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Common Cause, et al. v. Cord Byrd

Audio Transcription

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Common Cause, et al. )  
 )  
v. ) 4:22-cv-109  
 )  
Cord Byrd )  
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TRANSCRIPTION OF AUDIO RECORDING  
SENATE COMMITTEE ON REAPPORTIONMENT  
APRIL 19, 2022

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2                   CHAIRMAN RODRIGUES: Committee on

3     Reapportionment will now come to order.

4                   Dana, please call the roll.

5                   THE CLERK: Chair Rodriguez.

6                   CHAIRMAN RODRIGUES: Here.

7                   THE CLERK: Vice Chair Broxson.

8                   Senator Bean.

9                   SENATOR BEAN: Here.

10                  THE CLERK: Senator Bracy.

11                  SENATOR BRACY: Here.

12                  THE CLERK: Senator Bradley.

13                  Senator Brodeur.

14                  SENATOR BRODEUR: Here.

15                  THE CLERK: Senator Burgess.

16                  SENATOR BURGESS: Here.

17                  THE CLERK: Senator Gibson.

18                  Senator Harrell.

19                  SENATOR HARRELL: Here.

20                  THE CLERK: Senator Rodriguez.

21                  Senator Rouson.

22                  SENATOR ROUSON: Here.

23                  THE CLERK: Senator Stargel.

24                  Senator Stewart.

25                  SENATOR STEWART: Here.

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1 THE CLERK: A quorum is present, Mr. Chair.

2 CHAIRMAN RODRIGUES: Thank you. I'd like  
3 to ask everyone to silence your electronic devices.  
4 Anyone wishing to speak before the Committee should  
5 complete an appearance form and hand it in to a  
6 member of the Sergeant's Office. Should you select  
7 to waive your speaking time, your position will be  
8 included in the Committee meeting records.

9 Members, as you know, the Congressional  
10 maps passed by the Legislature in our regular  
11 session were vetoed. We have been called back into  
12 special session to fulfill our constitutional  
13 obligation to reapportion this state.

14 On Tuesday, April the 12th, I was briefed  
15 by the Governor's Office on a map which has been  
16 published as P000C0109. After a conversation with  
17 our Senate counsel, I determined that this map  
18 reflects standards that the Senate can support and  
19 filed it as Senate Bill 2-C.

20 I've asked our general counsel, Mr. Dan  
21 Nordby, to prepare a legal analysis of the  
22 Governor's submission, and that legal analysis is  
23 included in today's meeting materials for your  
24 review. The letter that the Governor's Office sent,  
25 along with their map and their analysis the

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1 accompanied the veto message, are also included in  
2 today's materials.

3 At my request, the Governor's Office is  
4 here today to provide members of this committee with  
5 the same briefing that I received last week and to  
6 answer questions about the map. Members earlier  
7 today -- all interested Senators were invited to  
8 attend this meeting.

9 Members of the Committee will be the first  
10 to ask questions relating to the proposed map, after  
11 which, if time permits, non-Committee members will  
12 be allowed to ask questions. Questions should not  
13 be framed in the form of debate. Debate is reserved  
14 for members of the Committee at the appropriate  
15 time.

16 We are scheduled to conclude this meeting  
17 at 4:30. The Senate will reconvene at 5 o'clock, as  
18 required by the earlier recess motion. In order to  
19 keep with the special session schedule, the  
20 President has indicated that he will not be open to  
21 extending today's meeting.

22 If there are no questions about our process  
23 for today, then we will proceed to today's agenda.

24 Seeing no questions, we will now move to  
25 the agenda. Take up tab number 1, Senate Bill 2-C

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1 on establishing the Congressional districts of the  
2 state.

3 Mr. Alex Kelly is here on behalf of the  
4 Executive Office of the Governor to walk us through  
5 the map.

6 Mr. Kelly, the floor is yours.

7 ALEX KELLY: Thank you, Chair and members.

8 Again, my name is Alex Kelly, and I  
9 appreciate your time and this opportunity today to  
10 present the map proposed by the Executive Office of  
11 the Governor, the third map filed by our office, and  
12 the proposed Congressional Reapportionment Plan and  
13 to discuss our office's contribution to what is a  
14 compromise plan.

15 And just for a background, I serve as at  
16 the Deputy Chief of Staff for the Governor. A very  
17 brief introduction before I get into the slides.  
18 I'll frequently today refer to improvements in the  
19 plan before you today. Senate Bill 2-C is followed  
20 by the Chair Plan 0109.

21 Although when I refer to changes in this  
22 map, as you may know, you know, my role in terms of  
23 when I talk about my role in these changes, I'm only  
24 really referring to 18 of the 28 districts in this  
25 map. Ten of the districts are unchanged from Senate

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1 Bill 102 that you passed during session, so Primary  
2 Plan 8019. So when I refer to changes and I refer  
3 to my work on this map, I'm really just referring to  
4 the 18 districts that I changed.

5 For my role in this process and my reason  
6 for being here today, I am the map drawer of the 18  
7 changed districts in this plan before you. As for  
8 my experience, just to give a little context, a  
9 decade ago I was the Redistricting Committee Staff  
10 Director in the Florida House of Representatives.

11 Starting in January earlier this year, I  
12 initially served for our office just in a role of  
13 providing general guidance and oversight to our in-  
14 house and contract counsel and also to a contract  
15 map drawer, who we brought on to support this work,  
16 and that contract map drawer supported our work in  
17 the Governor's first map that was submitted back in,  
18 I want to say, maybe late January, early February,  
19 Plan 0079.

20 For reference, that contract map drawer of  
21 Congressional Plan 0079, his name is Adam Foltz.  
22 He's also previously drawn maps on behalf of the  
23 Texas and Wisconsin Legislatures. He's currently  
24 drawing maps right now on behalf of the Texas  
25 Legislature.

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1 Adam and myself collaborated on our  
2 office's second map, map 0094, which was submitted a  
3 few weeks later. Much like your professional staff,  
4 myself, and our contact map drawer, we've only ever  
5 worked on maps for state government -- or I should  
6 say much like your professional staff and your  
7 Committee.

8 In this map before you today, I alone  
9 authored the changes in this plan, 0109, with  
10 respect to how this new plan compares to the map  
11 that the Legislature passed, the Legislature's  
12 primary plan. And generally speaking, today, I'll  
13 refer to the Legislature's primary plan, except  
14 where I might note otherwise, but generally, I'm  
15 referring to Plan 8019.

16 I will also say at the outset some  
17 important disclaimers. One, no one directed me to  
18 favor or disfavor a political party or incumbent in  
19 my work, and I did not draw with the intent to favor  
20 or disfavor. Two, in drawing any of the districts  
21 submitted by our office, I did not consider or even  
22 look at political data, including party registration  
23 and voting data. In other words, I do not know the  
24 voting history or party registration numbers for any  
25 of the districts that we've drawn as an office for

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1 any of the districts that we'll look at today.

2 The only time I did reference political  
3 data was early in the process to determine a  
4 question that you were having to address, to  
5 determine whether or not it was possible to draw a  
6 compact African-American performing district in  
7 Northeast Florida, essentially a more compact  
8 version of the benchmark District 5.

9 I did at that time reference political data  
10 to determine if that was possible and determine if  
11 there was a way to draw such a district that  
12 complied with the U.S. Constitution, the Florida  
13 Constitution, in particular the Florida Constitution  
14 as interpreted by the Florida Supreme Court and  
15 implemented by this Legislature. I ultimately  
16 determined earlier in this process that it was not  
17 possible to essentially check all those boxes.

