 State Road 26; which is Newberry Road, Interstate 75,
24 State Road 24; which is Archer Road, U.S. Highway 441,
25 State Road 20; which is University Avenue, and State

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1 Road 222; which is Northeast 39th Boulevard.

2 The remaining portion Alachua County is in
3 district eight along with all of Levy and Marion
4 counties. This allows both districts five and eight to
5 use static, readily ascertainable and commonly
6 understood political or geographic boundaries for 100
7 percent of their boundaries. It's worth noting that
8 one of the cities is split in this configuration,
9 which is Fanning Springs. And that's actually divided
10 by the County line between Gilchrist and Levy
11 counties.

12 District seven consists of all St. Johns, Putnam
13 and Flagler counties, and part of northern Volusia. In
14 Volusia the boundary primarily follows State Road 40;
15 which is West Grenada Boulevard, State Road 5a; South
16 Nova Road, and State Road 430; which is Mason Avenue.
17 District seven also follows political and geographic
18 boundaries for the entirety of its border.

19 It does however result in splits to Daytona
20 Beach, Holly Hill, and Norman Beach. The majority of
21 each of these cities population falls within either
22 district seven, which is, uh, Norman Beach has 84.9
23 percent of its population in district seven.

24 And Holly Hill has 99.8 percent of its population
25 in district seven. For the population -- majority of

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1 the population would fall in the neighboring district
2 14. And for Daytona Beach that's 90.3 percent.

3 The next slide is the I-4 region of the state.
4 District nine consists of all of Seminole County and
5 part of Orange County. For the boundary primarily
6 follows State Road 434; which is Forest City Road,
7 Interstate 4, State Road 436; which is Semoran
8 Boulevard. District 10 consists of all of Citrus,
9 Sumter, Hernando Counties, and part of Pasco County.

10 In northwest Pasco County, boundary follows State
11 Road 589; which is Suncoast Parkway, and State Road
12 52. Except for where the boundary follows the
13 extension of State Road 52 past highway 19, from Marsh
14 to the Gulf of Mexico, the boundaries entirely on
15 County boundaries maj -- major roadways.

16 District 11 is wholly contained within northwest
17 Orange County. It's an effective minority district
18 protected from diminishment under Tier-One. The BVAP
19 of the district increases slightly from the benchmark,
20 but a functional analysis confirms district deny or
21 abridge the opportunity for African-Americans to
22 participate in the political process and does not
23 diminish their ability to elect candidates of their
24 choice.

25 Within Orange County, the boundary primarily

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1 follows State Road 50; which is Colonial Drive, State
2 Road 408; which is the East-West Expressway, south of
3 Apopka-Vineland Road, State Road 482; which is West
4 Lake Sand Lake Road, Interstate 4, and the seaboard
5 coastline railroad. Boundary departs from these
6 geographic features were necessary to maintain the
7 ability to elect in this Tier-One protected district.

8 District 12 consists of all of Lake County and
9 part of southeastern Orange County. In Orange County
10 the boundary primarily follows State Road 50, which is
11 Colonial Drive, State Road 408; which is the East-West
12 Expressway, south of Apopka-Vineland Road, and
13 Interstate 4. Boundary does depart from these
14 geographic features were necessary to maintain the
15 ability to elect in the neighboring Tier-One protected
16 district.

17 District 13 is wholly contained within eastern
18 Orange County where the boundary primarily follows
19 Interstate 4, the seaboard coastline railroad, State
20 Road 436; which is Semoran Boulevard, and State Road
21 528; which is the Beachline Expressway. Boundary does
22 depart from these geographic features were necessary
23 to maintain the ability to elect in a neighboring
24 Tier-One protected district.

25 District 14 shares a boundary with district seven

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1 in northern Volusia and contains the rest of the
2 County along with part of northern Brevard County.
3 There it shares a boundary with district 17. District
4 17 is wholly contained within Brevard County. The
5 boundary between districts 14 and 17 follows State
6 Road 50; which is Cheney Highway, State Road 405;
7 which is Columbia Boulevard, and the NASA railway that
8 passes through the Kennedy Space Center. Following
9 these major roadways does result in Titusville being
10 split, but it keeps 98.7 percent of the city's
11 population in district 14.

12 Utilizing these readily ascertainable and
13 commonly understood features, the nonpolitical and
14 geographic boundary util -- utilization rate for both
15 district 16 and 17 is only -- actually, excuse me,
16 district 14 and 17 is only 2 percent. This is caused
17 by a minor departure from geographic features within
18 Kennedy Space Center.

19 District 15 is a Hispanic opportunity district
20 protected from diminishment under Tier-One of article
21 three of the Florida constitution. Due to and increase
22 in the hispanic population of the area, this district
23 becomes a majority minority district.

24 A functional analysis of the district confirms
25 that the district does not deny or abridge the

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1 opportunity for Hispanics to participate in the
2 political process and does not diminish their ability
3 to elect candidates of their choice. District 15
4 consists of all of Osceola County and the remaining
5 part of Orange County.

6 District 16 contains part of western Pasco and
7 northern Pinellas. Pasco County boundary follows State
8 Road 589; which is Suncoast Parkway, and State Road
9 52. In Pinellas County the boundary primarily follows
10 State Road 60; which is Golf to Bay Boulevard, and
11 U.S. Highway 19.

12 District 18 is wholly contained within northwest
13 Hillsborough County. The boundary primarily follows
14 Interstate 5 and Interstate 275, U.S. Highway 41,
15 North Armenia Avenue, East Fletcher Avenue, and
16 departs from geographic boundary features were
17 necessary to main -- maintain the ability to elect in
18 a neighboring Tier-One protected district.

19 District 19 is an effective minority district
20 protected from diminishment under Tier-One. A
21 functional analysis confirms district does not deny or
22 abridge the opportunity for African-Americans to
23 participate in the political process and does not
24 diminish their ability to elect candidates of their
25 choice. While the BVAP increases slightly from the

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1 benchmark, a functional analysis confirms that the
2 district does not deny or abridge the opportunity for
3 African-Americans.

4 District 19 contains part of Pinellas and
5 Hillsborough counties. In Pinellas County the boundary
6 primarily falls 22nd Avenue, North 58th Street, and
7 Interstate 275. In Hillsborough County, district 19
8 shares its western northern boundary with district 18.
9 Eastern boundary primarily follows Interstate 75, U.S.
10 Highway 301, Balm Riverside Road, and the Seaboard
11 Coastline Railroad. Boundary departs from these
12 geographic features were necessary to maintain the
13 ability to elect in this Tier-One protected district.

