

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 1

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

)

TRANSCRIPTION OF VIDEO RECORDING
SENATE SESSION
APRIL 19, 2022
5:00 P.M.

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

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 2

1 APRIL 19, 2022

2 PRESIDENT SIMPSON: The Senate will be in
3 order. We will now continue with the order of
4 business.

5 Are there reports of committees?

6 UNIDENTIFIED MAIL: None on the desk,
7 Mr. President.

8 PRESIDENT SIMPSON: Are there motions
9 relating to committee reference?

10 UNIDENTIFIED MAIL: None on the desk,
11 Mr. President.

12 PRESIDENT SIMPSON: Are there messages from
13 the Governor or other executive communications?

14 UNIDENTIFIED MAIL: None on the desk,
15 Mr. President.

16 PRESIDENT SIMPSON: Are there messages from
17 the House Representatives?

18 UNIDENTIFIED MAIL: None on the desk,
19 Mr. President.

20 PRESIDENT SIMPSON: Are there matters on
21 reconsideration?

22 UNIDENTIFIED MAIL: None on the desk,
23 Mr. President.

24 PRESIDENT SIMPSON: Take up the special
25 order calendar. Oh, do we --

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 3

1 Madam Rules Chair, we're going to do this.

2 For what purpose do you arise?

3 SENATOR PASSIDOMO: Thank you,

4 Mr. President.

5 Article 3, Section 7 of the Florida
6 Constitution requires bills to be read on separate
7 days unless waived by a two-thirds vote. I move SB
8 2C be read the second time today by the required
9 two-thirds vote.

10 PRESIDENT SIMPSON: All in favor of the
11 motion, say yea.

12 (Multiple yea responses)

13 PRESIDENT SIMPSON: All opposed, nay.

14 (Multiple nay responses)

15 SENATE: Nay.

16 PRESIDENT SIMPSON: So the motion is
17 adopted.

18 Senator Farmer -- Leader Farmer, you're
19 looking at us for a point.

20 SENATOR FARMER: Mr. President, I don't
21 believe there's any way for you to determine whether
22 a two-thirds vote threshold is met by a voice vote.
23 So I believe that this must be a roll call vote.

24 PRESIDENT SIMPSON: Without five hands,
25 Leader Farmer, it's my judgment, and I believe it is

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 4

1 two-thirds.

2 We're going to -- at this time, we're going
3 to read the bill.

4 UNIDENTIFIED MAIL: Senate Bill 2-C, a bill
5 to be entitled, "An Act Establishing the
6 Congressional Districts of the State."

7 PRESIDENT SIMPSON: Senator Rodrigues moves
8 SB 2-C be temporarily postponed. Without
9 objections, show that motion adopted. Read the next
10 bill.

11 I'm sorry. Madam Rules Chair, we're coming
12 back to you.

13 SENATOR PASSIDOMO: Thank you, Mr.
14 President.

15 I move SB 4-C be read the second time today
16 by the required two-thirds vote.

17 PRESIDENT SIMPSON: All in favor of the
18 vote, say yea.

19 (Multiple yea responses)

20 PRESIDENT SIMPSON: All opposed, nay.

21 (Multiple nay responses)

22 PRESIDENT SIMPSON: Show the motion as
23 adopted. The Secretary will read the bill.

24 UNIDENTIFIED MAIL: Senate Bill 4-C, a bill
25 to be entitled, "An Act Relating to Independent

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 5

1 Special Districts."

2 PRESIDENT SIMPSON: Senator Bradley moves
3 the bill be temporarily postponed. Without
4 objections, show that motion, adopted.

5 Madam Rules Chair, you're recognized.

6 SENATOR PASSIDOMO: Thank you,
7 Mr. President. I move SB 6-C be read the second
8 time today by the required two-thirds vote.

9 PRESIDENT SIMPSON: All in favor, say yea.
10 (Multiple yea responses)

11 PRESIDENT SIMPSON: All opposed, nay.
12 (Multiple nay responses)

13 PRESIDENT SIMPSON: Show the motion has
14 been adopted. The Secretary will read the bill.

15 UNIDENTIFIED MAIL: Senate Bill 6-C, a bill
16 to be entitled, "An Act Relating to Social Media
17 Platforms."

18 PRESIDENT SIMPSON: Senator Bradley moves
19 the bill be temporarily postponed. Without
20 objections, show that motion adopted.

21 Okay. Senators, now we are going with the
22 special order. We are taking up Senate Bill 2-C.

23 Senator Rodrigues, do we have to read the
24 bill?

25 Read the bill.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 6

1 UNIDENTIFIED MALE: Senate Bill 2-C, a bill
2 to be entitled, "an Act Establishing the
3 Congressional Districts of the State."

4 PRESIDENT SIMPSON: Senator Rodrigues,
5 you're recognized to explain your bill.

6 SENATOR RODRIGUES: This is the
7 congressional apportionment map.

8 PRESIDENT SIMPSON: Are there amendments?

9 UNIDENTIFIED MALE: On the desk,
10 Mr. President.

11 PRESIDENT SIMPSON: Read the first
12 amendment.

13 UNIDENTIFIED MALE: Amendment Barcode
14 470444, by Senator Rodrigues between lines 3568 and
15 3569, insert amendment.

16 PRESIDENT SIMPSON: Senator Rodrigues,
17 you're recognized to explain your amendment.

18 SENATOR RODRIGUES: This amendment codifies
19 the existing court doctrine consistent with the 11th
20 Amendment to the U.S. Constitution and federal
21 courts hearing of challenges raising state
22 constitutional or state law claims.

23 The amendment requires actions challenging
24 the state's congressional districts on state
25 constitutional or state law grounds to be brought

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 7

1 exclusively in state court in Leon County.

2 Additionally, the amendment makes it clear
3 that a state court may hear challenges raising state
4 constitutional law, state law, federal
5 constitutional, or federal law complains -- claims,
6 in that it does not preclude federal courts from
7 deciding actions challenging the state's
8 congressional districts on federal constitutional or
9 federal law grounds.

10 That is the amendment.

11 PRESIDENT BEAN: Are there questions of the
12 sponsor on the Rodrigues amendment?

13 Senator of the 18th, Senator Cruz, you are
14 recognized for a question. Did Senator Cruz wish to
15 yield?

16 SENATOR CRUZ: I do, Mr. President. I
17 apologize. I thought we were on the bill.

18 PRESIDENT BEAN: Very good.

19 We are on the Rodrigues amendment. Are
20 there questions?

21 Senator of the 30th, Senator Powell, you're
22 recognized for a question.

23 SENATOR POWELL: Thank you, Mr. President.

24 Senator Rodrigues, what is the scope of
25 this amendment and why is it necessary for this

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 8

1 particular bill?

2 PRESIDENT BEAN: Senator Rodrigues.

3 SENATOR RODRIGUES: The scope is what I
4 described. It just says state challenges will be in
5 state court, federal challenges will be in federal
6 court.

7 If you go back to the last redistricting
8 cycle, that is how all the litigation was handled.
9 We're just saying that what was is what will be.

10 PRESIDENT BEAN: Additional questions?

11 Senator Powell, you're recognized for a
12 question.

13 SENATOR POWELL: Thank you, Mr. President.

14 So Senator Rodrigues, can you clarify for
15 if there's a challenge to this particular map that
16 we are going to deal with with regard to this
17 special session, what venue will it fall under?

18 Will that fall under, first, the state
19 courts, and then with the opportunity for the
20 federal courts to then -- the appeal can be to the
21 federal courts, or will it be to the federal courts?
22 Help me to understand.

23 PRESIDENT BEAN: Rodrigues to respond.

24 SENATOR RODRIGUES: Challenges to the state
25 constitution would be in state court. Challenges on

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 9

1 federal issues, which would be the Voting Rights
2 Act, could be either state court or federal court.

3 PRESIDENT BEAN: Senator Powell, you're
4 recognized for a question.

5 SENATOR POWELL: Thank you, Mr. President.

6 Senator Rodrigues, does this amendment have
7 anything to do with the map? I heard you say to the
8 State Constitution. I'm just gathering my marbles
9 here to have a better understanding of what we are
10 specifically speaking of.

11 PRESIDENT BEAN: Senator Rodrigues.

12 SENATOR RODRIGUES: I would go back and say
13 if it's a challenge to an issue in the State
14 Constitution, that belongs in state court.

15 If it is on a federal ground, which would
16 be the Voting Rights Act, then that would be either
17 in state court or federal court.

18 PRESIDENT BEAN: Senator Powell has
19 concluded.

20 In questions is going to be Bracy Jones,
21 then Gibson.

22 Senator Bracy, you're recognized for a
23 question.

24 And Senator Rouson.

25 SENATOR BRACY: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 10

1 Why the need to clarify which court it can
2 be litigated in? I'm just trying to understand
3 what's the purpose for having this.

4 Because wouldn't a challenge -- a federal
5 challenge automatically go to the federal court?

6 PRESIDENT BEAN: Senator Rodrigues.

7 SENATOR RODRIGUES: Thank you, Mr.
8 President.

9 It should. We're, by specifying this,
10 making sure that that's what happens.

11 PRESIDENT BEAN: Senator Bracy.

12 SENATOR BRACY: Thank you, Mr. President.

13 So do you see an instance, like if we
14 didn't do this, that it might not go to the
15 appropriate court?

16 PRESIDENT BEAN: Senator Rodrigues.

17 SENATOR RODRIGUES: Thank you, Mr.
18 President.

19 It's a possibility.

20 PRESIDENT BEAN: Senator Bracy.

21 SENATOR BRACY: Thank you, Mr. President.

22 And why would you think that's a
23 possibility?

24 PRESIDENT BEAN: Senator Rodrigues.

25 SENATOR RODRIGUES: Because we have it

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 11

1 spelled out that the state is not giving consent to
2 be sued in federal court over a state law.

3 PRESIDENT BEAN: Senator Bracy.

4 SENATOR BRACY: Thank you, Mr. President.

5 So is there a precedent where we've seen it
6 litigated in the way where a federal issue is
7 litigated in a state court where we need to like
8 correct it?

9 PRESIDENT BEAN: Senator Rodrigues.

10 SENATOR RODRIGUES: Thank you, Mr.
11 President.

12 The precedent has been state issues are
13 litigated in state court, which is what we want to
14 continue.

15 PRESIDENT BEAN: Senator Bracy.

16 SENATOR BRACY: Thank you, Mr. President.

17 But I'm saying is -- has it been done the
18 other way where we need to fix it?

19 PRESIDENT BEAN: Senator Rodrigues.

20 SENATOR RODRIGUES: Thank you, Mr.
21 President.

22 I don't have examples to provide, but what
23 we're doing is ensuring in this as we move forward
24 that we're very clear, if you're challenging us on a
25 state issue, it's in state court. If you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 12

1 challenging us on a federal issue, you can do that
2 in either state or federal court.

3 PRESIDENT BEAN: Senator Bracy having
4 concluded, in questions is Jones, followed by Leader
5 Gibson and Senator Pizzo.

6 Senator Jones of the 35th, you are
7 recognized for questions.

8 SENATOR JONES: Thank you so much, Mr.
9 President.

10 And thank you, Senator Rodrigues. I want
11 to go continue what Senator Bracy was asking about
12 the precedence that was set in the past.

13 In 2015, when this went to the courts, or
14 if I'm off by my year, I apologize, but my question
15 is it was already defined based off of law and
16 constitution in the direction of what courts it
17 should go to.

18 So I want to reiterate and ask the
19 question, why do we need to file a bill to reiterate
20 that?

21 PRESIDENT BEAN: Senator Rodrigues.

22 SENATOR RODRIGUES: Mr. President, I would
23 say that's been asked and answered.

24 PRESIDENT BEAN: Senator Jones.

25 SENATOR JONES: Thank you so much, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 13

1 President.

2 So let me ask a different line of question.

3 So in the amendment it says specifically that it

4 shall be brought only in Leon County. Can you talk

5 -- speak to that?

6 PRESIDENT BEAN: Senator Rodrigues.

7 SENATOR RODRIGUES: Thank you, Mr.

8 President.

9 Yes. And that has been the practice in the
10 past. So we're codifying that for this one.

11 PRESIDENT BEAN: Senator Jones.

12 SENATOR JONES: Thank you, Mr. President.

13 Senator Rodrigues, are we saying only in
14 Leon County because we know that the federal judge
15 in Leon County is Republican appointed and will
16 probably rule in our favor?

17 PRESIDENT BEAN: Senator Rodrigues.

18 SENATOR RODRIGUES: I'm not saying that at
19 all.

20 PRESIDENT BEAN: Senator Jones.

21 SENATOR JONES: Thank you so much, Mr.

22 President.

23 I guess my final question would be if this
24 amendment doesn't pass, what happens?

25 PRESIDENT BEAN: Senator Rodrigues.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 14

1 SENATOR RODRIGUES: In theory, a lawsuit
2 could be filed in either court, and if it went into
3 a venue that was inappropriate, it would lengthen
4 the time of litigation, as the state made clear, we
5 weren't giving consent to be sued in federal court
6 over state law.

7 PRESIDENT BEAN: Senator Jones.

8 SENATOR JONES: Thank you, Mr. President.

9 But to my understanding, if I'm wrong, then
10 please correct me, if we're about to vote on a
11 congressional map, can you talk us through what the
12 normal process would be and how that would flow
13 through the courts?

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: Thank you, Mr.
16 President.

17 The normal process is challenges on state
18 law would go to state court. Challenges on federal
19 law would go to federal court or state court.

20 PRESIDENT BEAN: Senator Jones.

21 Senator Jones has concluded.

22 In questions will be Leader Gibson,
23 followed by Senator Pizzo.

24 Leader Gibson from the 6th, you're
25 recognized for a question.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 15

1 SENATOR GIBSON: Thank you, Mr. President.

2 Can the -- well, this is an amendment
3 though. This is an amendment to the maps; is that
4 correct?

5 PRESIDENT BEAN: Senator Rodrigues.

6 SENATOR RODRIGUES: Thank you, Mr.
7 President.

8 Yes. It's an amendment to the bill that
9 contains the map.

10 SENATOR GIBSON: Yeah. That's --

11 PRESIDENT BEAN: Leader Gibson.

12 SENATOR GIBSON: Thank you, Mr. President.

13 And so if there were -- could there be any
14 litigation on the statute that you're -- or the
15 amendment if it were separate? I don't understand.

16 PRESIDENT BEAN: Senator Rodrigues.

17 SENATOR RODRIGUES: Thank you, Mr.
18 President.

19 If we don't have the amendment, it is
20 possible that litigation over a state issue could be
21 filed in federal court which would then lengthen the
22 timeline of the litigation as the state court would
23 then make clear -- I'm sorry -- the state would make
24 clear it had not given consent to be sued in federal
25 court over a state issue.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 16

1 PRESIDENT BEAN: Leader Gibson.

2 SENATOR GIBSON: Thank you, Mr. President.

3 Did you say this happened before where the
4 -- in 2016, I think it was, the maps went to the
5 state court and then federal, or no?

6 PRESIDENT BEAN: Senator Rodrigues.

7 SENATOR RODRIGUES: Thank you, Mr.
8 President.

9 I'm saying that what we're doing now would
10 ensure that what happened in the last round of
11 litigation is what would happen in this round.

12 PRESIDENT BEAN: Leader Gibson.

13 SENATOR GIBSON: Thank you, Mr. President.

14 Why couldn't it just happen naturally?

15 Why do we need a statute to force it in one
16 direction or another?

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 We're on a tight timeline so we're looking
21 to cut down the timeline of potential objects that
22 could extend litigation.

23 PRESIDENT BEAN: Leader Gibson.

24 SENATOR GIBSON: Thank you, Mr. President.

25 And so the amendment is all about the

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 17

1 timeline and speeding up the process rather than
2 slowing it -- slowing down the due process; is that
3 correct?

4 PRESIDENT BEAN: Senator Rodrigues.

5 SENATOR RODRIGUES: Thank you, Mr.
6 President.

7 No, I would not say that's correct. The
8 amendment is about ensuring the issues that are
9 going to be litigated are litigated in the correct
10 court.

11 PRESIDENT BEAN: Leader Gibson.

12 SENATOR GIBSON: Thank you, Mr. President.

13 But you did mention we're on a tight
14 timeline, and so we want to adopt legislation to
15 make sure there's no interruption of the timeline.

16 PRESIDENT BEAN: Senator Rodrigues.

17 SENATOR RODRIGUES: Thank you, Mr.
18 President.

19 I would say we want to adopt this so that
20 we know any litigation goes to the correct court
21 from the beginning.

22 PRESIDENT BEAN: Leader Gibson has
23 concluded. We are about to go to Senator Pizzo.
24 Are there other senators wishing to question?

25 Senator of the 38th, Senator Pizzo, you are

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 18

1 recognized for a question.

2 SENATOR PIZZO: Thank you, Mr. President.

3 Just for verification purposes,

4 punctuation, I see a hyphen before the word

5 notwithstanding. Would that might be a scrivener's

6 error from a copy and paste from another section of

7 another amendment --

8 PRESIDENT BEAN: Senator Rodrigues.

9 SENATOR PIZZO: -- on line eight?

10 SENATOR RODRIGUES: I do not know. I will

11 have to get with staff and get back to you on that.

12 PRESIDENT BEAN: Senator Pizzo for a

13 question.

14 SENATOR PIZZO: Thank you, Mr. President.

15 But you see where I'm talking about on line

16 eight after the word districts.-?

17 SENATOR RODRIGUES: Yes.

18 SENATOR PIZZO: That's not your intention

19 to have that in the amendment; is it?

20 PRESIDENT BEAN: Senator Rodrigues.

21 SENATOR RODRIGUES: I don't think the

22 hyphen serves a purpose, but let me get back to you

23 on that.

24 PRESIDENT BEAN: Senator Pizzo.

25 SENATOR PIZZO: Thank you.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 19

1 Senator Rodrigues, are you familiar with
2 the term forum shopping?

3 PRESIDENT BEAN: Senator Rodrigues.

4 SENATOR RODRIGUES: Thank you, Mr.
5 President.

6 No, I'm not.

7 PRESIDENT BEAN: Senator Pizzo.

8 SENATOR PIZZO: Have you ever heard of the
9 term forum shopping?

10 Or maybe someone from staff is familiar
11 with the term forum shopping that drafted this bill?
12 Because I know you didn't draft it with the hyphen
13 like that.

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: I'm going to yield to
16 Senator Burgess on the hyphen.

17 PRESIDENT BEAN: Senator Rodrigues yields
18 to the Senator of the 20th.

19 Senator Burgess, you're recognized to
20 respond.

21 SENATOR BURGESS: Thank you very much, Mr.
22 President.

23 After a quick review and consulting with
24 staff, I've seen other further examples where it's a
25 drafting style. It's utilized throughout statute,

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 20

1 and it doesn't serve necessarily a content-based
2 purpose.

3 PRESIDENT BEAN: Senator Pizzo.

4 SENATOR PIZZO: Thank you, Mr. President.

5 Senator Burgess, congratulations on winning
6 that golf tournament with that jacket. Did Senator
7 Burgess also prepare to answer as it relates to
8 forum shopping?

9 PRESIDENT BEAN: Senator Rodrigues, you are
10 recognized.

11 SENATOR RODRIGUES: Thank you, Mr.
12 President.

13 I'm not familiar with it. I can ask staff
14 if they are.

15 PRESIDENT BEAN: Senator -- Senator Pizzo,
16 do you wish to restate that question, please?

17 SENATOR PIZZO: Thank you, Mr. President.
18 You were smart with your answer last week.

19 PRESIDENT BEAN: Senator Pizzo --

20 SENATOR PIZZO: Yes.

21 PRESIDENT BEAN: -- while he's getting a
22 response --

23 SENATOR PIZZO: Sure.

24 PRESIDENT BEAN: -- we're going to go just
25 for a brief --

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 21

1 SENATOR PIZZO: Absolutely.

2 PRESIDENT BEAN: -- moment.

3 Senator Passidomo, for what purpose?

4 SENATOR PASSIDOMO: Thank you,

5 Mr. President.

6 I move that the Senate extend the time of
7 adjournment until completion of today's order of
8 business.

9 Any takers for the time, 10:45, 11:00?

10 PRESIDENT BEAN: Without objection, the
11 time is extended. Without objection, Senators let's
12 get back to questions.

13 Senator Pizzo was -- has the gavel for a
14 question.

15 And Senator Pizzo from the 38th, you are
16 recognized.

17 SENATOR PIZZO: Thank you.

18 My question was -- and if you're not an
19 attorney, it's not something that you would know in
20 the normal course, familiarity with the term forum
21 shopping as it relates to whether it's a contract or
22 a piece of proposed legislation?

23 PRESIDENT BEAN: Senator Burgess of the
24 20th, you are recognized to respond.

25 SENATOR BURGESS: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 22

1 Senator Pizzo, you know, obviously we're
2 speaking to where actions may or may not begin. I
3 would submit that, you know, a likely defendant in
4 this situation would, of course, be us as a state in
5 the course and scope of what we've done, which has
6 happened here within Tallahassee.

7 And so, you know, I think it actually is
8 incredibly consistent when it comes to selecting a
9 venue that it is, in fact, in Leon County.

10 PRESIDENT BEAN: Senator Pizzo.

11 SENATOR PIZZO: Just to follow up, do you
12 have some concern that the court, whether it's a
13 circuit court as one of the 20 circuits in Florida
14 in state court, or one of the federal district
15 courts, might have difficulty determining they don't
16 have subject matter jurisdiction over a particular
17 complaint?

18 PRESIDENT BEAN: Senator Burgess.

19 SENATOR BURGESS: Thank you, Mr. President.
20 You know, I would say my argument would be
21 that this is where the cause of action accrued, and,
22 therefore, you know, that would make this an
23 appropriate venue as opposed to a forum shop.

24 PRESIDENT BEAN: Senator Pizzo.

25 SENATOR PIZZO: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 23

1 So if I were to file a civil rights 1983
2 action, would the proper venue be federal court or
3 state court even if it was a state action that I
4 allege violates my civil rights?

5 A 1983 action would be filed in federal
6 court or state court?

7 PRESIDENT BEAN: Senator Burgess.

8 SENATOR BURGESS: Thank you, Mr. President.

9 Just to kind of bring it back to what we're
10 doing, I think what we're doing here is codifying
11 existing court doctrine under the 11th Amendment of
12 the Constitution.

13 PRESIDENT BEAN: Senator Pizzo.

14 SENATOR PIZZO: So I'm just asking, if
15 someone challenges the passage of this bill because
16 they believe it violates their civil rights or the
17 Voting Rights Act, would the proper venue for a
18 civil rights action of state action in violation of
19 their rights that they're alleging, would the proper
20 venue be state court or federal court?

21 PRESIDENT BEAN: Senator Burgess, you're
22 recognized.

23 SENATOR BURGESS: Thank you, Mr. President.

24 I'll just submit my previous answer for the
25 record.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 24

1 PRESIDENT BEAN: We're in questions. We're
2 in questions.

3 Senator Pizzo, you're recognized for a
4 question.

5 SENATOR PIZZO: Thank you, Mr. President.

6 Let me ask it another way just so we can
7 just get to a yes or no. If I'm suing the federal
8 government, would the proper venue be Leon County
9 Court or Leon Circuit Court?

10 Would that be the proper venue? It's
11 rhetorical.

12 The answer is no, right?

13 Anyone?

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: I'll give you the
16 rhetorical no.

17 PRESIDENT BEAN: Senator Pizzo for a
18 question.

19 SENATOR PIZZO: Thank you, Mr. President.

20 So it naturally follows that this amendment
21 is being filed because the state wishes to direct
22 and place the forum for any challenge in the court
23 of their choosing, not of what might be appropriate
24 based on the subject matter, correct?

25 PRESIDENT BEAN: Senator Rodrigues.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 25

1 SENATOR RODRIGUES: I would not agree with
2 that.

3 PRESIDENT BEAN: Senator Pizzo.

4 SENATOR PIZZO: Do you think the courts
5 might agree with that?

6 PRESIDENT BEAN: Senator Rodrigues.

7 SENATOR RODRIGUES: I wouldn't speculate on
8 what the courts may or may not agree with.

9 PRESIDENT BEAN: Senator Pizzo.

10 SENATOR PIZZO: Senator Rodrigues, last
11 year when we tried one of these exercises in what we
12 thought the court was going to accept, what
13 happened?

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: Depends on which bill.

16 PRESIDENT BEAN: Senator Pizzo has
17 concluded our additional questions -- additional
18 questions.

19 Senator of the 11th, Senator Bracy, I know
20 that you've asked questions, but I know you have a
21 burning question that wasn't answered. The Chair is
22 going to yield to the Senator of the 11th for
23 another bite of the apple. Senator Bracy, you're
24 recognized for a question.

25 SENATOR BRACY: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 26

1 I don't know if it's a burning question, but it is
2 something that arose as the dialogue was going back
3 and forth.

4 Do you believe that this is an overreach of
5 the Legislature's powers dictating how this can be
6 litigated? I'll start there.

7 PRESIDENT BEAN: Senator Rodrigues.

8 SENATOR RODRIGUES: Thank you, Mr.
9 President.

10 No. I don't think codifying existing
11 judicial doctrine is an overreach.

12 PRESIDENT BEAN: Senator Bracy.

13 SENATOR BRACY: Thank you, Mr. President.

14 Have we ever -- do you remember a bill that
15 we've passed out of this Legislature where we have
16 directed the courts how they can litigate a bill
17 that we pass?

18 PRESIDENT BEAN: Senator Rodrigues.

19 SENATOR RODRIGUES: I do not, but I would
20 submit that I think that's outside the scope of the
21 amendment.

22 PRESIDENT BEAN: Senator Bracy.

23 SENATOR BRACY: Thank you, Mr. President.
24 How so?

25 PRESIDENT BEAN: Senator Rodrigues.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 27

1 SENATOR RODRIGUES: I don't think the
2 history of what's been done should impact the
3 question that's before us today.

4 PRESIDENT BEAN: Senator Bracy.

5 SENATOR BRACY: Okay. Thank you, Mr.
6 President.

7 Being a legislator for 10 years now, it's
8 my understanding that we pass laws. How it's
9 litigated is outside of our purview. And for us to
10 dictate how that process works, I believe that we
11 are stepping outside of our purview and our
12 legislative powers.

13 So I didn't know if maybe Senator Burgess
14 can speak to it, because in my understanding, we're
15 stepping outside of our powers.

16 PRESIDENT BEAN: Is that a question,
17 Senator Bracy?

18 SENATOR BRACY: Senator Burgess, say
19 something, please. Thank you.

20 PRESIDENT BEAN: Senator of the 20th,
21 Senator Burgess, you're recognized to respond.

22 SENATOR BURGESS: Thank you, Mr. President.
23 I'm glad I wore my bright jacket today.

24 So statutory -- there's -- forum selection
25 is a statutory privilege. And there's something

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 28

1 called home venue which agents -- I'm actually
2 reading an article on it right now from the Florida
3 Bar. Home venue is actually a forum clause that
4 state agencies enjoy.

5 And so it really is very consistent and
6 incredibly on point with how we handle everything
7 else to have a -- this forum clause within what
8 we're doing now.

9 PRESIDENT BEAN: Senator Bracy.

10 SENATOR BRACY: Thank you, Mr. President.

11 So you're saying state agencies have this
12 power. Can you explain a little bit more about this
13 forum clause? I'm not familiar with it.

14 PRESIDENT BEAN: Senator Rodrigues -- or
15 Senator Burgess.

16 SENATOR BURGESS: In part, judicial review
17 shall be sought in --

18 Thank you, Mr. President.

19 -- in the appellate district where the
20 agency maintains its headquarters if it's an
21 appellate review -- and I'm just skimming some of
22 the documents here. Just read this within the last
23 couple minutes.

24 But in order to have an orderly and uniform
25 handling of state litigation and help to minimize

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 29

1 expenditure of public funds and manpower. Some of
2 the principles behind the home venue clause
3 selection.

4 PRESIDENT BEAN: Senator Bracy for a
5 question.

6 SENATOR BRACY: Thank you, Mr. President.

7 So you're saying that state agencies at
8 this time have that power. Is that in statute or is
9 that just tradition?

10 PRESIDENT BEAN: Senator Burgess.

11 SENATOR BURGESS: Thank you, Mr. President.

12 Senator Bracy, I believe it's both
13 identified in statute, but also through case law
14 over the years. Several cases have identified -- a
15 couple insurance cases actually seem to be pointing
16 out to judicial economy, avoiding multiple
17 litigations of the same issues, and for limiting
18 possibility of conflicting litigations at the trial
19 level, among other explanations.

20 PRESIDENT BEAN: Senator Bracy has
21 concluded.

22 Additional questions?

23 Additional questions?

24 Senators, we are now on debate. Debate on
25 the -- we're on the Rodrigues amendment in debate.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 30

1 Debate. Senator of the 11th, Senator Bracy,
2 followed by Senator Pizzo, Senator Jones.

3 Senator Bracy in debate.

4 SENATOR BRACY: Thank you.

5 I think I alluded it -- alluded to my point
6 in debate. I think we are stepping outside of our
7 legislative powers. If we're going to pass a bill,
8 so be it, but to go a step further and try to
9 determine how this is litigated, I think is outside
10 our purview. And I think this is not needed and we
11 should vote it down. Thank you.

12 PRESIDENT BEAN: Thank you, Senator Bracy.

13 Senator of the 38th, Senator Pizzo, you're
14 recognized in debate.

15 SENATOR PIZZO: Thank you, Mr. President.

16 While it's typically the custom process or
17 procedure that entities or larger organizations with
18 resources will go ahead and lay these challenges, it
19 may very well be the case that an individual, one of
20 my constituents or one of yours, lays claim or
21 challenges this.

22 And basically what you're saying is that
23 individual who has a challenge has to come up here
24 and set up shop in Leon County because it's more
25 cost-efficient for the Governor's Office who's going

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 31

1 to challenge this to do so out of Leon County
2 without concern about access to the courts.

3 That's not case law. That's pretty well-
4 founded. Should be more expensive, more costly,
5 less efficient, for anyone who brings a challenge.
6 But basically what you're doing is usurping the
7 entire process by saying we're going to go ahead and
8 select which forum this will be held in.

9 And you can do with a meeting of the minds,
10 contractually, in a private contract saying this is
11 where the venue is going to be. It happens in
12 insurance contracts, right, insurance policies.
13 This is the venue. But you're basically saying you
14 have to come here if you have a challenge, and I
15 don't think we have the authority to do that.

16 So this is one of those preemptive
17 anticipatory I told-you-so's where no one's been
18 able to answer very simple questions, like forum
19 shopping. You learn that the first week in law
20 school.

21 No one's been able to answer that, but
22 we're going to go ahead and determine where the
23 forum should be appropriate for someone to challenge
24 the constitutionality of something and not the woman
25 and the man in the black robe.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 32

1 You didn't draft this. No one that drafted
2 it can even answer that question. We get half
3 answers. And here we go again. And then someone
4 will just remark later on it's an activist court.
5 They're ridiculous, the corporate media, whatever.

6 You learn very early not to do these
7 things, that we're the legislative branch, not the
8 judicial branch. The United States Supreme Court
9 has mandatory jurisdiction over some things and
10 discretionary over others.

11 We are not the determining factor of where
12 the judicial forum is appropriate. That's not us.
13 And we're not contracting to this. And you are
14 going ahead and contracting on behalf of citizens
15 who might actually have a grievance, and telling
16 them get your butt up to Leon County to litigate.
17 Not appropriate.

18 PRESIDENT BEAN: We're in debate on the
19 Rodrigues amendment. Senator Jones, followed by
20 Senator Farmer.

21 Senator Jones of the 35th, you're
22 recognized in debate.

23 SENATOR JONES: Thank you so much, Mr.
24 President.

25 I want to take us to a civics lesson real

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 33

1 quick. Everything that we learned in middle school
2 and high school when it come to the separation of
3 power, and I'm going to read it to you so you all
4 can be extremely clear what we're doing right now.

5 Separation of power is a doctrine of
6 constitutional law under which the three branches of
7 government, executive, legislative, and judicial,
8 are kept separate.

9 What we're doing right now here in this
10 body, Senator Bracy has already made mention of it,
11 Senator Pizzo just eloquently just outlined it, is
12 that it's wrong on the surface.

13 Here's what we do know. You all know
14 you're going to get sued, and so you want to set up
15 the parameters for the lawsuit that's coming and
16 make -- enforcing the courts in Leon County to be
17 the one to challenge in.

18 Eleven years I've been in this Legislature,
19 and I have never seen foolishness like this in what
20 we're doing these last three weeks. We are wasting
21 our time and taxpayer money doing things like this
22 knowing good and well that this is totally against
23 the law.

24 And we all in this room put our hand on the
25 Bible and said that we are going to do right by the

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 34

1 Constitution. We lied.

2 PRESIDENT BEAN: We are in debate. In
3 debate, Senator -- Leader Farmer, followed by Leader
4 Gibson.

5 Leader Farmer of the 34th, you are
6 recognized in debate.

7 SENATOR FARMER: Thank you, Congressman --
8 Mr. President.

9 This is -- and Senator Rodrigues, I will
10 preface this debate with similar comments that I
11 made earlier today on the Reedy Creek matter. We,
12 as a legislative body, the Florida Senate, have not
13 submitted a map. This map came to us from the
14 Governor.

15 I can only assume that any amendments to
16 the passage of that map are likewise being driven by
17 the Governor's Office. And so please know that that
18 is the vein in which these comments are made.

19 Senator Jones, autocracies don't have
20 separation of power. This is an autocratic act,
21 once again, by a petulant, punitive, punishing
22 Governor. This is not just forum shopping, which
23 would be bad enough.

24 This is avoid Judge Walker shopping. You
25 all know Judge Walker. He just struck down SB 90,

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 35

1 and he found that after seven different litigation
2 matters with the Florida Legislature on racially-
3 motivated intent, he essentially said do it once,
4 maybe it was a mistake. You do it seven times,
5 we're going to infer intent.

6 What this amendment does is it puts it in
7 state court so that Judge Walker will not be the
8 jurist who reviews this piece of legislation. And
9 it's been federal courts that have reviewed this
10 legislation as long as we've been enacting them
11 because there are federal statutes involved, the
12 Voters Rights Act and the Civil Rights Act.

13 And the whole issue here with these maps is
14 whether there was racially-motivated intent to
15 disenfranchise. So not only do they get to avoid
16 Judge Walker possibly litigating this case --

17 There's only, I believe, three district
18 court judges in Leon County so the one out of the
19 three is going to get it. Judge Hinkle, I think,
20 has a long record of upholding the law, as well. So
21 this avoids a two-thirds chance of defeat.

22 But then it goes to the appellate level,
23 and instead of going to the 11th Circuit Court of
24 Appeals, it goes to the First DCA, which will
25 generally pass it through as a matter of great

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 36

1 public importance to the Supreme Court, which is now
2 stock full of Rick Scott and Ron DeSantis
3 appointees.

4 This is worse than forum shopping. This is
5 outcome determinative language. This is a
6 dereliction of duty and a violation of every
7 principle in the Constitution that we should be
8 upholding. I carry this thing around every day
9 because we seem to forget about it with alarming
10 frequency.

11 This is wrong. This is a bad amendment.
12 This smacks of unfair due process. We should vote
13 no on this amendment. Thank you.

14 PRESIDENT BEAN: In debate. We're in
15 debate on the Rodrigues amendment.

16 Leader Gibson of the 6th, you're recognized
17 in debate.

18 SENATOR GIBSON: Thank you, Mr. President.

19 Really, what this amendment is, I call it
20 limitation on access, or certainly dictatorial
21 instructions on access to the courts. And so it's a
22 desperation move in the event that there is
23 litigation relating to the maps that were most
24 likely passed out of this chamber today.

25 And we are better -- we are better than

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 37

1 that. If we're bold enough to pass out maps that
2 certainly reduce minority access in two districts,
3 and then also in the one district, for sure, creates
4 -- in two districts, rather, creates political
5 preference in those -- party preference in those
6 districts.

7 And so let's be bold and wait for the
8 process. And let's be fair as the -- what are we,
9 the most freedom state in the United States. And
10 let's do right by the people of this state, and let
11 the process go as it does.

12 Thank you, Mr. President.

13 PRESIDENT BEAN: Thank you.

14 We're in debate.

15 The Senator of the 20th, Senator Burgess,
16 in debate.

17 SENATOR BURGESS: Thank you, Mr. President.

18 It has long been the established common law
19 of Florida that venue in civil actions brought
20 against the state or one of its agencies or
21 subdivisions, absent waiver or exception, properly
22 lies in the county where the state agency or
23 subdivision maintains its principal headquarters.

24 Those are not my words. That's the words
25 of the Florida Supreme Court in Smith v. Williams

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 38

1 from 1948. Such a rule promotes orderly and uniform
2 handling of state litigation and helps to minimize
3 expenditure of public funds and manpower. The
4 Florida Supreme Court 1977.

5 Thank you, Mr. President.

6 PRESIDENT BEAN: We are in debate.

7 Additional members of the debate.

8 Leader -- or Senator Rodrigues, you're
9 recognized to close on the Rodrigues amendment.

10 SENATOR RODRIGUES: Thank you,
11 Mr. President.

12 What we are doing is codifying concurrent
13 judicial practice. With that, I'd ask for your
14 favorable support.

15 PRESIDENT BEAN: Senator Rodrigues having
16 closed the Rodrigues amendment, the question now
17 appears before you, all senators in favor of the
18 Rodrigues amendment, please signify by saying yea.

19 (Multiple yea responses)

20 PRESIDENT BEAN: Opposed, say nay.

21 (Multiple nay responses)

22 PRESIDENT BEAN: The motion carries, and
23 the amendment is adopted. Seeing that there being
24 more than five hands, the clerk will now open the
25 board and senators will proceed to vote on the

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 39

1 Rodrigues amendment.

2 (Voting by Senators)

3 PRESIDENT BEAN: The clerk will now lock
4 the board and announce the vote.

5 UNIDENTIFIED MAIL: Twenty-four yeas, 13
6 nays, Mr. President.

7 PRESIDENT BEAN: Show the motion agreed to.
8 and the Rodrigues amendment is adopted. Read the
9 next amendment.

10 UNIDENTIFIED MAIL: Amendment Barcode
11 916844m by Senator Stargel between lines 3578 and
12 3579, insert amendment.

13 PRESIDENT BEAN: Senator, before I -- for
14 what purpose?

15 Senator Pizzo, for what purpose do you
16 rise?

17 SENATOR PIZZO: Thank you, Mr. President.

18 Senator Osgood's button, I believe, does
19 not work.

20 PRESIDENT BEAN: Senator Broxson moves the
21 absence of a quorum just to test the buttons. The
22 clerk will now open the board for a quorum call.

23 (Quorum call)

24 PRESIDENT BEAN: Please lock the board and
25 announce the quorum.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 40

1 UNIDENTIFIED FEMALE: The quorum is
2 present, Mr. President.

3 UNIDENTIFIED MALE: Thank you, Mr.
4 President.

5 PRESIDENT BEAN: Very good. Let's go to
6 the Senator of the 22nd.

7 Senator Stargel, on the Stargel amendment,
8 you're recognized on the amendment.

9 SENATOR STARGEL: Thank you, Mr. President.
10 This amendment provides for a severability
11 clause and an appropriation of 1,000,000 to the
12 Department of State for litigation expenses related
13 to the establishment of congressional districts.

14 PRESIDENT BEAN: Senator Stargel of the
15 22nd has presented the Stargel amendment. Are there
16 questions on the Stargel amendment?

17 Is there debate on the Stargel amendment?

18 The Senator of the 29th, do you wish to
19 have debate or questions? Questions. Let's go to
20 questions.

21 Senator of the 29th, followed by the
22 Senator of the 30th.

23 Senator Polsky, you're recognized for a
24 question.

25 SENATOR POLSKY: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 41

1 Because this is talking about the cost of
2 litigation, there have been some articles recently
3 that shed light on how much we are spending on
4 outside counsel for the various unconstitutional
5 bills that have been litigated recently.

6 Can you shed light on hourly rate of
7 outside counsel or what the plans are, I guess,
8 clearly knowing that there are, you know, plans that
9 this will be fought in court?

10 PRESIDENT BEAN: Senator Stargel.

11 SENATOR STARGEL: Thank you, Mr. President.

12 I can't speak to the hourly rate because I
13 do not know that. But I think that we already
14 recognize the maps that we just passed were
15 challenged. And I think we heard in committee today
16 that many people thought those were great maps, and
17 they were still challenged.

18 And there's also been a lawsuit against
19 these. So we know that there is going to be a
20 challenge, and it's our job as the appropriators to
21 do the appropriation. And so we're limiting the
22 Governor to a million dollars in appropriations for
23 the challenging of these maps.

24 PRESIDENT BEAN: Senator Polsky for a
25 question.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 42

1 SENATOR POLSKY: Thank you, Mr. President.

2 So limiting to a million dollars so that --
3 what happens if he goes over and what about -- like
4 what has he spending now in dealing with all these
5 unconstitutional bills?

6 PRESIDENT BEAN: Senator Stargel.

7 SENATOR STARGEL: Thank you, Mr. President.

8 I would say that the bills you're saying
9 are unconstitutional are actually in litigation, so
10 it may be proven that they're not unconstitutional.
11 So there is a potential that our litigation is money
12 well spent to prove that we can enact the laws that
13 we've actually -- that actually pass.

14 But that being said, I don't -- you know,
15 if there is a need to go over, I can't imagine that
16 there would based on what other things have cost,
17 then we would address it at that time if that should
18 be a situation through the LBC or whatever we need
19 to do.

20 PRESIDENT BEAN: Senator Polsky has
21 concluded.

22 Senator the 30th, Senator Powell for a
23 question. You're recognized.

24 SENATOR POWELL: Thank you, Mr. President.

25 Senator Stargel, does this particular

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 43

1 amendment mean that if a portion of the map or a
2 district is found to be incorrect through court
3 proceedings that the entirety of the map would not
4 be thrown out, it would only deal with that specific
5 portion?

6 PRESIDENT BEAN: Senator Stargel.

7 SENATOR STARGEL: Thank you, Mr. President.

8 This is saying that if the -- if some of
9 the pending litigation of the congressional maps is
10 -- seem to be unconstitutional, that it doesn't stop
11 the ability to use these funds to further litigate
12 what may be necessary.

13 PRESIDENT BEAN: Senator Powell for a
14 question.

15 SENATOR POWELL: Thank you, Mr. President.

16 Follow-up, if any provision of this act is
17 held invalid with respect to any person or
18 circumstance or if any congressional districts
19 established in this act are held invalid -- invalid
20 -- I can't even say the word -- invalidity, does not
21 affect other provisions or applications.

22 Can you explain to me the provisions or
23 exactly what that is getting to, Madam Chair?

24 PRESIDENT BEAN: Senator Stargel.

25 SENATOR STARGEL: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 44

1 What this is saying is if the appropriation
2 of the Department of State for litigation expenses
3 would be treated as severable and valid to continue
4 to be able to be used.

5 So this appropriation would still be able
6 to be used for the defense of the maps if a portion
7 of the maps is deemed to be invalid.

8 PRESIDENT BEAN: Senator Powell has
9 concluded. Are there additional --

10 Senator of the 38th, Senator Pizzo, you're
11 recognized for a question.

12 SENATOR PIZZO: Thank you, Mr. President.

13 If the million dollars should be exhausted,
14 is there any consideration for use of available
15 funds, or can private entities come in and pay or
16 carry legal expenses on behalf of the state?

17 PRESIDENT BEAN: Senator Stargel.

18 SENATOR STARGEL: Thank you, Mr. President.

19 I don't anticipate that the million dollars
20 would be exhausted. I think that that's why we
21 picked this number because I think it's within the
22 realm of what would be necessary. I don't know
23 exactly the process.

24 If that million is exhausted, we would
25 address it that time. But we are the appropriators,

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 45

1 and that's why we're doing that at this time.

2 PRESIDENT BEAN: Senator Pizzo.

3 SENATOR PIZZO: Thank you, Mr. President.

4 Would it be prudent to that point to have
5 some language -- and I don't think anyone from the
6 other side of the aisle would be disagreeable to
7 this. Why not have some language that says those in
8 defense should seek to consolidate as many cases as
9 possible to be most cost-efficient?

10 I mean if you're going to have the Leon
11 County sort of forum venue direction -- directive,
12 you're going to put a cap on defense of legal
13 expenses, why not say that the aim is basically to
14 consolidate all of them insofar as possible, almost
15 like a class, in one -- in the proper forum?

16 PRESIDENT BEAN: Senator Stargel.

17 SENATOR STARGEL: Thank you, Mr. President.

18 You're getting a little bit out of the
19 realm of where I have a comfort in speaking because
20 I don't know logistically how these course -- court
21 cases all come together.

22 I just know that there was a discussion
23 that there's going to be -- we know there's going to
24 be litigation expenses. And I thought it was
25 prudent as a part of the appropriators to give some

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 46

1 funds for that.

2 I do know that the Governor does have funds
3 that he's used in multiple litigation. There are
4 funds available, but we don't want to use what funds
5 are available exhaustively on this. So we're giving
6 an additional million just because we know they have
7 been challenged in order to allow him the
8 opportunity to defend these maps.

9 As far as combining them in a class and all
10 that, that is -- I'm not comfortable answering that
11 question because I don't know the benefits or
12 anything on that.

13 PRESIDENT BEAN: Senator Pizzo.

14 SENATOR PIZZO: Thank you.

15 I recall when we did HB 1 here that spoke,
16 and I asked the question, I think, in your
17 committee, in the appropriation to Senator Burgess,
18 and then I think again on the floor.

19 And the answer which I accepted, which I
20 believe to be true, was that courts no longer really
21 require us as a Legislature to be so specific about
22 severability clauses because they themselves will
23 find to carve out or excise those parts that are
24 constitutionally infirm and leave those that pass
25 muster.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 47

1 Why here do you think that we need now at
2 this hour to have a severability -- what is, in
3 effect, a severability clause in this bill?

4 PRESIDENT BEAN: Senator Stargel.

5 SENATOR STARGEL: Thank you, Mr. President.

6 Because they're putting a specific amount
7 within the bill. We want to make sure that those
8 funds can be used. So we want to make sure that if
9 the bill is deemed some way invalid, that it doesn't
10 limit the ability to use these funds.

11 I think when you're talking -- it was more
12 on the policy, one piece of policy versus another.
13 This is -- having that million specifically in the
14 bill is a little bit different. I think that's
15 probably why staff felt it was best to have that
16 severability clause in there.

17 PRESIDENT BEAN: Senator Pizzo.

18 SENATOR PIZZO: And again, I'm just asking
19 a similar question that I asked in the beginning.
20 You're capping at a million dollars. That's a
21 thousand dollars an hour for 1,000 hours. It's \$500
22 for two attorneys at a thousand hours, so on and so
23 forth. We can all do the math.

24 If that million dollars is exhausted -- I
25 mean we set aside in the special session bill

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 48

1 \$5,000,000 that was earmarked in the vaccine
2 passport bill specifically for litigation for the
3 Governor, \$5,000,000 for that. I don't think they
4 ever got to that kitty.

5 But here, a million dollars, which
6 statewide application, 22 million people. So once
7 they reach the million dollars, which is not that
8 hard to get to at \$745 an hour, I think is one of
9 the lawyers, what do they do then?

10 PRESIDENT BEAN: Senator Stargel.

11 SENATOR STARGEL: Thank you, Mr. President.

12 And I would like to say -- I --

13 We all have those problems sometimes
14 hearing. Just kidding.

15 No. Lost my train of thought. I
16 apologize. This is not a cap, actually. There's
17 still going to be funds I think the Governor is
18 going to be able to utilize.

19 But recognizing, we want to make sure there
20 were funds for him to be able to litigate this, and
21 we're appropriating a million. I think that's we
22 are the appropriators. We wanted to set that in
23 place that we would do the million dollar
24 appropriation.

25 PRESIDENT BEAN: Senator Pizzo.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 49

1 SENATOR PIZZO: Thank you.

2 Is it possible that the 40 of us, or 39 of
3 us right now, can get together to pass a bill that
4 we know won't cost anything because we won't be
5 sued?

6 PRESIDENT BEAN: Senator Stargel.

7 SENATOR STARGEL: Thank you, Mr. President.

8 As much as I wish we could have that
9 opportunity, we don't have the ability to determine
10 what our constituents choose to sue on, or anybody
11 else for that matter. That's the way this process
12 works.