18 Three, in drawing the plan before you today  
19 -- in drawing and in really contributing to any of  
20 our office's plans and in the totality of our  
21 engagement in this process, I have not consulted  
22 with any outside -- anyone outside the Executive  
23 Office of the Governor, our contract counsel, our  
24 contract map drawer, or the Legislature and the  
25 Legislature staff and counsel.

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1 In other words, I can confirm I've had no  
2 discussions with any political consultant, partisan  
3 operative, or any political party official  
4 concerning any plans presented by our office,  
5 including the plan that you'll be considering today.  
6 In effect, I have engaged in this process, including  
7 authoring this proposed comprise plan, in a manner  
8 that meets the same high standards that you set for  
9 your professional staff.

10 And this proposed plan truly is -- Senate  
11 Bill 2-C, Plan 0109, is indeed a compromise. It is  
12 the project of -- a product of consultation and  
13 collaboration between our office and the leadership  
14 in the House and Senate, and it incorporates  
15 portions of the plan passed by the Legislature. when  
16 I noted earlier that 10 of the districts are  
17 identical to what the Legislature passed.

18 It incorporates concepts from maps  
19 previously discussed and presented by -- or  
20 previously submitted to the Legislature by our  
21 office, 0079 and 0094. It incorporates concepts  
22 from the map that was referred out of the House's  
23 Congressional Redistricting Subcommittee, Plan 8011,  
24 and it aligns in several other ways that I'll  
25 describe with the House and Senate's map drawing.

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1 I'll jump into the slides. Ten districts  
2 in the compromised plan, as I noted, Districts 1, 2,  
3 20-25, 27, and 28 are unchanged by the plan passed  
4 by the Legislature. The remaining districts, 3-19  
5 and 26, have been modified in various ways to  
6 address the federal constitutional concerns raised  
7 by the Governor and to improve various Tier 2  
8 metrics.

9 In a few minutes, I will walk you through  
10 visually the 18 districts that I changed in this  
11 proposed plan. First though, I'll give you a  
12 general overview on the next slide and then after  
13 that some highlights of the improvements to the Tier  
14 2 metrics.

15 First, in an effort to create a  
16 collaborative product, I worked off the  
17 Legislature's primary plan, 8019. So while I was  
18 seeking to remedy the Governor's veto message and  
19 make improvements throughout the map, I began my  
20 work by downloading the Legislature's Plan 8019 and  
21 subsequently making changes. And I should note that  
22 I drew Plan 0109 entirely with the Legislature's  
23 publicly available website and data.

24 Regarding the proposed plan, the plan  
25 maintains the same number of performing

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1 minority/majority seats. It retains, as I noted  
2 before, the Legislature's exact configuration for  
3 congressional districts in the Florida Panhandle,  
4 Districts 1-2, and Congressional Districts in the  
5 southeastern region of the state, essentially St.  
6 Lucie County down to Monroe County, just as in the  
7 Legislature's primary plan.

8           For the reasons set forth in the detailed  
9 memorandum that the Chair referenced and is in your  
10 packets that was prepared by our office's general  
11 counsel that accompanied the Governor's veto  
12 message, the compromised proposal eliminates the  
13 racially gerrymandered versions of Congressional  
14 District 5, which were included in Senate Bill 102  
15 in both -- in different ways, the primary plan and  
16 the secondary plan. Again, members, that legal  
17 memorandum is in your committee packets.

18           In summary, Congressional District 5, in  
19 both the primary and secondary maps enacted by the  
20 Legislature, violates the Equal Protection Clause of  
21 the 14th Amendment of the United States Constitution  
22 because it assigns voters primarily on the basis of  
23 race but is not narrowly tailored to achieve a  
24 compelling state interest.

25           That memorandum otherwise fully explains

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1 the Governor's legal objections to both versions of  
2 the district as passed by the Legislature in the  
3 primary and secondary maps. I should note, as a map  
4 drawer, I'm not an attorney. So I'm not going to  
5 play the role of an attorney here today. I'll keep  
6 my comments focused on the map itself and do my best  
7 to answer your questions, but I just want to note  
8 that at the outset, that I'm not legal counsel to  
9 the Governor.

10 Plan 109 creates in Northeast Florida two  
11 new districts, Districts 4 and 5, in the area that  
12 are consistent with the other maps previously  
13 published by our office with some minor  
14 improvements. These two districts are race neutral  
15 and overall more compact than District's 4 and 5 in  
16 the maps passed by the Legislature.

17 In addition to resolving federal -- the  
18 federal constitutional objections raised by the  
19 Governor, the compromised plan makes several overall  
20 improvements with respect to Tier 2 metrics relative  
21 to the maps passed by the Legislature by bringing  
22 together some of the best concepts from the  
23 Legislature's maps and of our office's maps.

24 Plan 109 adjusts the congressional  
25 districts in the Tampa Bay area and the larger Gulf

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1 Coast region stretching from Citrus down to Lee  
2 Counties and impacting some inland counties to  
3 create sort of a hybrid, if you will, of some of the  
4 Legislature's and our office's maps. These changes  
5 improve overall visual compactness, have a net  
6 affect of reducing a county split, and significantly  
7 increase usage of other Tier 2 political and  
8 geographic boundary lines.

9 In the Central Florida region, the plan  
10 that you have before you today aligns more closely  
11 with the map that was referred out of the House  
12 Congressional Redistricting Subcommittee Plan 8011  
13 with one distinction that I'll describe later that  
14 aligns with Senate Plan 8060 as you passed out of  
15 the Senate.

16 SENATOR GIBSON: Mister --

17 ALEX KELLY: With --

18 SENATOR GIBSON: Sorry.

19 CHAIRMAN RODRIGUES: (Indiscernible)

20 SENATOR GIBSON: Thank you, Mr. Chair. So  
21 we're waiting until the entire packet is done to ask  
22 any questions because I didn't hear the explanation  
23 of the -- I think Mr. Kelly said of the Governor's  
24 veto language. I don't see it in the packet. So  
25 I'm just -- could he repeat? It was a rational for

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1 --

2 CHAIRMAN RODRIGUES: The veto language was  
3 in the packet we provided.

4 SENATOR GIBSON: And is -- can I have  
5 clarity if that is the language that Mr. Kelly is  
6 talking about that's in this thing?

7 CHAIRMAN RODRIGUES: Do you understand the  
8 question?

9 ALEX KELLY: Yes, Chair.

10 Yes, Senator. Yes. I gave a brief  
11 synopsis of that veto message and the accompanying  
12 message from our general counsel that went with the  
13 veto message.

14 SENATOR GIBSON: I think that's the part I  
15 didn't understand how you put it together. I just  
16 want to make sure I hear it correctly. That's all  
17 --

18 CHAIRMAN RODRIGUES: Okay.

19 SENATOR GIBSON: -- Chair. If he could  
20 repeat it?

21 CHAIRMAN RODRIGUES: Would you repeat that  
22 please?

23 ALEX KELLY: Thank you, Chair. Happy to.

24 SENATOR GIBSON: Thank you.

25 ALEX KELLY: In summary, Congressional

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1 District 5, in both the primary and secondary maps  
2 enacted by the Legislature, violates the 14th  
3 Amendment of the United States Constitution because  
4 it assigns voters primarily based on race but is not  
5 tailored to achieve a compelling state interest.

6 SENATOR GIBSON: Okay. Thank you.

7 CHAIRMAN RODRIGUES: Thank you. Please  
8 proceed.

9 ALEX KELLY: Thank you.

10 So again, in the Central Florida region,  
11 the plan that you're looking at today, Plan 0109,  
12 aligns more closely with the map that was referred  
13 out of the House Congressional Redistricting  
14 Subcommittee Plan 8011 with one distinction that  
15 aligns with Senate Plan 8060.