14 District 20 contains part of Hillsborough and the
15 remainder of Pasco counties. In Hillsborough County
16 the boundary follows Interstate 75 where the district
17 shares a boundary with districts 18 and 19, where
18 district 20 shares a district boundary with district
19 21. It follows Lumsden Road and the CSX Railway.

20 District 22 is wholly contained within northern
21 Polk County. The boundary primarily follows State Road
22 570; which is Polk Parkway, State Road 540; which is
23 Winter Lake Boul -- Road -- Road, and the Amtrak
24 railway nea -- near Winter Haven, and then State Road
25 60. Following these static easily ascertainable and

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1 commonly understood geographic features through Polk
2 County does result in splitting some cities.

3 But 89.3 percent of the population of Lakeland is
4 included in district 22, 100 percent of the population
5 of Eagle Lake is included in district 22, and 99
6 percent of the population of Winter Haven is also
7 included in district two [sic].

8 District 24 is contained within the remainder of
9 Pinellas County between district 16 and 19. District
10 21 consists of part of Hillsborough and Manatee
11 counties. In Hillsborough County the district shares
12 boundaries with districts 19 and 20.

13 In Manatee County where the district shares a
14 boundary with district 23, the boundary primarily
15 follows State Road 70 and the Manatee-Sarasota County
16 line. Utilization of County line does result in
17 splitting the city of Longboat Key, which is on a
18 barrier island divided by these two counties.

19 District 23 contains the rem-remaining portion of
20 Manatee County and all of Sarasota County. District 25
21 contains all of Indian River, Highlands, Glades, and
22 Okeechobee counties, and part of St. Lucie County.

23 In St. Lucie the boundary between districts 25
24 and 29 primarily follows the Florida East Coast
25 Railway, State Road 716; which is Southeast Port St.

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1 Lucie Boulevard, and the Martin County boundary.
2 District 26 consists all of Hardee, DeSoto, Charlotte,
3 and part of Polk -- excuse me, and part of Polk and
4 part of Lee.

5 In Polk the district shares a boundary with
6 district 22, and in Lee County the boundary primarily
7 follows U.S. Highway 41; which is the Tamiami Trail,
8 State Road 78; which is Bay Shore Boulevard,
9 Interstate 75, Lee Boulevard, and the Aval [ph] Canal.

10 District 27 is wholly contained within Lee
11 County. The boundary follows U.S. Highway 41; which is
12 Tamiami Trail, State Road 78, and Interstate 75 to
13 achieve 100 percent of utilization of easily
14 ascertainable and commonly understood geographic
15 boundaries.

16 District 28 contains all of Hendry and Collier
17 counties and the remainder of Lee County. District 29
18 contains all of Martin County and part of St. Lucie
19 and Palm Beach County. St. Lucie district 29 shares a
20 boundary with district 25, and in Palm Beach County
21 the boundary primarily follows North Lake Boulevard,
22 State Road 786, which is PGA Boulevard, Seminole Pratt
23 Whitney Road, and U.S. Highway 441.

24 Moving on to south Florida. District 30 is wholly
25 contained within northeastern Palm Beach County.

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1 Boundary primarily follows North Lake Boulevard, State
2 Road 786; which is PGA Boulevard, Seminole Pratt
3 Whitney Road, U.S. Highway 441, and portions of the
4 city boundary of Green Acres.

5 District 31 is wholly contained within
6 southeastern Palm Beach County. Boundary primarily
7 follows U.S. Highway 441, State Road 808; which is
8 Glades Road, portions of the city boundary of Green
9 Acres, and the city boundary of Atlantis which kept
10 whole within the district.

11 District 32 is wholly contained within western
12 Broward County. The boundary primarily follows the
13 city boundaries of Parkland, Coral Springs, and
14 Tamarac. State road 838; which is West Sunrise
15 Boulevard, State Road 817; which is University
16 Boulevard, and Southwest 72nd Avenue. The boundary
17 with district 32 departs from geographic features were
18 necessary to maintain the ability to elect in a
19 neighboring Tier-One protected district.

20 District 33 is protected from diminishment under
21 Tier-One of the Florida constitution. In this plan it
22 is drawn as a majority minority district. Functional
23 analysis confirms that the district does not deny or
24 abridge the opportunity of African-Americans to
25 participate in the political process and does not

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1 diminish their ability to elect candidates of their
2 choice.

3 The district is wholly contained within Broward
4 where the boundary primarily follows the city boundary
5 of Tamarac, keeping it wholly within the district.
6 State road 838; which is West Sunrise Boulevard, West
7 Copans Road, and the Florida East Coast Railway, State
8 Road 842; which is West Broward Boulevard, and the
9 boundary does depart from these geographic features
10 where necessary to maintain the ability to elect in
11 this Tier-One protected district.

12 District 34 contains part of Palm Beach and
13 Broward counties. In Palm Beach County the boundary
14 primarily follows State Road 808; which is Glades
15 Road, and Broward the boundary primarily follows city
16 boundaries of Parkland and Coral Springs, which keeps
17 them whole within the district. Portions of the city
18 boundary of Fort Lauderdale, West Copans Road, and the
19 Florida East Coast Railway. Boundary departs from
20 these geographic features where necessary to maintain
21 the ability to elect in the neighboring Tier-One
22 protected district.

23 District 35 is an effected minority district
24 protected from diminishment under Tier-One. Functional
25 analysis confirms this district does not deny or

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1 abridge the opportunity for African-Americans to
2 participate in the political process and does not
3 diminish their ability to elect candidates of their
4 choice.

5 The BVAP slightly increase from the benchmark, a
6 functional analysis confirms that the district does
7 not deny or abridge the opportunity for African-
8 Americans to participate in the political process and
9 does not diminish their ability to elect candidates of
10 their choice.

11 District 35 is wholly contained within
12 northeastern Miami-Dade County. The boundary primarily
13 follows state -- Interstate 95, State Road 860; which
14 is Northeast Miami Gardens Drive, and the city
15 boundaries of Aventura and Sunny Isles.

16 Also follows State Road 847; which is Northwest
17 47th Avenue, State Road 9; which is Northwest 27th
18 Avenue, U.S. Highway 27; which is Northwest 36th
19 Street, and the Julia Tuttle Causeway. Departing from
20 ge -- political or geographic boundaries for only one
21 percent of the district's boundary.