13 PRESIDENT BEAN: We are in questions,
14 Senators, on the Stargel amendment. Are there
15 questions?

16 Senator of the 34th, Leader Farmer, you're
17 recognized for a question.

18 SENATOR FARMER: Thank you, Mr. President.

19 Just one question, Senator Stargel, Chair
20 Stargel. Why did we not include an amendment like
21 this in the maps that we passed during regular
22 session?

23 PRESIDENT BEAN: Senator Stargel.

24 SENATOR STARGEL: Thank you, Mr. President.

25 I don't believe at the time that we passed

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 50

1 those maps that had already been pending, people
2 were saying they were going to sue.

3 PRESIDENT BEAN: We're in questions.
4 Senator -- Leader Farmer has concluded his
5 questions. So we are now moving to debate. We are
6 in debate on the Stargel amendment. Is there
7 debate?

8 Is there any objection to the Stargel
9 amendment?

10 Is there any objection? Without objection,
11 the Stargel amendment is adopted.

12 Read the next amendment.

13 UNIDENTIFIED MALE: None on the desk, Mr.
14 President.

15 PRESIDENT BEAN: Are there further comments
16 by the sponsor of the bill?

17 Senator Rodrigues.

18 SENATOR RODRIGUES: No, Mr. President.

19 PRESIDENT BEAN: Pursuant to Rule 4.19, the
20 bill is placed on the calendar of bills on third
21 reading.

22 Senator Bradley, are you prepared to
23 proceed to Senate Bill -- Senator Bradley, we're
24 going to come back to you because first we're going
25 to have questions on the bill as amended.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 51

1 Are there questions on the bill as amended?

2 (No response)

3 Very good. We're in questions on the bill
4 as amended. Leader Gibson of the 6th, followed by
5 Senator Pizzo of the 38th.

6 Leader Gibson, you're recognized for a
7 question on the bill as amended.

8 SENATOR GIBSON: One moment -- one moment,
9 Mr. President. Is there anybody else who can go?

10 PRESIDENT BEAN: Very good.

11 Does any other senator -- she wishes to
12 yield.

13 Senator of the 11th, Senator Bracy, you're
14 recognized for a question.

15 SENATOR BRACY: Thank you, Mr. President.

16 District 5, District 10, when you were
17 chairman, when we were drawing the maps when we were
18 in session, you and staff deemed those districts as
19 minority-protected seats.

20 Now you are presenting that they're no
21 longer minority-protected seats. What has changed
22 your viewpoint?

23 PRESIDENT BEAN: Senator Rodrigues, you're
24 recognized.

25 SENATOR RODRIGUES: Thank you, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 52

1 President.

2 And thank you for the question. If you go
3 and look at the information that we distributed,
4 there's a memo from our external attorney, Daniel
5 Nordby, which is an initial review of the proposed
6 congressional map.

7 What I would go back to is when the
8 committee began its work, our charge was to operate
9 within the parameters of the Florida Supreme Court
10 during the last cycle of redistricting. So that's
11 what we did.

12 Everything that guided our decisions were
13 handed down in the apportionment decisions during
14 that last cycle. We operated under the premise that
15 if the Supreme Court ordered something, that, in and
16 of itself, was constitutional.

17 That was the map that we did. We thought
18 that that was the most conservative approach. And
19 when you consider that during the last redistricting
20 cycle, the Florida Senate lost the most in the
21 litigation because we lost legislative privilege
22 during that course of litigation.

23 Our charge was to operate within those
24 parameters so that we could regain our legislative
25 privilege and pass a map that would be completely

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 53

1 constitutional, withstand all court challenges. So
2 that was the map we brought under those parameters.

3 Unfortunately, because this is the
4 Legislature, we have to get both chambers to agree
5 on the bill before we can actually have a bill that
6 we can send to the Governor.

7 The House did not agree with everything we
8 wanted to do, which is why our -- the bill that we
9 ultimately passed was different than the one that we
10 filed and originally passed off the floor.

11 When that bill went to the Governor, the
12 Governor rejected it, and that's his right because
13 as a bill, it doesn't become law until the Governor
14 signs it.

15 What the Governor looked at and drew
16 attention to in his veto letter, which is also in
17 the information that the committee is provided, is
18 that in his legal analysis, District 5 did not meet
19 the protection for non-diminishment.

20 And if you go to page four of that letter,
21 it says, there is no good reason to believe that
22 District 5 needed to be drawn as a minority-
23 performing district to comply with Section 2 of the
24 Voting Rights Act because the relevant minority
25 group is not sufficiently large to constitute a

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 54

1 majority in a geographically compact area.

2 Later on in that same paragraph, it says,
3 when a minority group is not sufficiently large to
4 make up a majority in a reasonably-shaped district,
5 Section 2 does not apply, and they cited a court
6 case, which is Cooper, also cited Thornburg v.
7 Gingles.

8 So the Governor looked at items well beyond
9 just the litigation that occurred in the Florida
10 Supreme Court. The Governor looked at the
11 litigation that occurred in federal court as well,
12 and said that based upon the legal analysis of the
13 decisions that have come out since we adopted the
14 Fair Districts Amendment and went through the
15 exercise of drawing our district lines last time,
16 that District 5 did not qualify for Section 2
17 protection of non-diminishment because it was not a
18 majority of minority voters in a geographically-
19 compact district. So that was the first thing that
20 changed on that district.

21 When it comes to District 10, the same
22 legal premise exists there. Although what we
23 learned in committee today -- let me get to the
24 right question here. What we learned in committee
25 today, according to the Governor's office, is that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 55

1 for District 10, which was the other affected
2 minority district that we protected that is not
3 protected in this map, that it also does not
4 constitute a minority majority district, so,
5 therefore, it does not enjoy the protections of
6 Section 2 of the Voting Rights Act.

7 The other thing I would draw attention to
8 is when we went through this process, that was an
9 area of conflict between the Senate and the House,
10 District 10. We viewed that as a district taking
11 the -- what I would argue would be the more
12 conservative legal approach that it should be
13 protected and that looking at the apportionment
14 decisions in the last cycle, the court would agree
15 it should be protected because we took the average
16 of the turnout elections and believed it met the
17 criteria.

18 The House disagreed with us. Instead of
19 taking the average over a 10-year period, the House
20 plotted it out election by election and said if you
21 follow the trends, that district has moved from
22 minority majority when it was created to less than a
23 minority majority district now and is trending in
24 that direction, therefore, that district doesn't
25 warrant protection under Section 2 of the Voting

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 56

1 Rights Act.

2 As we learned in committee today, the
3 Executive Office of the Governor adopted the House
4 position on that map and said that they believed the
5 House position on CD-10 was more correct than the
6 Senate position.

7 So the two districts that have changed that
8 in our original map we protected from diminishment,
9 were Districts 5 and 10. And that's what's changed
10 between when we did this map, I think we passed our
11 map off the floor the first week of January, and
12 what's occurred today, middle of April.

13 PRESIDENT BEAN: In questions.

14 Senator Bracy, you're recognized for a
15 question.

16 SENATOR BRACY: Thank you, Mr. President.

17 You mentioned District 10 and it not being
18 a protected seat. But the House and the Senate
19 passed a map that protected District 10. So even
20 though you're saying that was the position of the
21 House, they came to the position of the Senate in
22 protecting that seat.

23 PRESIDENT BEAN: Senator Rodrigues.

24 SENATOR RODRIGUES: Thank you, Mr.
25 President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 57

1 And you're right. In the first map that
2 they passed, they did not. But in the negotiations
3 between the chambers, they did come to our position
4 on the map that we ultimately passed off the floor
5 and sent to the Governor that got vetoed.

6 PRESIDENT BEAN: Senator Bracy.

7 SENATOR BRACY: Thank you, Mr. President.

8 So it was the House position when we left
9 session that District 10 was a protected seat, and
10 it's always been the Senate's position since we've
11 started.

12 What has changed from your vantage point
13 since you're defending this map where you said and
14 the Senate body said that this is a protected seat,
15 now you and this Senate does not believe that it is
16 a protected seat?

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 And that's a very good question. Thank you
21 for the question. What I would say is I think what
22 we've seen with the veto is that there's an inherent
23 conflict between our State Constitution and Supreme
24 Court decisions that have occurred since the Fair
25 Districts Amendment was adopted to our State

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 58

1 Constitution.

2 Prior to Fair Districts being adopted,
3 there were five counties in Florida that were
4 protected by the Voting Rights Act. Those five
5 counties were Hillsborough, Hardee, Hendry, Monroe,
6 and Collier. No redistricting could be done with
7 those counties without preclearance from the federal
8 government.

9 What the Fair Districts Amendment did was
10 they took that language that existed for those five
11 protected counties, put it in the constitution and
12 applied it to all 67 counties and said now what
13 existed here for protection of diminishment occurs
14 statewide.

15 Then after that, there were decisions from
16 the U.S. Supreme Court, multiple decisions; one on
17 Section 2, the other on Section 5. Think Shelby was
18 the Section 5 decision which took away the
19 methodology that had been used to measure those
20 counties that required preclearance, which
21 essentially meant that there was no more
22 preclearance provision required for those counties
23 that were previously protected under the 1965 Voting
24 Rights Act.

25 So judicial decisions came out that changed

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 59

1 that. That didn't factor into our original
2 consideration when we did our first maps. Because
3 the charge of the committee was pass maps that will
4 adhere to the Constitution and the decisions of the
5 Florida Supreme Court during the last round of
6 redistricting. We didn't look at the federal
7 decisions.

8 And the other thing that had emerged since
9 then. The other thing that I would add is that two
10 of those decisions have occurred in this calendar
11 year; one occurred in Alabama, and then one just
12 occurred, I think, earlier this month in Wisconsin,
13 that are on point with this issue of minority
14 protection under the Voting Rights Act of 1965.

15 So what has changed is, one, the
16 perspective has broadened from just looking at the
17 Florida Constitution to reconciling that to the U.S.
18 Constitution. And two, there's additional data
19 available now that was not available in January when
20 we originally made our decisions.

21 PRESIDENT BEAN: Senator Bracy. Senator
22 Bracy for a question.

23 SENATOR BRACY: Thank you, Mr. President.

24 Going back to District 10 and how it was
25 determined that it is not a minority access seat. I

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 60

1 know it was talked about in committee. The
2 Governor's office said that they just took the
3 House's position, but it really wasn't clarified
4 exactly how they came to determine if District 10
5 was a protected seat.

6 I think staff guessed and said I think they
7 took in -- they looked at the trend. But I'm trying
8 to get some specifics on like what the trend is that
9 they were looking at. So if there's a downward
10 trend in minority population, like what -- was it
11 the trend for 10 years?

12 Was it -- did it go from like 60 to 58 to
13 56? Like I want to know -- because it seems
14 arbitrary in how you can determine if there is no
15 baseline on how you determine what is a minority
16 access seat.

17 So can you give some detail for this body
18 into how it was determined that District 10 is not a
19 protected seat?

20 PRESIDENT BEAN: Senator Rodrigues.

21 SENATOR RODRIGUES: Thank you, Mr.
22 President.

23 And once again, thank you for the question.
24 What the Governor's office referenced in committee
25 was they took the House position as it was

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 61

1 articulated by the House in committee at that time.
2 They reviewed both our committee hearing and the
3 House Committee hearing and agreed with the House
4 Committee hearing position at the first hearing.

5 To get to the specific of your question,
6 what was said in the House was that that district
7 was trending and was trending away from being a
8 minority majority protected district.

9 I had staff go back and pull primary
10 election turnout, which are Democrats who are black.
11 And in 2012, they were 53.78 percent of the primary
12 turnout. In 2014, that dropped to 52.58 percent of
13 the primary turnout. In 2016, it dropped to 50.62
14 percent of the primary turnout. In 2018, it dropped
15 to 46.89 percent of the primary turnout.

16 And in 2020, it dropped down to 42.53
17 percent of the primary turnout. So that was the
18 trend over the five elections of the last decade.

19 PRESIDENT BEAN: We're in questions.

20 Senator Bracy has --

21 Senator Bracy, do you wish to continue?

22 SENATOR BRACY: Thank you, Mr. President.

23 So even though what you're saying is that
24 it's going in a downward trend, what makes it not
25 protected anymore?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 62

1 Is there a certain threshold that at, let's
2 say it hits 40 percent, it's no longer a minority
3 access seat or minority protected seat, or just the
4 fact -- I mean, it could trend back up. So I guess
5 why not use a baseline to say at this point, it's no
6 longer a protected seat?

7 PRESIDENT BEAN: Senator Rodrigues.

8 SENATOR RODRIGUES: Thank you, Mr.
9 President.

10 And as stated by the Governor's office in
11 committee, when they referred questions on that
12 topic to the legal analysis and the veto letter, the
13 quote from the Supreme Court decision cited in the
14 Governor's veto letter is, "When a minority group is
15 not sufficiently large to make up a majority in a
16 reasonably-shaped district, then Section 2 of the
17 Voting Rights Act simply does not apply." That was
18 in the Cooper decision.

19 And then they went on and further cited,
20 "One of the threshold conditions for proving voter
21 dilution under Section 2, which is diminishment, is
22 that the minority group is sufficiently large and
23 geographically compact to constitute a majority."

24 So majority is the key word in both of
25 those court decisions.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 63

1 PRESIDENT BEAN: For a question, Senator
2 Bracy.

3 SENATOR BRACY: Thank you, Mr. President.
4 You started your analysis from 2012 going
5 down to 2020. In 2012, you had Barack Obama on the
6 ballot, and that would make sense that the turnout
7 was very high.

8 If you talk about in 2016, where he's not
9 on the ballot and you've got Donald Trump on the
10 ballot, clearly, in a democratic primary, turnout
11 would be less, but that does not mean that there is
12 a diminishment or less minority population in that
13 district.

14 So there are other variables other than
15 just turnout that would determine if this should be
16 a protected seat. And so were there other variables
17 other than the downward trend? Because that can be
18 due to the candidate on the ballot.

19 PRESIDENT BEAN: Senator Rodrigues.

20 SENATOR RODRIGUES: We would need to have
21 that conversation with the House. The only thing
22 they cited in the committee hearing was the trend of
23 the turnout for the district.

24 But what I would say is while I agree with
25 you, in 2012 with President Obama in office, that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 64

1 would have encouraged turnout, I would remind you in
2 2020 in the primary, there was a democratic open
3 primary for Governor, which was the most heated
4 primary I think we've seen on the democratic side
5 going back for a number of elections, and it was a
6 minority candidate that won that primary.

7 I would submit to you that should have
8 turned out minority voters just as equally as
9 minority voters would have turned out in 2012 for
10 President Obama's election.

11 So if you look at the numbers that went
12 from 53.78 percent down to 42.53 percent, that's an
13 11 point drop, or decline of over 22 percent.

14 PRESIDENT BEAN: Senator Bracy for a
15 question.

16 SENATOR BRACY: Thank you, Mr. President.

17 That's actually not true. Andrew Gillum
18 was not on the 2020 ballot so that's probably why it
19 did go down as much as it did. He was on 2018.

20 But here's another point though. If we're
21 not even clear on how the House came up with their
22 baseline for determining if this seat is protected
23 or not, how can we take their position? We're just
24 learning today how they even came up with it.

25 So how is it that we can say we agree with

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 65

1 the House position when we didn't even know how they
2 came up with this formula?

3 PRESIDENT BEAN: Senator Rodrigues.

4 SENATOR RODRIGUES: Thank you, Mr.
5 President.

6 And you're correct, 2020 was not a
7 gubernatorial election. I apologize for that. 2018
8 was a gubernatorial election, but we still saw the
9 decline.

10 What I would say to you on the question of
11 how can we come to the House position is a bill
12 requires three entities in order to get passed and
13 implemented. The House has to pass it. The Senate
14 has to pass it. And the Governor has to sign it.

15 As we learned in committee today, the bill
16 that's before us is what they termed a compromise
17 map. Ten of the districts that are on the bill that
18 is before us are districts that we drew, Southeast
19 Florida and the panhandle. I believe I heard that
20 up to 12 of those districts were districts that were
21 on a House map.

22 So southeast Florida is largely the portion
23 of the state we drew. Central Florida is largely
24 the portion of the state that the House drew. And
25 Northeast Florida is largely the portion of the map

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 66

1 that the Senate -- that the Governor's -- Executive
2 Office of the Governor drew.

3 So what we have is a map which is a
4 compilation of maps that have passed and been
5 presented in both chambers and lines that had been
6 drawn by the Governor's staff building off of what
7 we have done.

8 Would, from my perspective, the ideal world
9 be that we draw our map, and everybody accept it?
10 Yes. But that's not how the legislative process
11 works. The legislative process is a process of
12 negotiation and compromise.

13 And ultimately, this map includes 10
14 districts that are on our map, districts that were
15 on the House map, and districts that the Executive
16 Office of the Governor has drawn.

17 PRESIDENT BEAN: Senator Bracy for a
18 question.

19 SENATOR BRACY: Thank you, Mr. President.

20 I understand that this is a compromise with
21 the House and the Senate on the majority of this
22 statewide map.

23 But specifically when it comes to District
24 10, the Governor and the House determined how we're
25 going to decide what is a minority access seat. And

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 67

1 we are here defending the Governor's position that
2 District 10 is not a minority access seat, and we
3 don't even know how they came to that position.

4 Obviously, you did some research, which is
5 fine, after our committee and these questions came
6 up. But what I'm saying is how is it that we can
7 take the position that this is not a minority access
8 seat when we didn't know how they even came up with
9 that?

10 PRESIDENT BEAN: Senator Rodrigues.

11 SENATOR RODRIGUES: I would say that
12 question has already been asked and answered.

13 PRESIDENT BEAN: Senator Bracy for --
14 Senator Bracy has concluded.

15 Leader Gibson of the 6th, you're recognized
16 for a question.

17 SENATOR GIBSON: Thank you, Mr. President.

18 I want to go to the -- where is the
19 information that a district has to be 50 percent
20 minority to be considered under tier one?

21 PRESIDENT BEAN: Senator Rodrigues.

22 SENATOR RODRIGUES: Thank you, Mr.
23 President.

24 And what I would say is when we did our
25 maps, we did not operate under that premise. We

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 68

1 followed the decisions during the apportionment
2 decisions from the Florida Supreme Court.

3 But to answer your question of where is it
4 that it has to be majority, that is in the
5 Governor's legal analysis of why he vetoed the map
6 that the Legislature sent him, specifically on page
7 four, paragraphs three and paragraph four, citing
8 Supreme Court decisions, Cooper and Thornburg and
9 Gingles.

10 PRESIDENT BEAN: Leader Gibson.

11 SENATOR GIBSON: Thank you, Mr. President.

12 So when you use the term large, not large
13 enough to choose the candidate of their choice,
14 that's the 50 percent standard, or is there some
15 other large number that we can use to talk about
16 large?

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 And there's more to it than just large.
21 I'd refer you to page four, paragraph three. The
22 Supreme Court decision that is quoted says, "When a
23 minority group is not sufficiently large to make up
24 a majority in a reasonably-shaped district, Section
25 2 simply does not apply."

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 69

1 So it's majority, I think, that is the
2 operative word there, not large.

3 PRESIDENT BEAN: Leader Gibson.

4 SENATOR GIBSON: Thank you, Mr. President.

5 So that was the Supreme Court decision for
6 the country?

7 PRESIDENT BEAN: Senator Rodrigues.

8 SENATOR RODRIGUES: Thank you, Mr.
9 President.

10 Yes. That was a U.S. Supreme Court
11 decision.

12 PRESIDENT BEAN: Leader Gibson.

13 SENATOR GIBSON: Thank you, Mr. President.

14 Could you remind me of the year again,
15 please?

16 PRESIDENT BEAN: Senator Rodrigues.

17 SENATOR RODRIGUES: I see the case, but not
18 the year. The case was Cooper.

19 PRESIDENT BEAN: Leader Gibson.

20 SENATOR GIBSON: Thank you, Mr. President.

21 The -- so I want to go back to the question
22 about the -- and I think -- I want to connect the
23 dots between the discussion on the reduction in
24 primary turnout and the map that we have before us
25 today. What's the -- are we -- what's the

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 70

1 connection between the two?

2 PRESIDENT BEAN: Senator Rodrigues.

3 SENATOR RODRIGUES: Thank you, Mr.

4 President.

5 Which district are you specifically
6 questioning?

7 PRESIDENT BEAN: Leader Gibson.

8 SENATOR GIBSON: Thank you, Mr. President.

9 I'm questioning the fact that we continue
10 to talk about a diminishment, supposedly, in turnout
11 as a basis for not keeping 10 as a minority access
12 district, as well as 5 in this case.

13 What's the connection between that
14 information and map -- what map are we -- what is
15 this map -- what's the map number we have here?
16 C0109.

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 As stated by the Governor's office in
21 committee, the legal analysis that they had was that
22 District 5 was not protected because it did not make
23 up a majority in a reasonably-shaped district. It
24 was not a compact district.

25 For District 10, they referred to the

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 71

1 original map introduced by the House. And we've
2 already articulated what the House has publicly said
3 that led them to take that position from what we
4 understand.

5 PRESIDENT BEAN: Leader Gibson.

6 SENATOR GIBSON: Thank you, Mr. President.

7 So let me back up a little bit. So in
8 order for -- so a minority access district -- and I
9 keep hearing protection, and I know there's some
10 consent decrees on certain districts in the state.

11 So are you saying that tier one doesn't
12 apply to a minority access district because it's not
13 protected? I don't understand.

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: Thank you, Mr.
16 President.

17 Are you referring to tier one in the
18 Florida Constitution?

19 PRESIDENT BEAN: Leader Gibson.

20 SENATOR GIBSON: Thank you, Mr. President.
21 Yes.

22 PRESIDENT BEAN: Senator Rodrigues.

23 SENATOR RODRIGUES: Thank you, Mr.
24 President.

25 Well, you've just put the spotlight on the

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 72

1 inherent conflict, which is, according to the Fair
2 Districts Amendment, we would believe that it would
3 apply as the court interpreted the Fair Districts
4 Amendment during the last round of litigation.

5 However, the U.S. Supreme Court has made a
6 determination that in order for a minority district
7 to be protected, minority group must be sufficiently
8 large to make up a majority in a reasonably-shaped
9 district.

10 So there's the conflict between what is in
11 our State Constitution and what the court has
12 decided on the application of diminishment for
13 districts that are protected under the Voting Rights
14 Act.

15 PRESIDENT BEAN: Leader Gibson.

16 SENATOR GIBSON: Thank you, Mr. President.

17 So in the conflict then, we're following
18 the federal law and not the State Constitution that
19 the voters voted for; is that correct?

20 PRESIDENT BEAN: Senator Rodrigues.

21 SENATOR RODRIGUES: Thank you, Mr.
22 President.

23 Yes. The Governor's -- Executive Office of
24 the Governor's position is that under the supremacy
25 clause, the U.S. Supreme Court trumps state law or

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 73

1 State Constitution.

2 PRESIDENT BEAN: Leader Gibson.

3 SENATOR GIBSON: Thank you, Mr. President.

4 Only in how we're doing redistricting,
5 right?

6 PRESIDENT BEAN: Senator Rodrigues.

7 SENATOR RODRIGUES: I've not seen the
8 Executive Office of the Governor opine on that
9 outside of this bill.

10 PRESIDENT BEAN: Leader Gibson for a
11 question.

12 SENATOR GIBSON: Thank you, Mr. President.

13 Using a turnout -- turnout number in a
14 primary election, is that the premise for
15 determining that the district is not large enough to
16 not be diminished? I'm missing something.

17 PRESIDENT BEAN: Senator Rodrigues.

18 SENATOR RODRIGUES: The question is, is the
19 minority a majority in the district. The way you
20 demonstrate you're a majority in the district is by
21 controlling the election.

22 If it's a heavy democratic district, and
23 you're a majority of that party's primary, then,
24 yes, you control that primary, and, thus, you would
25 be protected.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 74

1 PRESIDENT BEAN: Leader Gibson.

2 SENATOR GIBSON: Thank you, Mr. President.

3 If you're the majority in the turnout of a
4 primary determines whether you should be protected
5 or not?

6 PRESIDENT BEAN: Senator Rodrigues.

7 SENATOR RODRIGUES: Thank you, Mr.
8 President.

9 Yes. If you're in a district that elects
10 democrats consistently, and you have a minority
11 group that makes up a majority of the primary of the
12 party that elects their candidates, that
13 demonstrates that they are a majority of the
14 district, and, thus, could be eligible for
15 protection.

16 PRESIDENT BEAN: Leader Gibson.

17 SENATOR GIBSON: Thank you, Mr. President.

18 And where is that information that
19 describes it that way?

20 Do we have that here somewhere?

21 PRESIDENT BEAN: Senator Rodrigues.

22 SENATOR RODRIGUES: Thank you, Mr.
23 President.

24 I would refer to the majority in a
25 reasonably-shaped district to the Governor's veto

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 75

1 letter, page four, paragraph three, and then also
2 page four, paragraph four.

3 PRESIDENT BEAN: Leader Gibson for a
4 question.

5 SENATOR GIBSON: And so a primary elects
6 the party primary. So I don't understand. And can
7 you explain how it is that that would be when
8 turnout varies anyway depending on the election?

9 Off-season elections don't necessarily have
10 the same amount of turnout in a presidential year;
11 isn't that true?

12 PRESIDENT BEAN: Senator Rodrigues.

13 SENATOR RODRIGUES: Thank you, Mr.
14 President.

15 And yes, I would agree that there are
16 fluctuations in turnout between presidential and
17 gubernatorial years.

18 What I'm referring to is what the court
19 laid out in the last round of redistricting as the
20 basis of a functional analysis, which is what gets
21 applied to see if a district is protected.

22 And the basis of the functional analysis is
23 if it is a district that elects candidates of one
24 party, and a minority controls the primary of that
25 party, and thus would be controlling the candidates

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 76

1 of that party showing that they can elect the
2 candidate of their choice, then in the functional
3 analysis that was provided by the Florida Supreme
4 Court during the round of litigation, that would
5 demonstrate that they would be protected.

6 That was the premise that we operated under
7 when we drew our original maps.

8 PRESIDENT BEAN: Leader Gibson for a
9 question.

10 SENATOR GIBSON: Thank you, Mr. President.

11 When we -- I'm sorry. Did you say when we
12 -- when the senate drew its map when we started?

13 Is that what you meant? I'm sorry.

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: Thank you, Mr.
16 President.

17 Yes.

18 PRESIDENT BEAN: Leader Gibson.

19 SENATOR GIBSON: Thank you, Mr. President.

20 And so the senate then abandoned its map
21 for the House map. And then the Governor vetoed
22 that one, correct? I just -- I need to lay the
23 foundation. I'm sorry.

24 PRESIDENT BEAN: Senator Rodrigues.

25 SENATOR RODRIGUES: Thank you, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 77

1 President.

2 We negotiated a map with the House. That
3 map passed off the House floor and the Senate floor,
4 and the Governor vetoed it. Yes.

5 PRESIDENT BEAN: Leader Gibson.

6 SENATOR GIBSON: Thank you, Mr. President.

7 The -- I want to move to -- and I'm not
8 sure if you can answer, but I'm going to ask you.
9 In terms of the language that talks about the
10 Congressional District 5 is not narrowly tailored to
11 achieve a compelling state interest, are we -- do
12 you know -- because I could never understand in the
13 committee, what is the compelling state interest
14 when we're drawing congressional districts for the
15 people -- for all of the people in the entire state
16 of Florida?

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 I don't believe that was defined in
21 committee by the Governor's office.

22 PRESIDENT BEAN: Before we go back to
23 Leader Gibson, a little birdie, let's just call him
24 Senator Pizzo, whispered in my ear that, indeed,
25 food has arrived -- or has been delivered. Assorted

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 78

1 chicken, breads and pasta are in the back, and you
2 see fit, if you wish to partake, it is in the back.
3 So thank you to that little birdie who whispered in
4 my ear that food is here.

5 Let's go back to questions. We're on the
6 Rodrigues bill. We've amended it. We're now in
7 questions. It will not be rolled over. It will --
8 it will be questioned, and that's where we are right
9 now.

10 Leader Gibson, followed by -- followed by
11 the Senator of the 33rd, and we haven't heard from
12 the Senator of the 33rd.

13 But Leader Gibson, you have the floor in
14 questions, and you're recognized to continue.

15 SENATOR GIBSON: Thank you, Mr. President.

16 I'll try to wrap it up. I just want to --
17 it's clear as mud, as my mother used to say. In
18 terms of -- in terms of the data -- because I
19 thought I heard in the committee that Mr. Kelly
20 didn't use any data. Maybe someone else -- someone
21 else used data to develop the graphic for the
22 turnout numbers; is that --

23 Or you said that that came from the House,
24 right?

25 And so the -- the Governor's office simply

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 79

1 used that to determine the color neutral map; is
2 that -- is that what -- how that works? Oh, race
3 neutral. Sorry.

4 PRESIDENT BEAN: Senator Rodrigues to
5 respond.

6 SENATOR RODRIGUES: Thank you, Mr.
7 President.

8 Yes, I believe that is what we heard in
9 committee.

10 PRESIDENT BEAN: Leader Gibson.

11 SENATOR GIBSON: Thank you, Mr. President.
12 It's okay. Mr. President, I'll let somebody else --
13 I got to reorganize.

14 PRESIDENT BEAN: Leader Gibson has
15 concluded. Senator Pizzo wishes to yield to Senator
16 Osgood.

17 Your place will be saved.

18 So it will be Senator Osgood, Senator
19 Farmer, Senator Torres, and Senator Pizzo.

20 Senator of the 33rd, let me be one of many
21 to welcome you to the Florida Senate. And you are
22 recognized for a question.

23 SENATOR OSGOOD: Thank you, Mr. President.

24 So my question is, is I'm reading you,
25 Senator Rodrigues, have referred us to page number

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 80

1 four, paragraph number three, a couple of times.
2 And when I'm reading there, I keep seeing it says
3 black voting age population.

4 And then I looked -- I listened very
5 clearly at your response to both Senator Bracy and
6 Senator Gibson about the primary number being used
7 of the actual number of voters.

8 So I'm having trouble aligning the two.
9 You said that on the decline, you went through a
10 list of years, and you said it basically went down
11 on a decline of about 22 percent as actual people,
12 black people, showing up to vote.

13 But when I read here, it talks about the
14 voting age. To me, that's very different, voting
15 age and then people actually voting. So I need to
16 be clear on which one was used to make the decision.

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 And you're correct, in the Governor's veto
21 letter, he references the black voting age
22 population. What we pulled was the component of
23 primary turnout, which is what the Florida Supreme
24 Court directed us to utilize in performing a
25 functional analysis during the last round of

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 81

1 litigation during the previous redistricting cycle.

2 So to answer your question specifically,
3 what the House referenced in committee was that it
4 was trending over time to not be a majority
5 district. What I've offered is I had our staff go
6 back and pull the data that we used on a functional
7 analysis for that district, and those were the
8 numbers I gave you, which was the primary election
9 turnout among black democrats.

10 PRESIDENT BEAN: Senator Osgood, you're
11 recognized for a question, of the 33rd.

12 SENATOR OSGOOD: Thank you, Mr. President.

13 I just want to be clear. So your office
14 used the voting data to determine that it was not a
15 minority performing district; is that correct or
16 not?

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 We used the primary turnout data that's
21 utilized in the functional analysis. Yes.

22 PRESIDENT BEAN: Senator Osgood.

23 SENATOR OSGOOD: Okay. And in this
24 definition, it talks about significantly large or
25 geographically compact. So which data would we use

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 82

1 to determine that?

2 Would we use the voting age population that
3 it talks about here or would we use the primary
4 turnout?

5 PRESIDENT BEAN: Senator Rodrigues.

6 SENATOR RODRIGUES: Thank you, Mr.
7 President.

8 I believe under decisions that we've seen
9 from the Florida Supreme Court, either one of those
10 would be utilized, and could be utilized, in making
11 the case.

12 PRESIDENT BEAN: Senator Osgood.

13 SENATOR OSGOOD: Thank you, Mr. President.

14 So if I'm in District 5 as an African-
15 American person, whether I actually go to the voting
16 polls and vote or not does not change the fact that
17 I'm there and that I'm living in that area and that
18 I should be counted as a part of that population,
19 that age population?

20 I just have discrepancy with that. So, in
21 other words, if I'm black and I don't go vote, I
22 miss a vote, then I'm penalized for it now for 10
23 years?

24 PRESIDENT BEAN: Senator Rodrigues.

25 SENATOR RODRIGUES: Thank you, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 83

1 President.

2 And staff just clarified something for me
3 that we did hear in committee, but I have failed to
4 articulate. The veto letter is specific to
5 Congressional District 5. And in Congressional
6 District 5, it is the black voting age population
7 because that is what is used in the analysis of the
8 Voting Rights Act.

9 What I have utilized for Congressional
10 District 10 is the primary turnout because that's
11 what's utilized in the functional analysis that was
12 given to us by the court.

13 So two different standards. They both were
14 less than a majority, but they were rejected for
15 different reasons. One by the Governor because it
16 failed the compact and majority test cited by the
17 Supreme Court decisions that are in the letter.

18 And one by the House because they believed
19 that with it being less than a majority, it was no
20 longer protected from diminishment, which was the
21 position as we learned today in committee that the
22 Executive Office adopted when they prepared their
23 compromise map.

24 PRESIDENT BEAN: Senator Osgood.

25 SENATOR OSGOOD: Mr. President, thank you.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 84

1 So let me ask again. So if I didn't vote
2 in the last election, so now I'm being penalized and
3 that data is being captured to punish me from
4 voting, whether I exercise that right -- whether I
5 exercise my right to vote or not does not give the
6 Governor's office the authority to take away that
7 right?

8 PRESIDENT BEAN: Senator Rodrigues.

9 SENATOR RODRIGUES: Thank you, Mr.
10 President.

11 I would make two points. The first is,
12 voting in a primary would be subject to the question
13 that was on the table for CD-10, which is different
14 than CD-5.

15 And the second is, it wouldn't be if you
16 just didn't vote in the last election. The
17 statistics that I provided were over the last five
18 elections, over a decade, and the percentage of the
19 primary vote went down from 53.78 percent down to
20 42.53 percent.

21 And given that the population went up, and
22 yet the control of the primary went down, that is
23 indicative that it is no longer a minority majority
24 district.

25 PRESIDENT BEAN: Senator Osgood.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 85

1 SENATOR OSGOOD: Thank you, Mr. President.

2 So I want to be clear. So the data that
3 you gave about the decline was for District 10,
4 you're saying. Okay. I was speaking about District
5 5. But even if District 10, if you're saying the
6 data is going --

7 I'm just having a real hard time
8 understanding how the number is being used from
9 turnout of primary voters to determine the
10 representation that's needed when we do the census
11 to take data and count people.

12 So the number of people living in a
13 geographical area, in my opinion, is very -- it
14 could be very different than the people that
15 actually go vote on a primary election date. So
16 that's what I'm having trouble trying to bring
17 together in our decision making.

18 PRESIDENT BEAN: Senator Rodrigues.

19 SENATOR RODRIGUES: Thank you, Mr.
20 President.

21 And what I would say is for District 5, I
22 would go back to what we learned in the presentation
23 from the Executive Office of the Governor and
24 committee today.

25 That district was -- the reason the bill

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 86

1 was vetoed over that district is because they did
2 not believe it was compliant with the U.S.
3 Constitution, specific, the equal protection clause
4 of the voting rights and Section 2 of Voting Rights
5 Act because it was not a geographically compact
6 district and it was not a minority majority
7 district.

8 So that was what was communicated to us in
9 committee today, which I know you arrived in
10 committee and got to observe a portion of it.

11 As far as District 10 goes, that was the
12 House position. And as I've said before, they
13 looked at the data that we have to utilize in a
14 functional analysis and came to the conclusion that
15 it was no longer protected because it was no longer
16 a minority majority district.

17 PRESIDENT BEAN: Senator Osgood.

18 SENATOR OSGOOD: Mr. President.

19 So let me just ask this question. Because
20 when we talk about minority majority districts, in
21 this document, sometimes we use the word black and
22 then sometimes we say minority groups.

23 I know that they can be used synonymously,
24 but I also know that many of our areas are made up
25 of minority groups where it's dual minority groups,

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 87

1 blacks and Hispanics.

2 So when we talk about the geographical
3 location and we talk about the minority groups in
4 the case of District 5, District 10, are we only
5 talking about black people, or are we talking about
6 black people and Hispanic people combined?

7 PRESIDENT BEAN: Senator Rodrigues.

8 SENATOR RODRIGUES: Thank you, Mr.
9 President.

10 I believe it is only black people. I do
11 know as we do the functional analysis and we're
12 looking at whether a district is protected as a
13 minority majority district, we specify what the
14 minority is.

15 So that does get broken out to determine if
16 either of those minorities are a majority of their
17 district, or if they fall into a different category,
18 which would be like a coalition category, or if
19 there's polarized voting among the minority groups
20 and they vote as a block together, do they vote
21 together often and do they control the primary if
22 they do so.

23 So that's a different issue, but neither --
24 that did not apply to either of these districts.

25 SENATOR OSGOOD: Thank you.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 88

1 PRESIDENT SIMPSON: Thank you.

2 Are there any additional questions? Seeing

3 none --

4 Oh, Leader Gibson, you're recognized.

5 SENATOR GIBSON: Yes. I'll be brief.

6 Thank you, Mr. President.

7 In the last redistricting cycle, the court
8 actually drew the -- drew the east/west map. Is
9 there any indication how the east/west configuration
10 that the House drew in one of its maps that I guess
11 is the one that is considered to be gerrymandered,
12 even though it looks almost exactly the same as the
13 previous map, is there an indication of the
14 difference in the compactness scores, as well as the
15 population, in the that last configuration? I think
16 we called it the -- part of the benchmark map too.

17 PRESIDENT SIMPSON: Senator Rodrigues,
18 you're recognized.

19 SENATOR RODRIGUES: Can you clarify?

20 Are you asking if the population between
21 the benchmark is different than the population on
22 the map that we passed off the Senate floor as our
23 map or off the Senate floor as the compromise map
24 with the House?

25 PRESIDENT SIMPSON: Leader Gibson, you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 89

1 recognized.

2 SENATOR GIBSON: Thank you, Mr. President.

3 I'm just -- I'm trying to draw, I guess, a
4 line between the map that the court drew, which
5 apparently was constitutional in the last
6 redistricting cycle that we were -- as I understood,
7 we were using the last map drawn as a benchmark map.

8 Is there a tremendous difference in the
9 east/west configuration that the court
10 constitutionally drew in the last round and the
11 east/west configuration that the House drew in one
12 of its maps, that I think has been considered now to
13 be gerrymandered?

14 How similar are those two?

15 PRESIDENT SIMPSON: Senator Rodrigues,
16 you're recognized.

17 SENATOR RODRIGUES: Are you asking for the
18 compromise map that passed both our chambers?

19 PRESIDENT SIMPSON: Leader Gibson, you're
20 recognized.

21 SENATOR GIBSON: Thank you, Mr. President.

22 The two -- the two maps, yes, yes, yes.

23 SENATOR RODRIGUES: Okay.

24 SENATOR GIBSON: There's an east --
25 Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 90

1 There's an east/west configuration in one
2 of the maps that came from the House as the
3 compromise that is -- follows pretty much the same
4 configuration that the court passed in the last
5 redistricting round.

6 So I'm asking has there been any
7 information gathered from that map to show the
8 similarities -- from that draw to show the
9 similarities in what we sent to the Governor as the
10 compromise -- one of the compromise maps?

11 PRESIDENT SIMPSON: Senator Rodrigues,
12 you're recognized.

13 SENATOR RODRIGUES: Thank you, Mr.
14 President.

15 And I believe I understand your question
16 now. And I believe you're referring to the second
17 map that was on the bill that we sent to the
18 Governor.

19 My understanding is on that map, there was
20 very little variation between what the court drew
21 and what we drew. The only variation would have
22 been to have accounted for the population difference
23 -- the population difference.

24 Because the population that was being
25 apportioned after the 2012 cycle would have been

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 91

1 significantly smaller than the population being
2 apportioned after the 2020 census cycle.

3 PRESIDENT SIMPSON: Senator Gibson, you're
4 recognized.

5 SENATOR GIBSON: Thank you, Mr. President.

6 Is that the map that is considered to be
7 gerrymandered in the memo, the east/west
8 configuration?

9 PRESIDENT SIMPSON: Senator Rodrigues,
10 you're recognized.

11 SENATOR RODRIGUES: I believe the Executive
12 Office of the Governor considered both of those
13 districts on both of those maps to be gerrymandered.

14 PRESIDENT SIMPSON: Leader Gibson, you're
15 recognized.

16 SENATOR GIBSON: Thank you, Mr. President.

17 And so both maps are racially gerrymandered
18 even though one is almost identical to the last map
19 that the court drew except we would have had to add
20 some more people in it, correct?

21 PRESIDENT SIMPSON: Leader Rodrigues,
22 you're recognized.

23 SENATOR RODRIGUES: Thank you, Mr.
24 President.

25 And you've hit on the tension that exists.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 92

1 Because we operated under the premise that the
2 district that was drawn by the Florida Constitution
3 would have been constitutional in and of itself.

4 The Governor believes that that did not
5 take into account when we copied that configuration
6 in our current redistricting cycle more recent U.S.
7 Supreme Court cases which have held that that is not
8 the case.

9 And so -- and I'll go down to -- once
10 again, this is same memo, same page, but a portion
11 of it that I haven't spoken to was, "Since we did
12 our maps in the last redistricting cycle, there was
13 the Shelby v. Holder decision and also the Black
14 Caucus v. Alabama decision, one in 2013, one in
15 2015, that according to the memo, suggested that
16 continuing compliance with Section 5 may not
17 remain a compelling interest in light of the
18 Shelby County decision."

19 So there is a conflict between the two,
20 which is why the Governor vetoed the map because
21 he believes the map is not compliant with U.S.
22 law, specifically the Voting Rights Act and the
23 equal protection clause of the 14th Amendment.

24 PRESIDENT SIMPSON: Senator Powell, you're
25 recognized for a question.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 93

1 SENATOR POWELL: Thank you, Mr. President.

2 Senator Rodrigues, when it comes to this
3 particular map, why are there different schematics
4 in terms of determining how District 5 is drawn
5 and how District 10 is drawn, when it's an entire
6 map related to congressional districts?

7 Why are there two different schematics in
8 terms of determining why each was eliminated?

9 PRESIDENT SIMPSON: Senator Rodrigues,
10 you're recognized.

11 SENATOR RODRIGUES: Thank you, Mr.
12 President.

13 I believe because District 5 wasn't
14 visually compact and appeared to be a gerrymander.

15 PRESIDENT SIMPSON: Senator Powell, you're
16 recognized.

17 SENATOR POWELL: Thank you, Mr. President.

18 Senator Rodrigues, you indicated that the
19 maps that we passed off of the senate floor were
20 compromise maps. Approximately 25 percent of the
21 people who are elected as senators here,
22 approximately, are attorneys. Of the 40, 39.

23 And we also have a team of attorneys who
24 worked on those maps. How was it possible that
25 we, 40 individuals, were able to pass maps that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 94

1 were compromised, and the Governor and his team
2 were able to find this and figure out and
3 determine, out of your words, that these maps have
4 been compromised?

5 How did that happen?

6 PRESIDENT SIMPSON: Senator Rodrigues,
7 you're recognized.

8 SENATOR RODRIGUES: Thank you, Mr.
9 President.

10 And what I would say is I'd go back to
11 one of the first answers I gave. The charge to
12 our committee was to learn from the mistakes the
13 Senate made in the last round of redistricting,
14 where it lost legislative deference in the
15 litigation before the Florida Supreme Court.

16 Our charge was to take the decisions that
17 came from the Florida Supreme Court and make sure
18 we drew our map within the four frames of the
19 corner of the boundaries of those decisions. And
20 that is what we did.

21 What the Governor has done, is he has
22 looked beyond the Florida Supreme Court, looked at
23 the decisions coming from the U.S. Supreme Court,
24 and said that we failed to account for that, and
25 we should have, and that by failing to account for

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 95

1 that, we passed maps that were not
2 constitutionally compliant.

3 PRESIDENT SIMPSON: Senator Powell, you're
4 recognized.

5 SENATOR POWELL: Thank you, Mr. President.

6 Senator Rodrigues, you would indicate
7 that our charge was to make sure that we did not
8 make the same mistakes that were made in the year
9 2012.

10 In essence, being that we went through a
11 continuous process during the 60 days that we were
12 in session, would you say that those efforts were
13 null and void or inconsequential when it comes to
14 us passing maps off this floor that ended up being
15 compromised, which has brought us back here today?

16 PRESIDENT SIMPSON: Senator Rodrigues,
17 you're recognized.

18 SENATOR RODRIGUES: Well, I would go back
19 and say, and I said this earlier, anytime you're
20 passing legislation that's a bill, it requires
21 three to tango. You need the House, the Senate,
22 and the Governor to approve it.

23 The House and Senate agreed on a map, but
24 the Governor never did. And then he vetoed that
25 map, which is what he'd indicated he would do,

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 96

1 which is why we've come back to the drawing board
2 to come up with another map that will pass the
3 House, the Senate, and be signed by the Governor.

4 What we've seen is the Governor is
5 providing a map that takes 10 districts off the
6 map that we drew, which is Southeast Florida and
7 the panhandle, and it takes districts through
8 Central Florida that were on the house map that
9 they drew.

10 And then the Governor has drawn the
11 districts -- the Executive Office of the Governor
12 has drawn the districts in Northeast Florida and
13 into portions of Central Florida to address the
14 constitutional concerns that he had with the map.

15 That's why it's been referred to as a
16 compromise map because a portion of it you can
17 find in maps that passed the Senate. A portion of
18 it you can find the maps introduced by the House.
19 And a portion of it were drawn by the Executive
20 Office of the Government -- of the Governor.

21 PRESIDENT SIMPSON: Senator Powell, you're
22 recognized.

23 SENATOR POWELL: Thank you, Mr. President.

24 In essence, Senator Rodrigues, we know
25 that there are 21.5 million people in the state of

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 97

1 Florida. I've had the opportunity to read through
2 the analysis, which would also indicate that here
3 in the state of Florida, about 16 percent of that
4 population which are colored -- are black people.
5 Sorry. We don't say colored any more. Which are
6 black people.

7 These maps would reduce congressional
8 representation in terms of black districts
9 approximately down to 2 districts of the 28. We
10 start to talk about fairness and freedom,
11 (indiscernible), justice, all of those different
12 words that we've used.

13 Do you believe that these maps that have
14 been proposed by the Governor are fair?

15 And also, in that same realm, do you also
16 believe that we wasted our time during the 60 days
17 of session -- do you believe we wasted our time
18 during the 60 days of session that we worked on
19 those congressional maps? Two-part question.

20 PRESIDENT SIMPSON: Senator Rodrigues,
21 you're recognized.

22 SENATOR RODRIGUES: Thank you.

23 I'll go with the second part of the
24 question first, which is I don't believe we wasted
25 our time. I think we acted under the charge that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 98

1 had been given to us, and we acted with the
2 information that we had available to us at the that
3 we took our action. If you'll recall, we passed our
4 first bill, the senate bill, off the floor in the
5 first week of January.

6 Since we passed that bill, there was a
7 Supreme Court decision from the State of Alabama and
8 a Supreme Court decision from the State of Wisconsin
9 which held up the legal points that the Governor has
10 made in his veto letter that was provided to all of
11 us.

12 So I think we acted within the confines of
13 the information we had, and I think we acted within
14 the charge that the committee was given. I think
15 it's clear that with additional information, it is a
16 legitimate legal question of whether a portion of
17 the Fair Districts Amendment is in conflict with
18 U.S. Supreme Court decisions on the Voting Rights
19 Act.

20 That's not something that can be
21 adjudicated by us, the Senate. That's not something
22 that can be adjudicated by the House. And it's not
23 something that can be adjudicated by the Governor.
24 That will ultimately be a decision for the courts to
25 resolve whether there is a conflict or there is not

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 99

1 a conflict.

2 Our responsibility as a Legislature is to
3 fulfill the constitutional duty of passing a map
4 that we believe has a constitutional basis so that
5 elections may proceed, or that the map may be
6 adjudicated if the case needs -- if that is the case
7 of what needs to happen. This map, I believe,
8 accomplishes those goals.

9 PRESIDENT SIMPSON: Senator Powell, you're
10 recognized.

11 SENATOR POWELL: Thank you, Mr. President.

12 The first part of the question, I did not
13 hear you answer to that part with regard to the 28
14 congressional seats that will be here in the state
15 of Florida when we have elections in August and
16 November.