16 With respect to similarities with House  
17 Plan 8011, specifically with respect to  
18 Congressional District 10, we accept the position  
19 articulated by the House's professional staff in  
20 their subcommittee, that this district is not  
21 subject to the Florida Constitution's non-  
22 diminishment standard because the benchmark district  
23 does not contain an African American population  
24 sufficiently large enough to realiably elect a  
25 candidate of their choice.

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1           We understand during the course of the  
2   testimony between House and Senate there was a  
3   disagreement on this point. However, because  
4   districts cannot be drawn on the basis of race  
5   unless there is a compelling reason to do so, in the  
6   absence of an agreement between the House and Senate  
7   on the need to treat District 10 as a minority  
8   protected district under the state Constitution  
9   indicates that a compelling basis for using race is  
10   lacking.

11           Accordingly, the proposed plan defers to  
12   the House's stated testimony and my changes to the  
13   district in Central Florida in that region,  
14   including District 10, are drawn on race-neutral  
15   principles. Again, these changes in Central Florida  
16   result in Tier 2 improvements in the Central Florida  
17   region. And in combination, these changes in  
18   Central Florida and in the Gulf Coast counties  
19   result in some additional Tier 2 improvements for  
20   other impacted districts like Districts 3, 6, and  
21   11.

22           Lastly, in-between the submission of our  
23   office's second map plan, 0094, and my drawing of  
24   this plan, 0109, I received feedback from House and  
25   Senate staff regarding our second maps overreliance

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1 on the use of census-designated place boundaries. I  
2 was encouraged to follow the House and Senate's  
3 preferred methodology for boundary usage to increase  
4 our usage of major roadways, waterways, and railways  
5 for Tier 2 compliance.

6 Our second map closely adhered to county  
7 and city lines. So that was not a concern, although  
8 less frequently so to other Tier 2 recognized  
9 boundaries. Therefore, throughout the 18 districts  
10 that are revised in this plan, I adopted the House  
11 and Senate's preferred and clear articulation of  
12 Tier 2 compliance. So even when I was trying to  
13 articulate a concept from one of our office's plans,  
14 I made such revisions using the Legislature's  
15 preferred approach to Tier 2 compliance.

16 In the next few slides, I'll walk you  
17 through some key points regarding those Tier 2  
18 improvements. First, the proposed -- the proposed  
19 plan before you today reduces by one the number of  
20 county splits from 18 to 17 by keeping Citrus and  
21 Sarasota Counties whole lieu of Polk, effectively a  
22 two-for-one swap. Furthermore, where there are  
23 county splits, the number -- the number of ways in  
24 which those counties are split is reduced.

25 Probably the most visible example of that

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1 is -- at least in a larger county is the change in  
2 Hillsborough County, where portions of Hillsborough  
3 County are now only divided into three districts,  
4 rather than four districts.

5 Second, the proposed plan reduces the  
6 reliance on nongeographic and nonpolitical  
7 boundaries from 12.5 percent to 1.5 -- to -- I'm  
8 sorry -- 12.5 percent to 11.5 percent. In other  
9 words, just a minute ago when I mentioned previously  
10 that I adopted the House and Senate's preferred way  
11 to articulate Tier 2 compliance by substituting  
12 major roadways, waterways, and railways, along with  
13 our map's already strong usage of county and city  
14 lines, my Tier 2 usage of compliant boundaries  
15 surpassed that of the maps passed by the  
16 Legislature.

17 Third, although mean compactness scores are  
18 largely equivalent when comparing my revisions to  
19 plan -- or in Plan 0109 with the Legislature's  
20 primary plan, the proposed plan improves the  
21 compactness score of the least compact district in  
22 the map. I believe this would actually be the first  
23 map considered by the Legislature in which every  
24 district has a Reock or Polsby-Popper score greater  
25 than 0.2.

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1           Moreover, visually, as we go through the  
2 map, we'll see in just a few moments many of the  
3 districts are just plainly more circular, squared,  
4 more visually compact shapes that are more easily  
5 understandable.

6           Lastly, my changes in Plan 0109 stayed  
7 equal to the Legislature's achievement of only  
8 splitting 16 cities in its primary plan. There are  
9 some differences about which cities are split when  
10 comparing my revisions in this plan to the  
11 Legislature's enacted plan. Specifically, Cape  
12 Coral, Plant City, and Port Orange would be kept  
13 whole in this plan, while splits would occur in  
14 Lakeland, St. Petersburg, and Longboat Key.

15           What I did take care to do is ensure that  
16 where those essentially trades in city splits  
17 occurred to ensure that other Tier 2 metrics were  
18 being met in the process. For example, as you know,  
19 Longboat Key is one of four cities in Florida that  
20 crosses county lines, and I only split Longboat Key  
21 in the process of keeping Sarasota County whole. So  
22 it seemed a reasonable and rational trade to keep a  
23 county whole in lieu of a city that crossed county  
24 lines.

25           I should say in saying all this I don't

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1 ever mean to suggest with these slides that there is  
2 a statistical line in the sand for what is Tier 2  
3 compliant compactness or county splits or city  
4 splits. But recognizing that we could be presenting  
5 a plan to this Legislature and me author -- you  
6 know, authoring a compromised plan, I recognized I  
7 should come to you with a plan that recommends  
8 improvements and builds on the work of the  
9 Legislature and certainly in no way ask you to go  
10 backwards, only ask you to consider improvements,  
11 and that's exactly what I've done.

12 So with that, I'll proceed to a more  
13 detailed visual presentation. The next two slides  
14 are the same content just the second slide doesn't  
15 have the district labels. The statewide view  
16 definitely helps get a sense of some of the visual  
17 compactness -- and we'll zoom in some -- the visual  
18 compactness in this map and some of the  
19 improvements. And this was really here for your  
20 reference, as is the next slide, and you can begin  
21 to really see the changes -- if I might just go to  
22 that slide -- you can begin to really see the  
23 changes when I've excluded the district labels.

24 Again, as much as it was important to  
25 maintain statistical compactness for Tier 2

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1 purposes, I also wanted these changes to satisfy the  
2 eyeball test and so offering up some square -- more  
3 square, circular districts, greater usage of clear  
4 and visible boundary lines helped that effect.

5 The next couple slides zoom in a little  
6 closer just focusing on those districts that I  
7 changed in this plan, so excluding the Panhandle and  
8 excluding Southeast Florida. Again, the slide  
9 without district labels might be a little easier to  
10 see, if only to appreciate some of the Tier 2  
11 improvements.

12 One of the other key facets of my work on  
13 this proposed plan -- that I wanted to make sure  
14 there was not essentially collateral unintended  
15 consequences to my changes without making some sort  
16 of equal or better Tier 2 change. For example, as  
17 you see, I split Polk County as part of the swap for  
18 keeping Citrus and Sarasota Counties whole, and I'll  
19 explain in a little more detail later what exactly I  
20 mean by that.

21 In doing so, I incorporated several Tier 2  
22 related changes in Polk County to make sure that the  
23 new lines and how those districts interact with  
24 districts from neighboring counties, how those lines  
25 are still very meaningful in a Tier 2 context.

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1           That said, the District 18 that you're  
2   looking at, still two-thirds of the residents in the  
3   proposed District 18 are from Polk County, remaining  
4   residents coming from those rural counties. So Polk  
5   County would still be the significant portion of  
6   population in one of those districts.