22 District 36 is a minority majority district
23 protected from diminishment under Tier-One. Functional
24 analysis confirms the district does not deny or
25 abridge the opportunity for Hispanics to participate

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1 in the political process and does not diminish their
2 ability to elect candidates of their choice.

3 District 36 is contained wholly within Miami-Dade
4 County. Boundary primarily follows the Broward County
5 boundary, State Road 997; which is Krome Avenue, State
6 Road 847; which is Northwest 47th Avenue, State Road
7 9; which is Northwest 27th Avenue, State Road 948;
8 which is Northwest 36th Street, State Road 836; which
9 is the Dolphin Expressway way, U.S. Highway 41; which
10 is Southwest 8th Street, and the city boundary of
11 Sweetwater. To keep Sweetwater whole within the
12 district and departs from geographic features where
13 necessary to maintain the ability to elect in this
14 Tier-One protected district.

15 District 37 is a min -- minority majority
16 district protected from diminishment under Tier-One.
17 Functional analysis confirms that the district does
18 not deny or abridge the opportunity for Hispanics to
19 participate in the political process and does not
20 diminish their ability to elect candidates of their
21 choice. District 37 is wholly contained within Miami-
22 Dade County.

23 Boundary primarily follows State Road 948; which
24 is Northwest 36th Street, State Road 836; which is the
25 Dolphin Expressway, city boundary of Sweetwater, State

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1 Road 976; which is Southwest 40th Street, U.S. Highway
2 27; which is Northeast 36th Street, Interstate 195,
3 and the Julia Tuttle -- Julia Tuttle Causeway, U.S.
4 Highway 1, and State Road 913; which is the
5 Rickenbacker Causeway.

6 Departs from geographic boundaries were necessary
7 to maintain the ability to elect in this Tier-One
8 protected district. District 38 contains part of
9 Broward and Miami-Dade County. In Broward County the
10 district primary follows the East Coast Railway.
11 Portions of the city boundary of Fort Lauderdale,
12 State Road 842; which is West Broward Boulevard, State
13 Road 817; which is University Drive, and North 72nd
14 Avenue.

15 In Miami-Dade County the boundary primarily
16 follows Interstate 95, State Road 860; which is Miami
17 Gardens Drive, and the city boundaries of Aventura and
18 Sunny Isles Beach which are kept whole within the
19 district. District departs from ge -- geographical
20 features were necessary to maintain the ability to
21 elect in the neighboring Tier-One protected district.

22 District 39 is a majority minority district
23 protected from diminishment under Tier-One. Functional
24 analysis confirms that the district does not deny or
25 abridge the opportunity for Hispanics to participate

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1 in the political process and does not diminish their
2 ability to elect candidates of their choice. District
3 39 contains all of Monroe County and part of Miami-
4 Dade County.

5 Miami-Dade boundary foll -- primarily follows
6 State Road 997; which is Krome Avenue, U.S. Highway
7 41; which is Southwest 8th Street, Florida Turnpike,
8 and the Seaward Coastline Railroad. It also follows
9 the city boundary of Homestead which is kept whole
10 within the district. Boundary departs from these
11 geographic features where it's necessary to maintain
12 the ability to elect in this Tier-One protected
13 district.

14 District 40 is a minority majority district
15 protected from diminishment under Tier-One article
16 three of the Florida constituion. Functional analysis
17 confirms that the district does not deny or abridge
18 the opportunity for Hispanics to participate in the
19 political process and does not diminish their ability
20 to elect candidates of their choice.

21 District 40 is wholly contained within southeast
22 Miami-Dade County. Within the County the boundary
23 primarily follows State Road 976; which is Southwest
24 40th Street, U.S. Highway 1, the Florida Turnpike,
25 State Road 913; which is the Rickenbacker Causeway,

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1 the Seaward Coastline Railroad, and the city boundary
2 of Homestead.

3 District boundaries depart from geographic
4 features where it's necessary to maintain the ability
5 to elect in this Tier-One protected district. Mr.
6 Chairman, that's the first plan that we have to go
7 through today.

8 SEN. BURGESS: Thank you very much, Mr. Ferrin.
9 Appreciate all your hard work on this, and your team.
10 Um, at this point since we have several plans to go
11 through. Senators, I would ask, uh, if there's any
12 questions related to this plan.

13 And then we can, uh, have those questions, any
14 discussion, and then obviously move on to the -- the
15 remaining three that we have to go over. So are there
16 any questions on the plan that is before us?

17 Senator Gibson, you're recognized.

18 SEN. GIBSON: Thank you -- thank you, Mr. Chair.
19 Um, the, uh, um -- wait, that's not the right --
20 anyway. The deviation column, um -- I guess this is on
21 every page -- I guess -- at the top of the page, um,
22 where there is -- it's total 10,549 and the deviation
23 I guess is 1.96 percent, that's for the entire map?

24 SEN. BURGESS: Mr. Ferrin, you're recognized.

25 MR. FERRIN: Thank you, Mr. Chairman. Yes,

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1 Senator Gibson. That's for -- so for each district we
2 report the deviation for that district and then that
3 top line, that 10,000 number is the overall range.

4 And so that's the difference between the most
5 populated district and the least populated district.
6 And so the directives from the -- the committee were
7 to draw each district with a deviation of under one
8 percent. Which means that overall that deviation would
9 fall, uh, within two percent.

10 SEN. BURGESS: Senator Gibson, do you have a
11 follow up?

12 SEN. GIBSON: Say that last name again.

13 SEN. BURGESS: You -- you both are recognized to
14 -- for discussion. That way it's easier to just kind
15 of continue to dialogue.

16 SEN. GIBSON: Thank you, Mr. Chair. Can you--

17 MR. FERRIN: So in drawing each district at plus
18 or minus one percent of the total population, that
19 results in an overall range of two percent.

20 SEN. GIBSON: For the entire map.

21 MR. FERRIN: For the entire map. Yes.

22 SEN. GIBSON: Are there any districts that are I
23 guess not within the plus or minus one percent? Must
24 be, maybe, since it's 1.96 total?

25 MR. FERRIN: Uh, no, Senator Gibson. Each

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1 district is going to fall under one percent. Under
2 plus or minus one percent.