17 We will, under this Senate's watch, reduce,
18 potentially reduce, the congressional representation
19 represented by black people, or colored people as my
20 parents used to refer to us, and, you know, people
21 did back then, down to two of the 28. Do you
22 believe that's fair?

23 PRESIDENT SIMPSON: Senator Rodrigues,
24 you're recognized.

25 SENATOR RODRIGUES: Thank you, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 100

1 President.

2 I would say that I don't agree with the
3 premise, which the premise of the question appears
4 to be that a minority can only win a seat in which
5 it is a protected minority district. I reject that.

6 I live in Congressional District 19, which
7 has a minority population of three percent blacks,
8 and yet, I'm represented by a black congressman. I
9 don't think color makes the determination of whether
10 a person gets elected or not. I think it really
11 comes down to whether that person connects with the
12 voters or not.

13 And I believe that what we've done is
14 constitutional. I believe what we've done will
15 likely be adjudicated because of the conflict
16 between the Fair Districts Amendment and the recent
17 U.S. Supreme Court decisions. I think it's our duty
18 to pass the map so that the process can be
19 initiated.

20 PRESIDENT SIMPSON: Senator Powell, you're
21 recognized.

22 SENATOR POWELL: Thank you, Mr. President.

23 Do you believe that two representatives,
24 potentially, is representative of the population of
25 the state of Florida in terms of black people?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 101

1 PRESIDENT SIMPSON: Senator Rodrigues,
2 you're recognized.

3 SENATOR RODRIGUES: I'm sorry. Can you
4 repeat the question? I didn't understand it.

5 PRESIDENT SIMPSON: Senator Powell, you're
6 recognized.

7 SENATOR POWELL: Thank you, Mr. President.

8 With there being 21.5 million people in the
9 state of Florida, approximately 16 percent of those
10 people are black, do you believe that having
11 congressional representation, guaranteed almost of
12 two members of the 28 being black, is representative
13 of the population of the state based on the idea
14 that we do a census?

15 Every year since 1790 -- every 10 years
16 since 1790, we've done a census. And part of that
17 census in terms of redistricting, is based on what
18 races are, and that's used in terms of
19 redistricting.

20 Do you believe that two of the 28 is
21 representative of the population of the state of
22 Florida?

23 PRESIDENT SIMPSON: Senator Rodrigues,
24 you're recognized.

25 SENATOR RODRIGUES: Thank you, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 102

1 President.

2 I believe that the districts we've drawn
3 have a constitutional basis. And that is our
4 obligation.

5 PRESIDENT SIMPSON: Senator Powell, you're
6 recognized.

7 SENATOR POWELL: Thank you, Mr. President.

8 Senator Rodrigues, you indicated that you
9 don't believe that race has anything to do with
10 whether a person is elected. You indicated that
11 your district that you live in, your congressional
12 representative is black, which would be Byron
13 Donalds, and black people in your district are three
14 percent of the population.

15 So you do not believe that that has any
16 indication of who can be elected. You believe
17 people will be elected based on merit. Do you also
18 -- because I've had to back up in information that
19 we've reviewed with regard to this particular piece
20 of legislation and historical information.

21 Do you have data, documents, and evidence
22 to indicate or to agree with what you have indicated
23 you believe in terms of your belief with regard to
24 representation based on race? Remember, this is a
25 country where, yes, once the president was Barack

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 103

1 Obama. It can happen.

2 But do you have data, documents, and
3 evidence that would indicate otherwise of what you
4 believe in terms of your conversation?

5 PRESIDENT SIMPSON: Senator Rodrigues,
6 you're recognized.

7 SENATOR RODRIGUES: Thank you, Mr.
8 President.

9 And I believe you've mischaracterized what
10 I said I believe. What I said was the premise of
11 the question appears to be that a minority can only
12 win a seat if they're in a minority district or, in
13 effect -- a minority majority district or, in
14 effect, a minority district. I reject that because
15 I've seen it happen otherwise.

16 PRESIDENT SIMPSON: Senator Powell, you're
17 recognized.

18 SENATOR POWELL: Thank you, Mr. President.

19 I apologize if you believe that I
20 mischaracterized your statement. However, back to
21 my question.

22 In terms of your belief, is there -- and I
23 know what you've seen because I've seen similar
24 information or similar situations happen. But do
25 you have data, document, or evidence that would

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 104

1 follow up in terms of your belief or in terms of
2 what we can see?

3 Is there something that I can look at
4 statistically that would indicate that that would be
5 the case?

6 PRESIDENT SIMPSON: Senator Rodrigues,
7 you're recognized.

8 SENATOR RODRIGUES: Once again, I said that
9 I believe that's not the only factor or the only way
10 that a minority candidate can win. To demonstrate
11 that, I gave the example that I reside in a
12 congressional district with a black congressman, and
13 yet, blacks are only three percent of the voting age
14 population.

15 I think that is an example of where you do
16 not have to be in a minority protected district or a
17 minority majority district in order to get elected
18 as a minority.

19 PRESIDENT SIMPSON: Senator Powell, you're
20 recognized.

21 SENATOR POWELL: Thank you, Mr. President.

22 And I can agree with a part of that
23 premise, because I do not represent a majority
24 minority represent district right now.

25 In follow up to that, and this will be my

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 105

1 final question, I'm just confused, right, in terms
2 of we do a census every 10 years on the even year.
3 And I just don't understand why we would do the
4 census. Because I've heard you talking earlier with
5 regard to voter turnout. And I know voter turnout
6 is not something that's measured in the census.

7 How does -- and I think this revolves
8 around the same idea that Senator Osgood got at
9 earlier. How do we have a census based on race and
10 age and all those different demographics and
11 variables that are looked at the census, but we're
12 looking at drawing congressional districts based on
13 turnout in a minority or in a primary based on
14 minority representation? I've just been a little
15 bit confused with regard to that premise.

16 PRESIDENT SIMPSON: Senator Rodrigues,
17 you're recognized.

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

20 I think you've conflated two things. The
21 first is the census. The purpose of the census in
22 this exercise is to determine what the population of
23 the state is, which then determines how many U.S.
24 congressional representatives we have.

25 And according to previous Supreme Court

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 106

1 decisions, it also determines how large each
2 individual district is by population. Because
3 according to previous U.S. Supreme Court decisions,
4 we can only be plus or minus one person district to
5 district. That is the purpose of the census.

6 When it comes to the primary turnout, that
7 was being utilized to determine if a particular
8 district should be protected from retrogression
9 under the 1965 Voting Rights Act.

10 And that is where the primary turnout was
11 looked at to determine does the minority control
12 that seat which would then determine do they have
13 the ability to elect the candidate of their choice
14 and would taking that district from less than a
15 minority majority seat impact their ability to do
16 so.

17 Two different criteria for two different
18 portions of the process.

19 PRESIDENT BEAN: Senator Powell of the 30th
20 for a question.

21 SENATOR POWELL: Thank you, Mr. President.

22 Final question. I know you said the
23 purpose of the census is to determine the population
24 of the state. And I believe the census has a number
25 of purposes, not just to determine the population of

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 107

1 the state. Henceforth, census data can be broken
2 down into block level data; is that correct?

3 PRESIDENT BEAN: Senator Rodrigues.

4 SENATOR RODRIGUES: That is correct.

5 PRESIDENT BEAN: Senator Powell has
6 concluded. My order as given to me by the
7 president, was Farmer, Torres, and Pizzo.

8 So let's go to the leader from the 34th.
9 Leader Farmer, you're recognized for a question.

10 SENATOR FARMER: Thank you very much, Mr.
11 President.

12 Chair Rodrigues, you doing okay?

13 SENATOR RODRIGUES: I'm fine.

14 SENATOR FARMER: You need a break or
15 anything?

16 You all right? Okay.

17 So series of questions. I'm going to try
18 not to be repetitive here. And the map submitted by
19 the Governor, which is what we're talking about
20 here, is 109. We can refer to it as 109? That's
21 how my notes -- I just want to make sure when we're
22 having the dialogue we're on the same page.

23 SENATOR RODRIGUES: (Nodding yes)

24 SENATOR FARMER: All right. Okay.

25 109 splits as many counties as 8019 did.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 108

1 How is that an improvement?

2 PRESIDENT BEAN: Senator Rodrigues.

3 SENATOR RODRIGUES: Thank you, Mr.

4 President.

5 According to the data I'm looking at here,

6 8019 split had 49 counties with only one district,

7 which meant there were 18 counties split into more

8 than one district.

9 The Governor's plan, 109, has 50 counties

10 with only one district, which means there are only

11 17 counties that are split into more than one

12 district.

13 PRESIDENT BEAN: Leader Farmer.

14 SENATOR FARMER: Thank you, Mr. President.

15 So that's one county difference?

16 PRESIDENT BEAN: Senator Rodrigues.

17 SENATOR RODRIGUES: That's correct.

18 PRESIDENT BEAN: Leader Farmer.

19 SENATOR FARMER: If 8060 were adapted to

20 turn CD-5 into a Northeast Florida district, 8060

21 would split two fewer counties than 109. So if

22 we're doing an apples to apples comparison, wouldn't

23 8060 be superior on county splitting than 109?

24 PRESIDENT BEAN: Senator Rodrigues.

25 SENATOR RODRIGUES: Thank you, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 109

1 President.

2 Looking at the data that I have, 8060,
3 which I believe was the plan we passed off the
4 senate floor the first week of January, had 48
5 districts with only one county, which means there
6 were 19 counties split into more than one district.

7 So the House primary map that we passed was
8 a one-county improvement over the map we passed.
9 And I remember making that point in the close of the
10 bill. And the map that is before us today is a two-
11 county improvement over the map that we originally
12 passed, 8060.

13 PRESIDENT BEAN: Leader Farmer.

14 SENATOR FARMER: Thank you, Mr. President.

15 The Governor's memo explaining his veto
16 focused on just one district, CD-5, and it also
17 alluded to CD-5's impact on CD-4 as it was contained
18 in 8019. That's the only issue given for the veto
19 of 8019. So why does this new map redraw the entire
20 state?

21 PRESIDENT BEAN: Senator Rodrigues.

22 SENATOR RODRIGUES: Thank you, Mr.

23 President.

24 I agree. If you look at the veto letter,
25 it is specific to Congressional District 5. But

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 110

1 I'll go back to a statement I made earlier. When
2 you're in the legislative progress -- process, it
3 doesn't take two to tango. It takes three - the
4 House, the Senate, and the Governor.

5 And so what you have in front of you is a
6 bill that has elements of maps produced by the
7 Senate, map introduced by the House, and a map drawn
8 by the Executive Office of the Governor staff.

9 PRESIDENT BEAN: Leader Farmer.

10 SENATOR FARMER: Thank you, Mr. President.

11 Well, let's divert on that comment. And
12 you referred earlier to the legislative process
13 being one of negotiation and compromise. But how is
14 taking up a bill that's drafted by the Governor with
15 no bills drafted by the Senate or the House for this
16 special session --

17 PRESIDENT BEAN: Senator Rodrigues.

18 SENATOR FARMER: I --

19 PRESIDENT BEAN: Senator -- Leader Farmer
20 has not concluded. You may continue with your
21 questioning.

22 SENATOR FARMER: It's a multi-part
23 question.

24 PRESIDENT BEAN: Understood. Pardon me.

25 SENATOR FARMER: How is taking up a bill

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 111

1 drafted by the Governor, which has never been done
2 before in Florida history, indicative or the result
3 of negotiation and compromise by the Senate and the
4 House?

5 PRESIDENT BEAN: Senator Rodrigues.

6 SENATOR RODRIGUES: Thank you, Mr.
7 President.

8 I would refer you to the original map
9 introduced by the Governor, and even the second map
10 which was submitted by the Governor, to compare to
11 the current map, and what you will see is the three
12 maps are different.

13 In the first two maps, they drew around the
14 concept of census, CBP, Census Border Places. We
15 drew in the Legislature around landmarks such as
16 major highways, interstates, and rivers.

17 In the current map, the Senate staff
18 abandoned the process that they had drawn their
19 first two districts around, and instead, adopted the
20 process that the Legislature had drawn its districts
21 around.

22 Furthermore, they turned away from
23 districts that they had drawn in their first two
24 maps to take sections of the map that had been
25 introduced by the Senate and a section of the map

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 112

1 that had been introduced by the House, and put that
2 into the map that was submitted to us.

3 So that map contains elements from all
4 three entities - the Executive Office of the
5 Governor, the Senate, and the House.

6 PRESIDENT BEAN: Leader Farmer.

7 SENATOR FARMER: Thank you, Mr. President.

8 And I would disagree that taking elements
9 of something that was vetoed or not passed without
10 new input by the legislative bodies and the members
11 of those bodies is indicative of compromise. But
12 we'll agree to disagree on that, and maybe mention
13 that in debate.

14 But going back to the veto letter, and
15 particularly CD-4 and CD-5. The stated issue with
16 8019 was that CD-4 was made noncompact in that it
17 wrapped almost all the way around CD-5, which was
18 contained entirely within Duval County.

19 So if that was the stated issue with 8019,
20 why didn't we just reorient CD-5 and CD-4 on top --
21 on top of each other instead of splitting Duval
22 County east and west?

23 PRESIDENT BEAN: Senator Rodrigues.

24 SENATOR RODRIGUES: Thank you, Mr.
25 President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 113

1 And in the previous answer, I said how the
2 Governor had abandoned how they originally drew
3 their maps around Census Border Places, and instead
4 adopted the standard that the Legislature used,
5 which was interstates, highways, and major
6 waterways.

7 The Governor came to the House position on
8 that. And the dividing line in the Northeast
9 Florida seats is the river that runs through Duval
10 County, which is the most notable landmark in that
11 county.

12 PRESIDENT BEAN: Leader Farmer.

13 SENATOR FARMER: And I will come back to
14 the river issue. But I want to stay on compactness.

15 And wouldn't -- wouldn't reorienting CD-5
16 and CD-4 on top of each other be more compact than
17 what's in 109, which copies original partisan issues
18 by cracking Jacksonville in half, and spreading both
19 halves out into republican suburbs?

20 PRESIDENT BEAN: Senator Rodrigues.

21 SENATOR RODRIGUES: I would be hesitant to
22 offer an opinion on that until I'd seen the
23 districts drawn and the configuration you've
24 suggested, and then seeing the metrics of what the
25 Reock score would be, what the Convex Hull whole

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 114

1 score would be, and what the Polsby-Popper score
2 would be.

3 PRESIDENT BEAN: Leader Farmer.

4 SENATOR FARMER: You read my mind because I
5 was just about to go to Reock and Polsby-Popper.

6 In your map, CD-4 has a Reock of .38, an
7 Area/Convex Hull of .76, and a Polsby-Popper, a .32.
8 CD-5 has a Reock of .56, an Area/Convex Hull of .89,
9 and a Polsby-Popper of .52.

10 So if you were to change just CD-4 and 5
11 stacked on top of each other, for example, like in
12 the map posted by Jacksonville Reporter, Andrew
13 Pantazi, that map would have the following scores:
14 the Nassau-Duval district would have a Reock of .59,
15 an Area/Convex Hull of .89, a Polsby-Popper of .42.
16 So we'd have a better Reock, same Area/Convex Hull,
17 as the Nassau to Clay district.

18 And then the Duval-St. Johns district would
19 have a Reock of .48, Area/Convex of .83, and Polsby-
20 Popper of .49. All of those numbers are
21 significantly better than the numbers in this map.

22 And so my question is: how is this map more
23 compact?

24 PRESIDENT BEAN: Senator Rodrigues.

25 SENATOR RODRIGUES: Thank you, Mr.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 115

1 President.

2 In the last round of litigation between the
3 -- before the Florida Supreme Court and the
4 apportionment decisions, the court found that in
5 looking at a map, you look at the totality of the
6 map in making the decision of whether it's been
7 improved or not once you're outside of an area of a
8 protected district.

9 If you look at the totality of the map, and
10 I'm going to compare the map we passed off the
11 Senate floor, 8060, to the map that is before us
12 today. And the map we passed had a Convex Hull of
13 .80. The map that's before us today has a Convex
14 Hull of .81.

15 The map that we passed off the Senate floor
16 had a Polsby-Popper of .43. The map before us today
17 has the same .43 map, Polsby-Popper score. The map
18 we passed off the Senate floor had a Reock ratio of
19 .46. The map before us today has a Reock ratio of
20 .47.

21 So on the three metrics that determine
22 compactness that have been generally accepted by the
23 courts, and specifically accepted by the Florida
24 Supreme Court, two of the three are more compact
25 with the map that is in front of us than the map

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 116

1 that we passed off the Senate floor in the first
2 week of January.

3 And then when you take into account that
4 there are two counties -- two additional counties
5 that are kept whole under the map before us today,
6 50 versus the 48 that were kept whole in our map,
7 and then you look at municipalities, our map kept
8 368 municipalities whole. The current map keeps 396
9 municipalities whole.

10 This map does a better job of keeping
11 cities and counties whole and is more compact in
12 totality when looking at the metrics that are
13 accepted by the court.

14 PRESIDENT BEAN: Leader Farmer.

15 SENATOR FARMER: Thank you.

16 Chair, respectfully, those numbers you gave
17 were only as to the one district. You giveth to
18 one. You taketh away from another.

19 The Pantazi map would have better scores
20 for both districts, and, therefore, both districts
21 would more be -- would be more compact; isn't that
22 true?

23 PRESIDENT BEAN: Senator Rodrigues.

24 SENATOR RODRIGUES: Thank you, Mr.
25 President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 117

1 I may not have communicated effectively.
2 The numbers that I just gave you were totality.
3 They were going back to the standard that the
4 Florida Supreme Court gave, in that you look at the
5 map as a total in making the determination of
6 whether it is more compact or not.

7 All those numbers I gave you are the state
8 in total. So in total, we have a higher Convex Hull
9 score. We have a higher Reock score. We have the
10 same Polsby-Popper score. We split fewer counties.
11 We split fewer cities. And we keep more counties
12 and cities whole.

13 PRESIDENT BEAN: Leader Farmer.

14 SENATOR FARMER: Yes. But again, the veto
15 is not based on 28 districts. It was based on one
16 district and its impact on an adjacent district.

17 So while maybe you get better scores for
18 the entire state, isn't my assertion still true that
19 in CD-4 and 5, they are less compact under this map
20 than they are under other -- under maps, including
21 the Pantazi map?

22 PRESIDENT BEAN: Senator Rodrigues.

23 SENATOR RODRIGUES: I would agree with you
24 the veto letter specified the legal analysis behind
25 one district. But he didn't just veto one district.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 118

1 He vetoed the entire map, which means we need a new
2 map that will pass both chambers and be signed by
3 the Governor.

4 And the new map that is before us is one
5 that is more compact. I will concede that it is
6 possible within that total map, there may be areas
7 of the state that could be even more compact.

8 I would refer you back to the Florida
9 Supreme Court decision -- decisions in the last
10 redistricting cycle where they acknowledged that
11 given enough time, a skilled map drawer can continue
12 to improve districts over and over and over again.

13 But at some point, you have to actually
14 pass the map. Here's where we are. A map has been
15 vetoed. We now have a map in front of us, and that
16 map improves on tier two metrics compared to our
17 original map that we passed back in January.

18 PRESIDENT BEAN: Leader Farmer.

19 SENATOR FARMER: Thank you, Mr. President.

20 No. And I guess we'll just agree to
21 disagree again. Because the rest of the state could
22 have stayed in its compactness scores. We could
23 have just tweaked 4 and 5, received better compact
24 districts in 4 and 5 without touching the rest of
25 the state. But we'll save that for debate.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 119

1 On the objection to original CD-5, and now
2 to CD-4, as it was drawn in 8019, is that they're
3 not compact and split cities and counties. But it
4 seems like we're going out of our way with this map
5 to draw less compact configurations for 4 and 5 that
6 does a worse job of utilizing the existing
7 boundaries.

8 And I would refer to you mentioned the
9 river. Aren't city lines and county lines more
10 discernible and fixed on maps than a meandering
11 river?

12 PRESIDENT BEAN: Senator Rodrigues.

13 SENATOR RODRIGUES: Thank you, Mr.
14 President.

15 And the answer to that is yes. But the
16 point that I don't think you're accounting for is
17 that Duval County and the city of Jacksonville,
18 which is unique because the city of Jacksonville is
19 the entire county of Duval, is larger than a
20 congressional district.

21 So it is going to be split no matter what
22 because of the federal requirement that
23 congressional districts be within one person
24 population of each other. We have to draw more than
25 one district in Duval, which then begs to question

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 120

1 how does it get split.

2 The decision that was made by the Executive
3 Office of the Governor was to do that split on the
4 most notable landmark, which is consistent with what
5 we've seen in previous Florida Supreme Court
6 decisions.

7 PRESIDENT BEAN: Leader Farmer.

8 SENATOR FARMER: But it's inconsistent with
9 this body and your committee specific decision in
10 our map to deemphasize following the St. Johns River
11 in order to favor compactness; isn't that true?

12 PRESIDENT BEAN: Senator Rodrigues.

13 SENATOR RODRIGUES: Thank you, Mr.
14 President.

15 Yes. It is definitely inconsistent with
16 what we did. Had what we done been something that
17 the Governor -- the Executive Office of the Governor
18 felt was constitutional, there would have been no
19 need for a veto.

20 PRESIDENT BEAN: Leader Farmer.

21 SENATOR FARMER: Thank you, Mr. President.

22 Will either District 4 or District 5 as
23 drawn in GB 109 perform for black candidates of
24 choice?

25 PRESIDENT BEAN: Senator Rodrigues.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 121

1 SENATOR RODRIGUES: Thank you, Mr.
2 President.

3 And I don't know the answer to that because
4 a functional analysis was not performed on those
5 districts.

6 PRESIDENT BEAN: Leader Farmer.

7 SENATOR FARMER: When the president sent a
8 president charge to come up with draft maps based on
9 the constitutional criteria, did we, the Senate, or
10 your committee, in consultation with the president,
11 set any hierarchy of geographical boundaries?

12 For example, did we say that it was more
13 important to follow rivers than major roads?

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: Thank you, Mr.
16 President.

17 If you go back and review our committee
18 meetings, the charge we gave as a committee, which
19 was unanimous and bipartisan, to the staff was to
20 start with county lines, to keep as many counties
21 together as possible.

22 And then from there, to utilize major
23 geographical boundaries such as interstates,
24 highways, and major bodies of water, which would
25 include rivers.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 122

1 PRESIDENT BEAN: Leader Farmer.

2 SENATOR FARMER: Thank you, Mr. President.

3 Okay. Let's leave CD-4 and CD-5 for a
4 minute and go down to South Florida.

5 Am I right in thinking that this map, GB
6 109, basically takes the same approach as both the
7 House and the full legislators' previous maps for
8 Districts 21 through 28?

9 PRESIDENT BEAN: Senator Rodrigues.

10 SENATOR RODRIGUES: I would say if you look
11 at Districts -- start with 20 -- 20, 21, 22, 23, 24,
12 25, skip 26, and then go to 27 and 28, you will find
13 that those lines are consistent with what was both
14 on the map that we passed in the House in January
15 and the map that was passed off the House and Senate
16 floor and sent to the Governor and vetoed.

17 PRESIDENT BEAN: Leader Farmer.

18 SENATOR FARMER: Thank you, Mr. President.

19 Again, we -- you seem to be reading where
20 I'm going. Because I was just about to go to CD-26.
21 Big consideration in drafting CD-26 is -- and a lot
22 of districts in South Florida that are around it, is
23 that 26 is a tier one protected district, correct?

24 PRESIDENT BEAN: Senator Rodrigues.

25 SENATOR RODRIGUES: That is correct.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 123

1 PRESIDENT BEAN: Leader Farmer.

2 SENATOR FARMER: Thank you. Thank you, Mr.
3 President.

4 During the committee process, we talked
5 about the committee and members, and testimony was
6 received that CD-26 is maybe having some tier two
7 drawbacks that are necessary to maintain tier one
8 compliance. And let me expound on that a little to
9 lay a predicate for the question.

10 Some of those got a bit worse from 8017 to
11 8019, and now to 109. I would use, by way of
12 example, what's been referred to as the stairway to
13 Immokalee, which stretches all the way to the
14 Biscayne Bay from the Gulf of Mexico cutting off a
15 piece of CD-24 in downtown Miami that's now
16 corrected -- connected to the rest of CD-24 only by
17 a bridge. So you've got this kind of stairway
18 looking district.

19 Now 109 actually introduces an additional
20 split of Collier County, plus it cuts the Immokalee
21 community in half, following local streets like
22 County Road 846, which isn't in our geographic
23 boundary database.

24 So I guess I'm just looking for
25 confirmation that this map, GB 109, concluded that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 124

1 those tier two drawbacks are necessary to maintain
2 that tier one compliance for CD-26.

3 PRESIDENT BEAN: Senator Rodrigues.

4 SENATOR RODRIGUES: Thank you, Mr.
5 President.

6 And I did not have a discussion specific to
7 that level of detail in the briefing that I received
8 from the Executive Office of the Governor.

9 But what I do have is confirmation looking
10 at the data that District 26 retains its minority
11 majority status, and that particular seat is a
12 minority majority district for Hispanics. It was
13 under both of the maps that we passed previously.
14 It remains in this map as well.

15 PRESIDENT BEAN: Leader Farmer.

16 SENATOR FARMER: Thank you, Mr. President.

17 Chair Rodrigues, are you familiar with a
18 report that was issued by the Latino Policy and
19 Politics Initiative at UCLA?

20 PRESIDENT BEAN: Senator Rodrigues.

21 SENATOR RODRIGUES: Thank you, Mr.
22 President.

23 No, I'm not.

24 PRESIDENT BEAN: Leader Farmer.

25 SENATOR FARMER: Do you know if staff had a

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 125

1 chance to analyze that report?

2 SENATOR RODRIGUES: Do not know that
3 without conferring with them.

4 SENATOR FARMER: Okay.

5 PRESIDENT BEAN: Leader Farmer.

6 SENATOR FARMER: Thank you, Mr. President.

7 Essentially, the UCLA report found that
8 there are separate and distinct Latino voting blocks
9 in South Florida that varies in some cases rather
10 significantly by geography and ethnicity.

11 I want you to just -- I understand you're
12 not aware. Just for purposes of this question,
13 assume that that's true. Would that new information
14 impact your or our analysis as to the three majority
15 Latino districts in South Florida?

16 PRESIDENT BEAN: Senator Rodrigues.

17 SENATOR RODRIGUES: Thank you, Mr.
18 President.

19 I would need to confer with staff to get
20 some detail on the previous decisions of the Florida
21 Supreme Court on how functional analysis are to be
22 performed in those districts to answer that
23 question.

24 PRESIDENT BEAN: Leader Farmer.

25 SENATOR FARMER: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 126

1 Again, looking specifically at benchmark
2 CD-26 and 27, I'd again ask you just to assume this
3 is in the UCLA report. And I wouldn't mislead you
4 like that, I promise.

5 The UCLA report found that the majority
6 Latino precincts split about 55 to 45 percent
7 between Republican and Democratic candidates in
8 recent elections.

9 Did you or we consider such a breakdown to
10 be evidence of political cohesion among Latino
11 voters when drawing these new Latino majority
12 districts in South Florida?

13 PRESIDENT BEAN: Senator Rodrigues.

14 SENATOR RODRIGUES: Thank you, Mr.
15 President.

16 Well, the South Florida seats are the lines
17 that we drew in the Senate. If you go back, they're
18 very similar to the lines on our original map.
19 They're very similar to the lines on the compromise
20 map with the House.

21 So I believe using the criteria that every
22 step of the way we were using the more conservative
23 criteria, that the answer to that is yes, we believe
24 these lines were constitutional in terms of
25 protecting minority majority status in those

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 127

1 districts.

2 PRESIDENT BEAN: Leader Farmer.

3 SENATOR FARMER: Thank you. Last question,
4 Mr. President, and thank you for your indulgence.

5 Thank you, Chair Rodrigues. One last
6 question here. In its 2015 Apportionment 8 ruling,
7 the Florida Supreme Court held that "the
8 establishment of voting cohesion and racially
9 polarized voting is the first step in any
10 retrogression analysis."

11 And federal courts interpreting both
12 Section 2 and Section 5 of the Voting Rights Act
13 have said the same thing.

14 The Supreme Court went on to say that the
15 Legislature made "an unproven assumption of Hispanic
16 voting cohesion and polarized racial block voting in
17 South Florida." So I think that holding by the
18 Supreme Court differs a little bit with our -- your
19 analysis.

20 But given the courts' warning just six
21 years ago, and combine that with what the UCLA
22 report has indicated, can we figure out whether we
23 are adequately taking into account the actual
24 reality of Latino voting patterns in South Florida
25 and not drawing maps based on the same unproven

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 128

1 assumptions that the courts struck down in 2015?

2 PRESIDENT BEAN: Senator Rodrigues.

3 SENATOR RODRIGUES: Thank you, Mr.

4 President.

5 One thing that I would take issue with in
6 your question is: while the court was making that
7 analysis, they were invalidating the districts that
8 the senate drew during that redistricting cycle.
9 The court then ordered the map for the senate that
10 it was utilized.

11 If you look at what we've done in South
12 Florida and compare it to what the court ordered, I
13 think you would find it's very similar. So I would
14 say or submit to you that what we've done, I think
15 does, indeed, follow the direction that the court
16 offered.

17 PRESIDENT BEAN: Leader Farmer.

18 Leader Farmer has concluded. My list
19 includes Senator Torres of the 15th, followed by
20 Senator Pizzo. And then anyone else that hasn't
21 questioned that would like to get in line, give me
22 the secret signal, and we'll put you in the queue.

23 Let's go to the Senator of the 15th.

24 Senator Torres, you're recognized for a question.

25 SENATOR TORRES: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 129

1 Senator Rodriguez, this map here is the map
2 that came from the Governor's office, correct, the
3 one we have here that is on our table?

4 PRESIDENT BEAN: Senator Rodriguez.

5 SENATOR RODRIGUES: Yes, that's correct.

6 PRESIDENT BEAN: Senator Torres.

7 SENATOR TORRES: Sir, I refer to the -- if
8 you could look at the map, if you look at the bottom
9 of the map, you see Congressional Seat 9 and 10.

10 If you look at the map, you'll see an
11 indication where a part of Orange was inserted to
12 Congressional Seat 9, taking away minority
13 representation from 10. Can you explain that?

14 PRESIDENT BEAN: Senator Rodriguez.

15 SENATOR RODRIGUES: Thank you, Mr.
16 President.

17 My answer would be similar to the previous
18 discussions we've had on CD-10, which was the
19 Executive Office of the Governor, as they told us in
20 committee today, utilized the lines for CD-10 in
21 that area of the state that were originally on the
22 House map. And so that's where it came from.

23 PRESIDENT BEAN: Senator Torres for a
24 question.

25 SENATOR TORRES: And Senator, what I'm

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 130

1 getting at is you've been repeating minority
2 majority vote compact, and I see that this is taking
3 away from 10. Because this is where I live, and I'm
4 looking at this carveout from 10 as taking away the
5 minority representation in 10.

6 Did our maps that we -- was passed here,
7 our congressional maps that was passed here, did it
8 have the same carveout?

9 PRESIDENT BEAN: Senator Rodrigues.

10 SENATOR RODRIGUES: Thank you, Mr.
11 President.

12 My question, and I'll ask for some
13 clarification, was in the map that we passed out, we
14 had it identified as an opportunity district for
15 blacks because it was at 26.8 percent of the voting
16 age population. The Hispanic percentage was 24.6
17 percent.

18 Both of those were below the majority,
19 which is why it was concluded that it wasn't a
20 protected seat.

21 So to answer your question, are you asking
22 us was our -- what our approach was as far as
23 treating it as a black minority protected district
24 or if we treated it as a Hispanic minority protected
25 district?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 131

1 PRESIDENT BEAN: Senator Torres.

2 SENATOR TORRES: What I'm asking is a
3 combination of both. Because we both -- I look at
4 that community that I represent, and your map
5 originally, your map that was passed here in the
6 senate, didn't have this carveout.

7 Now you're taking away, from what I've --
8 the Governor's map is taking away that
9 representation from 10, bringing it to 9. I know
10 the area.

11 But my question is: did your map, not the
12 numbers which you're reading to me, but your map
13 that you originated here, did it have this carveout
14 in the Senate maps?

15 PRESIDENT BEAN: Senator Rodrigues of the
16 27th to respond.

17 SENATOR RODRIGUES: What I can say
18 definitively is the map that we passed did treat
19 that as a protected district for black voters as an
20 opportunity district. As far as the actual lines in
21 neighborhoods, I would need to get with staff to
22 answer that question.

23 PRESIDENT BEAN: Very good. Senator Torres
24 has concluded.

25 Senator of the 38th, Senator Pizzo, you are

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 132

1 recognized for a question.

2 SENATOR PIZZO: Thank you, Mr. President.

3 A couple questions for Senator --

4 No, not a couple hundred, just a couple
5 questions.

6 And I would like to give a shoutout, so I
7 can save face at my son's next baseball game, to
8 Mr. Hayes, social studies teacher at my kid's
9 school, who when I last saw him, basically formed
10 the basis of a couple of questions I'm going to ask
11 you.

12 And you and I spoke about this a long time
13 ago. How (indiscernible) rather it is that
14 legislators -- state legislators can legislate their
15 own maps that are not within the purview of the
16 Governor to take a look at, so we can carve up our
17 own districts, but not congressional because it's
18 implicit that those maps go to the Governor.

19 When you were speaking about CD-5 and the
20 whole conversation, do you recall what day we
21 actually passed 8019 off this floor, around what day
22 it was?

23 PRESIDENT BEAN: Senator Rodrigues.

24 SENATOR RODRIGUES: Thank you,
25 Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 133

1 That -- 8019 was the compromise map between
2 the Senate and House that would have been at the end
3 of session. So that would have been sometime in
4 March.

5 PRESIDENT BEAN: Senator Pizzo.

6 SENATOR PIZZO: So -- and --

7 Thank you, Mr. President.

8 I'm sure you remember hearing this in some
9 fashion. But around Wednesday, April 18 -- 13th,
10 I'm sorry, when the Governor said, "I mean we're not
11 going to have a 200-mile gerrymander that divvies up
12 people based on the color of the skin. That is
13 wrong."

14 Do you recall if 8019, the version that was
15 a compromise between the House and the Senate,
16 contained any 200-mile long gerrymandered district
17 divvied up by race?

18 PRESIDENT BEAN: Senator Rodrigues.

19 SENATOR RODRIGUES: Thank you,
20 Mr. President.

21 I believe the secondary map, because that
22 bill contained two maps, contained the same
23 configuration of District 5 that the court had
24 ordered in the previous redistricting cycle, which
25 was an east-west configuration that went from Duval

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 134

1 to Gadsden. But that was the secondary map, not the
2 primary map.

3 PRESIDENT BEAN: Senator Pizzo for a
4 question.

5 SENATOR PIZZO: Thank you, Mr. President.

6 I think we even talked about this on the
7 floor. The primary option that was presented to the
8 Governor, the top map on 8019, did not have a 200-
9 mile long anything; did it?

10 PRESIDENT BEAN: Senator Rodrigues.

11 SENATOR RODRIGUES: Thank you,
12 Mr. President.

13 That's correct.

14 PRESIDENT BEAN: Senator Pizzo.

15 SENATOR PIZZO: Thank you.

16 I'm looking at this 109. And if you take a
17 look -- do you have one in front of you? I'm sure
18 you have it memorized.

19 Take a look at like northwest Polk in the
20 proposed CD-18, and then like run your finger down
21 to the southeast corner of Hendry County. Any idea
22 how long that is?

23 PRESIDENT BEAN: Senator Rodrigues.

24 SENATOR RODRIGUES: Thank you,
25 Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 135

1 I do not have that data in front of me.

2 PRESIDENT BEAN: Senator Pizzo.

3 SENATOR PIZZO: Thank you, Mr. President.

4 Fun fact. Anywhere you go in Florida,
5 you're no more than 60 miles from a beach.

6 But if I told you that the northwesternmost
7 portion of proposed CD-18, the Governor's map, down
8 to the southeasternmost portion of Hendry County in
9 CD-18, was 180 miles, would that sound accurate?

10 PRESIDENT BEAN: Senator Rodrigues.

11 SENATOR RODRIGUES: Thank you,
12 Mr. President.

13 I don't have metrics, but I would not argue
14 with that.

15 PRESIDENT BEAN: Senator Pizzo.

16 SENATOR PIZZO: Thank you.

17 When you spoke earlier about CD-5, and you
18 were talking about a downward trend, and Senator
19 Osgood had asked, it was at -- one time it was at
20 40-plus and then it went down, was that based on
21 performance of who actually voted or was that based
22 on voter registration numbers?

23 PRESIDENT BEAN: Senator Rodrigues.

24 SENATOR RODRIGUES: Thank you,
25 Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 136

1 CD-5, we were actually using white voting
2 age population because that's the required metric
3 under the Voting Rights Act.

4 PRESIDENT BEAN: Senator Pizzo.

5 SENATOR PIZZO: Didn't have anything to do
6 with performance as far as either in a primary or in
7 a general what the actual performance of those
8 registered to vote of a particular race that have
9 exercised that right. It was just voter --
10 registered voters that were African-American.

11 PRESIDENT BEAN: Senator Rodrigues.

12 SENATOR RODRIGUES: It was just the voters
13 that are African-American. Performance was not
14 included because of the section of the 1965 Voting
15 Rights Act that applied.

16 PRESIDENT BEAN: Senator Pizzo.

17 SENATOR PIZZO: Thank you, Mr. President.

18 And for most people at home that are
19 watching, they don't realize that you take this so
20 seriously, you actually got yourself a flip phone
21 and don't take texts from people anymore. True
22 fact. I can verify that.

23 However, there was a tweet from the
24 Governor, that I'm sure somebody may have told you
25 about, sometime back while we were in session that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 137

1 said I will veto the maps, they're dead on arrival.

2 My question -- and you recall, I'm sure,
3 seeing that, correct, or hearing about it?

4 PRESIDENT BEAN: Senator Rodrigues.

5 SENATOR RODRIGUES: Thank you,
6 Mr. President.

7 I believe we may have even heard about that
8 while we were on the floor debating the bill.

9 PRESIDENT BEAN: Senator Pizzo.

10 SENATOR PIZZO: Thank you.

11 And pleading my ignorance, what precluded
12 the Governor's office from participating or
13 submitting a draft of their own while we were all
14 here on the scheduled taxpayer's dime?

15 What precluded that office from
16 participating in this process back then?

17 PRESIDENT BEAN: Senator Rodrigues.

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

20 Well, I would remind you they did submit
21 two maps during that time that we were here. We
22 looked at both of them -- well, let me rephrase
23 that. They submitted two maps.

24 The first one they submitted was done
25 literally right before we were going to consider our

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 138

1 map on the floor. We never analyzed that map. We
2 proceeded with our map, passed it.

3 And then my understanding is there were
4 negotiations between the House and the Governor as
5 they were working on their map. If you'll recall,
6 their process delayed, and several of their
7 committee hearings were canceled, or subcommittee
8 hearings were canceled.

9 Ultimately, at the end of the day, the
10 House and the Senate could not come to support
11 either of the two versions of the map that the
12 Executive Office of the Governor submitted while we
13 were in session.

14 PRESIDENT BEAN: Senator Pizzo.

15 SENATOR PIZZO: Thank you, Mr. President.

16 So would it be accurate to characterize the
17 senate held their position and said we're just
18 getting this now at the late hour. We've gone
19 through an entire deliberate engaged and informed
20 process to arrive at our conclusions of maps. We're
21 not going to budge, certainly not at the midnight
22 hour when just presented with something.

23 However, the House capitulated to some
24 extent, engaged in conversations or negotiations or
25 discussions with the Governor's office. They

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 139

1 then -- the Governor's office then presented one or
2 two variations which, at the end of the regular
3 scheduled session, we could not accept, correct?

4 PRESIDENT BEAN: Senator Rodrigues.

5 SENATOR RODRIGUES: Thank you,
6 Mr. President.

7 I would just quibble with one part of that.
8 I think if you go back and watch the tape in January
9 when I presented the first map, I believe I
10 acknowledged at that time that while this was the
11 end of the process for the senate for now, it wasn't
12 the end of the process because until the House
13 agreed on the bill, everything was still in play.

14 So what I would say is we passed our bill
15 knowing that there was still more negotiations to
16 occur and that there would ultimately be changes as
17 a result of those negotiations as the product worked
18 its way through.

19 But I would concur with the rest of your
20 statement.

21 PRESIDENT BEAN: Senator Pizzo.

22 SENATOR PIZZO: The maps that were proposed
23 by the Governor's office that we or the --
24 bicamerally would not accept, how much did they
25 deviate from what we have right now?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 140

1 PRESIDENT BEAN: Senator Rodrigues.

2 SENATOR RODRIGUES: Thank you, Mr.

3 President.

4 I think if you go back and look, they
5 deviate significantly in Southeast Florida. I
6 believe Southeast Florida is pretty well everything
7 that the senate has put forth in each of the maps
8 that we've done. I think there's -- they took the
9 House position on Central Florida.

10 But, to be honest with you, I haven't gone
11 back to look at the Governor's original submission
12 to see how that compared to the House original
13 submission. So I can't speak to whether that's
14 similar or not.

15 But I can tell you in committee today, the
16 Executive Office of the Governor identified that as
17 a compromise where they accepted the House position
18 on that area.

19 So what we learned is that of the 28
20 districts, 10 of them are essentially the lines that
21 we drew in the senate, and that there are at least
22 12 districts where they concur with the House, and
23 the remainder districts are districts that they
24 drew. That is my understanding.

25 PRESIDENT BEAN: Senator Pizzo.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 141

1 SENATOR PIZZO: Thank you, Mr. President.

2 And I caught most of your meeting today and
3 then also watched Community Affairs so I may have
4 missed this. Was Mr. Kelly from the Governor's
5 office placed under oath?

6 PRESIDENT BEAN: Senator Rodrigues.

7 SENATOR RODRIGUES: Thank you, Mr.
8 President.

9 No, he was not.

10 PRESIDENT BEAN: Senator Pizzo.

11 SENATOR PIZZO: Any reason why not?

12 Or did anyone ask for him to be placed
13 under oath?

14 PRESIDENT BEAN: Senator Rodrigues.

15 SENATOR RODRIGUES: Thank you, Mr.
16 President.

17 I'd say an hour to an hour-and-a-half in,
18 the request was made. And at that time, I ruled it
19 out of order given that we were already an hour to
20 hour-and-a-half into committee.

21 PRESIDENT BEAN: Senator Pizzo.

22 SENATOR PIZZO: How much time after that
23 initial request, an hour, an hour-and-a-half in, of
24 additional testimony was there that followed the
25 request for Mr. Kelly to be placed under oath; can

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 142

1 you recall?

2 PRESIDENT BEAN: Senator Rodrigues.

3 SENATOR RODRIGUES: Thank you,

4 Mr. President.

5 I believe his testimony ended at 3:30. So
6 the committee began at 1:30. So it was either an
7 hour or 30 minutes of additional testimony after
8 that.

9 PRESIDENT BEAN: Senator Pizzo.

10 SENATOR PIZZO: Thank you, Mr. President.

11 And I know you're not an attorney, but do
12 you have any concern if I were to pose a
13 hypothetical that Mr. Kelly might be called to be
14 deposed in a challenge that either he, as an agent
15 of his office, or the attorney for the Executive
16 Office of the Governor, might claim some sort of
17 privilege and not be able to be forthright in the
18 origination and genesis of the map drawing?

19 PRESIDENT BEAN: Senator Rodrigues.

20 SENATOR RODRIGUES: Thank you,

21 Mr. President.

22 And I would say that what is for my opinion
23 on that is the last round of litigation that
24 occurred, which I believe is the precedent. Prior
25 to that last round of litigation, the legislation

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 143

1 enjoyed deference and privilege, and that was
2 stripped during that litigation, and we were
3 deposed.

4 I believe that sets the precedent that lays
5 open the possibility for anyone involved in the
6 redistricting process to be deposed in litigation on
7 that subject. And that's how I've operated during
8 the entire time I've chaired the Reapportionment
9 Committee.

10 PRESIDENT BEAN: Senator Pizzo.

11 SENATOR PIZZO: Thank you, Mr. President.

12 And, Senator Rodrigues, I thank you for
13 that statement, which is very valen of you to say.
14 I appreciate it.

15 PRESIDENT BEAN: Senator Pizzo has
16 concluded. Are there are additional questions?

17 Are there additional question or comment by
18 the sponsor?

19 Wait a minute. Let me go back. I just
20 want to make clear, I -- is there any additional
21 questions from those that have not asked questions?
22 There is. And let's pursue. Let's go forward to
23 the Senator of the 31st.

24 Senator Berman, you are recognized for a
25 question.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 144

1 SENATOR BERMAN: Thank you, Mr. President.

2 Senator Rodrigues, do you have any idea how
3 many other states right now have not passed a
4 congressional map as of this date?

5 PRESIDENT BEAN: Senator Rodrigues.

6 SENATOR RODRIGUES: Thank you,
7 Mr. President.

8 I think the number is between two and four.

9 PRESIDENT BEAN: Senator Berman.

10 SENATOR BERMAN: Thank you, Mr. President.

11 And the fact that we're so late in passing
12 a congressional map, do you think that will affect
13 the ability of the courts to have an adequate time
14 to review the map before it goes into effect or if
15 someone brings a challenge to that map?

16 PRESIDENT BEAN: Senator Rodrigues.

17 SENATOR RODRIGUES: Thank you,
18 Mr. President.

19 I would say that the experience of last
20 time is that the courts will get it right, and
21 frequently, they'll get it right on their timetable.

22 PRESIDENT BEAN: Senator Berman.

23 SENATOR BERMAN: Thank you, Mr. President.

24 So it doesn't trouble you that we voted --
25 we had elections under maps that weren't -- didn't

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 145

1 get it right until several years later after the
2 courts revised them?

3 PRESIDENT BEAN: Senator Rodrigues.

4 SENATOR RODRIGUES: Thank you,
5 Mr. President.

6 I think what we did was appropriate for the
7 time. And I think what we will do in the future
8 will be appropriate for this time.

9 PRESIDENT BEAN: Senator Berman.

10 Senator Berman has concluded. There being
11 no additional comments by the sponsor, pursuant to
12 Rule 4.19, the bill is placed on the counter bill as
13 third reading.

14 Read the next bill.

15 UNIDENTIFIED MALE: Senate Bill 4-C, a bill
16 to be entitled, "An Act Relating to Independent
17 Special Districts."

18 PRESIDENT BEAN: Senator Bradley from the
19 5th, let's go to her to explain the bill, you are
20 recognized.

21 SENATOR BRADLEY: Thank you, Mr. President.

22 Members, this bill recognizes the
23 importance of periodically reevaluating the scope
24 and authority of our independent special districts.
25 There are some independent special

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 146

1 districts which haven't had meaningful legislative
2 oversight in over 50 years. Some independent
3 special districts can wield incredibly sweeping
4 powers, including providing nuclear power,
5 exercising eminent domain outside of its borders,
6 and being allowed to conduct experimental research.

7 It's our job as the Legislature to
8 periodically review these legislative creations to
9 ensure that the granted powers and authorizations
10 continue to be appropriate.

11 To this end, Senate Bill 4-C provides that
12 any independent special district established prior
13 to 1968, the date of ratification of the Florida
14 Constitution and which hasn't been reestablished
15 will dissolve on June 1, 2023. Any independent
16 special district affected by this subsection may be
17 established after June 1, 2023.

18 That is the bill.

19 PRESIDENT BEAN: Are there amendments?

20 UNIDENTIFIED MALE: On the desk,

21 Mr. President.

22 PRESIDENT BEAN: Read the first amendment.

23 UNIDENTIFIED MALE: Late filed Amendment
24 Barcode 945716, by Senator Farmer, delete everything
25 after the enacting clause, and insert amendment.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 147

1 PRESIDENT BEAN: Leader Farmer, you are
2 recognized to explain the Farmer Amendment.

3 SENATOR FARMER: Thank you, Mr. President.
4 Thank you for letting me hobble back here.

5 So today in committee, we had a pretty
6 robust discussion about the potential impacts of the
7 destruction of this entity and what it would mean to
8 the debt service obligations of Reedy Creek, the
9 firefighting services, the water management, et
10 cetera, et cetera, et cetera.