7           SENATOR BRACY: Mr. Chair, I have a  
8   question.

9           CHAIRMAN RODRIGUES: Senator Bracy, you are  
10   recognized.

11          SENATOR BRACY: Thank you. All your  
12   comments about -- are about Tier 2 compactness, but  
13   I haven't heard once about Tier 1. Tier 1 obviously  
14   is -- it trumps, no pun intended, but trumps Tier 2.  
15   So why are you focusing on Tier 2 and not Tier 1,  
16   when that clearly is the most important by federal  
17   law?

18          CHAIRMAN RODRIGUES: Mr. Kelly, you are  
19   recognized.

20          ALEX KELLY: Thank you, Mr. Chair.

21          And thank you for the question. So I did  
22   note earlier in my presentation part of that Tier 1  
23   analysis is not intentionally favoring or  
24   disfavoring an incumbent or political party, and I  
25   noted that in no way was I ever instructed to do

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1 that and in no way did I ever intend to do that. So  
2 I addressed Tier 1 in that context. Additionally,  
3 there is nowhere in the map where there's a  
4 contiguity issue. So Tier 1 has been addressed in  
5 that context as well.

6 In terms of the non-diminishment standard,  
7 when I went through the benchmark District 5 and the  
8 Governor's veto message, that really was at the  
9 heart of probably the one sort of outstanding Tier 1  
10 question, the division between the Legislature's  
11 maps and the Governor's ultimate veto and objection  
12 to the map because there's this tension between that  
13 district -- that district, the way it was composed  
14 in both the primary and secondary plan violate the  
15 Federal Constitution.

16 So while there is the Tier 1 diminishment  
17 requirement, that Tier 1 diminishment requirement  
18 cannot be utilized to violate federal law, and so  
19 that's what I was referring to as I was walking  
20 through that.

21 SENATOR BRACY: How do we know that you  
22 haven't talked to --

23 CHAIRMAN RODRIGUES: You are recognized for  
24 a follow-up.

25 SENATOR BRACY: Thank you, Chair.

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1           You said you haven't spoken to anyone. You  
2   haven't looked at any data regarding race. How do  
3   we know that? I mean, it was -- that was said  
4   before when we had the map drawing process in 2016.  
5   It proved to be wrong. We're just -- why would you  
6   even mention that if there's no way to prove that?

7           CHAIRMAN RODRIGUES: Senator Bracy, I'm not  
8   going to forward that question on. I think he  
9   opened in the preamble by laying out these were the  
10   parameters that he worked from. If the question is  
11   -- you can ask the question, why did he feel he  
12   should lay those parameters out, but I don't think  
13   it's a fair question to put out, how can you prove  
14   something that you believe can't be proven. So I  
15   will yield to Mr. Kelly --

16           SENATOR BRACY: Okay.

17           CHAIRMAN RODRIGUES: -- if he wants to  
18   articulate why he led the preamble of these were the  
19   things I drew from.

20           ALEX KELLY: Sure. Thank you, Chair, and  
21   thank you for the question.

22           And really in due deference and respect to  
23   your process, we know these are standards by which  
24   you have to live too. And so we know that your  
25   work, the work of your professional staff, you hold

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1     yourself to this high bar as well, and so I wanted  
2     to make sure that you understood that from our  
3     office's perspective, we were living up to that same  
4     standard that you are.

5             SENATOR BRACY: Question. How do you --

6             CHAIRMAN RODRIGUES: You are recognized.

7             SENATOR BRACY: Thank you, Mr. Chair.

8             How do you feel that District 5, District  
9     10 violates the 14th Amendment?

10            CHAIRMAN RODRIGUES: You are recognized.

11            ALEX KELLY: Sure. Thank you, Mr. Chair.

12            And so I could probably -- I could probably  
13     at this point probably defer a little bit to counsel  
14     because I've probably given sort of my best summary  
15     overview of the tension between the two. I will say  
16     that the memo that has been provided to you details  
17     this significantly and explains the Governor's veto  
18     message.

19            And, of course, I also walked through  
20     District 10. In District 10, we accept the House's  
21     analysis that it's not actually a performing seat.  
22     The House testified to that in committee. It was a  
23     very rational and well-thought-out analysis, and so  
24     we're adopting that analysis here. And in both  
25     cases, if there's absent a compelling state

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1 interest, if there's a potential violation of  
2 federal law, at that point, the State's not  
3 obligated to draw those districts in a manner that  
4 aligns with the state constitutional diminishment  
5 standard.

6 CHAIRMAN RODRIGUES: Senator Bracy, did you  
7 get a copy of the veto letter in the packet we  
8 provided?

9 SENATOR BRACY: I didn't, but if the staff  
10 can go through how this violates the 14th Amendment  
11 I guess from the House analysis -- I mean, you're  
12 here to defend this map. So if someone can explain  
13 to me how District 5, District 10 are not protected  
14 minority access seats when it was in our Senate  
15 drawing -- Senate map drawing process. Now all of  
16 the sudden, it's not. I understand that was the  
17 House position. If it can be explained for this  
18 committee so it's clear, I would appreciate that.

19 CHAIRMAN RODRIGUES: Why don't we do this?  
20 Why don't we give you some time to read over the  
21 veto letter, and then I'm going to go to Senator  
22 Rouson for a question. And then we'll come back and  
23 (indiscernible).

24 SENATOR ROUSON: Thank you very much,  
25 Mr. Chairman.

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1           You indicated that your rationale for not  
2   drawing Congressional District 5 the way it  
3   currently is configured and for not drawing  
4   Congressional District 10 the way it's currently  
5   configured was because it violates the Equal  
6   Protection Clause because it assigns voters based on  
7   race but not narrowly tailored to meet a compelling  
8   state interest; is that correct?

9           CHAIRMAN RODRIGUES: You are recognized.

10          ALEX KELLY: Thank you, Mr. Chair.

11          And I don't know that I would -- I would  
12   relate the analysis of both districts identically.  
13   I did state regarding District 5 -- benchmark  
14   District 5 and subsequent attempts to redraw that.  
15   I did articulate that that's a violation of the  
16   United States Constitution.

17          The issue with District 10 is just more  
18   plainly -- and we accept the House's analysis of  
19   this -- that the district is not a performing  
20   minority seat, and that analysis was laid out in the  
21   House record. And we have adopted that analysis  
22   into our justification here.

23          And essentially what the House articulated  
24   is that the minority community is not on its own --  
25   it does not on its own have enough strength to elect

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1 a candidate of its choice.

2 SENATOR ROUSON: Thank you.

3 CHAIRMAN RODRIGUES: Do you have a follow-  
4 up?

5 SENATOR ROUSON: Yes. Thank you --

6 CHAIRMAN RODRIGUES: You --

7 SENATOR ROUSON: -- Mr. Chair.

8 CHAIRMAN RODRIGUES: -- you are recognized.

9 SENATOR ROUSON: Do you believe that it's a  
10 compelling state interest to reflect diversity in  
11 representation?

12 CHAIRMAN RODRIGUES: You are recognized.

13 ALEX KELLY: Mr. Chair, I'm not sure -- I'm  
14 not sure how to answer the question. It's -- it is  
15 a -- it is a highly scrutinized process to draw a  
16 district based on racial reasons, and to do so,  
17 there must be a very narrowly tailored, compelling  
18 interest to do so.

19 And so absent that, it's unlawful to do so.

20 SENATOR ROUSON: Well, I guess --  
21 Mr. Chairman.

22 CHAIRMAN RODRIGUES: You are recognized.

23 SENATOR ROUSON: Therein lies my question.  
24 Is it not a compelling interest to have  
25 representation that reflects the diversity of the

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1 great state of Florida?