3 SEN. GIBSON: Okay. Can you repeat the boundary
4 streets for, um, district six?

5 MR. FERRIN: Bare with me one moment, Senator.

6 SEN. GIBSON: Please -- I know it's so hard. Is
7 it already in somewhere else?

8 MR. FERRIN: Yes. So district six is going to
9 follow the Nassau-Duval County line, and then State
10 Road 115; which is Lem Turner Road, and it goes to
11 Interstate 295, follows that around to, uh, U.S.
12 Highway 90; which is Beach Boulevard. And then from
13 there it takes State Road 109, University Boulevard,
14 towards the St. John river where it follows it down to
15 the, uh, Clay-Duval County line and back around
16 towards the west.

17 SEN. GIBSON: And so, um, I -- I think you
18 mentioned Duval -- Duval, uh, six is on Duval but four
19 comes into Duval as well, as it does today. Right?

20 MR. FERRIN: That's correct, Senator. So the --
21 the two counties of Nassau and Duval, uh, make up
22 enough population to draw two whole Senate districts.
23 As long as you balance that population amongst the
24 two.

25 SEN. GIBSON: Mm. All right. Thank you.

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1 SEN. BURGESS: Thank you, Senator Gibson. Are
2 there any further questions? Seeing -- uh -- is there
3 any -- oh, Senator Bracy recognized for questions, and
4 you both are recognized for dialogue.

5 SEN. BRACY: Thank you. Uh, I don't think I'll
6 need the dialogue, but I do want to ask: seems like
7 just generally, uh, most of the changes from our
8 current map, um, they exist down in south Florida
9 where I see the majority of the changes. Um, what's
10 the thinking behind that and can you give an
11 explanation as to why that is?

12 MR. FERRIN: Yes. Uh, Senator Bracy, so if you
13 look at the over-under map which is the front one in
14 the packet.

15 SEN. BRACY: Mm-hm.

16 MR. FERRIN: So that map displays the current
17 districts with the 2020 population overlaid on it, and
18 the deviation of each of the districts populations. So
19 if you look at south Florida, it's going to be a lot
20 of the -- the reddish and yellow color. Which means
21 that they're under-populated.

22 And so when the districts are under-populated
23 they have to grow to gain additional population. And
24 what happens is because districts -- if you start in
25 south Florida and you were to look at the benchmark

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1 plan. And so on page one of that analysis of the
2 bottom page of the census and boundaries statistics,
3 that's where we display the deviations for the
4 benchmark plan.

5 And so if you look at starting in, you know,
6 like, district 29. Nearly all of those districts, I
7 think all but one, are under-populated. And so if you
8 start in south Florida with district 39 or 40, you
9 have to grow 45,000 people and then four -- 38 has to
10 grow 50,000, 37 has to grow 30,000 or so, 36, etc.
11 etc.

12 That -- that forces all those districts to kind
13 of grow up the state because they can't -- certainly
14 they can't grow to the east, can't grow to the south,
15 unlikely they grow to the west, and so that leaves
16 north. And so that's why all those districts kind of
17 end up pushing north.

18 SEN. BRACY: Thanks. Thanks. All right. Thank
19 you.

20 SEN. BURGESS: Thank you, Senator Bracy. Um, any
21 discussion on these maps before we move on to the
22 next? No. Seeing none. Mr. Ferrin, you are recognized
23 to discuss our next plan.

24 MR. FERRIN: Thank you, Mr. Chairman. And so the
25 next plan 8,012. Pursuant to the directives given to

1 staff, this plan was drawn to be consistent with the
2 plain language of the Florida constitution, federal
3 law, and existing judicial precedent. It balances the
4 co-equal criteria outlined in Tier-Two standards of
5 article three; section 21 of the Florida constitution,
6 except where doing so conflicts with the Tier-One
7 standards.

8 A functional analysis of the minority districts
9 in the plan confirms that it does not diminish the
10 ability for racial and language minorities to elect
11 candidates of their choice. When drawing visually
12 compact districts, County boundaries were used where
13 it was feasible to do so. When a County was split,
14 static geographic features such as major roads,
15 railroads, and water bodies were used in a manner that
16 sought to keep cities whole where feasible.

17 Where a city was split, static geographic
18 features were used. Where none were available or in
19 cases where it was possible to illustrate the trade-
20 off between using political or geographic features, a
21 municipal boundary may have been used. The plan has an
22 overall deviation of 10,549 which is 1.96 percent.
23 Backness [ph] scores of .81, average compactness
24 scores of .81 Convex Hull, .44 Polsby-Popper; 46,
25 Reock.

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1 An average use of nonpolitical or geographic
2 boundaries of six percent, which means that 94 percent
3 of the district boundaries fall on features identified
4 by the U.S. census bureau's geographic layers as city
5 boundaries, County boundaries, Interstates, U.S.
6 Highways or State Roads, contiguous water bodies larger
7 than 10 acres, or railroads.

8 The plan has 51 whole counties, 16 districts
9 wholly contained within a County, 359 cities with all
10 their boundaries contained within a single district,
11 and 367 cities with all of their population contained
12 within a single district. Like the benchmark plan,
13 this plan has five effective minority districts for
14 African-Americans.

15 Those are again six, 11, 19, 33, and 35. Four
16 minority majority Hispanic districts in south Florida,
17 that's 36, 37, 39, and 40. And an opportunity district
18 in central Florida has become majority minority
19 Hispanic district in Senate district 15.

20 We'll start again in the panhandle where we look
21 at Okaloosa County, that's been drawn a little bit
22 differently between districts one and two. In Okaloosa
23 County the d -- the boundary primarily follows the
24 Yellow River, the Shoal River, U.S. Highway 90,
25 Interstate 10, and a portion of the city boundary of

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1 Crestview, which keeps the city whole within district
2 two.

3 This configuration doesn't split any cities in
4 Okaloosa County, however the boundary between
5 districts one and two does deviate from political and
6 geographic features at a higher rate and the
7 compactness decreases slightly. This configuration
8 also has a higher population range between districts
9 one and two.

10 In the north central Florida region, districts
11 five and eight are drawn differently. This
12 configuration adds Gilchrist County to district eight
13 and maintains the same political and geographic
14 boundary usage rate as the configuration does in 8010.
15 Districts five and eight are visually and mathematical
16 compact in both configurations with one set of
17 configurations scoring slightly higher on convex hull.

18 And the other scoring slightly higher on reock.
19 In terms of populization[sic] -- population
20 equalization, this plan has a lower range and this
21 plan also keeps more of Gainesville's population in
22 district five and that's at 96.3 percent.