11 This amendment would simply provide that an
12 OPPAGA study be conducted to consider all of these
13 items before we actually make the decision to do
14 away with the Reedy Creek district. That is the
15 amendment.

16 PRESIDENT BEAN: Are there amendments to
17 the amendment?

18 UNIDENTIFIED MALE: No additional
19 amendments to the amendment, Mr. President.

20 PRESIDENT BEAN: We are in questions. Are
21 there questions on the Farmer Amendment? Questions
22 of the --

23 Senator of the 38th, Senator Pizzo, you're
24 recognized for a question.

25 SENATOR PIZZO: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 148

1 Senator Farmer, I think I saw the same
2 OPPAGA study. I think it was from 2004. I don't
3 know if you have a copy with you. But I think the
4 question was even raised because there was a concern
5 back then that, I think, Comcast was making a bid or
6 taking a look at Disney's assets, whatever, and they
7 were, perhaps, a potential purchaser of Disney.

8 And I think it's like page six they speak
9 to the concern about if there's a transfer of
10 ownership -- question three, there's a question of
11 ownership transfer, and there was a concern as to
12 whether the legislation, and it actually said the
13 Legislature, had a concern about if there was a
14 transfer of ownership or change of ownership, was
15 there enough protection in place to retain the same
16 recreational instate oriented activity.

17 And do you know what OPPAGA found on that
18 question, if at all?

19 PRESIDENT BEAN: Leader Farmer, you're
20 recognized to respond.

21 SENATOR FARMER: Yes. Thank you, Mr.
22 President.

23 And you are exactly right, Senator Pizzo.
24 This OPPAGA report, which was dated in 2004, so it's
25 not as current data, but even back then, there were

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 149

1 very grave concerns made about a transfer of this
2 entity to another entity.

3 And we talked about that today in
4 committee. And just the debt service obligation
5 alone of the Reedy Creek district totals over
6 \$1,000,000,000, according to their 2020 filing.

7 And so this is something -- OPPAGA last did
8 this, I believe, in 2004. That's 18 years ago. We
9 should be doing this and deciding what the solution
10 is before we go and do away with this district.

11 PRESIDENT BEAN: We're in questions.
12 Additional questions?

13 Additional questions on the Farmer
14 amendment?

15 The Senator of the 3rd, Senator Ausley,
16 you're recognized for a question.

17 SENATOR AUSLEY: Thank you, Mr. President.

18 So it's my understanding this language
19 would also require an OPPAGA study, not just at the
20 Reedy Creek independent district, but the other
21 special districts that are contemplated in this
22 bill.

23 PRESIDENT BEAN: Leader Farmer.

24 SENATOR FARMER: Yes, that is correct. I
25 mean, the focus has been on Reedy Creek because the

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 150

1 numbers are so high. But yes, the OPPAGA study
2 would apply to all of the districts that are subject
3 to this bill. Yes.

4 PRESIDENT BEAN: Additional questions,
5 senators?

6 Additional questions?

7 We are in debate. Debate on the Farmer
8 amendment. Is there debate?

9 Any senator wishing to debate?

10 Senator Pizzo from the 38th, you're
11 recognized in debate.

12 SENATOR PIZZO: Thank you, Mr. President.

13 Folks, we are contemplating -- whatever the
14 genesis and the reason for this bill, we are looking
15 at -- if it's -- if you're Bay Lake, okay, if you're
16 Lake Buena Vista, your two cities -- your two
17 counties of Orange and Osceola.

18 I think Senator Bradley represents, I don't
19 know 11 counties. I don't think one of them, maybe
20 one or two of them, have the annual tax revenue that
21 is equal to the bond amount that would be levied on
22 two cities and two counties.

23 Right now, I think by today's -- I've
24 looked -- I think Bay Lake and Lake Buena Vista have
25 about a two-and-a-half millage rate. You'd be

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 151

1 shooting them up to 10. They can't sell tickets to
2 an amusement park. They can't get the parking fees
3 and the merchandise revenue. They have no way to
4 assume this debt.

5 It is completely fiscally irresponsible.
6 It is punitive and weird that we would go ahead and
7 say, not only are we seeking to dissolve this
8 independent special district, we're going to slap
9 two small cities and two counties with over
10 \$1,000,000,000 in debt without any consideration,
11 any study, any care and concern.

12 And I'm sure we'll get to this in questions
13 when we go back on the bill as amended or unamended.
14 But I don't think Senator Bradley got this bill more
15 than 24 hours ago.

16 We're going to go ahead and make a billion
17 dollar decision, and I remind you that this same
18 body intelligently curtailed a billion dollar slush
19 fund under SB 96 last session and cut it in half to
20 500,000,000, with guard rails and parameters and
21 protections against our Governor, intelligently.

22 Two cities and two counties are about to
23 accept the burden with no benefit whatsoever is
24 completely irresponsible. And I'm sorry, they're
25 not my constituents, but if they were, I would stand

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 152

1 on top of the table and scream. A billion dollars.

2 PRESIDENT BEAN: We're in debate.

3 The Senator of the 3rd, Senator Ausley,
4 you're recognized in debate.

5 SENATOR AUSLEY: Thank you, Mr. President.

6 And while I agree with Senator Pizzo on the
7 concerns about the Reedy Creek district, there are
8 also two districts slated for dissolution that are
9 in my district, the Hamilton County Development
10 Authority, as well as the East Point Water and Sewer
11 District.

12 These are very much smaller independent
13 districts, but these -- neither of these districts
14 had heard -- knew anything about this when I called
15 them this morning. They are very concerned about
16 what this might do.

17 And the bottom line is if we need to have
18 meaningful legislative oversight and periodically
19 review, then the best way to do that is to support
20 this amendment and do an OPPAGA study like we would
21 do if we were regularly in session.

22 So this -- I support this amendment
23 wholeheartedly and ask you to support it as well.

24 PRESIDENT BEAN: We're in debate. We're in
25 debate on the Farmer Amendment. Additional senators

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 153

1 in debate.

2 Senator of the 5th, Senator Bradley, you're
3 recognized in debate.

4 SENATOR BRADLEY: Thank you, Mr. --

5 PRESIDENT BEAN: Oh, Senator Bradley, I
6 apologize. Will you yield to the senator --

7 Senator Hudson, you're recognized in
8 debate.

9 SENATOR HUDSON: Thank you, Mr. President.

10 And I think what I want to get across here
11 is what Senator Farmer is trying to do. And I get
12 the idea of the OPPAGA study. I actually support an
13 idea of an OPPAGA study. But what he does is he
14 strips the rest of her bill out. So what I would
15 say to the body is, I'd be opposed to this.

16 However, I would say that Senator Farmer,
17 we should ask for an OPPAGA study. We can ask the
18 president to do that so we can still pass this bill
19 and still send an OPPAGA study request to the
20 president so that we have more information before we
21 make final decisions a year from now.

22 So that's something I think that is a
23 worthy cause. And as we talked about it in
24 Community Affairs, Senator Bradley said she wants
25 all the information. She wants an open discussion.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 154

1 So I do not believe an OPPAGA study is out of the
2 question.

3 But stripping the rest of the bill out is
4 where I think that I can't support that. But I do
5 think that we should ask for an OPPAGA study so that
6 we get all of the information and have that before
7 we make decisions the following year.

8 With that, I am opposed to the amendment.

9 PRESIDENT BEAN: Before I go to Senator
10 Bradley and then Leader Farmer, is there anyone else
11 wishing to debate?

12 Leader -- Senator Bradley, you're
13 recognized in debate.

14 SENATOR BRADLEY: Thank you, Mr. President.

15 And thank you, Senator Hudson, for those
16 comments which I agree with.

17 The purpose of this bill and the reason
18 this bill was filed was so that the Legislature,
19 whose role it is to reevaluate the purpose and scope
20 of these special districts, needs to be served.

21 And that can only be served by the
22 underlying bill, which this amendment strips out.
23 So this would be an unfriendly amendment.

24 PRESIDENT BEAN: Leader Farmer, you're
25 recognized to close on the Farmer Amendment.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 155

1 SENATOR FARMER: Thank you, Mr. President.

2 Our data research shows that Osceola County
3 has 375,000 residents. Orange County has 1,390,000
4 residents. City of Bay Lake has 61 residents. Lake
5 Buena Vista has four lucky residents in its city
6 limits. You add up all those numbers. We're
7 talking about 1,765,000 residents, give or take.

8 The debt service alone for Reedy Creek is
9 over a billion dollars. This bill makes no
10 provision as to how that debt service is going to be
11 assumed, other than to talk about -- and we have a
12 statute actually in place -- excuse me, it's not
13 this bill. It's part of Chapter 189, which says
14 that local government entities must pick up the
15 assets and liabilities of any special district that
16 is dissolved.

17 So this is not supposition. This is not
18 conjecture. This is Florida law that says those 1.7
19 million people are going to have to pick up this
20 bill, okay?

21 Now, that debt service of a billion dollars
22 doesn't include everything else that this district
23 does; firefighter services, a power plant, water
24 treatment plant, landfill, parking garages, roads,
25 drainage districts, other services.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 156

1 All totaled, we're probably talking about
2 1.5 to \$2,000,000,000 of obligation of liabilities
3 with, as Senator Pizzo said, no park admission fees
4 or royalty fees to pay for those for these
5 residents. The debt service alone would amount to
6 \$580 per person. Family of four just got hit with a
7 \$2200 tax bill.

8 I mean, I'm confused. I listen to the
9 rhetoric and the social media. Democrats are
10 supposed to be the tax and spend liberals. You all
11 are going to tax these people this much money
12 without giving them a say?

13 State law also says that you got to conduct
14 a referendum of the people who are going to have to
15 buy the liability before you can do this. There's
16 nothing in this bill that gives these people the
17 right to have a vote on whether they're undertaking
18 this debt, these liabilities.

19 And as Senator Ausley said, there are other
20 districts that are being impacted too in counties
21 with less income-generating potential or ability.

22 This bill as written, and I'm very careful
23 to say this this morning, or early this afternoon,
24 Senator Bradley had this put on her. We know where
25 this bill came from. It's shoot first and ask

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 157

1 questions later. That's what this bill is. Shoot
2 first and ask questions later. And maybe if Disney
3 behaves over the next election cycle, we'll undo it.

4 Keeping it real, ladies and gentlemen. I'm
5 just keeping it real over here in the back row.
6 This is what we're doing.

7 We should ask questions first and then
8 shoot. That's what this amendment does. Let's be
9 fiscally sound. Let's be fiscally conservative for
10 the 1.7 million residents of these two counties and
11 two cities. And let's know exactly what we're
12 biting off here before we do this.

13 Please vote for this amendment. This is
14 good policy. This is the better way to do it. Get
15 the answers first, then legislate. Thank you.

16 PRESIDENT BEAN: The Leader of the 34th has
17 concluded. And now the question occurs on the
18 Farmer Amendment.

19 All the senators in favor of the Farmer
20 Amendment please signify by saying yea.

21 (Multiple yea responses)

22 PRESIDENT BEAN: Opposed say nay.

23 (Multiple nay responses)

24 PRESIDENT BEAN: The motion is not agreed
25 to. And seeing five hands, the clerk will now open

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 158

1 the board and senators will proceed to vote on the
2 Farmer Amendment.

3 (Voting by Senators)

4 PRESIDENT BEAN: The clerk will now lock
5 the board and announce the vote.

6 UNIDENTIFIED MAIL: Sixteen yeas, 23 nays,
7 Mr. President.

8 PRESIDENT BEAN: The motion is not agreed
9 to. The amendment fails. Read the next amendment.

10 UNIDENTIFIED MAIL: None on the desk, Mr.
11 President.

12 PRESIDENT BEAN: Senators, we're on the
13 bill as amended, and Senator Bradley is open for
14 questions. Are there questions of Senator Bradley?

15 Senator Brandes, you're recognized for a
16 question.

17 SENATOR BRANDES: Just playing off of
18 Senator Farmer's questions. Would this potentially
19 cancel \$2,000,000,000 of debt for Disney?

20 PRESIDENT SIMPSON: Senator Bradley, you're
21 recognized.

22 SENATOR BRADLEY: Thank you, Mr. President.

23 And as characterized by Senator Farmer, if
24 a independent special district is dissolved, by
25 operation of law, all of the debts and assets get

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 159

1 transferred to the general purpose government.

2 So it's not -- they're not just assuming
3 debt. It is a -- they would receive the assets as
4 well.

5 PRESIDENT SIMPSON: Senator Brandes, you're
6 recognized.

7 SENATOR BRANDES: In this case, the assets
8 include roads, which we would be unlikely to shut
9 off; a dump; a power plant, which we would be
10 unlikely to turn off; a fire station, which would be
11 unlikely to shut down.

12 And so those assets, we would now take over
13 the operations, the maintenance, the support of, and
14 Disney would be able to walk away from that
15 \$2,000,000,000 of debt, potentially, under this
16 bill; is that correct?

17 PRESIDENT SIMPSON: Senator Bradley, you're
18 recognized.

19 SENATOR BRADLEY: Thank you, Mr. President.
20 This bill does not dissolve the Reedy Creek
21 improvement district. This bill says that there is
22 a year to come back and let's have a legislative
23 discussion about the validity and scope of that
24 district. And should we go down that road of
25 dissolution, there will be careful consideration of

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 160

1 all of the issues.

2 It will be a complicated transaction, to be
3 sure, that will involve the four general purpose
4 governments that are encompassed in the district,
5 including the City of Bay Lake, the City of Lake
6 Buena Vista, Osceola, and Orange Counties.

7 PRESIDENT SIMPSON: Senator Brandes, you're
8 recognized.

9 SENATOR BRANDES: I understand that. But
10 potentially, this special district could have its
11 debts canceled and those debts transferred to the
12 cities and counties if this were to pass and if that
13 special district was not reaffirmed. Isn't that a
14 correct statement?

15 PRESIDENT SIMPSON: Senator Bradley, you're
16 recognized.

17 SENATOR BRADLEY: Thank you, Mr. President.

18 And that's something that I can't speak to
19 because I don't know how that dissolution would play
20 out and what would happen with those debts before we
21 get there and that allocation occurs.

22 PRESIDENT SIMPSON: Senator Brandes, you're
23 recognized.

24 SENATOR BRANDES: Thank you.

25 Under our current statute, it says that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 161

1 those debts and assets, as you stated, go to the
2 cities and counties. So we would then have to, I
3 guess, change statute to go away from that if we
4 were to dissolve this entity and we did not want to
5 release the special district of its liabilities.

6 My concern is that your bill actually gives
7 Disney a \$2,000,000,000 credit, essentially wipes
8 away its debt of \$2,000,000,000. Yeah, they maybe
9 pay a little bit higher taxes. But you know what?
10 That tax is capped at 10 percent for non-residential
11 property or commercial properties anyways.

12 So your bill effectively potentially
13 cancels \$2,000,000,000 of debt on Disney. It seems
14 to me that if our -- the legislative intent here is
15 ultimately to attack them, then why in the world
16 would we want to cancel \$2,000,000,000 of their
17 debt?

18 PRESIDENT SIMPSON: Senator Bradley, you're
19 recognized.

20 SENATOR BRADLEY: Thank you, Mr. President.

21 And the legislative intent is to do our
22 legislative duty, which is to go back and reevaluate
23 a special district that has not been evaluated in
24 over 50 years and has sweeping powers.

25 And if we get to the point where that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 162

1 dissolution is going to happen, we have a role as
2 the Legislature next session, and we can step in to
3 make sure the parade of horrors that you just
4 outlined does not occur.

5 PRESIDENT SIMPSON: Senator Brandes, you're
6 recognized.

7 SENATOR BRANDES: I understand that, but we
8 can also do that without this bill. I mean, we
9 could pick any special district in the state of
10 Florida, and we could independently evaluate it any
11 year the Legislature wants or any special session
12 which the Legislature wants.

13 We don't need a sweeping bill that
14 incorporates potentially hundreds of special
15 districts at one time in order to accomplish that;
16 isn't that correct?

17 PRESIDENT SIMPSON: Senator Bradley, you're
18 recognized.

19 SENATOR BRADLEY: Thank you, Mr. President.
20 And this bill would affect six districts.
21 And a deadline will encourage discussion.

22 PRESIDENT SIMPSON: Senator Brandes, you're
23 recognized. You're good.

24 Are there any additional questions?

25 Any additional questions?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 163

1 Senator Ausley, you're recognized.

2 SENATOR AUSLEY: Thank you, Mr. President.

3 And as you've mentioned, Senator Bradley,
4 it doesn't -- it does impact six independent
5 districts; one I believe is in your district, two
6 are in mine.

7 As an example, the Hamilton County
8 Development Authority has its own dedicated source
9 of revenue that's used to incentivize local economic
10 development.

11 You know, this -- should this bill pass,
12 and the Hamilton County Development Authority is
13 dissolved, I know that's not going to happen until
14 June, but what happens to that source of -- where
15 does that money go?

16 What about deals that are under way?

17 What is -- what do I tell Hamilton County
18 constituents is going to happen going forward if
19 this bill passes tomorrow?

20 PRESIDENT SIMPSON: Senator Bradley, you're
21 recognized.

22 SENATOR BRADLEY: Thank you, Mr. President.

23 And thank you for that question. As you
24 indicated, there is a Hamilton County Development
25 Authority, Bradford County in my district as well.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 164

1 Those are the two development authorities. And we
2 will be back next session. We can take that review
3 of those development authorities.

4 It's also been raised as a potential that
5 they could reconstitute their municipality. Their
6 county could reconstitute them as a dependent
7 special district and really streamline and make
8 things even less expensive and easier to manage.

9 So there are some options. We'll be back
10 next session to address their affairs. And if there
11 aren't any issues, and it's our legislative intent
12 and conclusion that they're operating in the scope
13 that we intend, then they can be reestablished next
14 session.

15 PRESIDENT SIMPSON: Senator Ausley, you're
16 recognized.

17 SENATOR AUSLEY: Thank you, Mr. President.

18 And similarly, the East Point Water and
19 Sewer District has 1100 sewer customers in East
20 Point. They have some liabilities that Franklin
21 County is concerned about.

22 In both of these cases, in all of these
23 cases, this is -- they will be dissolved and there
24 will need to be the review that we're talking about,
25 but there will also have to some positive action

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 165

1 taken to do any -- for them to continue operating in
2 the way that they are operating today, correct?

3 PRESIDENT SIMPSON: Senator Bradley, you're
4 recognized.

5 SENATOR BRADLEY: Thank you, Mr. President.

6 And, yes. Two points. The first is
7 there's nothing about -- the reason that these
8 districts have been chosen is not because they're
9 not engaging in good work and managing their water
10 and sewer. It's because the Legislature has not
11 taken a meaningful look at these districts in over
12 50 years. And so that's why they're on the list.

13 And so we will do that next session. They
14 are -- there's nothing that precludes them from
15 being reestablished after June 1st, '23.

16 PRESIDENT SIMPSON: Senator Ausley, you're
17 recognized.

18 SENATOR AUSLEY: Thank you, Mr. President.

19 I understand that. There's nothing that
20 precludes us. But it's also no guarantee. And
21 these are small districts -- I mean, you know, this
22 is a different question than the big Reedy Creek.

23 These are small districts that have -- you
24 know, it's going to require them to hire lobbyists
25 to come up here and to fight this battle. Is that

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 166

1 really necessary if we're trying to review this,
2 isn't there another way to do this rather than
3 dissolve them and require them to take positive
4 action to be reinstated?

5 PRESIDENT SIMPSON: Senator Bradley, you're
6 recognized.

7 SENATOR BRADLEY: Thank you, Mr. President.

8 And I think that as a legislative body and
9 as representatives for these local districts, we
10 will do our job next session to make sure that once
11 we've done our review, that we can take action to
12 make sure that they can continue or make sure that
13 the county is able to establish them in a different
14 form, in a dependent form.

15 PRESIDENT SIMPSON: Thank you.

16 Are there any additional questions?

17 Senator Stewart, you're recognized.

18 SENATOR STEWART: Thank you very much, Mr.
19 President.

20 What is your understanding of who votes to
21 dissolve?

22 PRESIDENT SIMPSON: Senator Bradley, you're
23 recognized.

24 SENATOR BRADLEY: Thank you, Mr. President.

25 And the bill provides that it is by

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 167

1 operation of law, short of -- it's by -- they will
2 dissolve effective June 1st, 2023, and that they can
3 be reestablished on or after June 1st, 2023.

4 So there isn't a vote. It is different
5 than the statute that you may be referring to. This
6 is by general law, and it's outside that statute.

7 PRESIDENT SIMPSON: Senator Stewart, you're
8 recognized.

9 SENATOR STEWART: As a follow-up, because I
10 was going to refer to the Statute 189.072 and who is
11 stated in there as to who is protected.

12 In moving forward, from what I have read
13 under that statute, is that it's a vote of the
14 landowners or those that reside there. And I don't
15 see some of these wanting to do that.

16 But would there be a change then in next
17 year that would eliminate that statute?

18 PRESIDENT SIMPSON: Senator Bradley, you're
19 recognized.

20 SENATOR BRADLEY: Thank you. Thank you,
21 Mr. President.

22 Thank you for that question. The statute
23 that you're referring to is legislative dissolution
24 that occurs by special act of an individual
25 district.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 168

1 This bill, it says notwithstanding that,
2 and that's because this is a general bill. This is
3 -- refers to this governs an open class.

4 So every independent special district from
5 anywhere in the state, if you satisfy the criteria
6 listed in the bill, which is basically if you have
7 had no meaningful legislative review since prior to
8 1968, then you are subject to the bill. There is
9 not a referendum component to this.

10 And I'll add, because this has come up
11 before, that Statute 189.072 is a referendum. It
12 says, "It must be approved by the majority of the
13 resident electors of the district."

14 It is not a referendum of the general
15 purpose government. It is a referendum of the
16 district.

17 PRESIDENT SIMPSON: Senator Stewart, you're
18 recognized.

19 SENATOR STEWART: So in your opinion, the
20 statute that we just spoke about, it would not refer
21 to the elimination of, we call it Reedy Creek, but
22 there's others. So it doesn't apply to those
23 special districts at all?

24 PRESIDENT SIMPSON: Senator Bradley, you're
25 recognized.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 169

1 SENATOR BRADLEY: Thank you, Mr. President.

2 And this statute would not apply because we
3 are not dissolving by special act. This is a
4 general law that is affecting districts across the
5 state equally, and it is -- it's not a special act.

6 So it is not withstanding that section. We
7 are going to have a legislative review and dissolve
8 after -- if, after.

9 PRESIDENT SIMPSON: Leader Farmer, you're
10 recognized.

11 SENATOR FARMER: Thank you, Mr. President.

12 Senator Bradley, picking up on Senator
13 Stewart's line of questioning. 189.072 has, I
14 believe, a very clear legislative intent, and that
15 is the voters of a district that is going to be
16 dissolved deserve the right to conduct by referendum
17 a vote of whether they are going to accept the
18 liabilities of that district.

19 Now, many of us, including myself, believe
20 that this bill was drawn in the way it was drawn so
21 that it could be filed as a general act and not a
22 special act.

23 Putting aside that concern, don't you
24 believe that the residents in these six districts
25 deserve the right to be heard via referendum

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 170

1 election to decide whether they are going to assume
2 these liabilities?

3 PRESIDENT SIMPSON: Senator Bradley, you're
4 recognized.

5 SENATOR BRADLEY: Thank you, Mr. President.

6 And this bill is, as I indicated earlier,
7 it is a general bill of application. It is not
8 dissolving immediately. It is not targeting one
9 district. There's going to be a legislative process
10 with a potential for dissolution.

11 PRESIDENT SIMPSON: Leader Farmer, you're
12 recognized.

13 SENATOR FARMER: Thank you, Mr. President.

14 And Chair Bradley, I understand the
15 distinction you're making. I'm setting the statute
16 aside.

17 And for the purpose of this question, I
18 want you to assume that your bill passes and we
19 don't come back next year and reinstitute these
20 districts, which means that the residents of these
21 six districts will be forced to incur these
22 liabilities.

23 Because 189.076 says that when we dissolve
24 special districts, the residents assume -- "shall
25 assume all indebtedness of the preexisting special

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 171

1 district."

2 So again, please understand my question is
3 very specific. Forget about 189.072. Assume that
4 your bill passes and we don't reinstitute those
5 districts next year.

6 Don't you believe the residents of these
7 six districts have the right to vote on whether
8 they're going to be stuck with this debt and these
9 liabilities?

10 PRESIDENT SIMPSON: Senator Bradley, you're
11 recognized.

12 SENATOR BRADLEY: Thank you, Mr. President.

13 And the debt is transferred in your
14 situation to the general purpose government. This
15 referendum in this statute is just for the electors
16 of the district.

17 And it is the result of a legislative
18 determination that the independent special district
19 is no longer serving a public purpose and is no
20 longer the intent of the Legislature such that it
21 should continue.

22 So it's a different situation. And no, the
23 electors would not be subject to vote.

24 PRESIDENT SIMPSON: Leader Farmer, you're
25 recognized.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 172

1 SENATOR FARMER: I really don't want to do
2 this this way, but I shall persevere. I'm asking
3 you, regardless of other statutory provisions, you
4 don't think that the residents of these special
5 districts have the right to be heard via a vote to
6 decide if they want to assume these liabilities?

7 PRESIDENT SIMPSON: Senator Bradley, you're
8 recognized.

9 SENATOR BRADLEY: Thank you, Mr. President.
10 And I believe I've already answered that
11 question. If it's a legislative determination that
12 the independent special district no longer serves a
13 public purpose and is outside the scope of our
14 legislative intent, then the statute -- then the
15 bill will take care of that dissolution.

16 PRESIDENT SIMPSON: Leader Farmer, you're
17 recognized.

18 SENATOR FARMER: Chair Bradley, this bill
19 does not state that the six districts no longer
20 serve a public purpose; isn't that correct?

21 PRESIDENT SIMPSON: Senator Bradley, you're
22 recognized.

23 SENATOR BRADLEY: Thank you, Mr. President.
24 What this bill does is it recognizes that
25 these districts have not had any meaningful

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 173

1 legislative oversight for over 50 years. And so
2 that's what will happen next year.

3 PRESIDENT SIMPSON: Leader Farmer, you're
4 recognized.

5 SENATOR FARMER: So then the answer to my
6 last question is yes, this bill does not include any
7 language that says they no longer serve a public
8 purpose?

9 PRESIDENT SIMPSON: Senator Bradley, you're
10 recognized.

11 SENATOR BRADLEY: Thank you, Mr. President.

12 Well, I think that's part of what we will
13 consider next year when we do legislative -- when we
14 look and reevaluate them after a 50-year absence of
15 our oversight.

16 PRESIDENT SIMPSON: Leader Farmer, you're
17 recognized.

18 SENATOR FARMER: But this bill that we are
19 talking about right now and will be forced to vote
20 on tomorrow, doesn't say that these six districts
21 don't serve a public purpose, correct?

22 PRESIDENT SIMPSON: Senator Bradley, you're
23 recognized.

24 SENATOR BRADLEY: Thank you, Mr. President.

25 And I believe I have tried to answer this

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 174

1 question to the best of my ability. What this bill
2 does is provides legislative oversight to districts
3 that have not been looked at in over 50 years.

4 PRESIDENT SIMPSON: Leader Farmer, you're
5 recognized.

6 SENATOR FARMER: Can you cite to me the
7 line number of this bill, please, that says that
8 these six districts don't serve a public purpose?

9 PRESIDENT SIMPSON: Senator Bradley, you're
10 recognized.

11 SENATOR BRADLEY: Thank you, Mr. President.
12 I -- is that a rhetorical question?

13 PRESIDENT SIMPSON: Leader Farmer, you're
14 recognized.

15 SENATOR FARMER: No. It's a dead serious
16 question. Where in this bill does it say that these
17 six districts don't serve a public purpose?

18 PRESIDENT SIMPSON: Senator Bradley, you're
19 recognized.

20 SENATOR BRADLEY: Thank you, Mr. President.
21 There is no line on the bill that indicates
22 they don't serve a public purpose. That is the
23 point of coming back and letting us make that
24 determination.

25 PRESIDENT SIMPSON: Leader Farmer, you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 175

1 recognized.

2 SENATOR FARMER: Thank you for conceding
3 that there's nothing in this bill that says they
4 don't serve a public purpose.

5 Now, my follow-up question is: assume for
6 the purposes of the question we don't reenact these
7 six districts next year, those -- the residents of
8 those six districts will, by operation of law, be
9 required to assume the liabilities previously held
10 by the six districts, correct?

11 PRESIDENT SIMPSON: Senator Bradley, you're
12 recognized.

13 SENATOR BRADLEY: Thank you, Mr. President.
14 That's incorrect. It's the general purpose
15 government that would be transferred the debts and
16 liabilities.

17 PRESIDENT SIMPSON: Leader Farmer, you're
18 recognized.

19 SENATOR FARMER: Don't the residents of
20 those general purpose governments support and fund
21 those governments through their taxes?

22 PRESIDENT SIMPSON: Senator Bradley, you're
23 recognized.

24 SENATOR BRADLEY: Thank you, Mr. President.
25 My point is that the district may only be a

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 176

1 small portion of the county or the special purpose
2 government. So there is not a -- the general
3 purpose government.

4 There's not a referendum county-wide if the
5 district only includes a portion of it. The
6 referendum is with regard to the members of the
7 district.

8 PRESIDENT SIMPSON: Leader Farmer, you're
9 recognized.

10 SENATOR FARMER: Oh, okay. So the 1.7
11 million -- 1.7 million residents of all of Osceola
12 and Orange County aren't going to have to pay. Just
13 the residents of those counties that also reside
14 within the geographical boundaries of Reedy Creek
15 will have to pay the \$1,000,000,000 in debt service
16 obligation?

17 PRESIDENT SIMPSON: Senator Bradley, you're
18 recognized.

19 SENATOR BRADLEY: Thank you, Mr. President.

20 The statute provides that the debts and
21 obligations transfer to the local purpose -- to the
22 general purpose government. And the referendum --
23 two different statutes. The referendum that you're
24 speaking of is with regard to the electors of the
25 district.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 177

1 PRESIDENT SIMPSON: Leader Farmer, you're
2 recognized.

3 SENATOR FARMER: So all the residents of
4 the general purpose government district will have to
5 pay, but only the residents that live within the
6 boundaries of the Reedy Creek district will get to
7 vote?

8 PRESIDENT SIMPSON: Senator Bradley, you're
9 recognized.

10 SENATOR BRADLEY: Thank you, Mr. President.

11 Well, first of all, nothing has been
12 dissolved by operation of this law today. And so as
13 we go forward, all of those decisions will be -- we
14 will have the authority and the obligation to see
15 them through.

16 But it is by operation of law right now,
17 the debts and liabilities go to the general purpose
18 government. And the referendum contemplated in the
19 statutory section we're talking about is a vote of
20 the electors.

21 PRESIDENT SIMPSON: Leader Farmer, you're
22 recognized.

23 SENATOR FARMER: So you are conceding that
24 the electors should have the right to vote on
25 whether they assume this liability?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 178

1 PRESIDENT SIMPSON: Senator Bradley, you're
2 recognized.

3 SENATOR BRADLEY: Thank you, Mr. President.

4 No. I'm simply stating that that's what
5 the statute currently provides.

6 PRESIDENT SIMPSON: Leader Farmer, you're
7 recognized.

8 SENATOR FARMER: Thank you, Mr. President.
9 I think I've made my point. Thank you.

10 PRESIDENT SIMPSON: Are there --

11 Senator Berman, you're recognized.

12 SENATOR BERMAN: Thank you, Mr. President.

13 Senator, why -- what is the rush that we
14 need to be doing this with less than one-day notice,
15 and why are we doing it during the special session?

16 PRESIDENT SIMPSON: Senator Bradley, you're
17 recognized.

18 SENATOR BRADLEY: Thank you, Mr. President.

19 And by operation of the call of special
20 session, this was a part of the call. And we're
21 going to consider it today during this special
22 session.

23 I think that over the last few weeks, we
24 have grown to understand some of the powers that
25 some of these independent special districts have,

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 179

1 and they can be quite sweeping.

2 And so what this does is set in motion a
3 timeline so that we can do that necessary
4 reevaluation of districts that haven't been
5 reevaluated.

6 PRESIDENT SIMPSON: Senator Berman, you're
7 recognized.

8 SENATOR BERMAN: Thank you, Mr. President.

9 So I kind of just like with the idea about
10 serving the public purpose not actually being
11 written into the statute, I kind of feel the same
12 way about this issue of legislative oversight.

13 I'm reading the statute -- the bill, and it
14 says that the district is going to be dissolved
15 effective June 1st, 2023. Where does it say that
16 we're going to take the time to do any legislative
17 oversight?

18 PRESIDENT SIMPSON: Senator Bradley, you're
19 recognized.

20 SENATOR BRADLEY: Thank you, Mr. President.

21 Well, it goes on to say that they can be
22 reestablished after June 1st. So it gives time to
23 come back and renew or renegotiate and work on the
24 scope and purpose of the district.

25 PRESIDENT SIMPSON: Senator Berman, you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 180

1 recognized.

2 SENATOR BERMAN: Thank you, Mr. President.

3 So you're saying just because it's -- that
4 just because we have a rate to renew that's implied
5 that there's going to be legislative oversight in
6 looking at the statute?

7 I mean why don't you just say in here we
8 will take the time to determine if there's a public
9 purpose. We will look at the statute for
10 legislative oversight. And if we find that there is
11 a problem, then they will be dissolved.

12 Why is it an immediate dissolving versus
13 more oversight and public purpose review before you
14 get to the dissolution?

15 PRESIDENT SIMPSON: Senator Bradley, you're
16 recognized.

17 SENATOR BRADLEY: Thank you, Mr. President.

18 And there is not immediate dissolution.
19 The very purpose of a year with the idea that we're
20 going to go back and have that reevaluation and the
21 ability to renew and reestablish the districts,
22 that's why that time period is built in.

23 PRESIDENT SIMPSON: Senator Berman, you're
24 recognized.

25 SENATOR BERMAN: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 181

1 So if I have a business and somebody says
2 to me your business will be dissolved on --
3 effective June 1st, 2023, isn't that going to hurt
4 my business and my ability to do business if it's
5 stated that absolutely on that date that is what
6 will happen?

7 PRESIDENT SIMPSON: Senator Bradley, you're
8 recognized.

9 SENATOR BRADLEY: Thank you, Mr. President.
10 These special districts, we -- there is
11 transitions that will occur should they be
12 dissolved. Should we come back and there isn't a
13 renewal, there isn't a reestablishment of the
14 independent special district, then that transition
15 will happen. And we will do it.

16 It will be a -- for depending on the size
17 of the business -- of the district, certainly Reedy
18 will be a more complicated dissolution than, say, a
19 local development authority. But that's a process
20 that we can undertake and we're equipped to
21 undertake.

22 PRESIDENT SIMPSON: Senator Berman, you're
23 recognized.

24 SENATOR BERMAN: Thank you, Mr. President.
25 So if I wanted to bond -- if I was one of

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 182

1 these districts and I wanted to bond something which
2 was in my ability, do you think a business would let
3 -- any bonding company would let me bond in that
4 time period while I'm in this limbo period?

5 PRESIDENT SIMPSON: Senator Bradley, you're
6 recognized.

7 SENATOR BRADLEY: Thank you, Mr. President.

8 And I can't speculate what a bond company
9 would do.

10 PRESIDENT SIMPSON: Senator Berman.

11 SENATOR BERMAN: Thank you, Mr. President.

12 Yeah. But aren't you concerned that by
13 passing this law which says they have to be
14 dissolved effective June 1, 2023, we're hampering
15 their ability to function in the future?

16 PRESIDENT SIMPSON: Senator Bradley, you're
17 recognized.

18 SENATOR BRADLEY: Thank you, Mr. President.

19 I think we're encouraging discussion.

20 PRESIDENT SIMPSON: Senator Berman, you're
21 recognized.

22 SENATOR BERMAN: This is my last question.

23 If we're trying to encourage discussion, why don't
24 we put that into the statute, make it more clear, as
25 opposed to saying it will be dissolved effective

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 183

1 this date and it can be reconstituted?

2 Why aren't we clear, these are the things
3 we're looking at, so that we give everyone notice
4 about what we're trying to do, as opposed to just
5 dissolving it and saying you can be reconstituted?

6 PRESIDENT SIMPSON: Senator Bradley, you're
7 recognized.

8 SENATOR BRADLEY: Thank you, Mr. President.

9 And I think setting in place this process
10 where we have a year, we say they can reconstitute,
11 and through this process, we're inviting them, it
12 affects six districts, I'm sure they will be
13 encouraged to be a part of the conversation.

14 PRESIDENT SIMPSON: Thank you.

15 Senator Powell, you have a question?
16 You're recognized.

17 SENATOR POWELL: Thank you, Mr. President.

18 Senator Bradley, this affects six
19 districts. I'm not sure if I heard anybody say
20 which districts they are. Do you know which
21 districts they are off the top of your head?

22 SENATOR BRADLEY: Thank you, Senator
23 Powell. They are Hamilton County Development
24 Authority in Hamilton County; Bradford County
25 Development Authority in Bradford County; Sunshine

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 184

1 Water Control District in Broward County; Reedy
2 Creek Improvement District, which is a multi-county
3 district including Orange and Osceola; and East
4 Point Water Sewer District in Franklin County; and
5 Marion County Law Library in Marion County.

6 PRESIDENT SIMPSON: Senator Powell, you're
7 recognized.

8 SENATOR POWELL: Thank you, Mr. President.

9 As a follow-up to that, are these special
10 districts governed by any type of boards already?

11 PRESIDENT SIMPSON: Senator Bradley, you're
12 recognized.

13 SENATOR BRADLEY: Thank you, Mr. President.

14 And, yes. They each have a -- some are
15 subject to Governor appointment, and some are
16 elected.

17 PRESIDENT SIMPSON: Senator Powell, you're
18 recognized.

19 SENATOR POWELL: Thank you, Mr. President.

20 As far as this additional oversight that
21 these districts will be looked at on June 1st, 2023,
22 and they can be reissued by July -- the bill takes
23 effect July 1st, 2023. So you got that month in
24 between where these special -- these independent
25 special districts affected by the bill can be

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 185

1 reestablished.

2 This additional oversight, is this
3 additional regulation that the Legislature is adding
4 in terms of looking at special districts?

5 Is this more government oversight, more
6 government regulation?

7 PRESIDENT SIMPSON: Senator Bradley, you're
8 recognized.

9 SENATOR BRADLEY: Thank you. Thank you,
10 Mr. President.

11 And Senator Powell, the bill, just so that
12 we're -- just for clarification, the bill provides
13 that the dissolution would be effective June 1st,
14 and that there could be reestablishment anytime
15 after June 1st. So there isn't a -- that month gap.

16 And I wouldn't characterize the bill as
17 coming in and providing additional oversight. I
18 would characterize it as providing an opportunity
19 for the Legislature to look at the independent
20 special districts and see if they're still
21 performing the role and public purpose that they
22 were created to do.

23 PRESIDENT SIMPSON: Senator Powell, you're
24 recognized.

25 SENATOR POWELL: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 186

1 Senator Bradley, as we look and we indicate
2 -- and I guess there's -- there could be broad
3 ranges of what we could consider special purposes
4 for these particular special districts.

5 When we talk about the purpose and the
6 reestablishment potentially after June 1, 2023, does
7 the original intent or original special purpose that
8 the district was designed for, is that in
9 consideration, or could there be other purposes that
10 have been -- it has morphed into since the
11 establishment of that special district that it now
12 serves a different purpose, but it's still a special
13 purpose for the special district?

14 Is that also evaluated or a part of the
15 evaluation criteria?

16 PRESIDENT SIMPSON: Senator Bradley, you're
17 recognized.

18 SENATOR BRADLEY: Thank you, Mr. President.

19 And Senator Powell, we will evaluate the
20 scope and appropriateness of the powers of the
21 special district as they exist today. Do they make
22 sense today?

23 Some special district, for example, Reedy
24 Creek, it was set up years ago based on a vision to
25 create a prototype city of the future. It

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 187

1 contemplated residents, businesses, and a host of
2 things that don't currently exist there. Now it
3 functions more as an entertainment complex, if you
4 will.

5 But -- so a lot of the powers that are
6 afforded to the districts, being able to, you know,
7 provide a nuclear reactor, is -- you know, that
8 would be something for us to consider; is that an
9 appropriate use of power, is that appropriate
10 delegation of power to that independent special
11 district.

12 PRESIDENT SIMPSON: Are there any
13 additional questions?

14 Senator Pizzo, you're recognized.

15 SENATOR PIZZO: Thank you, Mr. President.

16 Senator Bradley, when did you first read
17 this bill?

18 PRESIDENT SIMPSON: Senator Bradley, you're
19 recognized.

20 SENATOR BRADLEY: Thank you, Mr. President.

21 I read the -- I received a copy of the bill
22 yesterday. It's my bill. It was drafted by
23 professional -- you know, by our professional bill
24 drafters. And it is -- it's my bill that we worked
25 on yesterday.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 188

1 PRESIDENT SIMPSON: Senator Pizzo, you're
2 recognized.

3 SENATOR PIZZO: Thank you, Mr. President.

4 So you submitted a draft to bill drafting
5 to put in on your behalf to file this bill?

6 PRESIDENT SIMPSON: Senator Bradley, you're
7 recognized.

8 SENATOR BRADLEY: Thank you, Mr. President.

9 I was -- I had a copy of a bill that was
10 drafted by our bill drafters that I considered.

11 PRESIDENT SIMPSON: Senator Pizzo, you're
12 recognized.

13 SENATOR PIZZO: Thank you.

14 So Community Affairs staff gave you a copy
15 of a bill that was then filed with bill drafting
16 that you carry here today?

17 PRESIDENT SIMPSON: Senator Bradley, you're
18 recognized.

19 SENATOR BRADLEY: Thank you, Mr. President.

20 I want to make sure I'm answering what --
21 your question is did I get -- did I receive a copy
22 of the bill from Community Affairs staff that was
23 then filed?

24 SENATOR PIZZO: Yes.

25 PRESIDENT SIMPSON: You're recognized.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 189

1 SENATOR BRADLEY: Thank you, Mr. President.

2 Yes.

3 SENATOR PIZZO: And --

4 PRESIDENT SIMPSON: Senator Pizzo, you're
5 recognized.

6 SENATOR PIZZO: Thank you.

7 And do you know who gave Community Affairs
8 staff that bill?

9 PRESIDENT SIMPSON: Senator Bradley, you're
10 recognized.

11 SENATOR BRADLEY: Thank you, Mr. President.

12 I do not.

13 PRESIDENT SIMPSON: Senator Pizzo, you're
14 recognized.

15 SENATOR PIZZO: Thank you.

16 Would it be appropriate to ask staff if
17 they know who gave them a bill that you filed?

18 PRESIDENT SIMPSON: Senator Bradley, you're
19 recognized.

20 SENATOR BRADLEY: The bill that I filed was
21 my bill that was a collaboration drawn by the bill
22 drafters and filed, but that is -- that's my bill.

23 PRESIDENT SIMPSON: Senator Pizzo, you're
24 recognized.

25 SENATOR PIZZO: Thank you.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 190

1 Which line of the bill specifically did you
2 draft?

3 PRESIDENT SIMPSON: Senator Bradley, you're
4 recognized.

5 SENATOR BRADLEY: Thank you, Mr. President.

6 As I indicated, I did not draft the
7 specific language of the bill.

8 PRESIDENT SIMPSON: Senator Pizzo, you're
9 recognized.

10 SENATOR PIZZO: Thank you.

11 Who created the independent special
12 district that's known as Reedy Creek?

13 PRESIDENT SIMPSON: Senator Bradley, you're
14 recognized.

15 SENATOR BRADLEY: Thank you, Mr. President.

16 The Legislature by a special act.

17 PRESIDENT SIMPSON: Senator Pizzo, you're
18 recognized.

19 SENATOR PIZZO: Thank you, Mr. President.

20 And along with being a special district,
21 there's a whole accountability program, duties and
22 responsibilities as enumerated in Florida Statute
23 189.064. I'm assuming you're familiar with some of
24 them that are in there, yes?

25 PRESIDENT SIMPSON: Senator Bradley, you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 191

1 recognized.

2 SENATOR BRADLEY: Yes.

3 SENATOR PIZZO: Okay. Going down --

4 Thank you, Mr. President.

5 Going down this list of electronically
6 publishing noncompliance status reports, maintaining
7 official lists of special districts set forth,
8 publishing and updating, et cetera, et cetera, et
9 cetera.

10 Which of any of these duties and
11 obligations and responsibilities of Reedy Creek has
12 Disney, for lack of a better term, not complied
13 with?

14 PRESIDENT SIMPSON: Senator Bradley, you're
15 recognized.

16 SENATOR BRADLEY: Thank you, Mr. President.

17 In independent special districts, they have
18 to comply with 189. They also comply with public
19 records. They are subject to other statutory
20 oversights.

21 Beyond that, their ability to create their
22 own rules, and Reedy Creek's in particular, is
23 pretty vast. But they are subject to some statutory
24 oversight.

25 PRESIDENT SIMPSON: Senator Pizzo, you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 192

1 recognized.

2 SENATOR PIZZO: Thank you, Mr. President.

3 And which of those that you've laid out,
4 not just the special duties and obligations as being
5 a special district, but other statutory guidelines,
6 benchmarks, requirements, have they not complied
7 with?

8 PRESIDENT SIMPSON: Senator Bradley, you're
9 recognized.

10 SENATOR BRADLEY: Thank you, Mr. President.

11 And I am not aware of any statutory
12 provisions that they are currently not complying
13 with.

14 PRESIDENT SIMPSON: Senator Pizzo, you're
15 recognized.

16 SENATOR PIZZO: Do you have any
17 recollection or knowledge of any time in the past 50
18 -- what, 54 years that they have not complied with
19 what's required of them by statute?

20 PRESIDENT SIMPSON: Senator Bradley, you're
21 recognized.

22 SENATOR BRADLEY: Thank you, Mr. President.

23 That is not something that I know, their
24 compliance record with state law going back 50
25 years.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 193

1 PRESIDENT SIMPSON: Senator Pizzo, you're
2 recognized.

3 SENATOR PIZZO: Thank you.

4 Are you aware that under 189.072, which is
5 specified in your bill, of the three types of
6 dissolution methods that there are for a special
7 district?

8 PRESIDENT SIMPSON: Senator Bradley, you're
9 recognized.

10 SENATOR BRADLEY: Thank you, Mr. President.
11 The question is what are the three
12 different types of dissolution?

13 SENATOR PIZZO: Correct.

14 PRESIDENT SIMPSON: You're recognized.

15 SENATOR BRADLEY: Thank you, Mr. President.
16 The type of dissolution contemplated in
17 this bill is legislative dissolution.

18 PRESIDENT SIMPSON: Senator Pizzo, you're
19 recognized.

20 SENATOR PIZZO: Thank you.

21 And other questions have been asked before.
22 There's voluntary dissolution. There's other types
23 of dissolutions. There's inactive, independent
24 districts and dissolution.

25 But the dissolution that you speak of,

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 194

1 which is directed by or handed down from the
2 Legislature, has attendant consequences when it
3 comes from the Legislature; would you agree?

4 PRESIDENT SIMPSON: Senator Bradley, you're
5 recognized.

6 SENATOR BRADLEY: Thank you, Mr. President.
7 Yes, when it's done by a special act.

8 SENATOR PIZZO: And --

9 PRESIDENT SIMPSON: Senator -- Senator
10 Pizzo, you're recognized.

11 SENATOR PIZZO: Thank you.

12 And those would include a transfer of
13 assets and liabilities, right?

14 PRESIDENT SIMPSON: Senator Bradley, you're
15 recognized.

16 SENATOR BRADLEY: Yes. And that's actually
17 governed by 189.076.

18 PRESIDENT SIMPSON: Senator Pizzo, you're
19 recognized.

20 SENATOR PIZZO: Thank you, Mr. President.

21 Now, the same statute, the same chapter,
22 also speaks to 189.055. Says special districts are
23 to be treated as municipalities.

24 Are you familiar with what happens when a
25 municipality declares, or the Governor by extension

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 195

1 declares, either a financial emergency or a special
2 situation that requires either a special master or a
3 legislative committee to oversee it?