2 ALEX KELLY: Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

4 ALEX KELLY: I mean, Chair -- Senator  
5 Rouson, redistricting standards as outlined in the  
6 Florida Constitution and outlined just traditional  
7 redistricting standards refer to things such as  
8 compactness, keeping counties together, keeping  
9 cities together, using clearly identifiable boundary  
10 ways. These are ways to draw districts that have a  
11 lack of political intent, a lack of racial intent, a  
12 lack of any sort of manipulation. And so that is --  
13 that is, generally speaking, the way to draw a  
14 district. The Florida Constitution guides districts  
15 to be drawn that way, and so that is the process  
16 that we followed.

17 SENATOR ROUSON: Thank you.

18 CHAIRMAN RODRIGUES: Senator Stewart.

19 SENATOR STEWART: Thank you, Chair.

20 And you have outlined quite a few  
21 concurrences with the criteria for 2, and, of  
22 course, since it was brought up about Tier 1, it  
23 seems to have much more need for compelling review.

24 One of the Tier 1 guidelines along the  
25 federal law directs the lawmakers -- and we heard

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1 this in committee over and over and over again --  
2 that districts shall not be drawn with the intent or  
3 result of denying or abridging the equal opportunity  
4 of racial or language minorities to participate in  
5 the political process or to diminish their ability  
6 to elect representatives of their choice.

7 Now, I have not heard yet from this map  
8 that was drawn if that was also considered.

9 ALEX KELLY: Mr. Chair.

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: I think I've just answered  
12 that same question a couple different ways. I'm not  
13 sure I have any more to offer.

14 CHAIRMAN RODRIGUES: Senator Bracy, have  
15 you had an opportunity to read the veto letter?

16 SENATOR BRACY: I perused the letter.

17 CHAIRMAN RODRIGUES: You are recognized for  
18 a question.

19 SENATOR BRACY: So and you just said that  
20 minorities cannot elect a candidate of its own. It  
21 does not have enough, I guess, voting strength to do  
22 that, and that is why you don't consider District 5  
23 or District 10 a minority -- protected minority  
24 access seat; is that correct?

25 CHAIRMAN RODRIGUES: You are recognized.

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1           ALEX KELLY: Just to -- just to clarify,  
2   there are some points there where the analysis  
3   regarding benchmark District 5 and benchmark  
4   District 10 would be different. So the analysis  
5   regarding benchmark District 5 is very plain sighted  
6   in that regard. There is not sufficient voting  
7   strength in the minority community to, by itself,  
8   elect a candidate of its choice. So the analysis  
9   for the two is not identical.

10           SENATOR BRACY: Got it. So --

11           CHAIRMAN RODRIGUES: You are recognized.

12           SENATOR BRACY: -- thank you, Mr. Chair.

13           So what is the benchmark where minorities  
14   could elect the candidate of their choice? What  
15   would be that percentage if you --

16           CHAIRMAN RODRIGUES: You are recognized.

17           ALEX KELLY: Mr. Chair, thank you.

18           That would require an analysis of the  
19   political data for any district. I don't know that  
20   there's one line in the sand, but generally, the  
21   idea is that could that minority community -- on its  
22   own voting strength without help, could that  
23   minority community elect a candidate of its choice?  
24   But that's going to be different in every single  
25   district.

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1 SENATOR BRACY: So if you didn't --

2 Mr. Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

4 SENATOR BRACY: So if you didn't look at  
5 any data to determine that this is a minority access  
6 seat, how did you determine it? By eyeballing it?  
7 How did you make that determination?

8 CHAIRMAN RODRIGUES: He said earlier that  
9 he did use the political data on District 5 when he  
10 was attempting to draw the district. So on that, I  
11 believe he's already answered that question.

12 SENATOR BRACY: Okay. So you did use  
13 political data, and you -- when you were looking at  
14 the political data for District 5, what  
15 determination did you -- how did you determine that  
16 that was not a minority access seat since you did  
17 look at the data for that? What did the data show  
18 you that --

19 CHAIRMAN RODRIGUES: You --

20 SENATOR BRACY: -- told you?

21 CHAIRMAN RODRIGUES: You're recognized.

22 ALEX KELLY: Thank you, Mr. Chair.

23 So the look at District 5 -- benchmark  
24 District 5 in different configurations the  
25 Legislature considered wasn't a question so much of

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1 the political effectiveness of the community. It  
2 was a question of multiple facets at the same time.  
3 The district is clearly -- the benchmark is clearly  
4 drawn from Duval to Gadsden Counties is clearly a  
5 racial gerrymander. That's what the district is  
6 plain sighted.

7 So the question becomes does it meet some  
8 compelling state interest in doing so? And our  
9 analysis, particularly early on as we were weighting  
10 this question and I was personally weighing this  
11 question was, was there a manner in which that  
12 district could be drawn more compactly, more in line  
13 with traditional redistricting criteria so that, in  
14 effect, from a federal law perspective, state law  
15 perspective, and sort of the traditional  
16 redistricting criteria, could you, so to speak,  
17 check all the boxes and find a way to have a sort of  
18 compromise?

19 The reality through analysis of that  
20 district, including just observing the Legislature's  
21 process, there was not a way to draw a compact,  
22 politically effective, minority district and check  
23 all the boxes, so to speak, without violating some  
24 manner of law.

25 CHAIRMAN RODRIGUES: Do you have a follow-

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1 up?

2 SENATOR BRACY: I do. I do.

3 CHAIRMAN RODRIGUES: You're recognized.

4 SENATOR BRACY: You mentioned that your  
5 determination was basically, did it meet a state --  
6 a compelling interest? But I want to go -- but I  
7 feel like you haven't answered the question about  
8 minority voting strength. You said it did not meet  
9 the criteria because it did not have enough of a  
10 minority voting strength to be a protected seat.  
11 How did you determine -- I know you said it didn't  
12 have state compelling interest.

13 But specifically to why you said it did not  
14 have enough of a voting -- a minority voting  
15 strength to make it a minority access seat, how did  
16 you determine that specifically? Was there a  
17 percentage that it did not meet that made you decide  
18 it did not meet the threshold?

19 CHAIRMAN RODRIGUES: You're recognized.

20 ALEX KELLY: Thank you, Chair.

21 So and I apologize. I think we're having a  
22 little bit of just confusion, which is certainly  
23 understandable, between our district of benchmark  
24 District 5 and benchmark District 10.

25 Benchmark District 10 in Orlando -- or

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1 Orange County, I should say, for that district, I  
2 was specific in saying it does not have a  
3 significant enough minority community to have the  
4 electoral strength to elect a candidate of their  
5 choice.

6 So that analysis was provided in public  
7 testimony by the House's professional Redistricting  
8 Committee's staff in their Congressional  
9 Redistricting Subcommittee. It was -- the analysis  
10 was a sound analysis, and we have adopted that. We  
11 have essentially adopted their judgment in our  
12 process, and we've agreed with their analysis.

13 So that's where the analysis for District  
14 10 departs some from District 5. District 5 starts  
15 with the question of the district is a racial  
16 gerrymander. Is it done in such a way that is so  
17 narrowly tailored to a compelling state interest?  
18 And it ultimately fails a different test. It fails  
19 a test of violating the U.S. Constitution.  
20 Obviously, we can't take any element of our state  
21 Constitution and use that against the U.S.  
22 Constitution and violate that.

23 SENATOR BRACY: Okay. So just so that I  
24 understand, you did not make your determination on  
25 District 5 based on the minority voting strength.

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1 You made that determination on District 10; is that  
2 correct?