23 In Alachua County this boundary primarily follows
24 U.S. Highway 441, Interstate 75, State Road 331; which
25 is Williston Road, and State Road 26; which is

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1 University Avenue. This plan also contains different
2 configurations in Pinellas, Polk, and Orange counties.

3 In Pinellas the boundary between districts 16 and
4 17 utilizes political and geographic features at a
5 higher rate. That is these two districts were
6 configured in plan 8010. However, this does result in
7 a higher range of overall population dif -- difference
8 between the two districts.

9 In Polk County the boundary between districts 22
10 and 26 also illustrates trade-offs within Tier-Two.
11 The configuration here in 8012 is visually and
12 mathematically more compact, but results in a lower
13 rate of utilization of political and geographic
14 boundaries. Additionally the overall population
15 deviation range between these two districts is higher
16 in its configuration.

17 In Orange County the boundaries of districts
18 nine, 11, 12, and 13 were adjusted to increase the
19 usage of political and geographic boundaries. In doing
20 so the trade-off present is that the ov -- overall
21 deviation range among the dist -- districts increases,
22 and the BVAP in district 11 also increases slightly
23 from that in 8010.

24 A functional analysis confirms that the district
25 does not deny or abridge the opportunity for African-

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1 Americans to participate in the political process and
2 does not diminish their ability to elect candidates of
3 their choice.

4 In Orange County the boundary between districts
5 nine, 11, and 13 primarily follows State Road 434;
6 which is Forest City Road, Interstate 4, State Road
7 436; which is Semoran Boulevard, and the city boundary
8 of Eatonville keeping the city wholly within district
9 11. District boundaries do part from geographic
10 features where necessary to maintain the ability to
11 elect in a neighboring Tier-One protected district.

12 Plan 8012 differs from plan 8010 in the way that
13 district 33 and the surrounding districts are drawn.
14 In this configuration districts 32, 33, 34, and 38
15 demonstrates a trade-off between compactness and
16 boundary usage. Overall the mathematical compactness
17 scores decrease slightly, but the usage rate of
18 political and geographic boundaries increases.
19 Additionally this arrangement keeps five more cities
20 whole as compared to plan 8010.

21 District 32 is wholly contained within western
22 Broward County. Within the County the boundary
23 primarily follows the city boundaries of Parkland,
24 Coral Springs, and Tamarac, keeps them whole within
25 the neighboring district.

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1 Other boundaries includes State Road 842; which
2 is West Brow -- Broward Boulevard, State Road 817;
3 which is University Drive, and the boundary does
4 depart from geographic features where necessary to
5 maintain the ability to elect in the neighboring Tier-
6 One protected district.

7 District 33 is protected under Tier-One and in
8 this plan it's drawn as a majority minority district.
9 A functional analysis confirms that the district does
10 not deny or abridge the opportunity for African-
11 Americans to participate in the political process and
12 does not diminish their ability to elect candidates of
13 their choice.

14 The district is wholly contained within Broward
15 County. Br -- the boundary primarily follows the city
16 boundaries of Tamarac and Margate, keeps them whole
17 within the district. It also follows State Road 834,
18 which is Sample Road, State Road 811; which is North
19 Dixie Highway, Interstate 895, State Road 842; which
20 is Broward Boulevard, and the city boundary of Wilton
21 Manors. Boundaries do depart from geographic features
22 where is necessary to maintain the ability to elect in
23 this Tier-One protected district.

24 District 34 consists of part of Palm Beach County
25 in -- in Palm Beach and Broward County. Palm Beach

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1 County the boundary primarily follows State Road 808;
2 which is Glades Road, and in Broward County the b- --
3 boundary primarily follows city boundaries of Parkland
4 and Coral Springs keeping them wholly within the
5 district.

6 It also follows State Road 834; which is Sample
7 Road, State Road 811; which is North Dixie Highway,
8 and Interstate 95. Boundary departs from geographic
9 features were necessary to maintain the ability to
10 elect in a neighboring Tier-One protected district.

11 Finally, district 38 contains part of Broward and
12 Miami-Dade counties. In Broward the boundary primarily
13 follows the city boundary of Wilton Manors keeping it
14 whole within the district. State road 842; which is
15 West Broward Boulevard, State Road 736; which is Davie
16 Boulevard, and State Road 817; which is University
17 Drive.

18 Boundary departs from geographical features were
19 necessary to maintain the ability to elect in a
20 neighboring Tier-One protected district. But the
21 boundary in Miami-Dade County is unchanged from the
22 previous plan.

23 Mr. Chairman, that is, uh, plan 8012.

24 SEN. BURGESS: Thank you very much, Mr. Ferrin.

25 Um, any questions, discussion, thoughts, senators, on

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1 plan 8012? Uh, as it differentiates to 8010, or, uh,
2 other thoughts?

3 Seeing none. Mr. Ferrin, probably needs to take a
4 drink of water, but you are re -- you are recognized
5 to go on to plan 8014 which'll be next.

6 MR. FERRIN: Thank you very much, Mr. Chairman.
7 Pursuant to the directives given to staff, plan 8014
8 was drawn to be consistent with the plain language of
9 the Florida constitution, federal law, and existing
10 judicial precedent. It balances the co-equal criteria
11 outlined in the Tier-Two standards of article three;
12 section 21 of the Florida constitution, except where
13 doing so conflicts with the Tier-One standards.

14 A functional analysis of the minority districts
15 in the plan confirms that it does not diminish the
16 ability for racial and language minorities to elect
17 candidates of their choice. When drawing visually
18 compact districts, County boundaries were used where
19 it is feasible to do so. When a County was split,
20 static geographic features such as major roads,
21 railroads, and water bodies were used in a manner that
22 sought to keep cities whole where it was feasible.

23 In cases where a city was split, the static
24 geographic features were used. Where none were
25 available or in cases where it was possible to

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1 illustrate the trade-off between using political and
2 geographic features, a municipal boundary may have
3 been used.

4 This plan has an overall deviation of 10,457
5 which is 1.94 percent. It has average compactness
6 scores of .82 convex hull, .46 Polsby-Popper, and .46
7 Reock.

8 The average use of nonpolitical or geographic
9 boundaries is six percent, which means that 94 percent
10 of the district fall on features identified by the
11 U.S. census bureau's geographic layers as city
12 boundaries, County boundaries, Interstates, U.S.
13 Highways or State Roads, contiguous water bodies larger
14 than 10 acres, or railroads.