4 PRESIDENT SIMPSON: Senator Bradley, you're
5 recognized.

6 SENATOR BRADLEY: Thank you, Mr. President.
7 I'm not familiar with municipal
8 dissolution.

9 PRESIDENT SIMPSON: Senator Pizzo, you're
10 recognized.

11 SENATOR PIZZO: Thank you, Mr. President.

12 And I believe it was June of 2016 -- I
13 think we both know a senator that may have served on
14 a joint committee.

15 But are you familiar with when a city
16 declares a financial emergency that the process is
17 the Governor, therefore, recognizes that financial
18 emergency and appoints a board which acts as a
19 special master to control each and every single type
20 of operation over a city when that happens?

21 PRESIDENT SIMPSON: Senator --

22 SENATOR PIZZO: Like we have for Opa-locka
23 right now?

24 PRESIDENT SIMPSON: Senator Bradley, you're
25 recognized.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 196

1 SENATOR BRADLEY: Thank you -- thank you,
2 Mr. President.

3 SENATOR BRADLEY: Yes. I'm aware that
4 municipalities can be dissolved, but the specific
5 mechanics of the oversight and the authorities that
6 step in and make those decisions, I'm not versed in
7 those specifics.

8 PRESIDENT SIMPSON: Senator Pizzo, you're
9 recognized.

10 SENATOR PIZZO: Are you -- you are an
11 attorney so you're aware of sometimes a loan
12 document, a bond referendum, a type of contract,
13 might include something called an acceleration
14 clause. Are you familiar with an acceleration
15 clause is?

16 PRESIDENT SIMPSON: Senator Bradley, you're
17 recognized.

18 SENATOR BRADLEY: Thank you, Mr. President.
19 Yes.

20 PRESIDENT SIMPSON: Senator Pizzo, you're
21 recognized.

22 SENATOR PIZZO: Thank you, Mr. President.

23 And what are some types of events or
24 transactions that may trigger an acceleration
25 clause?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 197

1 PRESIDENT SIMPSON: Senator Bradley, you're
2 recognized.

3 SENATOR BRADLEY: Thank you, Mr. President.
4 Possibly, dissolution.

5 PRESIDENT SIMPSON: Senator Pizzo, you're
6 recognized.

7 SENATOR PIZZO: Thank you, Mr. President.

8 So in trying to reconcile if there is
9 language in a loan or a bond -- you know, a revenue
10 bond, so to speak, that has an acceleration clause
11 in it, but statute clearly specifies in 189.076,
12 which we just talked about, what holds precedent?

13 Does Disney have to accelerate and come due
14 all of that debt immediately upon dissolution, which
15 might be a triggering event, or does statute prevail
16 and preempt that acceleration clause and say no,
17 Disney doesn't have to pay it, Bay Lake, Lake Buena
18 Vista, Orange, and Osceola, assume that debt?

19 PRESIDENT SIMPSON: Senator Bradley, you're
20 recognized.

21 SENATOR BRADLEY: Thank you, Mr. President.

22 And I think that your question gets to the
23 -- an unavoidable point, which is if there were to
24 be a dissolution, there would be some complex issues
25 that would need to be worked out.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 198

1 We would have four general purpose
2 governments that would probably engage in interlocal
3 agreements. There would be, surely, maybe a role
4 for the Legislature to handle some of these issues
5 as we go forward next session.

6 But the specific answer of priority and --
7 I -- you know, those are -- it portends what would
8 occur if there was, in fact, a dissolution.

9 PRESIDENT SIMPSON: Pizzo, you're
10 recognized.

11 SENATOR PIZZO: Thank you.

12 And Senator Bradley, if we were talking
13 about mineral rights, oil rigs, fracking operations,
14 a stadium, that had some nexus to government control
15 or quasi government control, whatever, I could
16 understand it.

17 But I guess my question is just to say that
18 there's a transfer of assets and liabilities, are
19 you contemplating that Space Mountain becomes the
20 property, an asset?

21 I mean, are we saying here today -- we're
22 talking about assets. Are we saying that the theme
23 park is going to become the asset of Orange,
24 Osceola, and/or the two municipalities?

25 PRESIDENT SIMPSON: Senator Bradley, you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 199

1 recognized.

2 SENATOR BRADLEY: Thank you, Mr. President.

3 What I'm saying is if there is a
4 dissolution, there will be an orderly transfer of
5 assets and liabilities. Bay Lake is -- the city of
6 Bay Lake is the home of four theme parks and both
7 water parks. And so they may become municipal
8 assets.

9 But we will -- we will determine that as we
10 go forward with the dissolution and determine
11 exactly how that dissolution and how that transfer
12 occurs, if and when that occurs.

13 PRESIDENT SIMPSON: Senator Pizzo, you're
14 recognized.

15 SENATOR PIZZO: Would you classify that
16 action as a taking or eminent domain?

17 PRESIDENT SIMPSON: Senator Bradley, you're
18 recognized.

19 SENATOR BRADLEY: I would back up from my
20 previous comment and say that when there is an --
21 there will be an orderly transfer of assets and
22 liabilities in the event there's a dissolution.

23 PRESIDENT SIMPSON: Senator Pizzo, you're
24 recognized.

25 SENATOR PIZZO: Thank you.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 200

1 Under which authority would those cities
2 take or receive the assets of another entity?

3 Under which authority, state, or just by
4 operation of the dissolution in statute?

5 PRESIDENT SIMPSON: Senator Bradley, you're
6 recognized.

7 SENATOR BRADLEY: Thank you, Mr. President.

8 There would be a company existing in that
9 municipality.

10 PRESIDENT SIMPSON: Senator Pizzo, you're
11 recognized.

12 SENATOR PIZZO: Is there a method for the
13 local general government now to move forward with
14 the dissolution of the same exact special district?

15 Do they have the power to do what you're
16 attempting to do here with your bill?

17 PRESIDENT SIMPSON: Senator Bradley, you're
18 recognized.

19 SENATOR BRADLEY: Thank you, Mr. President.

20 No, I do not believe they do.

21 PRESIDENT SIMPSON: Senator Pizzo, you're
22 recognized.

23 SENATOR PIZZO: If you recall, when we were
24 both in law school, what's the very first axiom of
25 contract law; you can never make what?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 201

1 You can never make another man your debtor;
2 you remember that?

3 SENATOR BRADLEY: Okay.

4 PRESIDENT SIMPSON: Senator Pizzo, we
5 should keep this to the bill.

6 SENATOR PIZZO: Okay. I am.

7 PRESIDENT SIMPSON: You're recognized for a
8 question.

9 SENATOR PIZZO: Okay.

10 So an individual or an entity that has
11 risked hundreds and hundreds and hundreds of
12 millions of dollars in risk capital to construct,
13 develop, and operate parks, sanitary sewer water
14 treatment, electric power grid, roadways,
15 improvements, and is bonded at such, this bill is
16 going to take all of that away from them and give it
17 to two cities and/or two counties that have neither
18 asked for it, nor want it, never come here and
19 complained, to an entity that's never violated in 50
20 years any of the tenets and requirements by statute.

21 We're going to take it away from a private
22 corporation, as defined by statute, and give it to
23 public entities that never asked for it. Does that
24 sound like democracy?

25 PRESIDENT SIMPSON: Senator Bradley, you're

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 202

1 recognized.

2 SENATOR BRADLEY: Thank you, Mr. President.

3 And I think the concern here is the fact
4 that the independent special district was created
5 for one company. And they are one in the same. You
6 basically have a government company.

7 And what we are doing is just dissolving
8 that independent special district, which is not a
9 novel concept. That has happened in the state of
10 Florida many times.

11 We are dissolving the independent special
12 district, and they can operate under the structure
13 of a municipal government and county governments,
14 much like other theme parks and other entities
15 operate in the state of Florida.

16 PRESIDENT SIMPSON: Senator Pizzo, you're
17 recognized.

18 SENATOR PIZZO: Thank you.

19 Can you name one or two other situations
20 where we dissolved an independent district that was
21 not profitable and/or in the black on employing and
22 operating that district?

23 PRESIDENT SIMPSON: Senator Bradley, you're
24 recognized.

25 SENATOR BRADLEY: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 203

1 No, I cannot right now.

2 PRESIDENT SIMPSON: Senator Pizzo, you're
3 recognized.

4 SENATOR PIZZO: So -- and I would agree
5 with you if there was language in the bill that
6 spoke to bankruptcy, but there's not.

7 So my question is -- this sort of sums up
8 all of my questions into one. You have the word
9 that we all spoke at length about when Senator
10 Albritton had 2508, what's the meaning of the word
11 notwithstanding.

12 Basically, what you're saying is everything
13 that's in 189.072(2) has no standing as it relates
14 to what we're going to pass or what bill is going to
15 pass. You can throw notwithstanding in front of the
16 Fourth Amendment if you want at this point. You can
17 throw notwithstanding in front of any criminal
18 statute that we have.

19 Basically, what we're saying, just to be
20 clear, when you use the word notwithstanding in this
21 bill, you're saying that 189.072(2) has no standing
22 and no play and is not applicable to anything that
23 we're about to contemplate and vote on, correct?

24 PRESIDENT SIMPSON: Senator Bradley, you're
25 recognized.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 204

1 SENATOR BRADLEY: Thank you, Mr. President.

2 That is correct. I'm saying

3 notwithstanding 189.072, we are going to go forward

4 and set in process in motion where we spend the next

5 year providing some legislative reevaluation of

6 these six independent special districts.

7 PRESIDENT SIMPSON: Senator Pizzo, you're

8 recognized.

9 SENATOR PIZZO: So I'm going to just ask

10 objectively for a commitment here. If this passes,

11 when it passes, and either reflexively or an

12 informed and engaged local electorate runs to either

13 you or to this body or to leadership and says we

14 don't want it, it's been made very clear that we

15 don't get to enjoy the benefit of these assets, only

16 the burden of the debt thereon, we don't want it,

17 why did you do this, please no, return to sender, do

18 I have your commitment that this won't go forward?

19 PRESIDENT SIMPSON: Senator Bradley, you're

20 recognized.

21 SENATOR BRADLEY: Thank you, Mr. President.

22 You have my commitment that when we review

23 these independent special districts we will look at

24 the scope of their powers. We will look at what

25 they're allowed to do. We will look at whether or

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 205

1 not they are able to operate a nuclear power plant,
2 whether or not they're able to exercise eminent
3 domain outside their borders.

4 We will look carefully at the scope of each
5 and every -- each of these six independent special
6 districts to determine whether it's our legislative
7 intent that they should go forth, or whether they
8 should be renegotiated or amended.

9 PRESIDENT SIMPSON: Pizzo, you're --

10 SENATOR PIZZO: Thank you, Mr. President.

11 PRESIDENT SIMPSON: Senator Pizzo, you're
12 recognized.

13 SENATOR PIZZO: Very last. When -- I
14 remember when Senator Bean had a bill that spoke to
15 going back because there was an event that prompted
16 taking a look at, wait, we overlooked when we
17 amended the Constitution that we actually left out
18 the correct percentages on a number of cabinet
19 members that are necessary to confirm somebody.

20 So I actually voted yes on that bill
21 because I did think that a particular event sparked
22 a review retroactively at something that we
23 overlooked as far as the numbers of cabinet members
24 and all that stuff.

25 So I just got to ask you what specifically

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 206

1 prompted you to file this bill?

2 And I guess more specifically, what did
3 Disney do wrong that you filed this bill?

4 PRESIDENT SIMPSON: Senator Bradley, you're
5 recognized.

6 SENATOR BRADLEY: Thank you, Mr. President.

7 And I think over the course of the last
8 several weeks a lot of individuals and a lot of
9 Floridians' eyes were opened to the incredible scope
10 of powers that exist within some of our independent
11 special districts; some of the powers that I just
12 described.

13 And there's independent special districts
14 throughout the state. They haven't been evaluated
15 in over 50 years. That's our job as a Legislature
16 because we give them that power. And I think it's
17 appropriate for us to provide that oversight. And
18 so that is the -- that is what's occurred over the
19 last several weeks.

20 PRESIDENT SIMPSON: Thank you.

21 Are there any additional questions?

22 Leader Book, you're recognized.

23 SENATOR BOOK: Thank you, Mr. President.

24 And thank you so much. I know it's been a
25 long day. And you said something in the last minute

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 207

1 or two that made me pause.

2 And I just want to ask, since we've been
3 back, you said in the last couple of weeks
4 Floridians have been looking at these special
5 districts and the power that they have.

6 The last several weeks since we've been
7 here, a lot of our constituents, my constituents,
8 have been talking about property insurance, being
9 able to put food on the table, prescription
10 coverage, the economy, condo reform. Not this.

11 So who has reached out, because this is a
12 very serious issue, when you say that that's
13 happening?

14 PRESIDENT SIMPSON: Senator Bradley, you're
15 recognized.

16 SENATOR BRADLEY: Thank you, Mr. President.

17 And can you -- was your question what do I
18 say when -- what is my response to those people? I
19 missed the very last part of your question.

20 PRESIDENT SIMPSON: Senator Book, you're
21 recognized.

22 SENATOR BOOK: Thank you, Mr. President.

23 In your back and forth with Senator Pizzo,
24 we were talking a little bit about in the last
25 several weeks your comment was constituents have

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 208

1 been looking at, or people have been looking at, the
2 extreme power that these special districts have.

3 And my comment is those aren't the things
4 that the caucus that I lead has been hearing.
5 That's not the things that my constituents have been
6 saying. So I'm wondering have you been getting that
7 feedback?

8 PRESIDENT SIMPSON: Senator Bradley, you're
9 recognized.

10 SENATOR BRADLEY: Thank you, Mr. President.

11 And I would say two things. One, yes, I
12 actually -- I have gotten feedback from folks about
13 concerned about some of the broad, broad powers that
14 are -- that exist in some of our independent special
15 districts. And two, that's not to the exclusion of
16 other very important issues that continue to exist.

17 But at this special session in this
18 expanded call, that is the issue we're talking
19 about.

20 And I also want to take one moment just to
21 clarify a comment I made earlier. The parks will
22 not become municipal assets. I misspoke.

23 PRESIDENT SIMPSON: Leader Book, you're
24 recognized.

25 SENATOR BOOK: To that comment, I'm very

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 209

1 glad, because, you know, Dumbo and things, should
2 make sure that we don't have those things within
3 municipal governments. So, thank you.

4 PRESIDENT SIMPSON: Are there any
5 additional questions?

6 Is there any further comment by the bill
7 sponsor?

8 Yeah. Senator Book, that was pretty
9 insensitive about Pizzo, but whatever.

10 Senator Bradley, would you like to make any
11 additional comments?

12 Pursuant to Rule 4.19, the bill is placed
13 on the calendar. The bill is on third reading.
14 Read the next bill.

15 UNIDENTIFIED MAIL: Senate Bill 6-C, a bill
16 to be entitled, "An Act Relating to Social Media
17 Platforms."

18 PRESIDENT SIMPSON: It is Senator Bradley
19 Day in the Florida Senate.

20 Senator Bradley, you're recognized to
21 explain your bill.

22 SENATOR BRADLEY: Thank you, Mr. President.

23 This bill removes three lines from Senate
24 Bill 7072, which we passed in the 2021 session,
25 that, as you recall, deals with the conduct of

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 210

1 social media platforms.

2 Today's bill is very narrow. It simply
3 removes the exemption for platforms under common
4 ownership with a Florida theme park or entertainment
5 complex. Those entities were exempted in the prior
6 bill. And in this bill, repeals that exemption.

7 PRESIDENT SIMPSON: Are there amendments?

8 UNIDENTIFIED MAIL: On the desk, Mr.
9 President.

10 PRESIDENT SIMPSON: Read the first
11 amendment.

12 UNIDENTIFIED MAIL: Late Filed Amendment
13 Barcode 778976, by Senator Farmer, delete line 37
14 and insert amendment.

15 PRESIDENT SIMPSON: Senator Farmer --
16 Leader Farmer, you're recognized on your amendment.

17 SENATOR FARMER: Thank you, Mr. President.
18 I was just gesturing to my colleagues what a
19 friendly amendment this truly is.

20 In all seriousness, this amendment will
21 ensure that in-house publications or digital sites
22 that are designed to drive tourism to Florida, are
23 not mischaracterized as social media platforms.
24 That is the amendment.

25 PRESIDENT SIMPSON: Are there questions?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 211

1 Are there questions?

2 Is there any debate on the amendment?

3 Any debate?

4 Senator Bradley, you're recognized in
5 debate.

6 SENATOR BRADLEY: Thank you, Mr. President.

7 And despite the spirit with which it was
8 offered, I will -- this is an unfriendly amendment.
9 This bill is very narrow, and it is just to remove
10 the exemption that currently exists for theme parks
11 and entertainment complexes.

12 PRESIDENT SIMPSON: Leader Farmer, you're
13 recognized to close on your amendment.

14 SENATOR FARMER: Well, clearly, Senator
15 Bradley was distracted and she missed my J. Bieb's
16 heart-shaped hand gesture as to the friendliness of
17 this amendment. No. Listen, in all -- we're all a
18 little fatigued here today. It's been a long day.

19 But we're talking about very protected free
20 speech rights here. And this amendment would ensure
21 that streaming services are not lumped into true
22 social media outlets like Twitter and Facebook.

23 The definition in this statute is overly
24 broad, and, therefore, really ineffective. This
25 amendment would only count for content that is

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 212

1 published directly by the host and not media content
2 published by the general public or platform users.
3 And it makes sure, as I said, that internet-based
4 media services are not lumped into services designed
5 to facilitate the ability of the general public to
6 participate in public discussion.

7 What we're talking about here is when
8 you're going around Disney World, they've got an
9 app, and you comment, you know, this ride was great,
10 this line was too long, this burrito stunk, you
11 know, whatever it is. That was not the intent of
12 this bill last year. I don't believe it's the
13 intent of this bill this year.

14 And so this amendment is really intended to
15 narrow the focus where the sponsor and, frankly, the
16 Governor have said they want to go with this
17 legislation. So in all seriousness, you really
18 shouldn't do this to the general public.

19 We are a tourism-based state. We derive so
20 much revenue from attendance at Disney. It's an
21 interactive experience. You know, you find the
22 Mickeys. You post that stuff online. That's not
23 the type of contact -- content that should be
24 restricted.

25 It's antithetical to our goal as a tourism-

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 213

1 based state to draw people here if we're going to
2 take away what they have found to be an effective
3 and fun mode of communication on these sites.

4 So it really is a good amendment, and you
5 should vote for it. Thank you.

6 PRESIDENT SIMPSON: All in favor of the
7 Farmer Amendment say yea?

8 (Multiple yea responses)

9 PRESIDENT SIMPSON: All opposed, nay.

10 (Multiple nay responses)

11 PRESIDENT SIMPSON: Show the amendment has
12 failed. Read the next amendment.

13 UNIDENTIFIED MAIL: None on the desk, Mr.
14 President.

15 PRESIDENT SIMPSON: Are there questions on
16 the bill?

17 Are there questions?

18 Is there any further comments by the
19 bill --

20 Senator Pizzo, you're recognized for a
21 question.

22 SENATOR PIZZO: Thank you, Mr. President.
23 When did you get this bill?

24 PRESIDENT SIMPSON: Senator Bradley, you're
25 recognized.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 214

1 SENATOR BRADLEY: President -- thank you,
2 Mr. President.

3 Shortly before the call was expanded.

4 PRESIDENT SIMPSON: Senator Pizzo, you're
5 recognized.

6 SENATOR PIZZO: Thank you, Mr. President.

7 You called the Governor's office to expand
8 the call since we were already up here for special
9 session for congressional reapportionment,
10 redistricting maps, you called the Governor's office
11 to ask them to expand the call to include this bill?

12 PRESIDENT SIMPSON: Senator Bradley, you're
13 recognized.

14 SENATOR BRADLEY: Thank you, Mr. President.

15 I filed this bill after the call was
16 expanded.

17 PRESIDENT SIMPSON: Senator Pizzo, you're
18 recognized.

19 SENATOR PIZZO: So the Governor called
20 to -- the Governor announced an expansion of the
21 special session to include the subject of this bill.
22 And then you were given a copy of this bill that you
23 filed; is that right?

24 PRESIDENT SIMPSON: Senator Bradley, you're
25 recognized.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 215

1 SENATOR BRADLEY: Thank you, Mr. President.

2 I received a copy of the bill the day
3 before the special session, the day before the call
4 was expanded.

5 PRESIDENT SIMPSON: And Senator Pizzo --

6 SENATOR BRADLEY: And this is --

7 PRESIDENT SIMPSON: -- this has nothing to
8 do with the bill --

9 SENATOR BRADLEY: Yeah.

10 PRESIDENT SIMPSON: -- itself, and the
11 question should be faced to -- you know, pointed to
12 the bill itself. And you're recognized for a
13 question.

14 SENATOR PIZZO: Thank you, Mr. President.
15 And I don't mean any disrespect. I typically just
16 gauge my own intensity of inquiry to the bill
17 sponsor when I know it's theirs or not theirs.

18 And I have respect for the fact that
19 sometimes people are just handed stuff and told go
20 forward as opposed to something that's deeply
21 personal to them, authentic or organic, or the
22 genesis comes out of their own district or from a
23 constituent, which I know this doesn't.

24 That was the reason for my question. I'll
25 move on, if I may.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 216

1 PRESIDENT SIMPSON: You're recognized.

2 SENATOR BRADLEY: Mr. President.

3 PRESIDENT SIMPSON: Senator Bradley, you're
4 recognized.

5 SENATOR BRADLEY: Thank you, Mr. President.

6 And I would suggest that this bill removes
7 an unconstitutional provision of a bill that we
8 passed last year. So it is personal and it is an
9 important piece of legislation.

10 PRESIDENT SIMPSON: Senator Pizzo, you're
11 recognized.

12 SENATOR PIZZO: Thank you, Mr. President.

13 Last year, Disney was carved out of the
14 iteration of the bill that passed though, correct?

15 PRESIDENT SIMPSON: Senator Bradley, you're
16 recognized.

17 SENATOR BRADLEY: Thank you, Mr. President.

18 And, yes.

19 PRESIDENT SIMPSON: Senator Pizzo, you're
20 recognized.

21 SENATOR PIZZO: Why did they get special
22 treatment?

23 PRESIDENT SIMPSON: Senator Bradley, you're
24 recognized.

25 SENATOR BRADLEY: Thank you, Mr. President.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 217

1 An excellent question.

2 PRESIDENT SIMPSON: Senator Pizzo, you're
3 recognized.

4 SENATOR PIZZO: Who carried the bill to the
5 Senate last year that carved out Disney from the
6 application of the content of the bill?

7 PRESIDENT SIMPSON: Senator Bradley, you're
8 recognized.

9 SENATOR BRADLEY: Thank you, Mr. President.
10 I believe Senator Rodrigues filed the bill.

11 PRESIDENT SIMPSON: Senator Pizzo, you're
12 recognized.

13 SENATOR PIZZO: Are you --

14 Thank you, Mr. President.

15 Are you familiar with the explanation that
16 was given both in the Senate and/or in the House as
17 to why there was an exception made for places that
18 operate theme parks with \$100,000,000 in revenue, et
19 cetera, et cetera, et cetera?

20 PRESIDENT SIMPSON: Senator Bradley, you're
21 recognized.

22 SENATOR BRADLEY: Thank you, Mr. President.

23 And I was not a part of any of those
24 negotiations. And I'm -- no. The answer to your
25 question is no.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 218

1 PRESIDENT SIMPSON: Senator Pizzo, you're
2 recognized.

3 SENATOR PIZZO: Thank you, Mr. President.

4 Is there any other company this would apply
5 to? Only because you got two bills today, and the
6 second one also has to do coincidentally with
7 Disney.

8 Are there any other companies that this
9 might apply to?

10 PRESIDENT SIMPSON: Senator Bradley, you're
11 recognized.

12 SENATOR BRADLEY: It would apply to theme
13 parks and entertainment complexes as defined in
14 509.013.

15 PRESIDENT SIMPSON: Senator Pizzo, you're
16 recognized.

17 SENATOR PIZZO: My recollection of 509.013,
18 are there anyone else by process of deduction that
19 this would apply to besides Disney?

20 PRESIDENT SIMPSON: Senator Bradley, you're
21 recognized.

22 SENATOR BRADLEY: Thank you, Mr. President.

23 And I am honestly not aware of exactly
24 which theme parks or entities would be captured by
25 509.013.

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 219

1 PRESIDENT SIMPSON: Senator Pizzo, you're
2 recognized.

3 SENATOR PIZZO: Thank you, Mr. President.

4 Had the Governor not called to expand this
5 special session to include what is the substance of
6 4-C and 6-C, would you have filed this bill?

7 PRESIDENT SIMPSON: Senator Bradley, you're
8 recognized.

9 SENATOR BRADLEY: Thank you, Mr. President.

10 I think they're both very good bills.

11 PRESIDENT SIMPSON: Senator Pizzo, you're
12 recognized.

13 SENATOR PIZZO: Thank you, Mr. President.

14 And Senator Bradley, you know I mean this
15 with the utmost respect, because I do a daily check-
16 in with you about how we're coming along with the
17 condo bill that my district really wants, really,
18 really, really wants, because 98 people died.

19 My question is would you have filed this
20 bill this week if you were not told to or asked to
21 or given this bill?

22 Would you have filed it on your own?

23 PRESIDENT SIMPSON: That's not a subject of
24 the bill, Senator Pizzo, and it's not appropriate.
25 Do you have any questions on the bill?

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 220

1 SENATOR PIZZO: Yes, I do, Mr. President.

2 PRESIDENT SIMPSON: You're recognized.

3 SENATOR PIZZO: Is this bill more important
4 than condo reform?

5 PRESIDENT SIMPSON: Senator Bradley, you're
6 recognized.

7 SENATOR BRADLEY: Thank you, Mr. President.

8 And I don't think that very, very important
9 issues are exclusive.

10 PRESIDENT SIMPSON: Thank you.

11 Are there any additional questions?

12 Is there any further comments by the bill's
13 sponsor? Seeing none, pursuant to Rule 4.19, the
14 bill is placed on the calendar. The bill is on
15 third reading.

16 Chair Passidomo, for what purpose do you
17 rise?

18 SENATOR PASSIDOMO: Thank you, Mr.
19 President. For an announcement.

20 PRESIDENT SIMPSON: You are recognized.

21 SENATOR PASSIDOMO: The special order
22 calendar group that was scheduled to meet 15 minutes
23 after adjournment is canceled.

24 PRESIDENT SIMPSON: Before I recognize the
25 Rules Chair for a motion, are there any other

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 221

1 announcements?

2 Any additional announcements?

3 Madam Rules Chair, you're recognized.

4 SENATOR PASSIDOMO: Thank you, Mr.

5 President.

6 I move that the Senate adjourn until 10
7 o'clock a.m. tomorrow for the purpose -- April --
8 Wednesday, April 20th, or upon the call of the
9 president, for the purpose of holding Committee
10 meetings and conducting other senate business.

11 PRESIDENT SIMPSON: Madam Rules Chair, does
12 that mean if I wake up real early in the morning, I
13 can call us in at 7:00?

14 SENATOR PASSIDOMO: Sure.

15 PRESIDENT SIMPSON: I'm just checking. I'm
16 just throwing that in there. You all been asking
17 questions all night. I thought I'd ask one.

18 Without objection, the Senate is now
19 adjourned for the day.

20 (END OF VIDEO RECORDING)

21

22

23

24

25

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 222

1 CERTIFICATE OF TRANSCRIPTIONIST

2 I certify that the foregoing is a true and
3 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 the
7 parties to this action, and that I am not
8 financially interested in the action.

9

10

11

12

13

14

15

16

17

18

19

20



21

Julie Thompson, CET-1036

22

23

24

25

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 1

A	accounted 90:22	46:6 59:18 88:2	African- 82:14	204:25
a.m 221:7	accounting	98:15 116:4	African-Ameri...	alluded 30:5,5
abandoned 76:20	119:16	123:19 141:24	136:10,13	109:17
111:18 113:2	accrued 22:21	142:7 143:16	afternoon 156:23	amended 50:25
ability 43:11	accurate 135:9	143:17,20	age 80:3,14,15,21	51:1,4,7 78:6
47:10 49:9	138:16 222:3	145:11 147:18	82:2,19 83:6	151:13 158:13
106:13,15	achieve 77:11	149:12,13	104:13 105:10	205:8,17
144:13 156:21	acknowledged	150:4,6 152:25	130:16 136:2	amendment 6:12
174:1 180:21	118:10 139:10	162:24,25	agencies 28:4,11	6:13,15,17,18
181:4 182:2,15	act 4:5,25 5:16	166:16 184:20	29:7 37:20	6:20,23 7:2,10
191:21 212:5	6:2 9:2,16	185:2,3,17	agency 28:20	7:12,19,25 9:6
able 31:18,21	23:17 34:20	187:13 206:21	37:22	13:3,24 15:2,3
44:4,5 48:18,20	35:12,12 43:16	209:5,11	agent 142:14	15:8,15,19
93:25 94:2	43:19 53:24	220:11 221:2	agents 28:1	16:25 17:8 18:7
142:17 159:14	55:6 56:1 58:4	Additionally 7:2	ago 127:21	18:19 23:11
166:13 187:6	58:24 59:14	address 42:17	132:13 149:8	24:20 26:21
205:1,2 207:9	62:17 72:14	44:25 96:13	151:15 186:24	29:25 32:19
absence 39:21	83:8 86:5 92:22	164:10	agree 25:1,5,8	35:6 36:11,13
173:14	98:19 106:9	adequate 144:13	53:4,7 55:14	36:15,19 38:9
absent 37:21	127:12 136:3	adequately	63:24 64:25	38:16,18,23
absolutely 21:1	136:15 145:16	127:23	75:15 100:2	39:1,8,9,10,12
181:5	167:24 169:3,5	adhere 59:4	102:22 104:22	40:7,8,10,15,16
accelerate 197:13	169:21,22	adjacent 117:16	109:24 112:12	40:17 43:1
acceleration	190:16 194:7	adjourn 221:6	117:23 118:20	49:14,20 50:6,9
196:13,14,24	209:16	adjourned	152:6 154:16	50:11,12 54:14
197:10,16	acted 97:25 98:1	221:19	194:3 203:4	57:25 58:9 72:2
accept 25:12 66:9	98:12,13	adjournment	agreed 39:7 61:3	72:4 92:23
139:3,24	action 22:21 23:2	21:7 220:23	95:23 139:13	98:17 100:16
151:23 169:17	23:3,5,18,18	adjudicated	157:24 158:8	146:22,23,25
accepted 46:19	98:3 164:25	98:21,22,23	agreements	147:2,11,15,17
115:22,23	166:4,11	99:6 100:15	198:3	147:19,21
116:13 140:17	199:16 222:7,8	admission 156:3	ahead 30:18 31:7	149:14 150:8
access 31:2 36:20	actions 6:23 7:7	adopt 17:14,19	31:22 32:14	152:20,22,25
36:21 37:2	22:2 37:19	adopted 3:17 4:9	151:6,16	154:8,22,23,25
59:25 60:16	activist 32:4	4:23 5:4,14,20	aim 45:13	157:8,13,18,20
62:3 66:25 67:2	activity 148:16	38:23 39:8	aisle 45:6	158:2,9,9
67:7 70:11 71:8	acts 195:18	50:11 54:13	al 1:2	203:16 210:11
71:12	actual 80:7,11	56:3 57:25 58:2	Alabama 59:11	210:12,14,16
accomplish	127:23 131:20	83:22 111:19	92:14 98:7	210:19,20,24
162:15	136:7	113:4	alarming 36:9	211:2,8,13,17
accomplishes	adapted 108:19	affairs 141:3	Albritton 203:10	211:20,25
99:8	add 59:9 91:19	153:24 164:10	aligning 80:8	212:14 213:4,7
account 92:5	155:6 168:10	188:14,22	allege 23:4	213:11,12
94:24,25 116:3	adding 185:3	189:7	alleging 23:19	amendments 6:8
127:23	additional 8:10	affect 43:21	allocation 160:21	34:15 146:19
accountability	25:17,17 29:22	144:12 162:20	allow 46:7	147:16,19
190:21	29:23 38:7 44:9	afforded 187:6	allowed 146:6	210:7

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 2

American 82:15	answering 46:10	appointed 13:15	115:7 129:21	151:4 170:1,18
amount 47:6	188:20	appointees 36:3	131:10 140:18	170:24,25
75:10 150:21	answers 32:3	appointment	Area/Convex	171:3 172:6
156:5	94:11 157:15	184:15	114:7,8,15,16	175:5,9 177:25
amusement	anticipate 44:19	appoints 195:18	114:19	197:18
151:2	anticipatory	apportioned	areas 86:24	assumed 155:11
analysis 53:18	31:17	90:25 91:2	118:6	assuming 159:2
54:12 62:12	antithetical	apportionment	argue 55:11	190:23
63:4 68:5 70:21	212:25	6:7 52:13 55:13	135:13	assumption
75:20,22 76:3	anybody 49:10	68:1 115:4	argument 22:20	127:15
80:25 81:7,21	51:9 183:19	127:6	arose 26:2	assumptions
83:7,11 86:14	anymore 61:25	appreciate	arrival 137:1	128:1
87:11 97:2	136:21	143:14	arrive 138:20	attack 161:15
117:24 121:4	anytime 95:19	approach 52:18	arrived 77:25	attempting
125:14,21	185:14	55:12 122:6	86:9	200:16
127:10,19	anyway 75:8	130:22	article 3:5 28:2	attendance
128:7	anyways 161:11	appropriate	articles 41:2	212:20
analyze 125:1	apologize 7:17	10:15 22:23	articulate 83:4	attendant 194:2
analyzed 138:1	12:14 48:16	24:23 31:23	articulated 61:1	attention 53:16
and/or 198:24	65:7 103:19	32:12,17 145:6	71:2	55:7
201:17 202:21	153:6	145:8 146:10	aside 47:25	attorney 21:19
217:16	app 212:9	187:9,9 189:16	169:23 170:16	52:4 142:11,15
Andrew 64:17	apparently 89:5	206:17 219:24	asked 12:23	196:11 222:6
114:12	appeal 8:20	appropriateness	25:20 46:16	attorneys 47:22
announce 39:4	Appeals 35:24	186:20	47:19 67:12	93:22,23
39:25 158:5	appeared 93:14	appropriating	135:19 143:21	August 99:15
announced	appears 38:17	48:21	193:21 201:18	Ausley 149:15,17
214:20	100:3 103:11	appropriation	201:23 219:20	152:3,5 156:19
announcement	appellate 28:19	40:11 41:21	asking 12:11	163:1,2 164:15
220:19	28:21 35:22	44:1,5 46:17	23:14 47:18	164:17 165:16
announcements	apple 25:23	48:24	88:20 89:17	165:18
221:1,2	apples 108:22,22	appropriations	90:6 130:21	authentic 215:21
annual 150:20	applicable	41:22	131:2 172:2	authorities 164:1
answer 20:7,18	203:22	appropriators	221:16	164:3 196:5
23:24 24:12	application 48:6	41:20 44:25	assertion 117:18	authority 31:15
31:18,21 32:2	72:12 170:7	45:25 48:22	asset 198:20,23	84:6 145:24
46:19 68:3 77:8	217:6	approve 95:22	assets 148:6	152:10 163:8
81:2 99:13	applications	approved 168:12	155:15 158:25	163:12,25
113:1 119:15	43:21	approximately	159:3,7,12	177:14 181:19
121:3 125:22	applied 58:12	93:20,22 97:9	161:1 194:13	183:24,25
126:23 129:17	75:21 136:15	101:9	198:18,22	200:1,3
130:21 131:22	apply 54:5 62:17	April 1:12 2:1	199:5,8,21	authorizations
173:5,25 198:6	68:25 71:12	56:12 133:9	200:2 204:15	146:9
217:24	72:3 87:24	221:7,8	208:22	autocracies
answered 12:23	150:2 168:22	arbitrary 60:14	Assorted 77:25	34:19
25:21 67:12	169:2 218:4,9	area 54:1 55:9	assume 34:15	autocratic 34:20
172:10	218:12,19	82:17 85:13	125:13 126:2	automatically

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 3

10:5	203:6	18:8,12,20,24	107:3,5 108:2	begs 119:25
available 44:14	Bar 28:3	19:3,7,14,17	108:13,16,18	behalf 32:14
46:4,5 59:19,19	Barack 63:5	20:3,9,15,19,21	108:24 109:13	44:16 188:5
98:2	102:25	20:24 21:2,10	109:21 110:9	behaves 157:3
average 55:15,19	Barcode 6:13	21:23 22:10,18	110:17,19,24	belief 102:23
avoid 34:24	39:10 146:24	22:24 23:7,13	111:5 112:6,23	103:22 104:1
35:15	210:13	23:21 24:1,14	113:12,20	believe 3:21,23
avoiding 29:16	baseball 132:7	24:17,25 25:3,6	114:3,24	3:25 23:16 26:4
avoids 35:21	based 12:15	25:9,14,16 26:7	116:14,23	27:10 29:12
aware 125:12	24:24 42:16	26:12,18,22,25	117:13,22	35:17 39:18
192:11 193:4	54:12 101:13	27:4,16,20 28:9	118:18 119:12	46:20 49:25
196:3,11	101:17 102:17	28:14 29:4,10	120:7,12,20,25	53:21 57:15
218:23	102:24 105:9	29:20 30:12	121:6,14 122:1	65:19 72:2
axiom 200:24	105:12,13	32:18 34:2	122:9,17,24	77:20 79:8 82:8
B	117:15,15	36:14 37:13	123:1 124:3,15	86:2 87:10
back 4:12 8:7	121:8 127:25	38:6,15,20,22	124:20,24	90:15,16 91:11
9:12 18:11,22	133:12 135:20	39:3,7,13,20,24	125:5,16,24	93:13 97:13,16
21:12 23:9 26:2	135:21 186:24	40:5,14 41:10	126:13 127:2	97:17,24 99:4,7
50:24 52:7	213:1	41:24 42:6,20	128:2,17 129:4	99:22 100:13
59:24 61:9 62:4	baseline 60:15	43:6,13,24 44:8	129:6,14,23	100:14,23
64:5 69:21 71:7	62:5 64:22	44:17 45:2,16	130:9 131:1,15	101:10,20
77:22 78:1,2,5	basically 30:22	46:13 47:4,17	131:23 132:23	102:2,9,15,16
81:6 85:22	31:6,13 45:13	48:10,25 49:6	133:5,18 134:3	102:23 103:4,9
94:10 95:15,18	80:10 122:6	49:13,23 50:3	134:10,14,23	103:10,19
96:1 99:21	132:9 168:6	50:15,19 51:10	135:2,10,15,23	104:9 106:24
102:18 103:20	202:6 203:12	51:23 56:13,23	136:4,11,16	109:3 126:21
110:1 112:14	203:19	57:6,17 59:21	137:4,9,17	126:23 133:21
113:13 117:3	basis 70:11 75:20	60:20 61:19	138:14 139:4	137:7 139:9
118:8,17	75:22 99:4	62:7 63:1,19	139:21 140:1	140:6 142:5,24
121:17 126:17	102:3 132:10	64:14 65:3	140:25 141:6	143:4 149:8
136:25 137:16	battle 165:25	66:17 67:10,13	141:10,14,21	154:1 163:5
139:8 140:4,11	Bay 123:14	67:21 68:10,17	142:2,9,19	169:14,19,24
143:19 147:4	150:15,24	69:3,7,12,16,19	143:10,15	171:6 172:10
148:5,25	155:4 160:5	70:2,7,17 71:5	144:5,9,16,22	173:25 195:12
151:13 157:5	197:17 199:5,6	71:14,19,22	145:3,9,18	200:20 212:12
159:22 161:22	beach 135:5	72:15,20 73:2,6	146:19,22	217:10
164:2,9 170:19	Bean 7:11,18 8:2	73:10,17 74:1,6	147:1,16,20	believed 55:16
174:23 179:23	8:10,23 9:3,11	74:16,21 75:3	148:19 149:11	56:4 83:18
180:20 181:12	9:18 10:6,11,16	75:12 76:8,14	149:23 150:4	believes 92:4,21
192:24 199:19	10:20,24 11:3,9	76:18,24 77:5	152:2,24 153:5	belongs 9:14
205:15 207:3	11:15,19 12:3	77:17,22 79:4	154:9,24	benchmark
207:23	12:21,24 13:6	79:10,14 80:17	157:16,22,24	88:16,21 89:7
bad 34:23 36:11	13:11,17,20,25	81:10,17,22	158:4,8,12	126:1
ballot 63:6,9,10	14:7,14,20 15:5	82:5,12,24	205:14	benchmarks
63:18 64:18	15:11,16 16:1,6	83:24 84:8,25	began 52:8 142:6	192:6
bankruptcy	16:12,17,23	85:18 86:17	beginning 17:21	benefit 151:23
	17:4,11,16,22	87:7 106:19	47:19	204:15

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 4

Berman 143:24	145:12,12,14	217:4,6,10	120:9 151:18	150:18 151:14
144:1,9,10,22	145:15,15,19	219:6,17,20,21	153:15 166:8	153:2,4,5,24
144:23 145:9	145:22 146:11	219:24,25	204:13	154:10,12,14
145:10 178:11	146:18 149:22	220:3,14,14	bold 37:1,7	156:24 158:13
178:12 179:6,8	150:3,14	bill's 220:12	bond 150:21	158:14,20,22
179:25 180:2	151:13,14	billion 151:16,18	181:25 182:1,3	159:17,19
180:23,25	153:14,18	152:1 155:9,21	182:8 196:12	160:15,17
181:22,24	154:3,17,18,22	bills 3:6 41:5	197:9,10	161:18,20
182:10,11,20	155:9,13,20	42:5,8 50:20	bonded 201:15	162:17,19
182:22	156:7,16,22,25	110:15 218:5	bonding 182:3	163:3,20,22
best 47:15 152:19	157:1 158:13	219:10	Book 206:22,23	165:3,5 166:5,7
174:1	159:16,20,21	bipartisan	207:20,22	166:22,24
better 9:9 36:25	161:6,12 162:8	121:19	208:23,25	167:18,20
36:25 114:16	162:13,20	birdie 77:23 78:3	209:8	168:24 169:1
114:21 116:10	163:11,19	Biscayne 123:14	Border 111:14	169:12 170:3,5
116:19 117:17	166:25 168:1,2	bit 28:12 45:18	113:3	170:14 171:10
118:23 157:14	168:6,8 169:20	47:14 71:7	borders 146:5	171:12 172:7,9
191:12	170:6,7,18	105:15 123:10	205:3	172:18,21,23
beyond 54:8	171:4 172:15	127:18 161:9	bottom 129:8	173:9,11,22,24
94:22 191:21	172:18,24	207:24	152:17	174:9,11,18,20
Bible 33:25	173:6,18 174:1	bite 25:23	boundaries 94:19	175:11,13,22
bicamerally	174:7,16,21	biting 157:12	119:7 121:11	175:24 176:17
139:24	175:3 179:13	black 31:25	121:23 176:14	176:19 177:8
bid 148:5	184:22,25	61:10 80:3,12	177:6	177:10 178:1,3
Bieb's 211:15	185:11,12,16	80:21 81:9	boundary 123:23	178:16,18
big 122:21	187:17,21,22	82:21 83:6	Bracy 9:20,22,25	179:18,20
165:22	187:23,24	86:21 87:5,6,10	10:11,12,20,21	180:15,17
bill 4:3,4,4,10,23	188:4,5,9,10,15	92:13 97:4,6,8	11:3,4,15,16	181:7,9 182:5,7
4:24,24 5:3,14	188:15,22	99:19 100:8,25	12:3,11 25:19	182:16,18
5:15,15,19,22	189:8,17,20,21	101:10,12	25:23,25 26:12	183:6,8,18,22
5:24,25 6:1,1,5	189:21,22	102:12,13	26:13,22,23	184:11,13
7:17 8:1 12:19	190:1,7 193:5	104:12 120:23	27:4,5,17,18	185:7,9 186:1
15:8 19:11	193:17 200:16	130:23 131:19	28:9,10 29:4,6	186:16,18
23:15 25:15	201:5,15 203:5	202:21	29:12,20 30:1,3	187:16,18,20
26:14,16 30:7	203:14,21	blacks 87:1 100:7	30:4,12 33:10	188:6,8,17,19
47:3,7,9,14,25	205:14,20	104:13 130:15	51:13,15 56:14	189:1,9,11,18
48:2 49:3 50:16	206:1,3 209:6	block 87:20	56:16 57:6,7	189:20 190:3,5
50:20,23,25	209:12,13,14	107:2 127:16	59:21,22,23	190:13,15,25
51:1,3,7 53:5,5	209:15,15,21	blocks 125:8	61:20,21,22	191:2,14,16
53:8,11,13	209:23,24	board 38:25 39:4	63:2,3 64:14,16	192:8,10,20,22
65:11,15,17	210:2,6,6 211:9	39:22,24 96:1	66:17,19 67:13	193:8,10,15
73:9 78:6 85:25	212:12,13	158:1,5 195:18	67:14 80:5	194:4,6,14,16
90:17 95:20	213:16,19,23	boards 184:10	Bradford 163:25	195:4,6,24
98:4,4,6 109:10	214:11,15,21	bodies 112:10,11	183:24,25	196:1,3,16,18
110:6,14,25	214:22 215:2,8	121:24	Bradley 5:2,18	197:1,3,19,21
133:22 137:8	215:12,16	body 33:10 34:12	50:22,23	198:12,25
139:13,14	216:6,7,14	57:14 60:17	145:18,21	199:2,17,19

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 5

200:5,7,17,19 201:3,25 202:2 202:23,25 203:24 204:1 204:19,21 206:4,6 207:14 207:16 208:8 208:10 209:10 209:18,20,22 211:4,6,15 213:24 214:1 214:12,14,24 215:1,6,9 216:2 216:3,5,15,17 216:23,25 217:7,9,20,22 218:10,12,20 218:22 219:7,9 219:14 220:5,7 branch 32:7,8 branches 33:6 Brandes 158:15 158:17 159:5,7 160:7,9,22,24 162:5,7,22 bread 78:1 break 107:14 breakdown 126:9 bridge 123:17 brief 20:25 88:5 briefing 124:7 bright 27:23 bring 23:9 85:16 bringing 131:9 brings 31:5 144:15 broad 186:2 208:13,13 211:24 broadened 59:16 broken 87:15 107:1 brought 6:25 13:4 37:19 53:2 95:15 Broward 184:1	Broxson 39:20 budge 138:21 Buena 150:16,24 155:5 160:6 197:17 building 66:6 built 180:22 burden 151:23 204:16 BURGESS 22:19 Burgess 19:16,19 19:21 20:5,7 21:23,25 22:18 23:7,8,21,23 27:13,18,21,22 28:15,16 29:10 29:11 37:15,17 46:17 burning 25:21 26:1 burrito 212:10 business 2:4 21:8 181:1,2,4,4,17 182:2 221:10 businesses 187:1 butt 32:16 button 39:18 buttons 39:21 buy 156:15 Byrd 1:6 Byron 102:12 C C0109 70:16 cabinet 205:18 205:23 calendar 2:25 50:20 59:10 209:13 220:14 220:22 call 3:23 36:19 39:22,23 77:23 168:21 178:19 178:20 208:18 214:3,8,11,15 215:3 221:8,13 called 28:1 88:16	142:13 152:14 196:13 214:7 214:10,19 219:4 cancel 158:19 161:16 canceled 138:7,8 160:11 220:23 cancels 161:13 candidate 63:18 64:6 68:13 76:2 104:10 106:13 candidates 74:12 75:23,25 120:23 126:7 cap 45:12 48:16 capital 201:12 capitulated 138:23 capped 161:10 capping 47:20 captured 84:3 218:24 care 151:11 172:15 careful 156:22 159:25 carefully 205:4 carried 217:4 carries 38:22 carry 36:8 44:16 188:16 carve 46:23 132:16 carved 216:13 217:5 carveout 130:4,8 131:6,13 case 29:13 30:19 31:3 35:16 54:6 69:17,18 70:12 82:11 87:4 92:8 99:6,6 104:5 159:7 cases 29:14,15 45:8,21 92:7 125:9 164:22	164:23 category 87:17 87:18 caucus 92:14 208:4 caught 141:2 cause 1:2 22:21 153:23 CBP 111:14 CD-10 56:5 84:13 129:18,20 CD-18 134:20 135:7,9 CD-24 123:15,16 CD-26 122:20,21 123:6 124:2 126:2 CD-4 109:17 112:15,16,20 113:16 114:6 114:10 117:19 119:2 122:3 CD-5 84:14 108:20 109:16 112:15,17,20 113:15 114:8 119:1 122:3 132:19 135:17 136:1 CD-5's 109:17 census 85:10 91:2 101:14,16 101:17 105:2,4 105:6,9,11,21 105:21 106:5 106:23,24 107:1 111:14 111:14 113:3 Central 65:23 96:8,13 140:9 certain 62:1 71:10 certainly 36:20 37:2 138:21 181:17 CERTIFICATE 222:1	certify 222:2,5 CET-1036 222:21 cetera 147:10,10 147:10 191:8,8 191:9 217:19 217:19,19 Chair 3:1 4:11 5:5 25:21 43:23 49:19 107:12 116:16 124:17 127:5 170:14 172:18 220:16 220:25 221:3 221:11 chaired 143:8 chairman 51:17 challenge 8:15 9:13 10:4,5 24:22 30:23 31:1,5,14,23 33:17 41:20 142:14 144:15 challenged 41:15 41:17 46:7 challenges 6:21 7:3 8:4,5,24,25 14:17,18 23:15 30:18,21 53:1 challenging 6:23 7:7 11:24 12:1 41:23 chamber 36:24 chambers 53:4 57:3 66:5 89:18 118:2 chance 35:21 125:1 change 82:16 114:10 148:14 161:3 167:16 changed 51:21 54:20 56:7,9 57:12 58:25 59:15 changes 139:16 chapter 155:13
--	--	---	---	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 6