3 CHAIRMAN RODRIGUES: You're recognized.

4 ALEX KELLY: Mr. Chair.

5 Yes. Correct.

6 SENATOR BRACY: Okay. Okay. So let's go  
7 to District 10 then. How did you determine that  
8 District 10 did not have enough of a minority voting  
9 strength for it to be a minority access seat,  
10 protected access seat?

11 CHAIRMAN RODRIGUES: I think he's answered  
12 that, Senator Bracy. They adopted the House  
13 analysis, which the testimony in the House Committee  
14 was --

15 SENATOR BRACY: But with --

16 CHAIRMAN RODRIGUES: -- over time --

17 SENATOR BRACY: With all due respect  
18 though, this is not the House's map. This is the  
19 Governor's map. And so I'm asking how the  
20 Governor's Office made this determination, not the  
21 House.

22 CHAIRMAN RODRIGUES: Well, he answered that  
23 question, Senator Bracy. He said they adopted the  
24 House position. Do you have a follow-up question?

25 SENATOR BRACY: Okay. Can you clarify what

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1 the House's position is again?

2 CHAIRMAN RODRIGUES: Could you clarify that  
3 again please?

4 ALEX KELLY: Sure. Thank you, Mr. Chair.

5 The House's position -- the House staff  
6 articulated in their committee meeting or  
7 Congressional Redistricting Subcommittee meeting  
8 that they looked at recent elections history, and  
9 that when they looked at that recent elections  
10 history, the black community in Orange County, in  
11 Congressional District 10 was not sufficient enough  
12 on its own to elect a candidate of its choice. They  
13 did that analysis on their own. We didn't do that  
14 analysis, but the logic that they articulated in  
15 committee was sound logic and a sound analysis. And  
16 so we adopted that.

17 SENATOR BRACY: Okay. I don't serve in the  
18 House. I did not see that election data. So I  
19 understand you took their position, but I guess I'm  
20 asking for specifics on their data and how they made  
21 that determination. And I don't know if our staff  
22 can clarify how they came to that position. I  
23 understand what their position was, but I'm trying  
24 to understand how they came to that position.

25 CHAIRMAN RODRIGUES: Jay, do you have

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1 insight on that?

2 JAY FERRIN: Thank you, Mr. Chairman. If  
3 I'm understanding the question correctly, I believe  
4 the House reviewed the data for benchmark CD 10 and  
5 determined that, over time, over the different  
6 election cycles, the level of primary control for  
7 African American voters in the Democratic Primary  
8 was slipping below 50 percent and, therefore,  
9 concluded that the voters in that benchmark district  
10 did not outright control the Primary and, therefore,  
11 made their determination based on that.

12 And that's my understanding of the House's  
13 analysis on that district, and that's probably about  
14 all I can speak to on that.

15 SENATOR BRACY: Just a follow-up. So from  
16 your understanding, the black voting age population  
17 in that CD 10 had a voting strength of less than 50  
18 percent in a primary, which in turn is how they and  
19 the Governor determined that that is not a protected  
20 seat. Is that the way you understand it?

21 CHAIRMAN RODRIGUES: Jay, you're  
22 recognized.

23 JAY FERRIN: Mr. Chairman.

24 Yeah. Without trying to speak for the  
25 House or the Governor, that is my understanding is

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1 that they reviewed elections over time and noticed a  
2 trend in terms of primary control. It has nothing  
3 to do with voting age population but in terms of  
4 primary control for African American voters on the  
5 Democratic Primary and based their conclusions on  
6 that.

7 SENATOR BRACY: So they took an average of  
8 elections, not just like the past 2020 elections.  
9 They took an average of recent elections and put  
10 that together and determined together that it went  
11 less than 50 percent?

12 CHAIRMAN RODRIGUES: Jay.

13 JAY FERRIN: No. Senator Bracy, we did  
14 look at the average in the Senate to try to control  
15 for electoral trends. The House looked at the  
16 trends. They looked at each individual -- each  
17 election -- the primary control in each election  
18 cycle individually and looked at that over time and  
19 noticed that it was decreasing every two years.

20 SENATOR BRACY: Okay. So they are  
21 anticipating, the way you understand it, that the  
22 trend will be that it will go below 50 percent, but  
23 maybe it's not there yet. But the trend is trending  
24 toward below 50 percent; is that a correct analysis  
25 of how you understand it?

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1 CHAIRMAN RODRIGUES: Jay, do you recall  
2 what the percentage was?

3 JAY FERRIN: Unfortunately, I don't recall  
4 the percentages offhand, and I can't always speak to  
5 the House's analysis of that. But that's how I  
6 understood it to work.

7 SENATOR BRACY: Okay. Well, I'll just say  
8 I think it's troubling that the Governor's Office is  
9 coming before us and touting an analysis that no one  
10 really understands -- and he cannot speak to either  
11 -- and this is how he's determined that District 10  
12 is not a protected access seat. I think that's  
13 important information.

14 So, you know, if you can't answer my  
15 question, we can move on, but I just want to make  
16 the point that we're here for this purpose of  
17 learning more information. And no one can speak to  
18 it. Thank you.

19 CHAIRMAN RODRIGUES: Senator Broxson, you  
20 are recognized.

21 VICE CHAIR BROXSON: Thank you,  
22 Mr. Chairman.

23 I'd like to kind of put this in perspective  
24 of the predicate that you started on. When you  
25 looked over the Senate -- State Senate and State

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1 House, you used more of a Florida standard of what  
2 we were trying to accomplish. Now, you're looking  
3 at the Congressional maps, which this probably will  
4 be contested, and you believe that based on the U.S.  
5 prototype that these conform with the intent of the  
6 current law and gives you the position that you have  
7 -- you've stated today. Is that kind of where we  
8 are?

9 CHAIRMAN RODRIGUES: Alex, you are  
10 recognized.

11 ALEX KELLY: And thank you for the  
12 question. So essentially, yes. We've brought -- if  
13 I understood correctly, we've brought forward a map  
14 that we believe complies with the U.S. Constitution  
15 and the State Constitution. So obviously, we have  
16 an obligation to try to balance and comply with  
17 both, of course, and so we believe we've brought  
18 forward a map that complies with both and gives the  
19 Legislature a work product that brings forward the  
20 best of both.

21 CHAIRMAN RODRIGUES: Senator Gibson.

22 SENATOR GIBSON: Thank you, Mr. Chair.

23 In terms of the statement of, I guess,  
24 apparently there was no way to meet the state's  
25 interest in drawing minority access seats, in the

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1 best interest of the state to do what?

2 CHAIRMAN RODRIGUES: Senator Gibson, I'm  
3 not sure I understand the question. Could you  
4 restate it?

5 SENATOR GIBSON: The maps in the -- I guess  
6 it's in the veto message or the way Mr. Kelly talked  
7 about it, there was language that says they could  
8 not draw maps that were in the best interest of the  
9 state that would perform for minority communities.

10 CHAIRMAN RODRIGUES: Mr. Kelly.

11 ALEX KELLY: Sure. Thank you, Mr. Chair.  
12 Thank you for the question. So --

13 SENATOR GIBSON: What is in the best  
14 interest of the state?

15 ALEX KELLY: Thank you. And that's not  
16 really a question I could answer. The compelling  
17 interest is for the map drawer to define. I did not  
18 draw benchmark District 5. I did not draw, you  
19 know, any of the Legislature's attempts to redraw or  
20 reconfigure benchmark District 5. So that  
21 compelling interest is something that you, the  
22 Legislature, would have to define.