15 This plan has 51 whole counties, 16 districts
16 wholly located within a County, or wholly contained
17 within a County, 357 cities with all of their
18 boundaries contained within a single district, and 366
19 cities with all their population contained within a
20 district.

21 Like the benchmark plan, this plan has five
22 effective minority districts for African-Americans
23 which are still numbered the same; six, 11, 19, 33,
24 and 35. For minority majority Hispanic
25 districts in south Florida, and those are 36, 37, 39,

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1 and 40. And an opportunity district in central Florida
2 that has become a majority minority Hispanic district
3 in Senate district 15.

4 Again in the panhandle, this plan is, uh, plan
5 8014 is similar to 8010 in that it has the same
6 configuration of districts one, two and three. In
7 north Florida, plan 8014 is similar to 8010 in that it
8 has the same configuration of districts five and
9 eight.

10 But districts four and six are drawn differently.
11 In this configuration the mathematical compactness
12 measurements are increased when compared to districts
13 four and six and plans 8010 and 8012.

14 Additionally the utilization rate of its
15 political and geographic boundaries increases to the
16 point that the nonpolitical and geographic boundary
17 score is zero percent.

18 The boundary six shared by districts four and six
19 follows State Road 23; which is the First Coast
20 Expressway, Interstate 10, Interstate 295, State Road
21 113; which is the Southside Connector Boulevard, and
22 State Road 115; which is Southside Boulevard, and then
23 State Road 152; which is Bay Meadows Drive, and
24 finally the St. John's River.

25 District six -- uh, district four is -- is

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1 contained within the remainder of Duval County.
2 District six is a minority district protected under
3 Tier-One. In this configuration district six has a
4 slight decrease in BVAP when compared to the districts
5 in 8010 and 8012.

6 The functional analysis confirms that the
7 district as configured here does not deny or abridge
8 the opportunity for African-Americans to participate
9 in the political process and it does not diminish
10 their ability to elect candidates of their choice.

11 Plan 8014 is similar to 8010 in that it contains
12 the same configuration of districts 16 and 24, and of
13 districts nine, 11, 12, and 13. It's similar to 8012
14 in that it contains the same configurations of
15 districts 22 and 26 in Polk County. It's different
16 than these plans in Hillsborough where district 19 and
17 district 20 were drawn differently.

18 And the different configurations of 19 and 20,
19 district 19 remains and effective minority district
20 protected under Tier-One, and in this configuration
21 the district BVAP decreases just slightly from plans
22 8010 and 8012.

23 The functional analysis confirms that the
24 district as configured here does not deny or abridge
25 the opportunity for African-Americans to participate

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1 in the political process and it does not diminish
2 their ability to elect candidates of their choice.

3 This configuration of districts 19 and 21
4 increases the visual and mathematical compactness of
5 the districts, and it also increases the rate in which
6 political and geographic boundaries were utilized when
7 compared to the other plans.

8 In Hillsborough County the boundary between these
9 districts primarily follows Interstate 275, U.S.
10 Highway 441, North Armenia Avenue, East Fletcher
11 Avenue, Interstate 75, and U.S. Highway 301. Departing
12 from geographic features were necessary to maintain
13 the ability to elect in this Tier-One protected
14 district.

15 Plan 8014 differs from 8010 and 8014 -- er,
16 excuse me, 8012 in the way district 33 and the
17 surrounding districts 32, 34, and 38 are drawn. In
18 this configuration it's comparable. This configuration
19 districts 32, 33, 34, and 38 are comparable to the
20 configurations in 8010 and 8012 in terms of visual and
21 mathematical compactness.

22 However, this arrangement increases utilization
23 of political and geographic boundaries and keeps the
24 same number of cities whole as in plan 8010. A trade-
25 off presented in this plan is the BVAP of district 33,

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1 which is an effective minority district as opposed to
2 a majority minority district in the other
3 configurations.

4 The functional analysis confirms that the
5 districts as drawn here does not deny or abridge the
6 opportunity for African-Americans to participate in
7 the political process and it does not diminish their
8 ability to elect candidates of their choice.

9 District 32 is wholly contained within west
10 Broward County. The boundary primarily follows the
11 city boundaries of Parkland, Coral Springs, Tamarac,
12 Plantation, and the Florida turnpike. Also uses the
13 County boundary of Miami-Dade and parts from these
14 geographic features were necessary to maintain the
15 ability to elect in a neighboring Tier-One protected
16 district.

17 In this configuration, district 33, the boundary
18 primarily follows the city boundaries of Tamarac,
19 North Lauderdale, Oakland Park, and Plantation keeping
20 these cities wholly within the district. It follows
21 U.S. Highway 1, State Roads 736; which is Davie
22 Boulevard, and the city boundary of Wilton Manors.

23 Boundary departs from these features were
24 necessary to maintain the ability to elect in this
25 Tier-One protected district. In Broward County,

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1 district 34's boundary primarily follows the city
2 boundaries of Parkland, Coral Springs, and Margate;
3 keeps them whole within the district.

4 State Road 811; which is Dixie Highway, and
5 portions of the city boundary of Pompano Beach are
6 also used as political and geographic features.
7 Boundary departs from these features were necessary to
8 maintain the ability to elect in a neighboring Tier-
9 One protected district.

10 In thir -- in district 38 in bounty -- Broward
11 County the boundary primarily follows State Road 811;
12 which is Dixie Highway, the city boundary of Oakland
13 Park, U.S. Highway 1, State Road 736; which is Davie
14 Boulevard, the Florida Turnpike, and the city boundary
15 of Wilton Manors which keeps it whole within the
16 district. Boundary departs from geographic features
17 were necessary to maintain the ability to elect in a
18 neighboring Tier-One protected district.

19 That is plan 8014, Mr. Chairman.

20 SEN. BURGESS: Thank you very much, Mr. Ferrin.
21 Are there any questions related to plan 8014,
22 senators? Seeing none. Get that water and move on to
23 8016, Mr. Ferrin.

24 MR. FERRIN: Thank you, Mr. Chairman. Plan 8016
25 was drawn pursuant to the directives given to staff,

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1 it's consistent with the plain language of the Florida
2 constitution, federal law, and existing judicial
3 precedent. It balances the co-equal criteria outlined
4 in the Tier-Two standards of article three; section 21
5 of the Florida constitution, except where doing so
6 conflicts with the Tier-One standards.