194:21 characterize 138:16 185:16 185:18 characterized 158:23 charge 52:8,23 59:3 94:11,16 95:7 97:25 98:14 121:8,18 check- 219:15 checking 221:15 chicken 78:1 choice 68:13 76:2 106:13 120:24 choose 49:10 68:13 choosing 24:23 chosen 165:8 circuit 22:13 24:9 35:23 circuits 22:13 circumstance 43:18 cite 174:6 cited 54:5,6 62:13,19 63:22 83:16 cities 116:11 117:11,12 119:3 150:16 150:22 151:9 151:22 157:11 160:12 161:2 200:1 201:17 citing 68:7 citizens 32:14 city 119:9,17,18 155:4,5 160:5,5 186:25 195:15 195:20 199:5 civics 32:25 civil 23:1,4,16,18 35:12 37:19 claim 30:20 142:16 claims 6:22 7:5	clarification 130:13 185:12 clarified 60:3 83:2 clarify 8:14 10:1 88:19 208:21 class 45:15 46:9 168:3 classify 199:15 clause 28:3,7,13 29:2 40:11 47:3 47:16 72:25 86:3 92:23 146:25 196:14 196:15,25 197:10,16 clauses 46:22 Clay 114:17 clear 7:2 11:24 14:4 15:23,24 33:4 64:21 78:17 80:16 81:13 85:2 98:15 143:20 169:14 182:24 183:2 203:20 204:14 clearly 41:8 63:10 80:5 197:11 211:14 clerk 38:24 39:3 39:22 157:25 158:4 close 38:9 109:9 154:25 211:13 closed 38:16 coalition 87:18 codifies 6:18 codifying 13:10 23:10 26:10 38:12 cohesion 126:10 127:8,16 coincidentally 218:6 collaboration 189:21	colleagues 210:18 Collier 58:6 123:20 color 79:1 100:9 133:12 colored 97:4,5 99:19 combination 131:3 combine 127:21 combined 87:6 combining 46:9 Comcast 148:5 come 30:23 31:14 33:2 44:15 45:21 50:24 54:13 57:3 65:11 96:1,2 113:13 121:8 138:10 159:22 165:25 168:10 170:19 179:23 181:12 197:13 201:18 comes 22:8 54:21 66:23 93:2 95:13 100:11 106:6 194:3 215:22 comfort 45:19 comfortable 46:10 coming 4:11 33:15 94:23 174:23 185:17 219:16 comment 110:11 143:17 199:20 207:25 208:3 208:21,25 209:6 212:9 comments 34:10 34:18 50:15 145:11 154:16 209:11 213:18 220:12	commercial 161:11 commitment 204:10,18,22 committee 2:9 41:15 46:17 52:8 53:17 54:23,24 56:2 59:3 60:1,24 61:1,2,3,4 62:11 63:22 65:15 67:5 70:21 77:13,21 78:19 79:9 81:3 83:3,21 85:24 86:9,10 94:12 98:14 120:9 121:10,17,18 123:4,5 129:20 138:7 140:15 141:20 142:6 143:9 147:5 149:4 195:3,14 221:9 committees 2:5 common 1:2 37:18 210:3 communicated 86:8 117:1 communication 213:3 communications 2:13 community 123:21 131:4 141:3 153:24 188:14,22 189:7 compact 54:1,19 62:23 70:24 81:25 83:16 86:5 93:14 113:16 114:23 115:24 116:11 116:21 117:6 117:19 118:5,7 118:23 119:3,5	130:2 compactness 88:14 113:14 115:22 118:22 120:11 companies 218:8 company 182:3,8 200:8 202:5,6 218:4 compare 111:10 115:10 128:12 compared 118:16 140:12 comparison 108:22 compelling 77:11 77:13 92:17 compilation 66:4 complained 201:19 complains 7:5 complaint 22:17 completely 52:25 151:5,24 completion 21:7 complex 187:3 197:24 210:5 complexes 211:11 218:13 compliance 92:16 123:8 124:2 192:24 compliant 86:2 92:21 95:2 complicated 160:2 181:18 complied 191:12 192:6,18 comply 53:23 191:18,18 complying 192:12 component 80:22 168:9 compromise 65:16 66:12,20 83:23 88:23
---	--	---	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 7

89:18 90:3,10 90:10 93:20 96:16 110:13 111:3 112:11 126:19 133:1 133:15 140:17 compromised 94:1,4 95:15 concede 118:5 conceding 175:2 177:23 concept 111:14 202:9 concern 22:12 31:2 142:12 148:4,9,11,13 151:11 161:6 169:23 202:3 concerned 152:15 164:21 182:12 208:13 concerns 96:14 149:1 152:7 concluded 9:19 12:4 14:21 17:23 25:17 29:21 42:21 44:9 50:4 67:14 79:15 107:6 110:20 123:25 128:18 130:19 131:24 143:16 145:10 157:17 conclusion 86:14 164:12 conclusions 138:20 concur 139:19 140:22 concurrent 38:12 conditions 62:20 condo 207:10 219:17 220:4 conduct 146:6 156:13 169:16 209:25 conducted	147:12 conducting 221:10 confer 125:19 conferring 125:3 configuration 88:9,15 89:9,11 90:1,4 91:8 92:5 113:23 133:23,25 configurations 119:5 confines 98:12 confirm 205:19 confirmation 123:25 124:9 conflated 105:20 conflict 55:9 57:23 72:1,10 72:17 92:19 98:17,25 99:1 100:15 conflicting 29:18 confused 105:1 105:15 156:8 congratulations 20:5 congressional 4:6 6:3,7,24 7:8 14:11 40:13 43:9,18 52:6 77:10,14 83:5,5 83:9 93:6 97:7 97:19 99:14,18 100:6 101:11 102:11 104:12 105:12,24 109:25 119:20 119:23 129:9 129:12 130:7 132:17 144:4 144:12 214:9 congressman 34:7 100:8 104:12 conjecture 155:18	connect 69:22 connected 123:16 connection 70:1 70:13 connects 100:11 consent 11:1 14:5 15:24 71:10 consequences 194:2 conservative 52:18 55:12 126:22 157:9 consider 52:19 126:9 137:25 147:12 173:13 178:21 186:3 187:8 consideration 44:14 59:2 122:21 151:10 159:25 186:9 considered 67:20 88:11 89:12 91:6,12 188:10 consistent 6:19 22:8 28:5 120:4 122:13 consistently 74:10 consolidate 45:8 45:14 constituent 215:23 constituents 30:20 49:10 151:25 163:18 207:7,7,25 208:5 constitute 53:25 55:4 62:23 constitution 3:6 6:20 8:25 9:8 9:14 12:16 23:12 34:1 36:7 57:23 58:1,11 59:4,17,18 71:18 72:11,18	73:1 86:3 92:2 146:14 205:17 constitutional 6:22,25 7:4,5,8 33:6 52:16 53:1 89:5 92:3 96:14 99:3,4 100:14 102:3 120:18 121:9 126:24 constitutionality 31:24 constitutionally 46:24 89:10 95:2 construct 201:12 consultation 121:10 consulting 19:23 contact 212:23 contained 109:17 112:18 133:16 133:22,22 contains 15:9 112:3 contemplate 203:23 contemplated 149:21 177:18 187:1 193:16 contemplating 150:13 198:19 content 211:25 212:1,23 217:6 content-based 20:1 continue 2:3 11:14 12:11 44:3 61:21 70:9 78:14 110:20 118:11 146:10 165:1 166:12 171:21 208:16 continuing 92:16 continuous 95:11 contract 21:21 31:10 196:12 200:25	contracting 32:13,14 contracts 31:12 contractually 31:10 control 73:24 84:22 87:21 106:11 184:1 195:19 198:14 198:15 controlling 73:21 75:25 controls 75:24 conversation 63:21 103:4 132:20 183:13 conversations 138:24 Convex 113:25 115:12,13 117:8 Cooper 54:6 62:18 68:8 69:18 copied 92:5 copies 113:17 copy 18:6 148:3 187:21 188:9 188:14,21 214:22 215:2 Cord 1:6 corner 94:19 134:21 corporate 32:5 corporation 201:22 correct 11:8 14:10 15:4 17:3 17:7,9,20 24:24 56:5 65:6 72:19 76:22 80:20 81:15 91:20 107:2,4 108:17 122:23,25 129:2,5 134:13 137:3 139:3 149:24 159:16
---	--	---	---	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 8

160:14 162:16 165:2 172:20 173:21 175:10 193:13 203:23 204:2 205:18 216:14 corrected 123:16 cost 41:1 42:16 49:4 cost-efficient 30:25 45:9 costly 31:4 counsel 41:4,7 count 85:11 211:25 counted 82:18 counter 145:12 counties 58:3,5,7 58:11,12,20,22 107:25 108:6,7 108:9,11,21 109:6 116:4,4 116:11 117:10 117:11 119:3 121:20 150:17 150:19,22 151:9,22 156:20 157:10 160:6,12 161:2 176:13 201:17 country 69:6 102:25 county 7:1 13:4 13:14,15 22:9 24:8 30:24 31:1 32:16 33:16 35:18 37:22 45:11 92:18 108:15,23 109:5,11 112:18,22 113:10,11 119:9,17,19 121:20 123:20 123:22 134:21 135:8 152:9 155:2,3 163:7	163:12,17,24 163:25 164:6 164:21 166:13 176:1,12 183:23,24,24 183:25 184:1,4 184:5,5 202:13 county-wide 176:4 couple 28:23 29:15 80:1 132:3,4,4,10 207:3 course 21:20 22:4,5 45:20 52:22 206:7 court 6:19 7:1,3 8:5,6,25 9:2,2 9:14,17,17 10:1 10:5,15 11:2,7 11:13,25 12:2 14:2,5,18,19,19 15:21,22,25 16:5 17:10,20 22:12,13,14 23:2,3,6,6,11 23:20,20 24:9,9 24:22 25:12 32:4,8 35:7,18 35:23 36:1 37:25 38:4 41:9 43:2 45:20 52:9 52:15 53:1 54:5 54:10,11 55:14 57:24 58:16 59:5 62:13,25 68:2,8,22 69:5 69:10 72:3,5,11 72:25 75:18 76:4 80:24 82:9 83:12,17 88:7 89:4,9 90:4,20 91:19 92:7 94:15,17,22,23 98:7,8,18 100:17 105:25 106:3 115:3,4	115:24 116:13 117:4 118:9 120:5 125:21 127:7,14,18 128:6,9,12,15 133:23 courts 6:21 7:6 8:19,20,21,21 12:13,16 14:13 22:15 25:4,8 26:16 31:2 33:16 35:9 36:21 46:20 98:24 115:23 127:11 128:1 144:13,20 145:2 courts' 127:20 coverage 207:10 cracking 113:18 create 186:25 191:21 created 55:22 185:22 190:11 202:4 creates 37:3,4 creations 146:8 credit 161:7 Creek 34:11 147:8,14 149:5 149:20,25 152:7 155:8 159:20 165:22 168:21 176:14 177:6 184:2 186:24 190:12 191:11 Creek's 191:22 criminal 203:17 criteria 55:17 106:17 121:9 126:21,23 168:5 186:15 Cruz 7:13,14,16 current 92:6 111:11,17 116:8 148:25	160:25 currently 178:5 187:2 192:12 211:10 curtailed 151:18 custom 30:16 customers 164:19 cut 16:21 151:19 cuts 123:20 cutting 123:14 cycle 8:8 52:10 52:14,20 55:14 81:1 88:7 89:6 90:25 91:2 92:6 92:12 118:10 128:8 133:24 157:3 D D.C 1:24 daily 219:15 Daniel 52:4 data 59:18 78:18 78:20,21 81:6 81:14,20,25 84:3 85:2,6,11 86:13 102:21 103:2,25 107:1 107:2 108:5 109:2 124:10 135:1 148:25 155:2 database 123:23 date 85:15 144:4 146:13 181:5 183:1 dated 148:24 day 36:8 132:20 132:21 138:9 206:25 209:19 211:18 215:2,3 221:19 days 3:7 95:11 97:16,18 DCA 35:24 dead 137:1	174:15 deadline 162:21 deal 8:16 43:4 dealing 42:4 deals 163:16 209:25 debate 29:24,24 29:25 30:1,3,6 30:14 32:18,22 34:2,3,6,10 36:14,15,17 37:14,16 38:6,7 40:17,19 50:5,6 50:7 112:13 118:25 150:7,7 150:8,9,11 152:2,4,24,25 153:1,3,8 154:11,13 211:2,3,5 debating 137:8 debt 147:8 149:4 151:4,10 155:8 155:10,21 156:5,18 158:19 159:3 159:15 161:8 161:13,17 171:8,13 176:15 197:14 197:18 204:16 debtor 201:1 debts 158:25 160:11,11,20 161:1 175:15 176:20 177:17 decade 61:18 84:18 decide 66:25 170:1 172:6 decided 72:12 deciding 7:7 149:9 decision 58:18 62:13,18 68:22 69:5,11 80:16 85:17 92:13,14
--	--	--	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 9

92:18 98:7,8,24 115:6 118:9 120:2,9 147:13 151:17 decisions 52:12 52:13 54:13 55:14 57:24 58:15,16,25 59:4,7,10,20 62:25 68:1,2,8 82:8 83:17 94:16,19,23 98:18 100:17 106:1,3 115:4 118:9 120:6 125:20 153:21 154:7 177:13 196:6 declares 194:25 195:1,16 decline 64:13 65:9 80:9,11 85:3 decrees 71:10 dedicated 163:8 deduction 218:18 deemed 44:7 47:9 51:18 deemphasize 120:10 deeply 215:20 defeat 35:21 defend 46:8 defendant 22:3 defending 57:13 67:1 defense 44:6 45:8 45:12 deference 94:14 143:1 defined 12:15 77:20 201:22 218:13 definitely 120:15 definition 81:24 211:23 definitively	131:18 delayed 138:6 delegation 187:10 delete 146:24 210:13 deliberate 138:19 delivered 77:25 democracy 201:24 democratic 63:10 64:2,4 73:22 126:7 democrats 61:10 74:10 81:9 156:9 demographics 105:10 demonstrate 73:20 76:5 104:10 demonstrates 74:13 Department 40:12 44:2 dependent 164:6 166:14 depending 75:8 181:16 Depends 25:15 deposed 142:14 143:3,6 dereliction 36:6 derive 212:19 DeSantis 36:2 described 8:4 206:12 describes 74:19 deserve 169:16 169:25 designed 186:8 210:22 212:4 desk 2:6,10,14,18 2:22 6:9 50:13 146:20 158:10 210:8 213:13 desperation	36:22 despite 211:7 destruction 147:7 detail 60:17 124:7 125:20 determination 72:6 100:9 117:5 171:18 172:11 174:24 determinative 36:5 determine 3:21 30:9 31:22 49:9 60:4,14,15 63:15 79:1 81:14 82:1 85:9 87:15 94:3 105:22 106:7 106:11,12,23 106:25 115:21 180:8 199:9,10 205:6 determined 59:25 60:18 66:24 determines 74:4 105:23 106:1 determining 22:15 32:11 64:22 73:15 93:4,8 develop 78:21 201:13 development 152:9 163:8,10 163:12,24 164:1,3 181:19 183:23,25 deviate 139:25 140:5 dialogue 26:2 107:22 dictate 27:10 dictating 26:5 dictatorial 36:20 died 219:18	difference 88:14 89:8 90:22,23 108:15 different 13:2 35:1 47:14 53:9 80:14 83:13,15 84:13 85:14 87:17,23 88:21 93:3,7 97:11 105:10 106:17 106:17 111:12 165:22 166:13 167:4 171:22 176:23 186:12 193:12 differs 127:18 difficulty 22:15 digital 1:23 210:21 222:3 dilution 62:21 dime 137:14 diminished 73:16 diminishment 56:8 58:13 62:21 63:12 70:10 72:12 83:20 direct 24:21 directed 26:16 80:24 194:1 direction 12:16 16:16 45:11 55:24 128:15 directive 45:11 directly 212:1 disagree 112:8 112:12 118:21 disagreeable 45:6 disagreed 55:18 discernible 119:10 discrepancy 82:20 discretionary 32:10 discussion 45:22	69:23 124:6 147:6 153:25 159:23 162:21 182:19,23 212:6 discussions 129:18 138:25 disenfranchise 35:15 Disney 148:7 157:2 158:19 159:14 161:7 161:13 191:12 197:13,17 206:3 212:8,20 216:13 217:5 218:7,19 Disney's 148:6 disrespect 215:15 dissolution 152:8 159:25 160:19 162:1 167:23 170:10 172:15 180:14,18 181:18 185:13 193:6,12,16,17 193:22,24,25 195:8 197:4,14 197:24 198:8 199:4,10,11,22 200:4,14 dissolutions 193:23 dissolve 146:15 151:7 159:20 161:4 166:3,21 167:2 169:7 170:23 dissolved 155:16 158:24 163:13 164:23 169:16 177:12 179:14 180:11 181:2 181:12 182:14 182:25 196:4 202:20 dissolving 169:3
---	---	---	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 10

170:8 180:12 183:5 202:7,11 distinct 125:8 distinction 170:15 distracted 211:15 distributed 52:3 district 22:14 28:19 35:17 37:3 43:2 51:16 51:16 53:18,22 53:23 54:4,15 54:16,19,20,21 55:1,2,4,10,10 55:21,23,24 56:17,19 57:9 59:24 60:4,18 61:6,8 62:16 63:13,23 66:23 67:2,19 68:24 70:5,12,22,23 70:24,25 71:8 71:12 72:6,9 73:15,19,20,22 74:9,14,25 75:21,23 77:10 81:5,7,15 82:14 83:5,6,10 84:24 85:3,4,5,21,25 86:1,6,7,11,16 87:4,4,12,13,17 92:2 93:4,5,13 100:5,6 102:11 102:13 103:12 103:13,14 104:12,16,17 104:24 106:2,4 106:5,8,14 108:6,8,10,12 108:20 109:6 109:16,25 114:14,17,18 115:8 116:17 117:16,16,25 117:25 119:20 119:25 120:22 120:22 122:23	123:18 124:10 124:12 130:14 130:23,25 131:19,20 133:16,23 146:12,16 147:14 149:5 149:10,20 151:8 152:7,9 152:11 155:15 155:22 158:24 159:21,24 160:4,10,13 161:5,23 162:9 163:5,25 164:7 164:19 167:25 168:4,13,16 169:15,18 170:9 171:1,16 171:18 172:12 175:25 176:5,7 176:25 177:4,6 179:14,24 181:14,17 184:1,2,3,4 186:8,11,13,21 186:23 187:11 190:12,20 192:5 193:7 200:14 202:4,8 202:12,20,22 215:22 219:17 districts 4:6 5:1 6:3,24 7:8 37:2 37:4,6 40:13 43:18 51:18 54:14 56:7,9 57:25 58:2,9 65:17,18,20,20 66:14,14,15 71:10 72:2,3,13 77:14 86:20 87:24 91:13 93:6 96:5,7,11 96:12 97:8,9 98:17 100:16 102:2 105:12	109:5 111:19 111:20,23 113:23 116:20 116:20 117:15 118:12,24 119:23 121:5 122:8,11,22 125:15,22 126:12 127:1 128:7 132:17 140:20,22,23 140:23 145:17 145:24 146:1,3 149:21 150:2 152:8,13,13 154:20 155:25 156:20 162:15 162:20 163:5 165:8,11,21,23 166:9 168:23 169:4,24 170:20,21,24 171:5,7 172:5 172:19,25 173:20 174:2,8 174:17 175:7,8 175:10 178:25 179:4 180:21 181:10 182:1 183:12,19,20 183:21 184:10 184:21,25 185:4,20 186:4 187:6 191:7,17 193:24 194:22 204:6,23 205:6 206:11,13 207:5 208:2,15 districts.- 18:16 divert 110:11 dividing 113:8 divvied 133:17 divvies 133:11 doctrine 6:19 23:11 26:11 33:5 document 86:21	103:25 196:12 documents 28:22 102:21 103:2 doing 11:23 16:9 23:10,10 28:8 31:6 33:4,9,20 33:21 38:12 45:1 73:4 107:12 108:22 149:9 157:6 178:14,15 202:7 dollar 48:23 151:17,18 dollars 41:22 42:2 44:13,19 47:20,21,24 48:5,7 152:1 155:9,21 201:12 domain 146:5 199:16 205:3 Donald 63:9 Donalds 102:13 dots 69:23 downtown 123:15 downward 60:9 61:24 63:17 135:18 draft 19:12 32:1 121:8 137:13 188:4 190:2,6 drafted 19:11 32:1 110:14,15 111:1 187:22 188:10 drafters 187:24 188:10 189:22 drafting 19:25 122:21 188:4 188:15 drainage 155:25 draw 55:7 66:9 89:3 90:8 119:5 119:24 213:1 drawbacks 123:7	124:1 drawer 118:11 drawing 51:17 54:15 77:14 96:1 105:12 126:11 127:25 142:18 drawn 53:22 66:6 66:16 89:7 92:2 93:4,5 96:10,12 96:19 102:2 110:7 111:18 111:20,23 113:23 119:2 120:23 169:20 169:20 189:21 drew 53:15 65:18 65:23,24 66:2 76:7,12 88:8,8 88:10 89:4,10 89:11 90:20,21 91:19 94:18 96:6,9 111:13 111:15 113:2 126:17 128:8 140:21,24 drive 210:22 driven 34:16 drop 64:13 dropped 61:12 61:13,14,16 dual 86:25 due 17:2 36:12 63:18 197:13 Dumbo 209:1 dump 159:9 duties 190:21 191:10 192:4 duty 36:6 99:3 100:17 161:22 Duval 112:18,21 113:9 119:17 119:19,25 133:25 Duval-St 114:18 E
--	---	--	--	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 11

ear 77:24 78:4	75:8 81:8 84:2	enforcing 33:16	140:20 161:7	exclusively 7:1
earlier 34:11	84:16 85:15	engage 198:2	establish 166:13	excuse 155:12
59:12 95:19	157:3 170:1	engaged 138:19	established 37:18	executive 2:13
105:4,9 110:1	elections 55:16	138:24 204:12	43:19 146:12	33:7 56:3 66:1
110:12 135:17	61:18 64:5 75:9	engaging 165:9	146:17	66:15 72:23
170:6 208:21	84:18 99:5,15	enjoy 28:4 55:5	Establishing 4:5	73:8 83:22
early 32:6 156:23	126:8 144:25	204:15	6:2	85:23 91:11
221:12	electorate 204:12	enjoyed 143:1	establishment	96:11,19 110:8
earmarked 48:1	electors 168:13	ensure 16:10	40:13 127:8	112:4 120:2,17
easier 164:8	171:15,23	146:9 210:21	186:11	124:8 129:19
east 89:24 112:22	176:24 177:20	211:20	et 1:2 147:9,10	138:12 140:16
152:10 164:18	177:24	ensuring 11:23	147:10 191:8,8	142:15
164:19 184:3	electric 201:14	17:8	191:8 217:18	exempted 210:5
east-west 133:25	electronically	entertainment	217:19,19	exemption 210:3
east/west 88:8,9	191:5	187:3 210:4	ethnicity 125:10	210:6 211:10
89:9,11 90:1	elects 74:9,12	211:11 218:13	evaluate 162:10	exercise 54:15
91:7	75:5,23	entire 31:7 77:15	186:19	84:4,5 105:22
economic 163:9	elements 110:6	93:5 109:19	evaluated 161:23	205:2
economy 29:16	112:3,8	117:18 118:1	186:14 206:14	exercised 136:9
207:10	Eleven 33:18	119:19 138:19	evaluation	exercises 25:11
effect 47:3	eligible 74:14	143:8	186:15	exercising 146:5
103:13,14	eliminate 167:17	entirely 112:18	event 36:22	exhausted 44:13
144:14 184:23	eliminated 93:8	entirety 43:3	197:15 199:22	44:20,24 47:24
effective 167:2	elimination	entities 30:17	205:15,21	exhaustively 46:5
179:15 181:3	168:21	44:15 65:12	events 196:23	exist 186:21
182:14,25	eloquently 33:11	112:4 155:14	everybody 66:9	187:2 206:10
185:13 213:2	emerged 59:8	201:23 202:14	evidence 1:23	208:14,16
effectively 117:1	emergency 195:1	210:5 218:24	102:21 103:3	existed 58:10,13
161:12	195:16,18	entitled 4:5,25	103:25 126:10	existing 6:19
efficient 31:5	eminent 146:5	5:16 6:2 145:16	exact 200:14	23:11 26:10
efforts 95:12	199:16 205:2	209:16	exactly 43:23	119:6 200:8
eight 18:9,16	employee 222:6	entity 147:7	44:23 60:4	exists 54:22
either 9:2,16 12:2	employing	149:2,2 161:4	88:12 148:23	91:25 211:10
14:2 82:9 87:16	202:21	200:2 201:10	157:11 199:11	expand 214:7,11
87:24 120:22	enact 42:12	201:19	218:23	219:4
136:6 138:11	enacting 35:10	enumerated	example 104:11	expanded 208:18
142:6,14 195:1	146:25	190:22	104:15 114:11	214:3,16 215:4
195:2 204:11	encompassed	equal 86:3 92:23	121:12 123:12	expansion 214:20
204:12	160:4	150:21	163:7 186:23	expenditure 29:1
elect 76:1 106:13	encourage	equally 64:8	examples 11:22	38:3
elected 93:21	162:21 182:23	169:5	19:24	expenses 40:12
100:10 102:10	encouraged 64:1	equipped 181:20	excellent 217:1	44:2,16 45:13
102:16,17	183:13	error 18:6	exception 37:21	45:24
104:17 184:16	encouraging	essence 95:10	217:17	expensive 31:4
election 55:20,20	182:19	96:24	excise 46:23	164:8
61:10 64:10	ended 95:14	essentially 35:3	exclusion 208:15	experience
65:7,8 73:14,21	142:5	58:21 125:7	exclusive 220:9	144:19 212:21

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 12

experimental 146:6	familiar 19:1,10 20:13 28:13	172:1,16,18 173:3,5,16,18	53:10 146:23 154:18 169:21	fix 11:18 fixed 119:10
explain 6:5,17 28:12 43:22 75:7 129:13 145:19 147:2 209:21	124:17 190:23 194:24 195:7 195:15 196:14 217:15	174:4,6,13,15 174:25 175:2 175:17,19 176:8,10 177:1	188:15,23 189:17,20,22 206:3 210:12 214:15,23	flip 136:20 floor 46:18 53:10 56:11 57:4 77:3 77:3 78:13
explaining 109:15	familiarity 21:20	177:3,21,23 178:6,8 210:13	217:10 219:6 219:19,22	88:22,23 93:19 95:14 98:4 109:4 115:11
explanation 217:15	Family 156:6	210:15,16,17 211:12,14	filing 149:6 final 13:23 105:1 106:22 153:21	115:15,18 116:1 122:16 132:21 134:7 137:8 138:1
explanations 29:19	far 46:9 86:11 130:22 131:20 136:6 184:20 205:23	213:7	financial 195:1 195:16,17	Florida 3:5 22:13 28:2 34:12 35:2 37:19,25 38:4 52:9,20 54:9 58:3 59:5,17 65:19,22,23,25 68:2 71:18 76:3 77:16 79:21 80:23 82:9 92:2 94:15,17,22 96:6,8,12,13 97:1,3 99:15 100:25 101:9 101:22 108:20 111:2 113:9 115:3,23 117:4 118:8 120:5 122:4,22 125:9 125:15,20 126:12,16 127:7,17,24 128:12 135:4 140:5,6,9 146:13 155:18 162:10 190:22 202:10,15 209:19 210:4 210:22
expound 123:8	Farmer 3:18,18 3:20,25 32:20 34:3,5,7 49:16 49:18 50:4 79:19 107:7,9 107:10,14,24 108:13,14,18 108:19 109:13 109:14 110:9 110:10,18,19 110:22,25 112:6,7 113:12 113:13 114:3,4 116:14,15 117:13,14 118:18,19 120:7,8,20,21 121:6,7 122:1,2 122:17,18 123:1,2 124:15 124:16,24,25 125:4,5,6,24,25 127:2,3 128:17 128:18 146:24 147:1,2,3,21 148:1,19,21 149:13,23,24 150:7 152:25 153:11,16 154:10,24,25 155:1 157:18 157:19 158:2 158:23 169:9 169:11 170:11 170:13 171:24	Farmer's 158:18 fashion 133:9 fatigued 211:18 favor 3:10 4:17 5:9 13:16 38:17 120:11 157:19 213:6 favorable 38:14 federal 6:20 7:4,5 7:6,8,9 8:5,5,20 8:21,21 9:1,2 9:15,17 10:4,5 11:2,6 12:1,2 13:14 14:5,18 14:19 15:21,24 16:5 22:14 23:2 23:5,20 24:7 35:9,11 54:11 58:7 59:6 72:18 119:22 127:11	financially 222:8 find 46:23 94:2 96:17,18 122:12 128:13 180:10 212:21 fine 67:5 107:13 finger 134:20 fire 159:10 firefighter 155:23 firefighting 147:9 first 6:11 8:18 31:19 35:24 50:24 54:19 56:11 57:1 59:2 61:4 84:11 94:11 97:24 98:4,5 99:12 105:21 109:4 111:13,19,23 116:1 127:9 137:24 139:9 146:22 156:25 157:2,7,15 165:6 177:11 187:16 200:24 210:10 fiscally 151:5 157:9,9 fit 78:2 five 3:24 38:24 58:3,4,10 61:18 84:17 157:25	fix 11:18 fixed 119:10 flip 136:20 floor 46:18 53:10 56:11 57:4 77:3 77:3 78:13 88:22,23 93:19 95:14 98:4 109:4 115:11 115:15,18 116:1 122:16 132:21 134:7 137:8 138:1 Florida 3:5 22:13 28:2 34:12 35:2 37:19,25 38:4 52:9,20 54:9 58:3 59:5,17 65:19,22,23,25 68:2 71:18 76:3 77:16 79:21 80:23 82:9 92:2 94:15,17,22 96:6,8,12,13 97:1,3 99:15 100:25 101:9 101:22 108:20 111:2 113:9 115:3,23 117:4 118:8 120:5 122:4,22 125:9 125:15,20 126:12,16 127:7,17,24 128:12 135:4 140:5,6,9 146:13 155:18 162:10 190:22 202:10,15 209:19 210:4 210:22 Floridians 207:4 Floridians' 206:9 flow 14:12 fluctuations 75:16 focus 149:25
F				
face 132:7 Facebook 211:22 faced 215:11 facilitate 212:5 fact 22:9 62:4 70:9 82:16 135:4 136:22 144:11 198:8 202:3 215:18 factor 32:11 59:1 104:9 failed 83:3,16 94:24 213:12 failing 94:25 fails 158:9 fair 37:8 54:14 57:24 58:2,9 72:1,3 97:14 98:17 99:22 100:16 fairness 97:10 fall 8:17,18 87:17		feedback 208:7 208:12 feel 179:11 fees 151:2 156:3 156:4 felt 47:15 120:18 FEMALE 40:1 fewer 108:21 117:10,11 fight 165:25 figure 94:2 127:22 file 12:19 23:1 188:5 206:1 filed 14:2 15:21 23:5 24:21		

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 13

212:15 focused 109:16 folks 150:13 208:12 follow 22:11 55:21 104:1,25 121:13 128:15 follow-up 43:16 167:9 175:5 184:9 followed 12:4 14:23 30:2 32:19 34:3 40:21 51:4 68:1 78:10,10 128:19 141:24 following 72:17 114:13 120:10 123:21 154:7 follows 24:20 90:3 food 77:25 78:4 207:9 foolishness 33:19 force 16:15 forced 170:21 173:19 foregoing 222:2 forget 36:9 171:3 form 166:14,14 formed 132:9 formula 65:2 forth 26:3 47:23 140:7 191:7 205:7 207:23 forthright 142:17 forum 19:2,9,11 20:8 21:20 22:23 24:22 27:24 28:3,7,13 31:8,18,23 32:12 34:22 36:4 45:11,15 forward 11:23 143:22 163:18 167:12 177:13 198:5 199:10	200:13 204:3 204:18 215:20 fought 41:9 found 35:1 43:2 115:4 125:7 126:5 148:17 213:2 foundation 76:23 founded 31:4 four 53:20 68:7,7 68:21 75:1,2,2 80:1 94:18 144:8 155:5 156:6 160:3 198:1 199:6 Fourth 203:16 fracking 198:13 frames 94:18 Franklin 164:20 184:4 frankly 212:15 free 211:19 freedom 37:9 97:10 frequency 36:10 frequently 144:21 friendliness 211:16 friendly 210:19 front 110:5 115:25 118:15 134:17 135:1 203:15,17 fulfill 99:3 full 36:2 122:7 fun 135:4 213:3 function 182:15 functional 75:20 75:22 76:2 80:25 81:6,21 83:11 86:14 87:11 121:4 125:21 functions 187:3 fund 151:19 175:20	funds 29:1 38:3 43:11 44:15 46:1,2,4,4 47:8 47:10 48:17,20 further 19:24 30:8 43:11 50:15 62:19 209:6 213:18 220:12 222:5 Furthermore 111:22 future 145:7 182:15 186:25 G Gadsden 134:1 game 132:7 gap 185:15 garages 155:24 gathered 90:7 gathering 9:8 gauge 215:16 gavel 21:13 GB 120:23 122:5 123:25 general 136:7 159:1 160:3 167:6 168:2,14 169:4,21 170:7 171:14 175:14 175:20 176:2 176:22 177:4 177:17 198:1 200:13 212:2,5 212:18 generally 35:25 115:22 genesis 142:18 150:14 215:22 gentlemen 157:4 geographic 123:22 geographical 85:13 87:2 121:11,23 176:14 geographically	54:1 62:23 81:25 86:5 geographically- 54:18 geography 125:10 gerrymander 93:14 133:11 gerrymandered 88:11 89:13 91:7,13,17 133:16 gesture 211:16 gesturing 210:18 getting 20:21 43:23 45:18 130:1 138:18 208:6 Gibson 9:21 12:5 14:22,24 15:1 15:10,11,12 16:1,2,12,13,23 16:24 17:11,12 17:22 34:4 36:16,18 51:4,6 51:8 67:15,17 68:10,11 69:3,4 69:12,13,19,20 70:7,8 71:5,6 71:19,20 72:15 72:16 73:2,3,10 73:12 74:1,2,16 74:17 75:3,5 76:8,10,18,19 77:5,6,23 78:10 78:13,15 79:10 79:11,14 80:6 88:4,5,25 89:2 89:19,21,24 91:3,5,14,16 Gillum 64:17 Gingles 54:7 68:9 give 24:15 45:25 60:17 84:5 128:21 132:6 155:7 183:3 201:16,22	206:16 given 15:24 83:12 84:21 98:1,14 107:6 109:18 118:11 127:20 141:19 214:22 217:16 219:21 gives 156:16 161:6 179:22 giveth 116:17 giving 11:1 14:5 46:5 156:12 glad 27:23 209:1 go 8:7 9:12 10:5 10:14 12:11,17 14:18,19 17:23 20:24 30:8,18 31:7,22 32:3 37:11 40:5,19 42:15 51:9 52:2 52:7 53:20 60:12 61:9 64:19 67:18 69:21 77:22 78:5 81:5 82:15 82:21 85:15,22 92:9 94:10 95:18 97:23 107:8 110:1 114:5 121:17 122:4,12,20 126:17 128:23 132:18 135:4 139:8 140:4 143:19,22 145:19 149:10 151:6,13,16 154:9 159:24 161:1,3,22 163:15 177:13 177:17 180:20 198:5 199:10 204:3,18 205:7 212:16 215:19 goal 212:25 goals 99:8
---	--	---	--	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 14

<p>goes 17:20 35:22 35:24 42:3 86:11 144:14 179:21</p> <p>going 3:1 4:2,2 5:21 8:16 9:20 17:9 19:15 20:24 25:12,22 26:2 30:7,25 31:7,11,22 32:14 33:3,14 33:25 35:5,19 35:23 41:19 45:10,12,23,23 48:17,18 50:2 50:24,24 59:24 61:24 63:4 64:5 66:25 77:8 85:6 107:17 112:14 115:10 117:3 119:4,21 122:20 132:10 133:11 137:25 138:21 151:8 151:16 155:10 155:19 156:11 156:14 162:1 163:13,18,18 165:24 167:10 169:7,15,17 170:1,9 171:8 176:12 178:21 179:14,16 180:5,20 181:3 191:3,5 192:24 198:23 201:16 201:21 203:14 203:14 204:3,9 205:15 212:8 213:1</p> <p>golf 20:6</p> <p>good 7:18 33:22 40:5 51:3,10 53:21 57:20 131:23 157:14 162:23 165:9 213:4 219:10</p>	<p>gotten 208:12</p> <p>governed 184:10 194:17</p> <p>government 24:8 33:7 58:8 96:20 155:14 159:1 168:15 171:14 175:15 176:2,3 176:22 177:4 177:18 185:5,6 198:14,15 200:13 202:6 202:13</p> <p>governments 160:4 175:20 175:21 198:2 202:13 209:3</p> <p>Governor 2:13 34:14,22 41:22 46:2 48:3,17 53:6,11,12,13 53:15 54:8,10 56:3 57:5 64:3 65:14 66:2,16 66:24 73:8 76:21 77:4 83:15 85:23 90:9,18 91:12 92:4,20 94:1,21 95:22,24 96:3,4 96:10,11,20 97:14 98:9,23 107:19 110:4,8 110:14 111:1,9 111:10 112:5 113:2,7 118:3 120:3,17,17 122:16 124:8 129:19 132:16 132:18 133:10 134:8 136:24 138:4,12 140:16 142:16 151:21 184:15 194:25 195:17 212:16 214:19 214:20 219:4</p>	<p>Governor's 30:25 34:17 54:25 60:2,24 62:10,14 66:1,6 67:1 68:5 70:20 72:23,24 74:25 77:21 78:25 80:20 84:6 108:9 109:15 129:2 131:8 135:7 137:12 138:25 139:1 139:23 140:11 141:4 214:7,10</p> <p>governs 168:3</p> <p>granted 146:9</p> <p>graphic 78:21</p> <p>grave 149:1</p> <p>great 35:25 41:16 212:9</p> <p>grid 201:14</p> <p>grievance 32:15</p> <p>ground 9:15</p> <p>grounds 6:25 7:9</p> <p>group 1:23 53:25 54:3 62:14,22 68:23 72:7 74:11 220:22</p> <p>groups 86:22,25 86:25 87:3,19</p> <p>grown 178:24</p> <p>guarantee 165:20</p> <p>guaranteed 101:11</p> <p>guard 151:20</p> <p>gubernatorial 65:7,8 75:17</p> <p>guess 13:23 41:7 62:4 88:10 89:3 118:20 123:24 161:3 186:2 198:17 206:2</p> <p>guessed 60:6</p> <p>guided 52:12</p> <p>guidelines 192:5</p> <p>Gulf 123:14</p>	<p>H</p> <p>half 32:2 113:18 123:21 151:19</p> <p>halves 113:19</p> <p>Hamilton 152:9 163:7,12,17,24 183:23,24</p> <p>hampering 182:14</p> <p>hand 33:24 211:16</p> <p>handed 52:13 194:1 215:19</p> <p>handle 28:6 198:4</p> <p>handled 8:8</p> <p>handling 28:25 38:2</p> <p>hands 3:24 38:24 157:25</p> <p>happen 16:11,14 94:5 99:7 103:1 103:15,24 160:20 162:1 163:13,18 173:2 181:6,15</p> <p>happened 16:3 16:10 22:6 25:13 202:9</p> <p>happening 207:13</p> <p>happens 10:10 13:24 31:11 42:3 163:14 194:24 195:20</p> <p>hard 48:8 85:7</p> <p>Hardee 58:5</p> <p>Hayes 132:8</p> <p>HB 46:15</p> <p>head 183:21</p> <p>headquarters 28:20 37:23</p> <p>hear 7:3 83:3 99:13</p> <p>heard 9:7 19:8 41:15 65:19 78:11,19 79:8</p>	<p>105:4 137:7 152:14 169:25 172:5 183:19</p> <p>hearing 6:21 48:14 61:2,3,4 61:4 63:22 71:9 133:8 137:3 208:4</p> <p>hearings 138:7,8</p> <p>heart-shaped 211:16</p> <p>heated 64:3</p> <p>heavy 73:22</p> <p>held 31:8 43:17 43:19 92:7 98:9 127:7 138:17 175:9</p> <p>help 8:22 28:25</p> <p>helps 38:2</p> <p>Henceforth 107:1</p> <p>Hendry 58:5 134:21 135:8</p> <p>hesitant 113:21</p> <p>hierarchy 121:11</p> <p>high 33:2 63:7 150:1</p> <p>higher 117:8,9 161:9</p> <p>highways 111:16 113:5 121:24</p> <p>Hillsborough 58:5</p> <p>Hinkle 35:19</p> <p>hire 165:24</p> <p>Hispanic 87:6 127:15 130:16 130:24</p> <p>Hispanics 87:1 124:12</p> <p>historical 102:20</p> <p>history 27:2 111:2</p> <p>hit 91:25 156:6</p> <p>hits 62:2</p> <p>hobble 147:4</p> <p>Holder 92:13</p>
--	---	---	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 15

holding 127:17 221:9	114:7,8,15,16 115:12,14	improved 115:7	178:25 181:14	inherent 57:22 72:1
holds 197:12	117:8	improvement 108:1 109:8,11	184:24 185:19	initial 52:5 141:23
home 28:1,3 29:2 136:18 199:6	hundred 132:4	159:21 184:2	187:10 190:11	initiated 100:19
honest 140:10	hundreds 162:14 201:11,11,11	improvements 201:15	191:17 193:23	Initiative 124:19
honestly 218:23	hurt 181:3	improves 118:16	202:4,8,11,20	input 112:10
horribles 162:3	hyphen 18:4,22 19:12,16	in-house 210:21	204:6,23 205:5	inquiry 215:16
host 187:1 212:1	hypothetical 142:13	inactive 193:23	206:10,13	insensitive 209:9
hour 47:2,21 48:8 138:18,22 141:17,19,23 142:7	I	inappropriate 14:3	208:14	insert 6:15 39:12 146:25 210:14
hour-and-a-half 141:17,20,23	idea 101:13 105:8 134:21 144:2 153:12 153:13 179:9 180:19	incentivize 163:9	independently 162:10	inserted 129:11
hourly 41:6,12	ideal 66:8	include 49:20 121:25 155:22 159:8 173:6 194:12 196:13 214:11,21 219:5	indicate 95:6 97:2 102:22 103:3 104:4 186:1	insofar 45:14
hours 47:21,22 151:15	identified 29:13 29:14 130:14 140:16	included 136:14	indicated 93:18 95:25 102:8,10 102:22 127:22 163:24 170:6 190:6	instance 10:13
house 2:17 53:7 55:9,18,19 56:3 56:5,18,21 57:8 60:25 61:1,3,3 61:6 63:21 64:21 65:1,11 65:13,21,24 66:15,21,24 71:1,2 76:21 77:2,3 78:23 81:3 83:18 86:12 88:10,24 89:11 90:2 95:21,23 96:3,8 96:18 98:22 109:7 110:4,7 110:15 111:4 112:1,5 113:7 122:7,14,15 126:20 129:22 133:2,15 138:4 138:10,23 139:12 140:9 140:12,17,22 217:16	ignorance 137:11	includes 66:13 128:19 176:5	indicates 174:21	instate 148:16
House's 60:3	imagine 42:15	including 117:20 146:4 160:5 169:19 184:3	indication 88:9 88:13 102:16 129:11	instructions 36:21
Hudson 153:7,9 154:15	immediate 180:12,18	income-genera... 156:21	indicative 84:23 111:2 112:11	insurance 29:15 31:12,12 207:8
Hull 113:25	immediately 170:8 197:14	inconsequential 95:13	indiscernible 97:11 132:13	intelligently 151:18,21
	Immokalee 123:13,20	inconsistent 120:8,15	individual 30:19 30:23 106:2 167:24 201:10	intend 164:13
	impact 27:2 106:15 109:17 117:16 125:14 163:4	incorporates 162:14	individuals 93:25 206:8	intended 212:14
	impacts 147:6	incorrect 43:2 175:14	indulgence 127:4 211:24	intensity 215:16
	implemented 65:13	incredibly 22:8 28:6 146:3	ineffective 211:24	intent 35:3,5,14 161:14,21 164:11 169:14 171:20 172:14 186:7 205:7 212:11,13
	implicit 132:18	incur 170:21	infer 35:5	intention 18:18
	implied 180:4	indebtedness 170:25	infirm 46:24	interactive 212:21
	importance 36:1 145:23	independent 4:25 145:16,24,25 146:2,12,15 149:20 151:8 152:12 158:24 163:4 168:4 171:18 172:12	information 52:3 53:17 67:19 70:14 74:18 90:7 98:2,13,15 102:18,20 103:24 125:13 153:20,25 154:6	interest 77:11,13 92:17
	important 121:13 208:16 216:9 220:3,8		informed 138:19 204:12	interested 222:8
	improve 118:12			interlocal 198:2
				internet-based 212:3
				interpreted 72:3
				interpreting 127:11
				interruption 17:15
				interstates 111:16 113:5 121:23