23 SENATOR GIBSON: Follow-up?

24 CHAIRMAN RODRIGUES: You are recognized.

25 SENATOR GIBSON: And so when you said the

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1 statement about what's in the best interest of the  
2 state in terms of the districts, that was not --  
3 those were not your words. That is something that  
4 was just written in the veto message. So you don't  
5 necessarily have any explanation of what is in the  
6 best interest of the state when it comes to creating  
7 the districts, particularly for minority voters?

8 CHAIRMAN RODRIGUES: Were you referring to  
9 the veto letter in that statement, Mr. Kelly?

10 ALEX KELLY: Thank you, Mr. Chair.

11 I was referring to the veto letter and also  
12 the accompanying memorandum that our general counsel  
13 wrote to further explain the veto letter. I was  
14 just giving a short summary of it.

15 SENATOR GIBSON: Follow-up?

16 CHAIRMAN RODRIGUES: You are recognized.

17 SENATOR GIBSON: Thank you, Mr. Chair.

18 I see it now. It says but since this --  
19 let me ask you this before I even ask you a  
20 question. Since this is the Governor's language  
21 where it says, "The bill contains a primary map and  
22 a secondary map that included a racially  
23 gerrymandered district, Congressional District 5,  
24 that is not narrowly tailored to achieve a  
25 compelling state interest." So since those are not

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1 your words, you cannot explain what the compelling  
2 state interest is?

3 CHAIRMAN RODRIGUES: Mr. Kelly.

4 ALEX KELLY: Thank you, Mr. Chair.

5 That obligation would be on the part of the  
6 map drawer. I did not draw the Legislature's  
7 attempts to redraw benchmark District 5, and I  
8 didn't redraw -- I didn't draw benchmark District 5.  
9 So that would be a compelling interest that the  
10 Legislature would have to put forward through your  
11 process if you were attempting to redraw that and  
12 narrowly tailor that to some state compelling  
13 interest.

14 SENATOR GIBSON: Follow-up?

15 CHAIRMAN RODRIGUES: You're recognized.

16 SENATOR GIBSON: May I? Thank you, Mr.  
17 Chair.

18 There's no functional analysis in the  
19 packet that I see of the districts. Is there no  
20 functional analysis because it is the -- is there  
21 some understanding that if it's not going to be a  
22 minority access seat, then there's no reason to have  
23 a functional analysis?

24 CHAIRMAN RODRIGUES: Senator Gibson, I'm  
25 going to refer to Staff Director Jay Ferrin on that

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1 question because we covered that very same topic in  
2 our maps.

3 JAY FERRIN: Senator Gibson, you're  
4 correct.

5 SENATOR GIBSON: There's no need to do a  
6 functional analysis if there is no minority  
7 district; is that what I said?

8 CHAIRMAN RODRIGUES: You are recognized.

9 SENATOR GIBSON: Yes. That's what I said.

10 JAY FERRIN: Mr. Chairman.

11 Yes, Senator. That's correct.

12 SENATOR GIBSON: All right.

13 JAY FERRIN: The purpose of the functional  
14 analysis is to evaluate the performance of the  
15 minority district.

16 SENATOR GIBSON: Thank you. And may I?

17 CHAIRMAN RODRIGUES: You are recognized.

18 SENATOR GIBSON: Thank you, Mr. Chair.

19 And so since I think what I heard was there  
20 was no data looked at to come up with the, what is  
21 that, Senate Bill 2 -- no. What's the Governor's  
22 map number, 102?

23 CHAIRMAN RODRIGUES: 109.

24 SENATOR GIBSON: 109, sorry, 109, SB 2-C  
25 Plan 0109. What information only just -- I don't

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1 understand the information in that was used to  
2 determine that the Senate 8019, which I want to make  
3 sure we're also clear that 8019 and the House's map  
4 -- primary and secondary maps were all voted on  
5 before special session. And those maps are not the  
6 maps that the Governor or that you all drew at the  
7 Governor's direction; is that correct?

8 CHAIRMAN RODRIGUES: You are recognized.

9 ALEX KELLY: Mr. Chair.

10 Yes. Primary plan 8019 and secondary plan  
11 8015 are the two maps that you, the Legislature,  
12 approved within the contents of Senate Bill 102, and  
13 that's the bill that the Governor vetoed.

14 SENATOR GIBSON: Follow-up?

15 CHAIRMAN RODRIGUES: You are recognized.

16 SENATOR GIBSON: Thank you. Thank you,  
17 Mr. Chair.

18 And I wanted to make sure that that was  
19 clear because there is some confusion about which  
20 came first, the chicken or the egg, whether it was  
21 the House maps that came over that were passed out  
22 and not the Governor's maps because we are now  
23 addressing the Governor's proposed maps, correct?

24 CHAIRMAN RODRIGUES: I'll answer that. we  
25 are taking up the Governor's map now.

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1 SENATOR GIBSON: Thank you. Follow-up,  
2 Mr. Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

4 SENATOR GIBSON: I want to go back to -- so  
5 CD 5, which was different before it became 5, I  
6 think in the last redistricting, the last how many  
7 years has an African American been elected in the  
8 maps previously that represented -- that included  
9 representation of what is currently shown as CD 5?

10 CHAIRMAN RODRIGUES: I think we're getting  
11 beyond the contents of the lines he's drawn there,  
12 but I'll give him a shot at it.

13 ALEX KELLY: To my knowledge, of course,  
14 that district has only existed since the court  
15 adopted it in late 2015 and it went into place for  
16 the 2016 election cycle. Prior to that, the  
17 district, instead of going from Jacksonville to  
18 Gadsden County went from Jacksonville to Orlando,  
19 and if I recall correctly, Congresswoman Brown had  
20 that seat since somewhere in the early-to-mid '90s.  
21 I don't remember the exact year.

22 SENATOR GIBSON: Follow-up?

23 CHAIRMAN RODRIGUES: You are recognized.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 And then the recent CD 5 that elected an

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1 African American, the drawing of the maps concluded  
2 that that -- or the drawing of the Governor's maps  
3 concluded that that map was not gerrymandered but  
4 the previous adaptation of CD 5, which went east to  
5 west, is gerrymandered?

6 CHAIRMAN RODRIGUES: Could you restate that  
7 please?

8 SENATOR GIBSON: He shook his head. I  
9 think he understood it.

10 ALEX KELLY: Thank you, Chair. I think I  
11 got it.

12 Yeah. So yes. And this is articulated in  
13 the memorandum too, but I can say unequivocally the  
14 district currently today as drawn from Jacksonville  
15 over to Gadsden County stretching about three and a  
16 half hours is a racial gerrymander.

17 SENATOR GIBSON: I'm sorry. Mr. Chair?

18 CHAIRMAN RODRIGUES: Could you repeat that?

19 SENATOR GIBSON: The last -- you said  
20 what's three and a half hours?

21 ALEX KELLY: The drive from Jacksonville to  
22 Gadsden County, the length of the district.

23 SENATOR GIBSON: Thank -- Mr. Chair?

24 CHAIRMAN RODRIGUES: Okay. Members, we're  
25 going to go back to the map.

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1 SENATOR GIBSON: Oh.

2 CHAIRMAN RODRIGUES: And there'll be more  
3 time for questions at the end.

4 Pick up your presentation please.

5 ALEX KELLY: Thank you, Mr. Chair.

6 So shifting to the part of the region we're  
7 talking about, shifting to Districts 4-5 on this  
8 slide and the next, of course, obviously, we've  
9 already had a lengthy discussion. So just some  
10 other general points to give you some sense of the  
11 final lines for the proposed map in front of you  
12 here today.

13 And, again, as we noted through the  
14 questioning, on the left, you see the plan -- the  
15 primary plan as adopted by the Legislature; on the  
16 right, the plan before you here today in Senate Bill  
17 2-C.