7 A functional analysis of the minority districts
8 in the plan confirms that it does not diminish the
9 ability for racial and language minorities to elect
10 candidates of their choice. When drawing visually
11 compact districts, County boundaries were used where
12 it was feasible to do so. When a County was split,
13 static geographic features such as major roads,
14 railroads, and water bodies were used in a manner that
15 sought to keep cities whole where feasible.

16 In cases where a city was split, static
17 geographic features were used. Where none were
18 available or in cases where it was possible to
19 illustrate the trade-off between using political or
20 geographic features, a municipal boundary may have
21 been used.

22 This plan has an overall deviation of 10,549
23 people which is 1.96 percent. Average compactness
24 scores of .81 Convex Hull, .45 Polsby-Popper, .46
25 Reock. The average use of nonpolitical or geographic

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1 boundaries is six percent, which means that 94 percent
2 of the district boundaries fall on features identified
3 by the U.S. census bureau's geographic layers as city
4 boundaries, County boundaries, Interstates, U.S.
5 Highways or State Roads, contiguous water bodies
6 larger than 10 acres, or railroads.

7 This plan has 51 whole counties, 16 districts
8 wholly contained within a County, 355 cities with all
9 their boundaries contained within a single district,
10 364 cities with all of their population contained
11 within a single district. Like the benchmark plan,
12 this plan has five effective minority districts for
13 African-Americans.

14 That's Districts six, 11, 19, 33, and 35. Four
15 minority majority Hispanic districts in south Florida,
16 which are 36, 37, 39, and 40. And an opportunity
17 district in central Florida has become a majority
18 minority Hispanic district in district -- Senate
19 district 15.

20 In the panhandle, plan 8016 is similar to 8010
21 and 8014 in that districts one and two are configured
22 the same. In north Florida plan 8016 is similar to
23 plan 8014 in that districts four and six are the --
24 drawn the same.

25 It's similar to plan 8012 in that Districts five

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1 and eight are drawn the same way. Plan 8016 is similar
2 to plan 8010 in Polk County where it's drawn the same.
3 It's similar to 8 -- 8012 in Orange County and
4 Pinellas County where it's drawn the same way. And
5 it's similar to 8014 in that Hillsborough is drawn the
6 same way with districts 19 and 21.

7 Then moving to south Florida; this plan is
8 similar to plan 8012 in that we've drawn the Broward
9 County districts of 32, 33, 34, and 38 in the same
10 way.

11 Mr. Chairman, those are the maps.

12 SEN. BURGESS: Mr. Ferrin, thank you, uh, so very
13 much. Is there any -- before we move on to public
14 testimony, is there any questions or comments on this
15 final, uh, iteration of the -- er, this iteration of
16 the last draft map, um, or all the maps collectively,
17 senators?

18 Seeing none. Okay. Seeing none, we're going to go
19 ahead and move into public comment. I believe we have
20 one individual assigned to speak. Is Nicholas Warren
21 here? Speaking for p -- Hey, Mr. Warren. Thank you for
22 coming today and, uh--

23 MR. WARREN: Thanks--

24 SEN. BURGESS: --you're recognized for your
25 marks.

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1 MR. WARREN: Thank you, Senator Burgess, and
2 thank you senators. Um, good morning. Uh, I have just
3 one brief comment, uh, to make and I wanted to draw
4 y'all's attention to one submitted plan that I, uh,
5 submitted last week and it was published on the
6 website yesterday, which is plan P000S0042.

7 Um, it -- it, um, just tries to solve one problem
8 that I identified or one issue with Tier-Two
9 compliance. Um, which is in Tampa Bay and seeks to
10 avoid having a district that crosses Tampa Bay. Um,
11 and thereby alters six districts, uh, from the staff
12 drawn maps. Doesn't alter any other districts, um, and
13 those six are all within the, uh, population limits
14 that the, uh, committee has set for itself.

15 So those six could be plugged into any of the
16 other drafts, uh, the staff has developed so far. Um,
17 in -- in so doing have, uh, avoiding crossing Tampa
18 Bay, respecting that, um, boundary which is not only a
19 obviously a major geographic boundary, but also aligns
20 with County lines.

21 Um, and was something that the Supreme Court
22 obviously last cycle, um, emphasized in the
23 Congressional map that was a boundary, uh, that, uh,
24 uh, could be respected in the commercial map. Um, it
25 makes, uh, SD-19, Senate district 19 compact and

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1 wholly in Hillsborough, whereas currently it's a non-
2 compact district that crosses the County line. Um,
3 maintain other districts as compact, and utilizes
4 political and geographic boundaries throughout very
5 similarly as the staff-drawn maps do.

6 Um, other advantages that Senator Burgess might
7 be interested in; it keeps two thirds of Pasco County
8 in a single Senate district whereas now it's divided a
9 little bit more between three different ones. Um, and
10 also Pasco County is -- is makes up 70 percent of, uh,
11 a single Senate district in my plan.

12 Also keeps the cities of Gulfport and St. Pete
13 whole which are split, uh, in the staff maps. And
14 eliminates a County split, so now obviously, um,
15 doesn't introduce any new County or city splits. So
16 those are the kind of the Tier-Two advantages of, uh,
17 of those approach.

18 Um, obviously, the, um -- I'm assuming the -- the
19 crossing the bay, um, in Senate district 19 was, uh,
20 done in order to ensure no diminishment of black
21 ability to elect in that district. So obviously a
22 Tier-One requirement.

23 Um, but whereas maybe last decade it -- it, uh,
24 wasn't possible to draw a district wholly in
25 Hillsborough that maintained that ability and didn't

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1 diminish, um, I think the -- the statistics, uh, bare
2 out that it is now possible.

3 And, uh, the key statistics in that functional
4 analysis are actually all, uh, comparable or higher
5 than the statistics in the benchmark district,
6 including the black and Hispanic share of registered
7 votes, the black and Hispanic share of Democratic
8 primary electorate in 2020 and in 2018.

9 The Hispanic share of registered Democrats, uh,
10 and the black share of registered Democrats which only
11 differs from the benchmark by two tenths of one
12 percentage point.

13 Um, so those are the -- the advantages of this
14 approach. Uh, and I hope the -- the subcommittee can
15 give it some consideration, um, as y'all, uh, keep
16 doing this work. And, uh, my um, also -- also know, I
17 know this is a lot of information.