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 16

introduced 71:1 96:18 110:7 111:9,25 112:1	119:6 146:7 166:10 206:15	kid's 132:8	ladies 157:4	177:16 182:13
introduces 123:19	Johns 114:18 120:10	kidding 48:14	laid 75:19 192:3	184:5 192:24
invalid 43:17,19 43:19 44:7 47:9	joint 195:14	kind 23:9 123:17 179:9,11	Lake 150:15,16 150:24,24	200:24,25
invalidating 128:7	Jones 9:20 12:4,6 12:8,24,25	kitty 48:4	155:4,4 160:5,5	laws 27:8 42:12
invalidity 43:20	13:11,12,20,21 14:7,8,20,21	knew 152:14	197:17,17	lawsuit 14:1 33:15 41:18
inviting 183:11	30:2 32:19,21 32:23 34:19	know 13:14 17:20 18:10	landfill 155:24	lawyers 48:9
involve 160:3	judge 13:14 34:24,25 35:7	19:12 21:19	landmark 113:10 120:4	lay 30:18 76:22 123:9
involved 35:11 143:5	35:16,19	22:1,3,7,20,22	landmarks 111:15	lays 30:20 143:4
irresponsible 151:5,24	judges 35:18	25:19,20 26:1	landowners 167:14	LBC 42:18
issue 9:13 11:6 11:25 12:1	judgment 3:25	27:13 33:13,13	language 36:5 45:5,7 58:10	lead 208:4
15:20,25 35:13	judicial 26:11 28:16 29:16	34:17,25 41:8	77:9 149:18	leader 3:18,25 12:4 14:22,24
59:13 87:23	32:8,12 33:7	41:13,19 42:14	173:7 190:7	15:11 16:1,12
109:18 112:15	38:13 58:25	44:22 45:20,22	197:9 203:5	16:23 17:11,22
112:19 113:14	Julie 222:21	45:23 46:2,6,11	large 53:25 54:3 62:15,22 68:12	34:3,3,5 36:16
128:5 179:12	July 184:22,23	49:4 60:1,13	68:12,15,16,20	38:8 49:16 50:4
207:12 208:18	June 146:15,17 163:14 165:15	65:1 67:3,8	68:23 69:2 72:8	51:4,6 67:15
issued 124:18	167:2,3 179:15	71:9 77:12 86:9	73:15 81:24	68:10 69:3,12
issues 9:1 11:12 17:8 29:17	179:22 181:3	86:23,24 87:11	106:1	69:19 70:7 71:5
113:17 160:1	182:14 184:21	96:24 99:20	largely 65:22,23 65:25	71:19 72:15
164:11 197:24	185:13,15	103:23 105:5	larger 30:17 119:19	73:2,10 74:1,16
198:4 208:16	186:6 195:12	106:22 121:3	late 138:18 144:11 146:23	75:3 76:8,18
220:9	jurisdiction 22:16 32:9	124:25 125:2	210:12	77:5,23 78:10
items 54:8 147:13	jurist 35:8	131:9 142:11	Latino 124:18 125:8,15 126:6	78:13 79:10,14
iteration 216:14	justice 97:11	148:3,17	126:10,11	88:4,25 89:19
	K	150:19 156:24	127:24	91:14,21 107:8
J	keep 71:9 80:2 117:11 121:20	157:11 160:19	law 6:22,25 7:4,4 7:5,9 11:2	107:9 108:13
J 211:15	201:5	161:9 163:11	12:15 14:6,18	108:18 109:13
jacket 20:6 27:23	keeping 70:11 116:10 157:4,5	163:13 165:21	14:19 29:13	110:9,19 112:6
Jacksonville 113:18 114:12	keeps 116:8	165:24 183:20	31:3,19 33:6,23	113:12 114:3
119:17,18	Kelly 78:19 141:4,25	187:6,7,23	35:20 37:18	116:14 117:13
January 56:11 59:19 98:5	142:13	189:7,17	53:13 72:18,25	118:18 120:7
109:4 116:2	kept 33:8 116:5,6 116:7	192:23 195:13	92:22 155:18	120:20 121:6
118:17 122:14	key 62:24	197:9 198:7	156:13 158:25	122:1,17 123:1
139:8		206:24 209:1	167:1,6 169:4	124:15,24
job 41:20 116:10		212:9,11,21	175:8 177:12	125:5,24 127:2
		215:11,17,23		128:17,18
		219:14		147:1 148:19
		knowing 33:22 41:8 139:15		149:23 154:10
		knowledge 192:17		154:12,24
		known 190:12		157:16 169:9
		L		170:11 171:24
		lack 191:12		172:16 173:3
				173:16 174:4
				174:13,25

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 17

175:17 176:8 177:1,21 178:6 206:22 208:23 210:16 211:12 leadership 204:13 learn 31:19 32:6 94:12 learned 33:1 54:23,24 56:2 65:15 83:21 85:22 140:19 learning 64:24 leave 46:24 122:3 led 71:3 left 57:8 205:17 legal 44:16 45:12 53:18 54:12,22 55:12 62:12 68:5 70:21 98:9 98:16 117:24 legislate 132:14 157:15 legislation 17:14 21:22 35:8,10 95:20 102:20 142:25 148:12 212:17 216:9 legislative 27:12 30:7 32:7 33:7 34:12 52:21,24 66:10,11 94:14 110:2,12 112:10 146:1,8 152:18 159:22 161:14,21,22 164:11 166:8 167:23 168:7 169:7,14 170:9 171:17 172:11 172:14 173:1 173:13 174:2 179:12,16 180:5,10 193:17 195:3 204:5 205:6 legislator 27:7	legislators 132:14,14 legislators' 122:7 Legislature 26:15 33:18 35:2 46:21 53:4 68:6 99:2 111:15,20 113:4 127:15 146:7 148:13 154:18 162:2 162:11,12 165:10 171:20 185:3,19 190:16 194:2,3 198:4 206:15 Legislature's 26:5 legitimate 98:16 length 203:9 lengthen 14:3 15:21 Leon 7:1 13:4,14 13:15 22:9 24:8 24:9 30:24 31:1 32:16 33:16 35:18 45:10 lesson 32:25 let's 21:11 37:7,8 37:10 40:5,19 62:1 77:23 78:5 107:8 110:11 122:3 128:23 143:22,22 145:19 157:8,9 157:11 159:22 letter 53:16,20 62:12,14 75:1 80:21 83:4,17 98:10 109:24 112:14 117:24 letting 147:4 174:23 level 29:19 35:22 107:2 124:7 levied 150:21 liabilities 155:15	156:2,18 161:5 164:20 169:18 170:2,22 171:9 172:6 175:9,16 177:17 194:13 198:18 199:5 199:22 liability 156:15 177:25 liberals 156:10 Library 184:5 lied 34:1 lies 37:22 light 41:3,6 92:17 likewise 34:16 limbo 182:4 limit 47:10 limitation 36:20 limiting 29:17 41:21 42:2 limits 155:6 line 13:2 18:9,15 89:4 113:8 128:21 152:17 169:13 174:7 174:21 190:1 210:13 212:10 lines 6:14 39:11 54:15 66:5 119:9,9 121:20 122:13 126:16 126:18,19,24 129:20 131:20 140:20 209:23 list 80:10 128:18 165:12 191:5 listed 168:6 listen 156:8 211:17 listened 80:4 lists 191:7 literally 137:25 litigate 26:16 32:16 43:11 48:20 litigated 10:2 11:6,7,13 17:9	17:9 26:6 27:9 30:9 41:5 litigating 35:16 litigation 8:8 14:4 15:14,20 15:22 16:11,22 17:20 28:25 35:1 36:23 38:2 40:12 41:2 42:9 42:11 43:9 44:2 45:24 46:3 48:2 52:21,22 54:9 54:11 72:4 76:4 81:1 94:15 115:2 142:23 142:25 143:2,6 litigations 29:17 29:18 little 28:12 45:18 47:14 71:7 77:23 78:3 90:20 105:14 123:8 127:18 161:9 207:24 211:18 live 100:6 102:11 130:3 177:5 living 82:17 85:12 loan 196:11 197:9 lobbyists 165:24 local 123:21 155:14 163:9 166:9 176:21 181:19 200:13 204:12 location 87:3 lock 39:3,24 158:4 logistically 45:20 long 35:10,20 37:18 132:12 133:16 134:9 134:22 206:25 211:18 212:10 longer 46:20	51:21 62:2,6 83:20 84:23 86:15,15 171:19,20 172:12,19 173:7 look 52:3 59:6 64:11 104:3 109:24 115:5,9 116:7 117:4 122:10 128:11 129:8,8,10 131:3 132:16 134:17,19 140:4,11 148:6 165:11 173:14 180:9 185:19 186:1 204:23 204:24,25 205:4,16 looked 53:15 54:8,10 60:7 80:4 86:13 94:22,22 105:11 106:11 137:22 150:24 174:3 184:21 looking 3:19 16:20 55:13 59:16 60:9 87:12 105:12 108:5 109:2 115:5 116:12 123:18,24 124:9 126:1 130:4 134:16 150:14 180:6 183:3 185:4 207:4 208:1,1 looks 88:12 lost 48:15 52:20 52:21 94:14 lot 122:21 187:5 206:8,8 207:7 lucky 155:5 lumped 211:21 212:4
--	---	--	--	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 18

M	40:3 50:13	117:19,21	math 47:23	109:15
M 1:24	145:15 146:20	118:1,2,4,6,11	matter 22:16	memorized
Madam 3:1 4:11	146:23 147:18	118:14,14,15	24:24 34:11	134:18
5:5 43:23 221:3	man 31:25 201:1	118:16,17	35:25 49:11	mention 17:13
221:11	manage 164:8	119:4 120:10	119:21 222:4	33:10 112:12
MAIL 2:6,10,14	management	122:5,14,15	matters 2:20	mentioned 56:17
2:18,22 4:4,24	147:9	123:25 124:14	35:2	119:8 163:3
5:15 39:5,10	managing 165:9	126:18,20	mean 43:1 45:10	merchandise
158:6,10	mandatory 32:9	128:9 129:1,1,8	47:25 62:4	151:3
209:15 210:8	manpower 29:1	129:9,10,22	63:11 133:10	merit 102:17
210:12 213:13	38:3	130:13 131:4,5	147:7 149:25	messages 2:12,16
maintain 123:7	map 6:7 8:15 9:7	131:8,11,12,18	156:8 162:8	met 3:22 55:16
124:1	14:11 15:9	133:1,21 134:1	165:21 180:7	method 200:12
maintaining	34:13,13,16	134:2,8 135:7	198:21 215:15	methodology
191:6	43:1,3 52:6,17	138:1,1,2,5,11	219:14 221:12	58:19
maintains 28:20	52:25 53:2 55:3	139:9 142:18	meandering	methods 193:6
37:23	56:4,8,10,11,19	144:4,12,14,15	119:10	metric 136:2
maintenance	57:1,4,13 65:17	maps 15:3 16:4	meaning 203:10	metrics 113:24
159:13	65:21,25 66:3,9	35:13 36:23	meaningful	115:21 116:12
major 111:16	66:13,14,15,22	37:1 41:14,16	146:1 152:18	118:16 135:13
113:5 121:13	68:5 69:24	41:23 43:9 44:6	165:11 168:7	Mexico 123:14
121:22,24	70:14,14,15,15	44:7 46:8 49:21	172:25	Miami 123:15
majority 54:1,4	71:1 76:12,20	50:1 51:17 59:2	means 108:10	Mickeys 212:22
54:18 55:4,22	76:21 77:2,3	59:3 66:4 67:25	109:5 118:1	middle 33:1
55:23 61:8	79:1 83:23 88:8	76:7 88:10	170:20	56:12
62:15,23,24	88:13,16,22,23	89:12,22 90:2	meant 58:21	midnight 138:21
66:21 68:4,24	88:23 89:4,7,7	90:10 91:13,17	76:13 108:7	mile 134:9
69:1 70:23 72:8	89:18 90:7,17	92:12 93:19,20	measure 58:19	miles 135:5,9
73:19,20,23	90:19 91:6,18	93:24,25 94:3	measured 105:6	millage 150:25
74:3,11,13,24	92:20,21 93:3,6	95:1,14 96:17	mechanics 196:5	million 41:22
81:4 83:14,16	94:18 95:23,25	96:18 97:7,13	media 5:16 32:5	42:2 44:13,19
83:19 84:23	96:2,5,6,8,14	97:19 110:6	156:9 209:16	44:24 46:6
86:6,16,20	96:16 99:3,5,7	111:12,13,24	210:1,23	47:13,20,24
87:13,16	100:18 107:18	113:3 117:20	211:22 212:1,4	48:5,6,7,21,23
103:13 104:17	109:7,8,10,11	119:10 121:8	meet 53:18	96:25 101:8
104:23 106:15	109:19 110:7,7	122:7 124:13	220:22	155:19 157:10
124:11,12	111:8,9,11,17	127:25 130:6,7	meeting 31:9	176:11,11
125:14 126:5	111:24,25	131:14 132:15	141:2	millions 201:12
126:11,25	112:2,3 114:6	132:18 133:22	meetings 121:18	mind 114:4
130:2,18	114:12,13,21	137:1,21,23	221:10	minds 31:9
168:12	114:22 115:5,6	138:20 139:22	members 38:7	mine 163:6
making 10:10	115:9,10,11,12	140:7 144:25	101:12 112:10	mineral 198:13
82:10 85:17	115:13,15,16	214:10	123:5 145:22	minimize 28:25
109:9 115:6	115:17,17,19	marbles 9:8	176:6 205:19	38:2
117:5 128:6	115:25,25	March 133:4	205:23	minorities 87:16
148:5 170:15	116:5,6,7,8,10	Marion 184:5,5	memo 52:4 91:7	minority 37:2
MALE 6:1,9,13	116:19 117:5	master 195:2,19	92:10,15	53:24 54:3,18

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 19

55:2,4,22,23 59:13,25 60:10 60:15 61:8 62:2 62:3,14,22 63:12 64:6,8,9 66:25 67:2,7,20 68:23 70:11 71:8,12 72:6,7 73:19 74:10 75:24 81:15 84:23 86:6,16 86:20,22,25,25 87:3,13,14,19 100:4,5,7 103:11,12,13 103:14 104:10 104:16,17,18 104:24 105:13 105:14 106:11 106:15 124:10 124:12 126:25 129:12 130:1,5 130:23,24 minority- 53:22 minority-prote... 51:19,21 minus 106:4 minute 122:4 143:19 206:25 minutes 28:23 142:7 220:22 mischaracteriz... 103:9,20 210:23 mislead 126:3 missed 141:4 207:19 211:15 missing 73:16 misspoke 208:22 mistake 35:4 mistakes 94:12 95:8 mode 213:3 moment 21:2 51:8,8 208:20 money 33:21 42:11 156:11	163:15 Monroe 58:5 month 59:12 184:23 185:15 morning 152:15 156:23 221:12 morphed 186:10 mother 78:17 motion 3:11,16 4:9,22 5:4,13 5:20 38:22 39:7 157:24 158:8 179:2 204:4 220:25 motions 2:8 motivated 35:3 Mountain 198:19 move 3:7 4:15 5:7 11:23 21:6 36:22 77:7 200:13 215:25 221:6 moved 55:21 moves 4:7 5:2,18 39:20 moving 50:5 167:12 mud 78:17 multi-county 184:2 multi-part 110:22 multiple 3:12,14 4:19,21 5:10,12 29:16 38:19,21 46:3 58:16 157:21,23 213:8,10 municipal 195:7 199:7 202:13 208:22 209:3 municipalities 116:7,8,9 194:23 196:4 198:24 municipality 164:5 194:25	200:9 muster 46:25 N name 202:19 narrow 210:2 211:9 212:15 narrowly 77:10 Nassau 114:17 Nassau-Duval 114:14 naturally 16:14 24:20 nay 3:13,14,15 4:20,21 5:11,12 38:20,21 157:22,23 213:9,10 nays 39:6 158:6 necessarily 20:1 75:9 necessary 7:25 43:12 44:22 123:7 124:1 166:1 179:3 205:19 need 10:1 11:7,18 12:19 16:15 42:15,18 47:1 63:20 76:22 80:15 95:21 107:14 118:1 120:19 125:19 131:21 152:17 162:13 164:24 178:14 197:25 needed 30:10 53:22 85:10 needs 99:6,7 154:20 negotiated 77:2 negotiation 66:12 110:13 111:3 negotiations 57:2 138:4,24 139:15,17 217:24	neighborhoods 131:21 neither 87:23 152:13 201:17 222:5 neutral 79:1,3 never 33:19 77:12 95:24 111:1 138:1 200:25 201:1 201:18,19,23 new 109:19 112:10 118:1,4 125:13 126:11 nexus 198:14 night 221:17 Nodding 107:23 non-diminishm... 53:19 54:17 non-residential 161:10 noncompact 112:16 noncompliance 191:6 Nordby 52:5 normal 14:12,17 21:20 Northeast 65:25 96:12 108:20 113:8 northwest 134:19 northwestern... 135:6 notable 113:10 120:4 notes 107:21 notice 178:14 183:3 notwithstanding 18:5 168:1 203:11,15,17 203:20 204:3 novel 202:9 November 99:16 nuclear 146:4 187:7 205:1	null 95:13 number 44:21 64:5 68:15 70:15 73:13 79:25 80:1,6,7 85:8,12 106:24 144:8 174:7 205:18 numbers 64:11 78:22 81:8 114:20,21 116:16 117:2,7 131:12 135:22 150:1 155:6 205:23 NW 1:24 O o'clock 221:7 oath 141:5,13,25 Obama 63:5,25 103:1 Obama's 64:10 objection 21:10 21:11 50:8,10 50:10 119:1 221:18 objections 4:9 5:4,20 objectively 204:10 objects 16:21 obligation 102:4 149:4 156:2 176:16 177:14 obligations 147:8 176:21 191:11 192:4 observe 86:10 obviously 22:1 67:4 occur 139:16 162:4 181:11 198:8 occurred 54:9,11 56:12 57:24 59:10,11,12
---	---	--	--	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 20

142:24 206:18 occurs 58:13 157:17 160:21 167:24 199:12 199:12 Off-season 75:9 offer 113:22 offered 81:5 128:16 211:8 office 30:25 34:17 54:25 56:3 60:2,24 62:10 63:25 66:2,16 70:20 72:23 73:8 77:21 78:25 81:13 83:22 84:6 85:23 91:12 96:11,20 110:8 112:4 120:3,17 124:8 129:2,19 137:12,15 138:12,25 139:1,23 140:16 141:5 142:15,16 214:7,10 official 191:7 Oh 2:25 79:2 88:4 153:5 176:10 oil 198:13 okay 5:21 27:5 79:12 81:23 85:4 89:23 107:12,16,24 122:3 125:4 150:15 155:20 176:10 191:3 201:3,6,9 once 34:21 35:3 48:6 60:23 92:9 102:25 104:8 115:7 166:10 one's 31:17,21 one-county 109:8	one-day 178:14 online 212:22 Opa-locka 195:22 open 38:24 39:22 64:2 143:5 153:25 157:25 158:13 168:3 opened 206:9 operate 52:8,23 67:25 201:13 202:12,15 205:1 217:18 operated 52:14 76:6 92:1 143:7 operating 164:12 165:1,2 202:22 operation 158:25 167:1 175:8 177:12,16 178:19 195:20 200:4 operations 159:13 198:13 operative 69:2 opine 73:8 opinion 85:13 113:22 142:22 168:19 OPPAGA 147:12 148:2,17,24 149:7,19 150:1 152:20 153:12 153:13,17,19 154:1,5 opportunity 8:19 46:8 49:9 97:1 130:14 131:20 185:18 opposed 3:13 4:20 5:11 22:23 38:20 153:15 154:8 157:22 182:25 183:4 213:9 215:20 option 134:7 options 164:9	Orange 129:11 150:17 155:3 160:6 176:12 184:3 197:18 198:23 order 2:3,3,25 5:22 21:7 28:24 46:7 65:12 71:8 72:6 104:17 107:6 120:11 141:19 162:15 220:21 ordered 52:15 128:9,12 133:24 orderly 28:24 38:1 199:4,21 organic 215:21 organizations 30:17 oriented 148:16 original 56:8 59:1 71:1 76:7 111:8 113:17 118:17 119:1 126:18 140:11 140:12 186:7,7 originally 53:10 59:20 109:11 113:2 129:21 131:5 originated 131:13 origination 142:18 Osceola 150:17 155:2 160:6 176:11 184:3 197:18 198:24 Osgood 79:16,18 79:23 81:10,12 81:22,23 82:12 82:13 83:24,25 84:25 85:1 86:17,18 87:25 105:8 135:19 Osgood's 39:18	outcome 36:5 outlets 211:22 outlined 33:11 162:4 outside 26:20 27:9,11,15 30:6 30:9 41:4,7 73:9 115:7 146:5 167:6 172:13 205:3 overlooked 205:16,23 overly 211:23 overreach 26:4 26:11 oversee 195:3 oversight 146:2 152:18 173:1 173:15 174:2 179:12,17 180:5,10,13 184:20 185:2,5 185:17 191:24 196:5 206:17 oversights 191:20 ownership 148:10,11,14 148:14 210:4 P P.M 1:13 page 53:20 68:6 68:21 75:1,2 79:25 92:10 107:22 148:8 panhandle 65:19 96:7 Pantazi 114:13 116:19 117:21 parade 162:3 paragraph 54:2 68:7,21 75:1,2 80:1 paragraphs 68:7 parameters 33:15 52:9,24	53:2 151:20 Pardon 110:24 parents 99:20 park 151:2 156:3 198:23 210:4 parking 151:2 155:24 parks 199:6,7 201:13 202:14 208:21 211:10 217:18 218:13 218:24 part 28:16 45:25 82:18 88:16 97:23 99:12,13 101:16 104:22 129:11 139:7 155:13 173:12 178:20 183:13 186:14 207:19 217:23 partake 78:2 participate 212:6 participating 137:12,16 particular 8:1,15 22:16 42:25 93:3 102:19 106:7 124:11 136:8 186:4 191:22 205:21 particularly 112:15 parties 222:7 partisan 113:17 parts 46:23 party 37:5 74:12 75:6,24,25 76:1 party's 73:23 pass 13:24 26:17 27:8 30:7 35:25 37:1 42:13 46:24 49:3 52:25 59:3 65:13,14 93:25 96:2 100:18 118:2,14
---	--	--	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 21

153:18 160:12 163:11 203:14 203:15 passage 23:15 34:16 passed 26:15 36:24 41:14 49:21,25 53:9 53:10 56:10,19 57:2,4 65:12 66:4 77:3 88:22 89:18 90:4 93:19 95:1 96:17 98:3,6 109:3,7,8,12 112:9 115:10 115:12,15,18 116:1 118:17 122:14,15 124:13 130:6,7 130:13 131:5 131:18 132:21 138:2 139:14 144:3 209:24 216:8,14 passes 163:19 170:18 171:4 204:10,11 Passidomo 3:3 4:13 5:6 21:3,4 220:16,18,21 221:4,14 passing 95:14,20 99:3 144:11 182:13 passport 48:2 pasta 78:1 paste 18:6 patterns 127:24 pause 207:1 pay 44:15 156:4 161:9 176:12 176:15 177:5 197:17 penalized 82:22 84:2 pending 43:9	50:1 people 37:10 41:16 48:6 50:1 77:15,15 80:11 80:12,15 85:11 85:12,14 87:5,6 87:6,10 91:20 93:21 96:25 97:4,6 99:19,19 99:20 100:25 101:8,10 102:13,17 133:12 136:18 136:21 155:19 156:11,14,16 207:18 208:1 213:1 215:19 219:18 percent 61:11,12 61:14,15,17 62:2 64:12,12 64:13 67:19 68:14 80:11 84:19,20 93:20 97:3 100:7 101:9 102:14 104:13 126:6 130:15,17 161:10 percentage 84:18 130:16 percentages 205:18 perform 120:23 performance 135:21 136:6,7 136:13 performed 121:4 125:22 performing 53:23 80:24 81:15 185:21 period 55:19 180:22 182:4,4 periodically 145:23 146:8 152:18	persevere 172:2 person 43:17 82:15 100:10 100:11 102:10 106:4 119:23 156:6 personal 215:21 216:8 perspective 59:16 66:8 petulant 34:21 phone 136:20 pick 155:14,19 162:9 picked 44:21 picking 169:12 piece 21:22 35:8 47:12 102:19 123:15 216:9 Pizzo 12:5 14:23 17:23,25 18:2,9 18:12,14,18,24 18:25 19:7,8 20:3,4,15,17,19 20:20,23 21:1 21:13,15,17 22:1,10,11,24 22:25 23:13,14 24:3,5,17,19 25:3,4,9,10,16 30:2,13,15 33:11 39:15,17 44:10,12 45:2,3 46:13,14 47:17 47:18 48:25 49:1 51:5 77:24 79:15,19 107:7 128:20 131:25 132:2 133:5,6 134:3,5,14,15 135:2,3,15,16 136:4,5,16,17 137:9,10 138:14,15 139:21,22 140:25 141:1 141:10,11,21	141:22 142:9 142:10 143:10 143:11,15 147:23,25 148:23 150:10 150:12 152:6 156:3 187:14 187:15 188:1,3 188:11,13,24 189:3,4,6,13,15 189:23,25 190:8,10,17,19 191:3,25 192:2 192:14,16 193:1,3,13,18 193:20 194:8 194:10,11,18 194:20 195:9 195:11,22 196:8,10,20,22 197:5,7 198:9 198:11 199:13 199:15,23,25 200:10,12,21 200:23 201:4,6 201:9 202:16 202:18 203:2,4 204:7,9 205:9 205:10,11,13 207:23 209:9 213:20,22 214:4,6,17,19 215:5,14 216:10,12,19 216:21 217:2,4 217:11,13 218:1,3,15,17 219:1,3,11,13 219:24 220:1,3 place 24:22 48:23 79:17 148:15 155:12 183:9 placed 50:20 141:5,12,25 145:12 209:12 220:14 places 111:14	113:3 217:17 plan 108:9 109:3 plans 41:7,8 plant 155:23,24 159:9 205:1 platform 212:2 platforms 5:17 209:17 210:1,3 210:23 play 139:13 160:19 203:22 playing 158:17 pleading 137:11 please 14:10 20:16 27:19 34:17 38:18 39:24 69:15 157:13,20 171:2 174:7 204:17 plotted 55:20 plus 106:4 123:20 point 3:19 28:6 30:5 45:4 57:12 59:13 62:5 64:13,20 109:9 118:13 119:16 152:10 161:25 164:18,20 174:23 175:25 178:9 184:4 197:23 203:16 pointed 215:11 pointing 29:15 points 84:11 98:9 165:6 polarized 87:19 127:9,16 policies 31:12 policy 47:12,12 124:18 157:14 political 37:4 126:10 Politics 124:19 Polk 134:19 polls 82:16
--	---	---	--	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 22

Polsby - 114:19	93:24 118:6	208:13	5:11,13,18 6:4	43:25 44:8,12
Polsby-Popper	121:21	practice 13:9	6:8,10,11,16	44:17,18 45:2,3
114:1,5,7,9,15	possibly 35:16	38:13	7:11,16,18,23	45:16,17 46:13
115:16,17	197:4	precedence 12:12	8:2,10,13,23	47:4,5,17 48:10
117:10	post 212:22	precedent 11:5	9:3,5,11,18,25	48:11,25 49:6,7
Polsky 40:23,25	posted 114:12	11:12 142:24	10:6,8,11,12,16	49:13,18,23,24
41:24 42:1,20	postponed 4:8	143:4 197:12	10:18,20,21,24	50:3,14,15,18
Popper 114:20	5:3,19	precincts 126:6	11:3,4,9,11,15	50:19 51:9,10
population 60:10	potential 16:21	preclearance	11:16,19,21	51:15,23 52:1
63:12 80:3,22	42:11 147:6	58:7,20,22	12:3,9,21,22,24	56:13,16,23,25
82:2,18,19 83:6	148:7 156:21	preclude 7:6	13:1,6,8,11,12	57:6,7,17,19
84:21 88:15,20	164:4 170:10	precluded 137:11	13:17,20,22,25	59:21,23 60:20
88:21 90:22,23	potentially 99:18	137:15	14:7,8,14,16,20	60:22 61:19,22
90:24 91:1 97:4	100:24 158:18	precludes 165:14	15:1,5,7,11,12	62:7,9 63:1,3
100:7,24	159:15 160:10	165:20	15:16,18 16:1,2	63:19,25 64:10
101:13,21	161:12 162:14	predicate 123:9	16:6,8,12,13,17	64:14,16 65:3,5
102:14 104:14	186:6	preempt 197:16	16:19,23,24	66:17,19 67:10
105:22 106:2	Powell 7:21,23	preemptive	17:4,6,11,12,16	67:13,17,21,23
106:23,25	8:11,13 9:3,5	31:16	17:18,22 18:2,8	68:10,11,17,19
119:24 130:16	9:18 42:22,24	preexisting	18:12,14,20,24	69:3,4,7,9,12
136:2	43:13,15 44:8	170:25	19:3,5,7,14,17	69:13,16,19,20
portends 198:7	92:24 93:1,15	preface 34:10	19:22 20:3,4,9	70:2,4,7,8,17
portion 43:1,5	93:17 95:3,5	preference 37:5	20:12,15,17,19	70:19 71:5,6,14
44:6 65:22,24	96:21,23 99:9	37:5	20:21,24 21:2,5	71:16,19,20,22
65:25 86:10	99:11 100:20	premise 52:14	21:10,23,25	71:24 72:15,16
92:10 96:16,17	100:22 101:5,7	54:22 67:25	22:10,18,19,24	72:20,22 73:2,3
96:19 98:16	102:5,7 103:16	73:14 76:6 92:1	22:25 23:7,8,13	73:6,10,12,17
135:7,8 176:1,5	103:18 104:19	100:3,3 103:10	23:21,23 24:1,5	74:1,2,6,8,16
portions 96:13	104:21 106:19	104:23 105:15	24:14,17,19,25	74:17,21,23
106:18	106:21 107:5	prepare 20:7	25:3,6,9,14,16	75:3,12,14 76:8
pose 142:12	183:15,17,23	prepared 50:22	25:25 26:7,9,12	76:10,14,16,18
position 56:4,5,6	184:6,8,17,19	83:22	26:13,18,22,23	76:19,24 77:1,5
56:20,21 57:3,8	185:11,23,25	prescription	26:25 27:4,6,16	77:6,17,19,22
57:10 60:3,25	186:19	207:9	27:20,22 28:9	78:15 79:4,7,10
61:4 64:23 65:1	power 28:12 29:8	present 40:2	28:10,14,18	79:11,12,14,23
65:11 67:1,3,7	33:3,5 34:20	presentation	29:4,6,10,11,20	80:17,19 81:10
71:3 72:24	146:4 155:23	85:22	30:12,15 32:18	81:12,17,19,22
83:21 86:12	159:9 187:9,10	presented 40:15	32:24 34:2,8	82:5,7,12,13,24
113:7 138:17	200:15 201:14	66:5 134:7	36:14,18 37:12	83:1,24,25 84:8
140:9,17	205:1 206:16	138:22 139:1,9	37:13,17 38:5,6	84:10,25 85:1
positive 164:25	207:5 208:2	presenting 51:20	38:11,15,20,22	85:18,20 86:17
166:3	powers 26:5	president 2:2,7,8	39:3,6,7,13,17	86:18 87:7,9
possibility 10:19	27:12,15 30:7	2:11,12,15,16	39:20,24 40:2,4	88:1,6,17,25
10:23 29:18	146:4,9 161:24	2:19,20,23,24	40:5,9,14,25	89:2,15,19,21
143:5	178:24 186:20	3:4,10,13,16,20	41:10,11,24	89:25 90:11,14
possible 15:20	187:5 204:24	3:24 4:7,14,17	42:1,6,7,20,24	91:3,5,9,14,16
45:9,14 49:2	206:10,11	4:20,22 5:2,7,9	43:6,7,13,15,24	91:21,24 92:24

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 23

93:1,9,12,15,17	135:2,3,10,12	174:11,13,18	204:7,19,21	74:4,11 75:5,6
94:6,9 95:3,5	135:15,23,25	174:20,25	205:9,10,11	75:24 80:6,23
95:16 96:21,23	136:4,11,16,17	175:11,13,17	206:4,6,20,23	81:8,20 82:3
97:20 99:9,11	137:4,6,9,17,19	175:22,24	207:14,16,20	83:10 84:12,19
99:23 100:1,20	138:14,15	176:8,17,19	207:22 208:8	84:22 85:9,15
100:22 101:1,5	139:4,6,21	177:1,8,10,21	208:10,23	87:21 105:13
101:7,23 102:1	140:1,3,25	178:1,3,6,8,10	209:4,18,22	106:6,10 109:7
102:5,7,25	141:1,6,8,10,14	178:12,16,18	210:7,9,10,15	134:2,7 136:6
103:5,8,16,18	141:16,21	179:6,8,18,20	210:17,25	principal 37:23
104:6,19,21	142:2,4,9,10,19	179:25 180:2	211:6,12 213:6	principle 36:7
105:16,19	142:21 143:10	180:15,17,23	213:9,11,14,15	principles 29:2
106:19,21	143:11,15	180:25 181:7,9	213:22,24	prior 58:2 142:24
107:3,5,7,11	144:1,5,7,9,10	181:22,24	214:1,2,4,6,12	146:12 168:7
108:2,4,13,14	144:16,18,22	182:5,7,10,11	214:14,17,24	210:5
108:16,18,24	144:23 145:3,5	182:16,18,20	215:1,5,7,10,14	priority 198:6
109:1,13,14,21	145:9,18,21	183:6,8,14,17	216:1,2,3,5,10	private 31:10
109:23 110:9	146:19,21,22	184:6,8,11,13	216:12,15,17	44:15 201:21
110:10,17,19	147:1,3,16,19	184:17,19	216:19,23,25	privilege 27:25
110:24 111:5,7	147:20,25	185:7,10,23,25	217:2,7,9,11,14	52:21,25
112:6,7,23,25	148:19,22	186:16,18	217:20,22	142:17 143:1
113:12,20	149:11,17,23	187:12,15,18	218:1,3,10,15	probably 13:16
114:3,24 115:1	150:4,12 152:2	187:20 188:1,3	218:20,22	47:15 64:18
116:14,23,25	152:5,24 153:5	188:6,8,11,17	219:1,3,7,9,11	156:1 198:2
117:13,22	153:9,18,20	188:19,25	219:13,23	problem 180:11
118:18,19	154:9,14,24	189:1,4,9,11,13	220:1,2,5,7,10	problems 48:13
119:12,14	155:1 157:16	189:18,23	220:19,20,24	procedure 30:17
120:7,12,14,20	157:22,24	190:3,5,8,13,15	221:5,9,11,15	proceed 38:25
120:21,25	158:4,7,8,11,12	190:17,19,25	presidential	50:23 99:5
121:2,6,7,8,10	158:20,22	191:4,14,16,25	75:10,16	158:1
121:14,16	159:5,17,19	192:2,8,10,14	pretty 31:3 90:3	proceeded 138:2
122:1,2,9,17,18	160:7,15,17,22	192:20,22	140:6 147:5	proceedings 43:3
122:24 123:1,3	161:18,20	193:1,8,10,14	191:23 209:8	process 14:12,17
124:3,5,15,16	162:5,17,19,22	193:15,18	prevail 197:15	17:1,2 27:10
124:20,22,24	163:2,20,22	194:4,6,9,14,18	previous 23:24	30:16 31:7
125:5,6,16,18	164:15,17	194:20 195:4,6	81:1 88:13	36:12 37:8,11
125:24,25	165:3,5,16,18	195:9,11,21,24	105:25 106:3	44:23 49:11
126:13,15	166:5,7,15,19	196:2,8,16,18	113:1 120:5	55:8 66:10,11
127:2,4 128:2,4	166:22,24	196:20,22	122:7 125:20	66:11 95:11
128:17,25	167:7,18,21	197:1,3,5,7,19	129:17 133:24	100:18 106:18
129:4,6,14,16	168:17,24	197:21 198:9	199:20	110:2,12
129:23 130:9	169:1,9,11	198:25 199:2	previously 58:23	111:18,20
130:11 131:1	170:3,5,11,13	199:13,17,23	124:13 175:9	123:4 137:16
131:15,23	171:10,12,24	200:5,7,10,17	primary 61:9,11	138:6,20
132:2,23,25	172:7,9,16,21	200:19,21	61:13,14,15,17	139:11,12
133:5,7,18,20	172:23 173:3,9	201:4,7,25	63:10 64:2,3,4	143:6 170:9
134:3,5,10,12	173:11,16,22	202:2,16,23,25	64:6 69:24	181:19 183:9
134:14,23,25	173:24 174:4,9	203:2,24 204:1	73:14,23,24	183:11 195:16

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 24

204:4 218:18 produced 110:6 product 139:17 professional 187:23,23 profitable 202:21 program 190:21 progress 110:2 promise 126:4 promotes 38:1 prompted 205:15 206:1 proper 23:2,17 23:19 24:8,10 45:15 properly 37:21 properties 161:11 property 161:11 198:20 207:8 proposed 21:22 52:5 97:14 134:20 135:7 139:22 protected 55:2,3 55:13,15 56:8 56:18,19 57:9 57:14,16 58:4 58:11,23 60:5 60:19 61:8,25 62:3,6 63:16 64:22 70:22 71:13 72:7,13 73:25 74:4 75:21 76:5 83:20 86:15 87:12 100:5 104:16 106:8 115:8 122:23 130:20,23,24 131:19 167:11 211:19 protecting 56:22 126:25 protection 53:19 54:17 55:25 58:13 59:14	71:9 74:15 86:3 92:23 148:15 protections 55:5 151:21 prototype 186:25 prove 42:12 proven 42:10 provide 11:22 147:11 187:7 206:17 provided 53:17 76:3 84:17 98:10 222:4 provides 40:10 146:11 166:25 174:2 176:20 178:5 185:12 providing 96:5 146:4 185:17 185:18 204:5 proving 62:20 provision 43:16 58:22 155:10 216:7 provisions 43:21 43:22 172:3 192:12 prudent 45:4,25 public 29:1 36:1 38:3 171:19 172:13,20 173:7,21 174:8 174:17,22 175:4 179:10 180:8,13 185:21 191:18 201:23 212:2,5 212:6,18 publications 210:21 publicly 71:2 published 212:1 212:2 publishing 191:6 191:8 pull 61:9 81:6 pulled 80:22	punctuation 18:4 punish 84:3 punishing 34:21 punitive 34:21 151:6 purchaser 148:7 purpose 3:2 10:3 18:22 20:2 21:3 39:14,15 105:21 106:5 106:23 154:17 154:19 159:1 160:3 168:15 170:17 171:14 171:19 172:13 172:20 173:8 173:21 174:8 174:17,22 175:4,14,20 176:1,3,21,22 177:4,17 179:10,24 180:9,13,19 185:21 186:5,7 186:12,13 198:1 220:16 221:7,9 purposes 18:3 106:25 125:12 175:6 186:3,9 pursuant 50:19 145:11 209:12 220:13 pursue 143:22 purview 27:9,11 30:10 132:15 put 33:24 45:12 58:11 71:25 112:1 128:22 140:7 156:24 182:24 188:5 207:9 puts 35:6 putting 47:6 169:23 Q	qualify 54:16 quasi 198:15 question 7:14,22 8:12 9:4,23 12:14,19 13:2 13:23 14:25 17:24 18:1,13 20:16 21:14,18 24:4,18 25:21 25:24 26:1 27:3 27:16 29:5 32:2 38:16 40:24 41:25 42:23 43:14 44:11 46:11,16 47:19 49:17,19 51:7 51:14 52:2 54:24 56:15 57:20,21 59:22 60:23 61:5 63:1 64:15 65:10 66:18 67:12,16 68:3 69:21 73:11,18 75:4 76:9 79:22,24 81:2,11 84:12 86:19 90:15 92:25 97:19,24 98:16 99:12 100:3 101:4 103:11,21 105:1 106:20 106:22 107:9 110:23 114:22 119:25 123:9 125:12,23 127:3,6 128:6 128:24 129:24 130:12,21 131:11,22 132:1 134:4 137:2 143:17 143:25 147:24 148:4,10,10,18 149:16 154:2 157:17 158:16 163:23 165:22	167:22 170:17 171:2 172:11 173:6 174:1,12 174:16 175:5,6 182:22 183:15 188:21 193:11 197:22 198:17 201:8 203:7 207:17,19 213:21 215:11 215:13,24 217:1,25 219:19 questioned 78:8 128:21 questioning 70:6 70:9 110:21 169:13 questions 7:11,20 8:10 9:20 12:4 12:7 14:22 21:12 24:1,2 25:17,18,20 29:22,23 31:18 40:16,19,19,20 49:13,15 50:3,5 50:25 51:1,3 56:13 61:19 62:11 67:5 78:5 78:7,14 88:2 107:17 132:3,5 132:10 143:16 143:21,21 147:20,21,21 149:11,12,13 150:4,6 151:12 157:1,2,7 158:14,14,18 162:24,25 166:16 187:13 193:21 203:8 206:21 209:5 210:25 211:1 213:15,17 219:25 220:11 221:17 queue 128:22
--	---	--	---	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 25

quibble 139:7	179:13 209:13	24:3 25:24	178:7,11,17	48:19
quick 19:23 33:1	220:15	27:21 30:14	179:7,19 180:1	recollection
quite 179:1	reaffirmed	32:22 34:6	180:16,24	192:17 218:17
quorum 39:21,22	160:13	36:16 38:9 40:8	181:8,23 182:6	reconcile 197:8
39:23,25 40:1	real 32:25 85:7	40:23 42:23	182:17,21	reconciling 59:17
quote 62:13	157:4,5 221:12	44:11 49:17	183:7,16 184:7	reconsideration
quoted 68:22	reality 127:24	51:6,14,24	184:12,18	2:21
R	realize 136:19	56:14 67:15	185:8,24	reconstitute
race 79:2 102:9	really 28:5 36:19	78:14 79:22	186:17 187:14	164:5,6 183:10
102:24 105:9	46:20 60:3	81:11 88:4,18	187:19 188:2,7	reconstituted
133:17 136:8	100:10 164:7	89:1,16,20	188:12,18,25	183:1,5
races 101:18	166:1 172:1	90:12 91:4,10	189:5,10,14,19	record 23:25
racial 127:16	211:24 212:14	91:15,22 92:25	189:24 190:4,9	35:20 192:24
racially 91:17	212:17 213:4	93:10,16 94:7	190:14,18	recording 1:10
127:8	219:17,17,18	95:4,17 96:22	191:1,15 192:1	221:20 222:3
racially- 35:2	219:18	97:21 99:10,24	192:9,15,21	records 191:19
racially-motiva...	realm 44:22	100:21 101:2,6	193:2,9,14,19	recreational
35:14	45:19 97:15	101:24 102:6	194:5,10,15,19	148:16
rails 151:20	reapportionme...	103:6,17 104:7	195:5,10,25	redistricting 8:7
raised 148:4	143:8 214:9	104:20 105:17	196:9,17,21	52:10,19 58:6
164:4	reason 53:21	107:9 128:24	197:2,6,20	59:6 73:4 75:19
raising 6:21 7:3	85:25 141:11	132:1 143:24	198:10 199:1	81:1 88:7 89:6
ranges 186:3	150:14 154:17	145:20 147:2	199:14,18,24	90:5 92:6,12
rate 41:6,12	165:7 215:24	147:24 148:20	200:6,11,18,22	94:13 101:17
150:25 180:4	reasonably-sha...	149:16 150:11	201:7 202:1,17	101:19 118:10
ratification	54:4 62:16	152:4 153:3,7	202:24 203:3	128:8 133:24
146:13	68:24 70:23	154:13,25	203:25 204:8	143:6 214:10
ratio 115:18,19	72:8 74:25	158:15,21	204:20 205:12	redraw 109:19
reach 48:7	reasons 83:15	159:6,18 160:8	206:5,22	reduce 37:2 97:7
reached 207:11	recall 46:15 98:3	160:16,23	207:15,21	99:17,18
reactor 187:7	132:20 133:14	161:19 162:6	208:9,24	reduction 69:23
read 3:6,8 4:3,9	137:2 138:5	162:18,23	209:20 210:16	Reedy 34:11
4:15,23 5:7,14	142:1 200:23	163:1,21	211:4,13	147:8,14 149:5
5:23,25 6:11	209:25	164:16 165:4	213:20,25	149:20,25
28:22 33:3 39:8	receive 159:3	165:17 166:6	214:5,13,18,25	152:7 155:8
50:12 80:13	188:21 200:2	166:17,23	215:12 216:1,4	159:20 165:22
97:1 114:4	received 118:23	167:8,19	216:11,16,20	168:21 176:14
145:14 146:22	123:6 124:7	168:18,25	216:24 217:3,8	177:6 181:17
158:9 167:12	187:21 215:2	169:10 170:4	217:12,21	184:1 186:23
187:16,21	recognize 41:14	170:12 171:11	218:2,11,16,21	190:12 191:11
209:14 210:10	220:24	171:25 172:8	219:2,8,12	191:22
213:12	recognized 5:5	172:17,22	220:2,6,20	reenact 175:6
reading 28:2	6:5,17 7:14,22	173:4,10,17,23	221:3	reestablish
50:21 79:24	8:11 9:4,22	174:5,10,14,19	recognizes	180:21
80:2 122:19	12:7 14:25 18:1	175:1,12,18,23	145:22 172:24	reestablished
131:12 145:13	19:19 20:10	176:9,18 177:2	195:17	146:14 164:13
	21:16,24 23:22	177:9,22 178:2	recognizing	165:15 167:3

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 26

179:22 185:1 reestablishment 181:13 185:14 186:6 reevaluate 154:19 161:22 173:14 reevaluated 179:5 reevaluating 145:23 reevaluation 179:4 180:20 204:5 refer 68:21 74:24 99:20 107:20 111:8 118:8 119:8 129:7 167:10 168:20 reference 2:9 referenced 60:24 81:3 references 80:21 referendum 156:14 168:9 168:11,14,15 169:16,25 171:15 176:4,6 176:22,23 177:18 196:12 referred 62:11 70:25 79:25 96:15 110:12 123:12 referring 71:17 75:18 90:16 167:5,23 refers 168:3 reflexively 204:11 reform 207:10 220:4 regain 52:24 regard 8:16 99:13 102:19 102:23 105:5 105:15 176:6	176:24 regardless 172:3 registered 136:8 136:10 registration 135:22 regular 49:21 139:2 regularly 152:21 regulation 185:3 185:6 reinstated 166:4 reinstitute 170:19 171:4 reissued 184:22 reiterate 12:18 12:19 reject 100:5 103:14 rejected 53:12 83:14 related 40:12 93:6 relates 20:7 21:21 203:13 relating 2:9 4:25 5:16 36:23 145:16 209:16 relative 222:6 release 161:5 relevant 53:24 remain 92:17 remainder 140:23 remains 124:14 remark 32:4 remember 26:14 102:24 109:9 133:8 201:2 205:14 remind 64:1 69:14 137:20 151:17 remove 211:9 removes 209:23 210:3 216:6 renegotiate	179:23 renegotiated 205:8 renew 179:23 180:4,21 renewal 181:13 Reock 113:25 114:5,6,8,14,16 114:19 115:18 115:19 117:9 reorganize 79:13 reorient 112:20 reorienting 113:15 repeals 210:6 repeat 101:4 repeating 130:1 repetitive 107:18 rephrase 137:22 report 124:18 125:1,7 126:3,5 127:22 148:24 Reporter 114:12 reports 2:5 191:6 represent 104:23 104:24 131:4 representation 85:10 97:8 99:18 101:11 102:24 105:14 129:13 130:5 131:9 representative 100:24 101:12 101:21 102:12 representatives 2:17 100:23 105:24 166:9 represented 99:19 100:8 represents 150:18 republican 13:15 113:19 126:7 request 141:18 141:23,25 153:19	require 46:21 149:19 165:24 166:3 required 3:8 4:16 5:8 58:20,22 136:2 175:9 192:19 requirement 119:22 requirements 192:6 201:20 requires 3:6 6:23 65:12 95:20 195:2 research 67:4 146:6 155:2 reside 104:11 167:14 176:13 resident 168:13 residents 155:3,4 155:4,5,7 156:5 157:10 169:24 170:20,24 171:6 172:4 175:7,19 176:11,13 177:3,5 187:1 resolve 98:25 resources 30:18 respect 43:17 215:18 219:15 respectfully 116:16 respond 8:23 19:20 21:24 27:21 79:5 131:16 148:20 response 20:22 51:2 80:5 207:18 responses 3:12 3:14 4:19,21 5:10,12 38:19 38:21 157:21 157:23 213:8 213:10 responsibilities	190:22 191:11 responsibility 99:2 rest 118:21,24 123:16 139:19 153:14 154:3 restate 20:16 restricted 212:24 result 111:2 139:17 171:17 retain 148:15 retains 124:10 retroactively 205:22 retrogression 106:8 127:10 return 204:17 revenue 150:20 151:3 163:9 197:9 212:20 217:18 review 19:23 28:16,21 52:5 121:17 144:14 146:8 152:19 164:2,24 166:1 166:11 168:7 169:7 180:13 204:22 205:22 reviewed 35:9 61:2 102:19 reviews 35:8 revised 145:2 revolves 105:7 rhetoric 156:9 rhetorical 24:11 24:16 174:12 Rick 36:2 ride 212:9 ridiculous 32:5 right 24:12 28:2 31:12 33:4,9,25 37:10 49:3 53:12 54:24 57:1 73:5 78:8 78:24 84:4,5,7 104:24 105:1
---	---	--	--	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 27