18 All this is in the, uh, submission PDF that's
19 attached to that plan on the website, um, for y'all to
20 refer to. My contact information is there is well. If
21 you have any questions, feel free to reach out to me.
22 Happy to explain, uh, my motivations, my goals, the
23 advantages and trade-offs in this proposal.

24 Thank you for your time.

25 SEN. BURGESS: Thank you very much, Mr. Warren.

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1 Appreciate your participation and, uh, for coming to
2 speak to us today.

3 MR. WARREN: Thank you.

4 SEN. BURGESS: Thank you.

5 SEN. BRACY: Chairman, I have a question.

6 SEN. BURGESS: For Mr. Warren?

7 SEN. BRACY: No. Not for him, but--

8 SEN. BURGESS: Oh, I'm sorry.

9 SEN. BRACY: --for the staff. He brought up a
10 good point about crossing the bay, and, um, I wanted
11 to ask the staff what was the, uh, motivation for
12 doing that, uh, when it didn't seem necessary. We
13 could still comply with all the requirements, uh--

14 SEN. BURGESS: You're recognized, Mr. Ferrin.

15 MR. FERRIN: Thank you, an -- and Senator Bracy,
16 that was to comply with the Tier-One non-diminishment
17 standards.

18 SEN. BURGESS: Senator for a follow up?

19 SEN. BRACY: Okay, um, but I guess could it still
20 be done without, um, violating that d-dis --
21 diminishment requirement?

22 SEN. BURGESS: Mr. Ferrin?

23 MR. FERRIN: Uh, I'm not sure, I haven't reviewed
24 the statistics for that.

25 SEN. BRACY: Okay. Is that something we can look

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1 into?

2 SEN. BURGESS: Mr. Ferrin?

3 MR. FERRIN: Uh, I think if that's something
4 you'd like to, we can discuss that.

5 SEN. BRACY: Okay. Yes. Thank you.

6 SEN. BURGESS: Thank you. Any other questions?
7 Seeing none, is there any other member of the public
8 that would wish to speak? Maybe we didn't get a card.
9 Seeing none. Is there any other discussion of this
10 committee before we, uh, seek adjournment? Senator
11 Gibson.

12 SEN. GIBSON: I'm still processing -- processing,
13 Mr. Chairman. In terms of, um -- as I look at -- at
14 the maps and I think as we went in the left from 8010
15 and 12, in terms of minority populations, or in
16 particularly African-American populations, um, and I
17 understand the functional analysis where it said that
18 the BVAP is at a percentage where it isn't diminished
19 overall.

20 And there's still the opportunity to elect the
21 candidate of their choice. But it seems to me as the
22 percentage of, um, the BVAP goes down as we went
23 farther to the maps. Like eight -- after 2012 -- after
24 -- wait a minute, hold on -- after 8012. Um, as we
25 went more in the next map and the next map the

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1 percentage of the, um, African-American population
2 continued to go down.

3 And so when you talk about the ability to, um,
4 elect a candidate of their choice, i -- is there a --
5 is there a window percentage that, um, uh, creates
6 that ability? Because when you look at the numbers --
7 i-if you understand what I'm saying, so -- you
8 understand--

9 Do you understand what I'm saying?

10 SEN. BURGESS: I think we're--

11 SEN. GIBSON: --It's like we're decreasing, um,
12 and we're still saying that that community could elect
13 a candidate of their choice, so the question becomes
14 how much diminishment percentage impacts that ability?
15 If that makes sense.

16 SEN. BURGESS: It -- it does, Senator Gibson, and
17 I'm going to defer to, uh, Mr. Ferrin there--

18 SEN. GIBSON: Okay.

19 SEN. BURGESS: --to go ahead and answer your
20 question.

21 MR. FERRIN: Yeah. So, Senator Gibson, there's,
22 uh, a number of factors that go into a functional
23 analysis, and it's not just based on the voting age
24 population alone.

25 So we -- we -- the voting age population is, uh,

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1 considered within that analysis, but we're also
2 looking at, um, whether or not the minority population
3 is registered cohe- -- y- -- you know -- consistently
4 and cohesively, so whether or not there's in that
5 particular district, you'd be looking at, um, is there
6 a high percentage of registrants, uh, that are black
7 and Democrat.

8 Does the district perform for Democrats? And does
9 the black population in the district, black voters,
10 turn out at a high enough rate to control the primary
11 within the Democrat, uh, control the Democrat primary?

12 So if you have a num -- there's a number of
13 circumstances that go into that. And a review of all
14 of those in their totality would suggest that even
15 at, uh -- whether the district is 42 or 41 percent,
16 that, uh, ability to elect is maintained, so what we
17 look for in those circumstances are where there are
18 changes, significant changes to that.

19 So if dropping the voting age population, uh,
20 continuing to drop that resulted in sort of a loss of
21 primary control in terms of turnout, that would draw
22 into question its performance if -- if dropping the
23 voting age population changed the overall performance
24 of the districts so that it was less likely to elect
25 one party or another.

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1 That would, uh, kind of, it'd be something that
2 we would consider potentially, you know, where we're
3 diminishing that opportunity that exists today.

4 SEN. BURGESS: Senator Gibson for a follow up?

5 SEN. GIBSON: No. Thank you, Mr. Chair. I -- I'll
6 study more.

7 SEN. BURGESS: Th -- There's a lot to digest, and
8 so I appreciate the feedback and our next meeting will
9 be in, uh, two weeks. And so I think staff will take
10 the feedback that we've given today, an -- and
11 certainly provide, um, some more feedback as we move
12 forward.

13 Um, so Senators, without seeing any further
14 questions or comments, uh, we've come in an
15 extraordinarily far, uh, and what has been an
16 extremely condensed amount of time. Uh, I believe
17 we're on the right track for success.

18 We have two weeks, as I just stated, until our
19 next meeting, and I would propose that we have staff
20 consider the feedback and guidance we have given them
21 here today and ask them to consider it through the
22 lens of the overall directive as well as all
23 applicable federal and state legal standards.

24 I would also propose that staff spend time
25 looking for improvements and consistency in the

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1 application of the various trade-offs that we've
2 presented today in the maps and that have been a part
3 of our discussion.

4 In seeing no further business before this
5 committee, Senator Stargel moves that we adjourn. Uh,
6 hearing no objection, this meeting is officially
7 adjourned.

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8 I further declare that I have no interest in the
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15

March 9, 2023

16

Chris Naaden

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20 (Florida Senate Select Subcommittee on Legislative
21 Reapportionment, 11-17-21)

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