107:16,24	12:10,21,22	101:23,25	76:4 80:25	156:13 159:21
122:5 136:9	13:6,7,13,17,18	102:8 103:5,7	89:10 90:5	160:25 168:1
137:25 139:25	13:25 14:1,14	104:6,8 105:16	94:13 115:2	168:12 170:23
144:3,20,21	14:15 15:5,6,16	105:18 107:3,4	142:23,25	173:7 174:7
145:1 148:23	15:17 16:6,7,17	107:12,13,23	Rouson 9:24	175:3 179:14
150:23 156:17	16:18 17:4,5,16	108:2,3,16,17	row 157:5	181:1 182:13
169:16,25	17:17 18:8,10	108:24,25	royalty 156:4	194:22 204:13
171:7 172:5	18:17,20,21	109:21,22	rule 13:16 38:1	SB 3:7 4:8,15 5:7
173:19 177:16	19:1,3,4,14,15	110:17 111:5,6	50:19 145:12	34:25 151:19
177:24 194:13	19:17 20:9,11	112:23,24	209:12 220:13	scheduled 137:14
195:23 203:1	24:14,15,25	113:20,21	ruled 141:18	139:3 220:22
214:23	25:1,6,7,10,14	114:24,25	rules 3:1 4:11 5:5	schematics 93:3
rights 9:1,16 23:1	25:15 26:7,8,18	116:23,24	191:22 220:25	93:7
23:4,16,17,18	26:19,25 27:1	117:22,23	221:3,11	school 31:20 33:1
23:19 35:12,12	28:14 29:25	119:12,13	ruling 127:6	33:2 132:9
53:24 55:6 56:1	32:19 34:9	120:12,13,25	run 134:20	200:24
58:4,24 59:14	36:15 38:8,9,10	121:1,14,15	runs 113:9	scope 7:24 8:3
62:17 72:13	38:15,16,18	122:9,10,24,25	204:12	22:5 26:20
83:8 86:4,4	39:1,8 50:17,18	124:3,4,17,20	rush 178:13	145:23 154:19
92:22 98:18	51:23,25 56:23	124:21 125:2		159:23 164:12
106:9 127:12	56:24 57:17,18	125:16,17	S	172:13 179:24
136:3,15	60:20,21 62:7,8	126:13,14	sanitary 201:13	186:20 204:24
198:13 211:20	63:19,20 65:3,4	127:5 128:2,3	satisfy 168:5	205:4 206:9
rigs 198:13	67:10,11,21,22	129:1,4,5,14,15	save 118:25	score 113:25
rise 39:16 220:17	68:17,18 69:7,8	130:9,10	132:7	114:1,1 115:17
risk 201:12	69:16,17 70:2,3	131:15,17	saved 79:17	117:9,9,10
risked 201:11	70:17,18 71:14	132:23,24	saw 65:8 132:9	scores 88:14
river 113:9,14	71:15,22,23	133:18,19	148:1	114:13 116:19
119:9,11	72:20,21 73:6,7	134:10,11,23	saying 8:9 11:17	117:17 118:22
120:10	73:17,18 74:6,7	134:24 135:10	13:13,18 16:9	Scott 36:2
rivers 111:16	74:21,22 75:12	135:11,23,24	28:11 29:7	scream 152:1
121:13,25	75:13 76:14,15	136:11,12	30:22 31:7,10	scrivener's 18:5
road 123:22	76:24,25 77:17	137:4,5,17,18	31:13 38:18	seat 56:18,22
159:24	77:18 78:6 79:4	139:4,5 140:1,2	42:8 43:8 44:1	57:9,14,16
roads 121:13	79:6,25 80:17	141:6,7,14,15	50:2 56:20	59:25 60:5,16
155:24 159:8	80:18 81:17,18	142:2,3,19,20	61:23 67:6	60:19 62:3,3,6
roadways 201:14	82:5,6,24,25	143:12 144:2,5	71:11 85:4,5	63:16 64:22
robe 31:25	84:8,9 85:18,19	144:6,16,17	157:20 180:3	66:25 67:2,8
robust 147:6	87:7,8 88:17,19	145:3,4 217:10	182:25 183:5	100:4 103:12
Rodrigues 4:7	89:15,17,23	role 154:19 162:1	198:21,22	106:12,15
5:23 6:4,6,14	90:11,13 91:9	185:21 198:3	199:3 203:12	124:11 129:9
6:16,18 7:12,19	91:11,21,23	roll 3:23	203:19,21	129:12 130:20
7:24 8:2,3,14	93:2,9,11,18	rolled 78:7	204:2 208:6	seats 51:19,21
8:23,24 9:6,11	94:6,8 95:6,16	Ron 36:2	says 8:4 13:3	99:14 113:9
9:12 10:6,7,16	95:18 96:24	room 33:24	45:7 53:21 54:2	126:16
10:17,24,25	97:20,22 99:23	round 16:10,11	68:22 80:2	second 3:8 4:15
11:9,10,19,20	99:25 101:1,3	59:5 72:4 75:19	155:13,18	5:7 84:15 90:16

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 28

97:23 111:9 218:6 secondary 133:21 134:1 secret 128:22 Secretary 4:23 5:14 section 3:5 18:6 53:23 54:5,16 55:6,25 58:17 58:17,18 62:16 62:21 68:24 86:4 92:16 111:25 127:12 127:12 136:14 169:6 177:19 sections 111:24 see 10:13 18:4,15 69:17 75:21 78:2 104:2 111:11 129:9 129:10 130:2 140:12 167:15 177:14 185:20 seeing 38:23 80:2 88:2 113:24 137:3 157:25 220:13 seek 45:8 seeking 151:7 seen 11:5 19:24 33:19 57:22 64:4 73:7 82:8 96:4 103:15,23 103:23 113:22 120:5 select 31:8 selecting 22:8 selection 27:24 29:3 sell 151:1 senate 1:11 2:2 3:15 4:4,24 5:15,22 6:1 21:6 34:12 50:23 52:20 55:9 56:6,18,21	57:14,15 65:13 66:1,21 76:12 76:20 77:3 79:21 88:22,23 93:19 94:13 95:21,23 96:3 96:17 98:4,21 109:4 110:4,7 110:15 111:3 111:17,25 112:5 115:11 115:15,18 116:1 121:9 122:15 126:17 128:8,9 131:6 131:14 133:2 133:15 138:10 138:17 139:11 140:7,21 145:15 146:11 209:15,19,23 217:5,16 221:6 221:10,18 Senate's 57:10 99:17 senator 3:3,18,20 4:7,13 5:2,6,18 5:23 6:4,6,14 6:16,18 7:13,13 7:14,16,21,21 7:23,24 8:2,3 8:11,13,14,24 9:3,5,6,11,12 9:18,22,24,25 10:6,7,11,12,16 10:17,20,21,24 10:25 11:3,4,9 11:10,15,16,19 11:20 12:3,5,6 12:8,10,11,21 12:22,24,25 13:6,7,11,12,13 13:17,18,20,21 13:25 14:1,7,8 14:14,15,20,21 14:23 15:1,5,6 15:10,12,16,17	16:2,6,7,13,17 16:18,24 17:4,5 17:12,16,17,23 17:25,25 18:2,8 18:9,10,12,14 18:17,18,20,21 18:24,25 19:1,3 19:4,7,8,14,15 19:16,17,18,19 19:21 20:3,4,5 20:6,9,11,15,15 20:17,19,20,23 21:1,3,4,13,15 21:17,23,25 22:1,10,11,18 22:19,24,25 23:7,8,13,14,21 23:23 24:3,5,14 24:15,17,19,25 25:1,3,4,6,7,9 25:10,10,14,15 25:16,19,19,22 25:23,25 26:7,8 26:12,13,18,19 26:22,23,25 27:1,4,5,13,17 27:18,18,20,21 27:22 28:9,10 28:14,15,16 29:4,6,10,11,12 29:20 30:1,1,2 30:2,3,4,12,13 30:13,15 32:19 32:20,21,23 33:10,11 34:3,7 34:9,19 36:18 37:15,15,17 38:8,10,15 39:11,13,15,17 39:18,20 40:6,7 40:9,14,18,21 40:22,23,25 41:10,11,24 42:1,6,7,20,22 42:22,24,25 43:6,7,13,15,24 43:25 44:8,10	44:10,12,17,18 45:2,3,16,17 46:13,14,17 47:4,5,17,18 48:10,11,25 49:1,6,7,16,18 49:19,23,24 50:4,17,18,22 50:23 51:5,8,11 51:13,13,15,23 51:25 56:14,16 56:23,24 57:6,7 57:17,18 59:21 59:21,23 60:20 60:21 61:20,21 61:22 62:7,8 63:1,3,19,20 64:14,16 65:3,4 66:17,19 67:10 67:11,13,14,17 67:21,22 68:11 68:17,18 69:4,7 69:8,13,16,17 69:20 70:2,3,8 70:17,18 71:6 71:14,15,20,22 71:23 72:16,20 72:21 73:3,6,7 73:12,17,18 74:2,6,7,17,21 74:22 75:5,12 75:13 76:10,14 76:15,19,24,25 77:6,17,18,24 78:11,12,15 79:4,6,11,15,15 79:18,18,19,19 79:20,23,25 80:5,6,17,18 81:10,12,17,18 81:22,23 82:5,6 82:12,13,24,25 83:24,25 84:8,9 84:25 85:1,18 85:19 86:17,18 87:7,8,25 88:5 88:17,19 89:2	89:15,17,21,23 89:24 90:11,13 91:3,5,9,11,16 91:23 92:24 93:1,2,9,11,15 93:17,18 94:6,8 95:3,5,6,16,18 96:21,23,24 97:20,22 99:9 99:11,23,25 100:20,22 101:1,3,5,7,23 101:25 102:5,7 102:8 103:5,7 103:16,18 104:6,8,19,21 105:8,16,18 106:19,21 107:3,4,5,10,13 107:14,23,24 108:2,3,14,16 108:17,19,24 108:25 109:14 109:21,22 110:10,17,18 110:19,22,25 111:5,6 112:7 112:23,24 113:13,20,21 114:4,24,25 116:15,23,24 117:14,22,23 118:19 119:12 119:13 120:8 120:12,13,21 120:25 121:1,7 121:14,15 122:2,9,10,18 122:24,25 123:2 124:3,4 124:16,20,21 124:25 125:2,4 125:6,16,17,25 126:13,14 127:3 128:2,3 128:19,20,23 128:24,25
--	--	--	--	--

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 29

129:1,4,5,6,7	160:7,9,15,17	189:4,6,9,11,13	216:21,23,25	services 147:9
129:14,15,23	160:22,24	189:15,18,20	217:2,4,7,9,10	155:23,25
129:25,25	161:18,20	189:23,25	217:11,13,20	211:21 212:4,4
130:9,10 131:1	162:5,7,17,19	190:3,5,8,10,13	217:22 218:1,3	serving 171:19
131:2,15,17,23	162:22 163:1,2	190:15,17,19	218:10,12,15	179:10
131:25,25	163:3,20,22	190:25 191:2,3	218:17,20,22	session 1:11 8:17
132:2,3,23,24	164:15,17	191:14,16,25	219:1,3,7,9,11	47:25 49:22
133:5,6,18,19	165:3,5,16,18	192:2,8,10,14	219:13,14,24	51:18 57:9
134:3,5,10,11	166:5,7,17,18	192:16,20,22	220:1,3,5,7,18	95:12 97:17,18
134:14,15,23	166:22,24	193:1,3,8,10,13	220:21 221:4	110:16 133:3
134:24 135:2,3	167:7,9,18,20	193:15,18,20	221:14	136:25 138:13
135:10,11,15	168:17,19,24	194:4,6,8,9,9	senators 5:21	139:3 151:19
135:16,18,23	169:1,11,12,12	194:11,14,16	17:24 21:11	152:21 162:2
135:24 136:4,5	170:3,5,13	194:18,20	29:24 38:17,25	162:11 164:2
136:11,12,16	171:10,12	195:4,6,9,11,13	39:2 49:14	164:10,14
136:17 137:4,5	172:1,7,9,18,21	195:21,22,24	93:21 150:5	165:13 166:10
137:9,10,17,18	172:23 173:5,9	196:1,3,8,10,16	152:25 157:19	178:15,20,22
138:14,15	173:11,18,22	196:18,20,22	158:1,3,12	198:5 208:17
139:4,5,21,22	173:24 174:6,9	197:1,3,5,7,19	send 53:6 153:19	209:24 214:9
140:1,2,25	174:11,15,18	197:21 198:11	sender 204:17	214:21 215:3
141:1,6,7,10,11	174:20 175:2	198:12,25	sense 63:6 186:22	219:5
141:14,15,21	175:11,13,19	199:2,13,15,17	sent 57:5 68:6	set 12:12 30:24
141:22 142:2,3	175:22,24	199:19,23,25	90:9,17 121:7	33:14 47:25
142:9,10,19,20	176:10,17,19	200:5,7,10,12	122:16	48:22 121:11
143:10,11,12	177:3,8,10,23	200:17,19,21	separate 3:6	179:2 186:24
143:15,23,24	178:1,3,8,11,12	200:23 201:3,4	15:15 33:8	191:7 204:4
144:1,2,5,6,9	178:13,16,18	201:6,9,25	125:8	sets 143:4
144:10,16,17	179:6,8,18,20	202:2,16,18,23	separation 33:2,5	setting 170:15
144:22,23	179:25 180:2	202:25 203:2,4	34:20	183:9
145:3,4,9,10,18	180:15,17,23	203:9,24 204:1	series 107:17	seven 35:1,4
145:21 146:24	180:25 181:7,9	204:7,9,19,21	serious 174:15	severability
147:3,23,23,25	181:22,24	205:10,11,13	207:12	40:10 46:22
148:1,21,23	182:5,7,10,11	205:14 206:4,6	seriously 136:20	47:2,3,16
149:15,15,17	182:16,18,20	206:23 207:14	seriousness	severable 44:3
149:24 150:9	182:22 183:6,8	207:16,20,22	210:20 212:17	sewer 152:10
150:10,12,18	183:15,17,18	207:23 208:8	serve 20:1 172:20	164:19,19
151:14 152:3,3	183:22,22	208:10,25	173:7,21 174:8	165:10 184:4
152:5,6 153:2,2	184:6,8,11,13	209:8,10,18,20	174:17,22	201:13
153:4,5,6,7,9	184:17,19	209:22 210:13	175:4	shed 41:3,6
153:11,16,24	185:7,9,11,23	210:15,17	served 154:20,21	Shelby 58:17
154:9,12,14,15	185:25 186:1	211:4,6,14,14	195:13	92:13,18
155:1 156:3,19	186:16,18,19	213:20,22,24	serves 18:22	shoot 156:25
156:24 158:13	187:14,15,16	214:1,4,6,12,14	172:12 186:12	157:1,8
158:14,15,17	187:18,20	214:17,19,24	service 147:8	shooting 151:1
158:18,20,22	188:1,3,6,8,11	215:1,5,6,9,14	149:4 155:8,10	shop 22:23 30:24
158:23 159:5,7	188:13,17,19	216:2,3,5,10,12	155:21 156:5	shopping 19:2,9
159:17,19	188:24 189:1,3	216:15,17,19	176:15	19:11 20:8

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 30

21:21 31:19 34:22,24 36:4 short 167:1 Shortly 214:3 shoutout 132:6 show 4:9,22 5:4 5:13,20 39:7 90:7,8 213:11 showing 76:1 80:12 shows 155:2 shut 159:8,11 side 45:6 64:4 sign 65:14 signal 128:22 signed 96:3 118:2 significantly 81:24 91:1 114:21 125:10 140:5 signify 38:18 157:20 signs 53:14 similar 34:10 47:19 89:14 103:23,24 126:18,19 128:13 129:17 140:14 similarities 90:8 90:9 similarly 164:18 simple 31:18 simply 62:17 68:25 78:25 147:11 178:4 210:2 SIMPSON 2:2,8 2:12,16,20,24 3:10,13,16,24 4:7,17,20,22 5:2,9,11,13,18 6:4,8,11,16 88:1,17,25 89:15,19 90:11 91:3,9,14,21 92:24 93:9,15	94:6 95:3,16 96:21 97:20 99:9,23 100:20 101:1,5,23 102:5 103:5,16 104:6,19 105:16 158:20 159:5,17 160:7 160:15,22 161:18 162:5 162:17,22 163:20 164:15 165:3,16 166:5 166:15,22 167:7,18 168:17,24 169:9 170:3,11 171:10,24 172:7,16,21 173:3,9,16,22 174:4,9,13,18 174:25 175:11 175:17,22 176:8,17 177:1 177:8,21 178:1 178:6,10,16 179:6,18,25 180:15,23 181:7,22 182:5 182:10,16,20 183:6,14 184:6 184:11,17 185:7,23 186:16 187:12 187:18 188:1,6 188:11,17,25 189:4,9,13,18 189:23 190:3,8 190:13,17,25 191:14,25 192:8,14,20 193:1,8,14,18 194:4,9,14,18 195:4,9,21,24 196:8,16,20 197:1,5,19 198:9,25	199:13,17,23 200:5,10,17,21 201:4,7,25 202:16,23 203:2,24 204:7 204:19 205:9 205:11 206:4 206:20 207:14 207:20 208:8 208:23 209:4 209:18 210:7 210:10,15,25 211:12 213:6,9 213:11,15,24 214:4,12,17,24 215:5,7,10 216:1,3,10,15 216:19,23 217:2,7,11,20 218:1,10,15,20 219:1,7,11,23 220:2,5,10,20 220:24 221:11 221:15 single 195:19 Sir 129:7 sites 210:21 213:3 situation 22:4 42:18 171:14 171:22 195:2 situations 103:24 202:19 six 127:20 148:8 162:20 163:4 169:24 170:21 171:7 172:19 173:20 174:8 174:17 175:7,8 175:10 183:12 183:18 204:6 205:5 Sixteen 158:6 size 181:16 skilled 118:11 skimming 28:21 skin 133:12	skip 122:12 slap 151:8 slated 152:8 slowing 17:2,2 slush 151:18 smacks 36:12 small 151:9 165:21,23 176:1 smaller 91:1 152:12 smart 20:18 Smith 37:25 social 5:16 132:8 156:9 209:16 210:1,23 211:22 solution 149:9 somebody 79:12 136:24 181:1 205:19 son's 132:7 sorry 4:11 15:23 76:11,13,23 79:3 97:5 101:3 133:10 151:24 sort 45:11 142:16 203:7 sought 28:17 sound 135:9 157:9 201:24 source 163:8,14 South 122:4,22 125:9,15 126:12,16 127:17,24 128:11 southeast 65:18 65:22 96:6 134:21 140:5,6 southeasternm... 135:8 Space 198:19 sparked 205:21 speak 13:5 27:14 41:12 140:13 148:8 160:18	193:25 197:10 speaking 9:10 22:2 45:19 85:4 132:19 176:24 speaks 194:22 special 2:24 5:1 5:22 8:17 47:25 110:16 145:17 145:24,25 146:3,12,16 149:21 151:8 154:20 155:15 158:24 160:10 160:13 161:5 161:23 162:9 162:11,14 164:7 167:24 168:4,23 169:3 169:5,22 170:24,25 171:18 172:4 172:12 176:1 178:15,19,21 178:25 181:10 181:14 184:9 184:24,25 185:4,20 186:3 186:4,7,11,12 186:13,21,23 187:10 190:11 190:16,20 191:7,17 192:4 192:5 193:6 194:7,22 195:1 195:2,19 200:14 202:4,8 202:11 204:6 204:23 205:5 206:11,13 207:4 208:2,14 208:17 214:8 214:21 215:3 216:21 219:5 220:21 specific 43:4 46:21 47:6 61:5 83:4 86:3
---	---	---	--	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 31

109:25 120:9 124:6 171:3 190:7 196:4 198:6 specifically 9:10 13:3 47:13 48:2 66:23 68:6 70:5 81:2 92:22 115:23 126:1 190:1 205:25 206:2 specifics 60:8 196:7 specified 117:24 193:5 specifies 197:11 specify 87:13 specifying 10:9 speculate 25:7 182:8 speech 211:20 speeding 17:1 spelled 11:1 spend 156:10 204:4 spending 41:3 42:4 spent 42:12 spirit 211:7 split 108:6,7,11 108:21 109:6 117:10,11 119:3,21 120:1 120:3 123:20 126:6 splits 107:25 splitting 108:23 112:21 spoke 46:15 132:12 135:17 168:20 203:6,9 205:14 spoken 92:11 sponsor 7:12 50:16 143:18 145:11 209:7 212:15 215:17	220:13 spotlight 71:25 spreading 113:18 St 120:10 stacked 114:11 stadium 198:14 staff 18:11 19:10 19:24 20:13 47:15 51:18 60:6 61:9 66:6 81:5 83:2 110:8 111:17 121:19 124:25 125:19 131:21 188:14 188:22 189:8 189:16 stairway 123:12 123:17 stand 151:25 standard 68:14 113:4 117:3 standards 83:13 standing 203:13 203:21 Stargel 39:11 40:7,7,9,14,15 40:16,17 41:10 41:11 42:6,7,25 43:6,7,24,25 44:17,18 45:16 45:17 47:4,5 48:10,11 49:6,7 49:14,19,20,23 49:24 50:6,8,11 start 26:6 97:10 121:20 122:11 started 57:11 63:4 76:12 state 4:6 6:3,21 6:22,24,25 7:1 7:3,3,4 8:4,5,18 8:24,25 9:2,8 9:13,14,17 11:1 11:2,7,12,13,25 11:25 12:2 14:4 14:6,17,18,19 15:20,22,23,25	16:5 22:4,14 23:3,3,6,18,20 24:21 28:4,11 28:25 29:7 35:7 37:9,10,20,22 38:2 40:12 44:2 44:16 57:23,25 65:23,24 71:10 72:11,18,25 73:1 77:11,13 77:15 96:25 97:3 98:7,8 99:14 100:25 101:9,13,21 105:23 106:24 107:1 109:20 117:7,18 118:7 118:21,25 129:21 132:14 156:13 162:9 168:5 169:5 172:19 192:24 200:3 202:9,15 206:14 212:19 213:1 state's 6:24 7:7 stated 62:10 70:20 112:15 112:19 161:1 167:11 181:5 statement 103:20 110:1 139:20 143:13 160:14 states 32:8 37:9 144:3 statewide 48:6 58:14 66:22 stating 178:4 station 159:10 statistically 104:4 statistics 84:17 status 124:11 126:25 191:6 statute 15:14 16:15 19:25 29:8,13 155:12	160:25 161:3 167:5,6,10,13 167:17,22 168:11,20 169:2 170:15 171:15 172:14 176:20 178:5 179:11,13 180:6,9 182:24 190:22 192:19 194:21 197:11 197:15 200:4 201:20,22 203:18 211:23 statutes 35:11 176:23 statutory 27:24 27:25 172:3 177:19 191:19 191:23 192:5 192:11 stay 113:14 stayed 118:22 step 30:8 126:22 127:9 162:2 196:6 stepping 27:11 27:15 30:6 Stewart 166:17 166:18 167:7,9 168:17,19 Stewart's 169:13 stock 36:2 stop 43:10 112:20 streaming 211:21 streamline 164:7 Street 1:24 streets 123:21 stretches 123:13 stripped 143:2 stripping 154:3 strips 153:14 154:22 struck 34:25 128:1 structure 202:12	stuck 171:8 studies 132:8 study 147:12 148:2 149:19 150:1 151:11 152:20 153:12 153:13,17,19 154:1,5 stuff 205:24 212:22 215:19 stunk 212:10 style 19:25 subcommittee 138:7 subdivision 37:23 subdivisions 37:21 subject 22:16 24:24 84:12 143:7 150:2 168:8 171:23 184:15 191:19 191:23 214:21 219:23 submission 140:11,13 submit 22:3 23:24 26:20 64:7 128:14 137:20 submitted 34:13 107:18 111:10 112:2 137:23 137:24 138:12 188:4 submitting 137:13 subsection 146:16 substance 219:5 suburbs 113:19 sue 49:10 50:2 sued 11:2 14:5 15:24 33:14 49:5 sufficiently 53:25
---	---	--	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 32

54:3 62:15,22 68:23 72:7 suggest 216:6 suggested 92:15 113:24 suing 24:7 Suite 1:24 sums 203:7 Sunshine 183:25 superior 108:23 support 38:14 138:10 152:19 152:22,23 153:12 154:4 159:13 175:20 supposed 156:10 supposedly 70:10 supposition 155:17 supremacy 72:24 Supreme 32:8 36:1 37:25 38:4 52:9,15 54:10 57:23 58:16 59:5 62:13 68:2 68:8,22 69:5,10 72:5,25 76:3 80:23 82:9 83:17 92:7 94:15,17,22,23 98:7,8,18 100:17 105:25 106:3 115:3,24 117:4 118:9 120:5 125:21 127:7,14,18 sure 10:10 17:15 20:23 37:3 47:7 47:8 48:19 77:8 94:17 95:7 107:21 133:8 134:17 136:24 137:2 151:12 160:3 162:3 166:10,12,12 183:12,19 188:20 209:2	212:3 221:14 surely 198:3 surface 33:12 sweeping 146:3 161:24 162:13 179:1 synonymously 86:23 T table 84:13 129:3 152:1 207:9 tailored 77:10 take 2:24 32:25 64:23 67:7 71:3 84:6 85:11 92:5 94:16 110:3 111:24 116:3 128:5 132:16 134:16,19 136:19,21 155:7 159:12 164:2 166:3,11 172:15 179:16 180:8 200:2 201:16,21 208:20 213:2 taken 165:1,11 takers 21:9 takes 96:5,7 110:3 122:6 184:22 taketh 116:18 talk 13:4 14:11 63:8 68:15 70:10 86:20 87:2,3 97:10 155:11 186:5 talked 60:1 123:4 134:6 149:3 153:23 197:12 talking 18:15 41:1 47:11 87:5 87:5 105:4 107:19 135:18 155:7 156:1 164:24 173:19	177:19 198:12 198:22 207:8 207:24 208:18 211:19 212:7 talks 77:9 80:13 81:24 82:3 Tallahassee 22:6 tango 95:21 110:3 tape 139:8 targeting 170:8 tax 150:20 156:7 156:10,11 161:10 taxes 161:9 175:21 taxpayer 33:21 taxpayer's 137:14 teacher 132:8 team 93:23 94:1 tell 140:15 163:17 telling 32:15 temporarily 4:8 5:3,19 Ten 65:17 tenets 201:20 tension 91:25 term 19:2,9,11 21:20 68:12 191:12 termed 65:16 terms 77:9 78:18 78:18 93:4,8 97:8 100:25 101:17,18 102:23 103:4 103:22 104:1,1 105:1 126:24 185:4 test 39:21 83:16 testimony 123:5 141:24 142:5,7 texts 136:21 thank 3:3 4:13 5:6 7:23 8:13	9:5,25 10:7,12 10:17,21 11:4 11:10,16,20 12:8,10,25 13:7 13:12,21 14:8 14:15 15:1,6,12 15:17 16:2,7,13 16:18,24 17:5 17:12,17 18:2 18:14,25 19:4 19:21 20:4,11 20:17 21:4,17 21:25 22:19,25 23:8,23 24:5,19 25:25 26:8,13 26:23 27:5,19 27:22 28:10,18 29:6,11 30:4,11 30:12,15 32:23 34:7 36:13,18 37:12,13,17 38:5,10 39:17 40:3,9,25 41:11 42:1,7,24 43:7 43:15,25 44:12 44:18 45:3,17 46:14 47:5 48:11 49:1,7,18 49:24 51:15,25 52:2 56:16,24 57:7,18,20 59:23 60:21,23 61:22 62:8 63:3 64:16 65:4 66:19 67:17,22 68:11,18 69:4,8 69:13,20 70:3,8 70:18 71:6,15 71:20,23 72:16 72:21 73:3,12 74:2,7,17,22 75:13 76:10,15 76:19,25 77:6 77:18 78:3,15 79:6,11,23 80:18 81:12,18 82:6,13,25	83:25 84:9 85:1 85:19 87:8,25 88:1,6 89:2,21 90:13 91:5,16 91:23 93:1,11 93:17 94:8 95:5 96:23 97:22 99:11,25 100:22 101:7 101:25 102:7 103:7,18 104:21 105:18 106:21 107:10 108:3,14,25 109:14,22 110:10 111:6 112:7,24 114:25 116:15 116:24 118:19 119:13 120:13 120:21 121:1 121:15 122:2 122:18 123:2,2 124:4,16,21 125:6,17,25 126:14 127:3,4 127:5 128:3,25 129:15 130:10 132:2,24 133:7 133:19 134:5 134:11,15,24 135:3,11,16,24 136:17 137:5 137:10,18 138:15 139:5 140:2 141:1,7 141:15 142:3 142:10,20 143:11,12 144:1,6,10,17 144:23 145:4 145:21 147:3,4 147:25 148:21 149:17 150:12 152:5 153:4,9 154:14,15 155:1 157:15
--	--	---	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 33

158:22 159:19 160:17,24 161:20 162:19 163:2,22,23 164:17 165:5 165:18 166:7 166:15,18,24 167:20,20,22 169:1,11 170:5 170:13 171:12 172:9,23 173:11,24 174:11,20 175:2,13,24 176:19 177:10 178:3,8,9,12,18 179:8,20 180:2 180:17,25 181:9,24 182:7 182:11,18 183:8,14,17,22 184:8,13,19 185:9,9,25 186:18 187:15 187:20 188:3,8 188:13,19 189:1,6,11,15 189:25 190:5 190:10,15,19 191:4,16 192:2 192:10,22 193:3,10,15,20 194:6,11,20 195:6,11 196:1 196:1,18,22 197:3,7,21 198:11 199:2 199:25 200:7 200:19 202:2 202:18,25 204:1,21 205:10 206:6 206:20,23,24 207:16,22 208:10 209:3 209:22 210:17 211:6 213:5,22	214:1,6,14 215:1,14 216:5 216:12,17,25 217:9,14,22 218:3,22 219:3 219:9,13 220:7 220:10,18 221:4 theirs 215:17,17 theme 198:22 199:6 202:14 210:4 211:10 217:18 218:12 218:24 theory 14:1 thereon 204:16 thing 36:8 54:19 55:7 59:8,9 63:21 127:13 128:5 things 32:7,9 33:21 42:16 105:20 164:8 183:2 187:2 208:3,5,11 209:1,2 think 10:22 16:4 18:21 22:7 23:10 25:4 26:10,20 27:1 30:5,6,9,10 31:15 35:19 41:13,15 44:20 44:21 45:5 46:16,18 47:1 47:11,14 48:3,8 48:17,21 56:10 57:21 58:17 59:12 60:6,6 64:4 69:1,22 88:15 89:12 97:25 98:12,13 98:14 100:9,10 100:17 104:15 105:7,20 119:16 127:17 128:13,14	134:6 139:8 140:4,8 144:8 144:12 145:6,7 148:1,2,3,5,8 150:18,19,23 150:24 151:14 153:10,22 154:4,5 166:8 172:4 173:12 178:9,23 182:2 182:19 183:9 195:13 197:22 202:3 205:21 206:7,16 219:10 220:8 thinking 122:5 third 50:20 145:13 209:13 220:15 Thompson 222:21 Thornburg 54:6 68:8 thought 7:17 25:12 41:16 45:24 48:15 52:17 78:19 221:17 thousand 47:21 47:22 three 33:6,20 35:17,19 65:12 68:7,21 75:1 80:1 95:21 100:7 102:13 104:13 110:3 111:11 112:4 115:21,24 125:14 148:10 193:5,11 209:23 threshold 3:22 62:1,20 throw 203:15,17 throwing 221:16 thrown 43:4 tickets 151:1	tier 67:20 71:11 71:17 118:16 122:23 123:6,7 124:1,2 tight 16:20 17:13 time 3:8 4:2,15 5:8 14:4 21:6,9 21:11 29:8 33:21 42:17 44:25 45:1 49:25 54:15 61:1 81:4 85:7 97:16,17,25 118:11 132:12 135:19 137:21 139:10 141:18 141:22 143:8 144:13,20 145:7,8 162:15 179:16,22 180:8,22 182:4 192:17 timeline 15:22 16:20,21 17:1 17:14,15 179:3 times 35:4 80:1 202:10 timetable 144:21 today 3:8 4:15 5:8 27:3,23 34:11 36:24 41:15 54:23,25 56:2,12 64:24 65:15 69:25 83:21 85:24 86:9 95:15 109:10 115:12 115:13,16,19 116:5 129:20 140:15 141:2 147:5 149:3 165:2 177:12 178:21 186:21 186:22 188:16 198:21 211:18 218:5 today's 21:7	150:23 210:2 told 129:19 135:6 136:24 215:19 219:20 told-you-so's 31:17 tomorrow 163:19 173:20 221:7 top 112:21 113:16 114:11 134:8 152:1 183:21 topic 62:12 Torres 79:19 107:7 128:19 128:24,25 129:6,7,23,25 131:1,2,23 total 117:5,8,8 118:6 totaled 156:1 totality 115:5,9 116:12 117:2 totally 33:22 totals 149:5 touching 118:24 tourism 210:22 tourism- 212:25 tourism-based 212:19 tournament 20:6 tradition 29:9 train 48:15 transaction 160:2 transactions 196:24 transcript 222:3 TRANSCRIPT... 1:10 TRANSCRIPT... 222:1 transfer 148:9,11 148:14 149:1 176:21 194:12 198:18 199:4 199:11,21
--	--	---	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 34

transferred 159:1 160:11 171:13 175:15 transition 181:14 transitions 181:11 treat 131:18 treated 44:3 130:24 194:23 treating 130:23 treatment 155:24 201:14 216:22 tremendous 89:8 trend 60:7,8,10 60:11 61:18,24 62:4 63:17,22 135:18 trending 55:23 61:7,7 81:4 trends 55:21 trial 29:18 tried 25:11 173:25 trigger 196:24 triggering 197:15 trouble 80:8 85:16 144:24 true 46:20 64:17 75:11 116:22 117:18 120:11 125:13 136:21 211:21 222:2 truly 210:19 Trump 63:9 trumps 72:25 try 30:8 78:16 107:17 trying 10:2 60:7 85:16 89:3 153:11 166:1 182:23 183:4 197:8 turn 108:20 159:10 turned 64:8,9 111:22 turnout 55:16	61:10,12,13,14 61:15,17 63:6 63:10,15,23 64:1 69:24 70:10 73:13,13 74:3 75:8,10,16 78:22 80:23 81:9,20 82:4 83:10 85:9 105:5,5,13 106:6,10 tweaked 118:23 tweet 136:23 Twenty-four 39:5 Twitter 211:22 two 37:2,4 47:22 56:7 59:9,18 70:1 80:8 83:13 84:11 89:14,22 89:22 92:19 93:7 99:21 100:23 101:12 101:20 105:20 106:17,17 108:21 110:3 111:13,19,23 115:24 116:4,4 118:16 123:6 124:1 133:22 137:21,23 138:11 139:2 144:8 150:16 150:16,20,22 150:22 151:9,9 151:22,22 152:8 157:10 157:11 163:5 164:1 165:6 176:23 198:24 201:17,17 202:19 207:1 208:11,15 218:5 two- 109:10 two-and-a-half 150:25	Two-part 97:19 two-thirds 3:7,9 3:22 4:1,16 5:8 35:21 type 184:10 193:16 195:19 196:12 212:23 types 193:5,12,22 196:23 typically 30:16 215:15 U U.S 6:20 58:16 59:17 69:10 72:5,25 86:2 92:6,21 94:23 98:18 100:17 105:23 106:3 UCLA 124:19 125:7 126:3,5 127:21 ultimately 53:9 57:4 66:13 98:24 138:9 139:16 161:15 unamended 151:13 unanimous 121:19 unavoidable 197:23 unconstitutional 41:4 42:5,9,10 43:10 216:7 underlying 154:22 understand 8:22 10:2 15:15 66:20 71:4,13 75:6 77:12 90:15 101:4 105:3 125:11 160:9 162:7 165:19 170:14 171:2 178:24 198:16	understanding 9:9 14:9 27:8 27:14 85:8 90:19 138:3 140:24 149:18 166:20 understood 89:6 110:24 undertake 181:20,21 undertaking 156:17 undo 157:3 unfair 36:12 Unfortunately 53:3 unfriendly 154:23 211:8 UNIDENTIFI... 2:6,10,14,18,22 4:4,24 5:15 6:1 6:9,13 39:5,10 40:1,3 50:13 145:15 146:20 146:23 147:18 158:6,10 209:15 210:8 210:12 213:13 uniform 28:24 38:1 unique 119:18 United 32:8 37:9 unproven 127:15 127:25 updating 191:8 upholding 35:20 36:8 use 43:11 44:14 46:4 47:10 62:5 68:12,15 78:20 81:25 82:2,3 86:21 123:11 187:9 203:20 users 212:2 usurping 31:6 utilize 48:18 80:24 86:13	121:22 utilized 19:25 81:21 82:10,10 83:9,11 106:7 128:10 129:20 utilizing 119:6 utmost 219:15 V v 1:4 37:25 54:6 92:13,14 vaccine 48:1 valen 143:13 valid 44:3 validity 159:23 vantage 57:12 variables 63:14 63:16 105:11 variation 90:20 90:21 variations 139:2 varies 75:8 125:9 various 41:4 vast 191:23 vein 34:18 venue 8:17 14:3 22:9,23 23:2,17 23:20 24:8,10 28:1,3 29:2 31:11,13 37:19 45:11 verification 18:3 verify 136:22 versed 196:6 version 133:14 versions 138:11 versus 47:12 116:6 180:12 veto 53:16 57:22 62:12,14 74:25 80:20 83:4 98:10 109:15 109:18,24 112:14 117:14 117:24,25 120:19 137:1 vetoed 57:5 68:5
---	---	---	--	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 35

76:21 77:4 86:1 92:20 95:24 112:9 118:1,15 122:16 VIDEO 1:10 221:20 viewed 55:10 viewpoint 51:22 violated 201:19 violates 23:4,16 violation 23:18 36:6 vision 186:24 Vista 150:16,24 155:5 160:6 197:18 visually 93:14 voice 3:22 void 95:13 voluntary 193:22 vote 3:7,9,22,22 3:23 4:16,18 5:8 14:10 30:11 36:12 38:25 39:4 80:12 82:16,21,22 84:1,5,16,19 85:15 87:20,20 130:2 136:8 156:17 157:13 158:1,5 167:4 167:13 169:17 171:7,23 172:5 173:19 177:7 177:19,24 203:23 213:5 voted 72:19 135:21 144:24 205:20 voter 62:20 105:5 105:5 135:22 136:9 voters 35:12 54:18 64:8,9 72:19 80:7 85:9 100:12 126:11 131:19 136:10	136:12 169:15 votes 166:20 voting 9:1,16 23:17 39:2 53:24 55:6,25 58:4,23 59:14 62:17 72:13 80:3,14,14,15 80:21 81:14 82:2,15 83:6,8 84:4,12 86:4,4 87:19 92:22 98:18 104:13 106:9 125:8 127:8,9,12,16 127:16,24 130:15 136:1,3 136:14 158:3 W wait 37:7 143:19 205:16 waived 3:7 waiver 37:21 wake 221:12 walk 159:14 Walker 34:24,25 35:7,16 want 11:13 12:10 12:18 17:14,19 32:25 33:14 46:4 47:7,8 48:19 60:13 67:18 69:21,22 77:7 78:16 81:13 85:2 107:21 113:14 125:11 143:20 153:10 161:4 161:16 170:18 172:1,6 188:20 201:18 203:16 204:14,16 207:2 208:20 212:16 wanted 48:22 53:8 181:25	182:1 wanting 167:15 wants 153:24,25 162:11,12 219:17,18 warning 127:20 warrant 55:25 Washington 1:24 wasn't 25:21 60:3 93:13 130:19 139:11 wasted 97:16,17 97:24 wasting 33:20 watch 99:17 139:8 watched 141:3 watching 136:19 water 121:24 147:9 152:10 155:23 164:18 165:9 184:1,4 199:7 201:13 waterways 113:6 way 3:21 11:6,18 24:6 47:9 49:11 73:19 74:19 104:9 112:17 119:4 123:11 123:13 126:22 139:18 151:3 152:19 157:14 163:16 165:2 166:2 169:20 172:2 179:12 we'll 112:12 118:20,25 128:22 151:12 157:3 164:9 we're 3:1 4:2,2 4:11 8:9 10:9 11:23,24 13:10 14:10 16:9,20 16:20 17:13 20:24 22:1 23:9 23:10 24:1,1 27:14 28:8	29:25 30:7 31:7 31:22 32:7,13 32:18 33:4,9,20 35:5 36:14 37:1 37:14 41:21 45:1 46:5 48:21 50:3,23,24 51:3 61:19 64:20,23 66:24 72:17 73:4 77:14 78:5 78:6 87:11 105:11 107:19 107:21,22 108:22 119:4 133:10 138:17 138:20 144:11 149:11 151:8 151:16 152:2 152:24,24 155:6 156:1 157:6,11 158:12 164:24 166:1 177:19 178:20 179:16 180:19 181:20 182:14,19,23 183:3,4,11 185:12 198:21 201:21 203:14 203:19,23 208:18 211:17 211:19 212:7 213:1 219:16 we've 11:5 22:5 26:15 35:10 42:13 57:10,22 64:4 71:1 78:6 82:8 96:1,4 97:12 100:13 100:14 101:16 102:2,19 120:5 128:11,14 129:18 138:18 140:8 166:11 207:2,6 Wednesday 133:9 221:8	week 20:18 31:19 56:11 98:5 109:4 116:2 219:20 weeks 33:20 178:23 206:8 206:19 207:3,6 207:25 weird 151:6 welcome 79:21 well- 31:3 went 12:13 14:2 16:4 53:11 54:14 55:8 62:19 64:11 80:9,10 84:19 84:21,22 95:10 127:14 133:25 135:20 weren't 14:5 144:25 west 112:22 whatsoever 151:23 whispered 77:24 78:3 white 136:1 wholeheartedly 152:23 wield 146:3 Williams 37:25 win 100:4 103:12 104:10 winning 20:5 wipes 161:7 Wisconsin 59:12 98:8 wish 7:14 20:16 40:18 49:8 61:21 78:2 wishes 24:21 51:11 79:15 wishing 17:24 150:9 154:11 withstand 53:1 withstanding 169:6
---	--	---	---	---

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 36

woman 31:24	182:12 209:8	1.7 155:18 157:10	191:18	2012 61:11 63:4,5
won 64:6	215:9	176:10,11	189.055 194:22	63:25 64:9
wondering 208:6	year 12:14 25:11	1:30 142:6	189.064 190:23	90:25 95:9
word 18:4,16	59:11 69:14,18	10 27:7 51:16	189.072 167:10	2013 92:14
43:20 62:24	75:10 95:8	54:21 55:1,10	168:11 169:13	2014 61:12
69:2 86:21	101:15 105:2	56:9,17,19 57:9	171:3 193:4	2015 12:13 92:15
203:8,10,20	153:21 154:7	59:24 60:4,11	204:3	127:6 128:1
words 37:24,24	159:22 162:11	60:18 66:13,24	189.072(2)	2016 16:4 61:13
82:21 94:3	167:17 170:19	67:2 70:11,25	203:13,21	63:8 195:12
97:12	171:5 173:2,13	82:22 83:10	189.076 170:23	2018 61:14 64:19
wore 27:23	175:7 180:19	85:3,5 86:11	194:17 197:11	65:7
work 39:19 52:8	183:10 204:5	87:4 93:5 96:5	18th 7:13	202 1:25
165:9 179:23	212:12,13	101:15 105:2	19 1:12 2:1 100:6	2020 61:16 63:5
worked 93:24	216:8,13 217:5	129:9,13 130:3	109:6	64:2,18 65:6
97:18 139:17	years 27:7 29:14	130:4,5 131:9	1948 38:1	91:2 149:6
187:24 197:25	33:18 60:11	140:20 151:1	1965 58:23 59:14	2021 209:24
working 138:5	75:17 80:10	161:10 221:6	106:9 136:14	2022 1:12 2:1
works 27:10	82:23 101:15	10-year 55:19	1968 146:13	2023 146:15,17
49:12 66:11	105:2 127:21	10:45 21:9	168:8	167:2,3 179:15
79:2	145:1 146:2	100,000,000	1977 38:4	181:3 182:14
world 66:8	149:8 161:24	217:18	1983 23:1,5	184:21,23
161:15 212:8	165:12 173:1	109 107:20,20,25	1st 165:15 167:2	186:6
worse 36:4 119:6	174:3 186:24	108:9,21,23	167:3 179:15	20th 19:18 21:24
123:10	192:18,25	113:17 120:23	179:22 181:3	27:20 37:15
worthy 153:23	201:20 206:15	122:6 123:11	184:21,23	221:8
wouldn't 10:4	yeas 39:5 158:6	123:19,25	185:13,15	21 122:8,11
25:7 84:15	yesterday 187:22	134:16		21.5 96:25 101:8
108:22 113:15	187:25	11 64:13 150:19	2	22 48:6 64:13
113:15 126:3	yield 7:15 19:15	11:00 21:9	2 53:23 54:5,16	80:11 122:11
185:16	25:22 51:12	1100 164:19	55:6,25 58:17	2200 156:7
wrap 78:16	79:15 153:6	11th 6:19 23:11	62:16,21 68:25	22nd 40:6,15
wrapped 112:17	yields 19:17	25:19,22 30:1	86:4 97:9	23 122:11 158:6
written 156:22		35:23 51:13	127:12	165:15
179:11	Z	12 65:20 140:22	2-C 4:4,8 5:22	232-0646 1:25
wrong 14:9 33:12	0	13 39:5	6:1	24 122:11 151:15
36:11 133:13	1	13th 133:9	2,000,000,000	24.6 130:16
206:3		14th 92:23	156:2 158:19	25 93:20 122:12
X	1 46:15 146:15,17	15 220:22	159:15 161:7,8	2508 203:10
Y	182:14 186:6	15th 128:19,23	161:13,16	26 122:12,23
yea 3:11,12 4:18	1,000 47:21	16 97:3 101:9	20 22:13 122:11	124:10
4:19 5:9,10	1,000,000 40:11	17 108:11	122:11	26.8 130:15
38:18,19	1,000,000,000	1730 1:24	200- 134:8	27 122:12 126:2
157:20,21	149:6 151:10	1790 101:15,16	200-mile 133:11	27th 131:16
213:7,8	176:15	18 108:7 133:9	133:16	28 97:9 99:13,21
Yeah 15:10 161:8	1,390,000 155:3	149:8	20036 1:24	101:12,20
	1,765,000 155:7	180 135:9	2004 148:2,24	117:15 122:8
	1.5 156:2	189 155:13	149:8	122:12 140:19

4/19/2021

Common Cause, et al. v. Cord Byrd

Audio Transcription

Page 37

29th 40:18,21 2C 3:8	43 115:16,17 45 126:6 46 115:19 46.89 61:15 47 115:20 470444 6:14 48 109:4 114:19 116:6 49 108:6 114:20	580 156:6 59 114:14 5th 145:19 153:2		
3 3 3:5 3:30 142:5 30 142:7 30th 7:21 40:22 42:22 106:19 31st 143:23 32 114:7 33rd 78:11,12 79:20 81:11 34th 34:5 49:16 107:8 157:16 3568 6:14 3569 6:15 3578 39:11 3579 39:12 35th 12:6 32:21 368 116:8 37 210:13 375,000 155:3 38 114:6 38th 17:25 21:15 30:13 44:10 51:5 131:25 147:23 150:10 39 49:2 93:22 396 116:8 3rd 149:15 152:3	5 5 51:16 53:18,22 54:16 56:9 58:17,18 70:12 70:22 77:10 82:14 83:5,6 85:5,21 87:4 92:16 93:4,13 109:25 114:10 117:19 118:23 118:24 119:5 120:22 127:12 133:23 5,000,000 48:1,3 5:00 1:13 50 67:19 68:14 108:9 116:6 146:2 161:24 165:12 173:1 174:3 192:17 192:24 201:19 206:15 50-year 173:14 50.62 61:13 500 47:21 500,000,000 151:20 509.013 218:14 218:17,25 52 114:9 52.58 61:12 53.78 61:11 64:12 84:19 54 192:18 55 126:6 56 60:13 114:8 58 60:12	6 6-C 5:7,15 209:15 219:6 60 60:12 95:11 97:16,18 135:5 61 155:4 67 58:12 6th 14:24 36:16 51:4 67:15		
		7 7 3:5 7:00 221:13 7072 209:24 745 48:8 76 114:7 778976 210:13		
		8 8 127:6 80 115:13 8017 123:10 8019 107:25 108:6 109:18 109:19 112:16 112:19 119:2 123:11 132:21 133:1,14 134:8 8060 108:19,20 108:23 109:2 109:12 115:11 81 115:14 812 1:24 83 114:19 846 123:22 89 114:8,15		
		9 9 129:9,12 131:9 90 34:25 916844m 39:11 945716 146:24 96 151:19 98 219:18		
4 4 118:23,24 119:5 120:22 4-C 4:15,24 145:15 146:11 219:6 4.19 50:19 145:12 209:12 220:13 4:22-cv-109 1:4 40 49:2 62:2 93:22,25 40-plus 135:20 42 114:15 42.53 61:16 64:12 84:20				