18 The boundary between the two is mostly the  
19 St. Johns River. As you know, Jacksonville is the  
20 single lone city in the entire state that's actually  
21 larger in population than a congressional district.  
22 So the river, which nearly equally divides the city,  
23 stands out as certainly a logical, recognizable Tier  
24 2 boundary to divide Jacksonville if you're going to  
25 have to divide it somewhere. And at the same time,

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1 the new configuration here still allowed us to  
2 improve overall on compactness.

3 The southern boundaries of Districts 4 and  
4 5 are still actually exactly as the Legislature  
5 proposed them. So the boundary between Clay and  
6 Putnam is as the Legislature proposed it, and the  
7 split in St. Johns County is exactly what the  
8 Legislature proposed. So we didn't change that.

9 The last point I just want to make in this  
10 slide, just zooming in a little bit on these two  
11 districts, is at some point, just for the sake of  
12 equal population, District 4 does need to come  
13 across the river just to equalize a couple thousand  
14 residents if I recall correctly. And so at some  
15 point the district does have to come across the  
16 river.

17 The original iteration of this crossing  
18 that we drew in one of our earlier maps was I would  
19 say less deliberative. In this improved  
20 configuration, I used the bridges of the Arlington  
21 Expressway and Interstate 295 to literally allow a  
22 resident of District 4 to not have to leave the  
23 district in order to traverse the entire district.  
24 So we just tried to use those boundary lines a  
25 little more logically if we were going to have to

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1 cross the river and gain equal population.

2 SENATOR BRACY: Mr. Chair?

3 CHAIRMAN RODRIGUES: Yes?

4 SENATOR BRACY: I have a question on the  
5 map. I'm looking at District 2. How far does  
6 District 2 go from east to west?

7 CHAIRMAN RODRIGUES: Do you have that on a  
8 slide, or do you want to answer that?

9 ALEX KELLY: Thank you, Mr. Chair.

10 And I don't, and I don't actually know. We  
11 didn't draw District 2. The Legislature drew  
12 District 2. And I will say in general in the maps  
13 that we drew out of our office, I don't recall if we  
14 ever made any changes to the Legislature's  
15 configurations in Districts 1 or 2, but we  
16 definitely did not change them for the purposes of  
17 this map compared to what the Legislature passed.

18 CHAIRMAN RODRIGUES: Okay.

19 SENATOR BRACY: Well, the reason why I  
20 bring it up is that you said that District 5 was a  
21 racial gerrymander that spread 200 miles, but I'm  
22 looking at District 2. It looks like it goes about  
23 200 miles, maybe more.

24 So the fact that you singled out District 5  
25 for it going east to west that far but you got other

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1 ones that do, you got a problem. It seems that --  
2 anyway, I just wanted to explain how -- I would like  
3 for you to explain how District 2 can go 200 miles,  
4 but District 5 can't.

5 CHAIRMAN RODRIGUES: You are recognized.

6 ALEX KELLY: Thank you, Mr. Chair.

7 I think if you're looking at Northeast  
8 Florida, where you have Nassau, Duval. You have  
9 Clay. You have St. Johns Counties. Within those  
10 four counties, you can fit more than two  
11 congressional districts because a third district is  
12 even started in southern St. Johns in the  
13 configuration we're looking at today.

14 You're comparing that to rural Florida, the  
15 Panhandle, where there's significantly less  
16 population. Naturally, a district in the Panhandle  
17 is going to comprise probably several entire rural  
18 counties. The same is true if you look in the  
19 southern central part of the state as well where you  
20 have rural communities.

21 And that's just generally a reality of  
22 drawing a district that perhaps is maybe based out  
23 of a municipality or a larger city or a larger  
24 county versus drawing a district that's centered  
25 around a number of rural counties. So a compact

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1 district in rural communities might take on a very  
2 aesthetically compact shape, but it's physically  
3 likely to be larger than, of course, a compact  
4 district in an urban community.

5 CHAIRMAN RODRIGUES: Thank you. Please  
6 continue.

7 ALEX KELLY: Thank you.

8 So the next few slides, slides 14 through  
9 21, visualize my changes to the Gulf Counties. As I  
10 noted earlier in the opening from Citrus down to Lee  
11 Counties and even how those districts in those  
12 counties tie to inland counties to the east, north,  
13 and south.

14 And I'm showing you this way to give you a  
15 sense of how I actually thought about going through  
16 the map and making those Tier 2 improvements. I  
17 really want to take you through my thought process,  
18 and essentially what you have in this region of the  
19 state is a hybrid of the Legislature's maps and our  
20 office's prior plans in this region. And in order  
21 to really achieve worthwhile Tier 2 improvements to  
22 this region, I had to revisit how the entire region  
23 was drawn.

24 To give a sense of what I mean by that, as  
25 this slide illustrates, the Legislature made a

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1 decision to keep Broward, Osceola, and Polk Counties  
2 whole. This decision essentially places a little  
3 bit of a limitation on the map drawer. And  
4 obviously there's -- obviously, it's a good goal to  
5 keep counties whole, but it places a little bit of  
6 limitation on the map drawer. And that limitation  
7 essentially then forces your hand as a map drawer in  
8 the Tampa Bay region.

9           Keeping Broward, Osceola, and Polk whole  
10 essentially creates a wall across three-quarters of  
11 the state. So if, as we do in Plan 109, if we're  
12 able to essentially break that wall in Polk County,  
13 there are means to do that in meaningful, Tier 2,  
14 metric-driven ways that make gains for the map  
15 overall, and we can still, as we'll show later, make  
16 meaningful Tier 2 decisions in Polk County as well.  
17 And that really allows a number then of Gulf Coast  
18 counties decisions that make a number of Tier 2  
19 gains for this map.

20           I'll give some specific examples. So in  
21 this example in slide 16, this became a means to  
22 keep Collier -- sorry, not Collier -- Citrus County  
23 whole in District 12, which you can see here, and  
24 this district is a much more squared-up, linear  
25 district. District 12 actually is still in this

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1 configuration a majority Pasco County seat yielding  
2 about 141,000 of its residents in the southern part  
3 of the county into District 15.

4 Just while we have it on the screen, the  
5 boundaries there -- this is all of Citrus, all of  
6 Hernando, and most of Pasco. The boundaries between  
7 District 12 and 15 -- 15 is the pinkish district in  
8 the south there -- the boundaries there, the city of  
9 Zephyrhills is entirely in District 15. The cities  
10 of St. Leo, San Antonio, and Dade City are entirely  
11 in 12. And those lines, despite their curves,  
12 they're predominantly state roads all throughout.

13 Moving on to slide 17, south of the Tampa  
14 Bay region, we were also able to keep, through  
15 changes made in the Polk County area, we're able to  
16 also keep Sarasota County whole. As I opened it up,  
17 essentially what I've done in this map is I've  
18 articulated two whole counties in exchange for  
19 splitting another county. So gaining that net whole  
20 county in the map, keeping Citrus whole, keeping  
21 Sarasota whole, splitting Polk.

22 In this particular configuration, keeping  
23 Sarasota whole, aligning it with all of Charlotte  
24 County and aligning it with some unincorporated  
25 communities in Lee County to essentially equalize

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1 the population, and the boundaries in Lee County are  
2 almost entirely either major roadways or city  
3 boundaries.

4 On slide 18, taking this approach north and  
5 south of Tampa Bay then allowed us to go -- or  
6 allowed me to go work in the Tampa Bay area because  
7 overall just comparing the map that we had  
8 previously worked on, comparing that to the  
9 Legislature's map, the population distribution was  
10 just simply different.

11 So again, as I noted earlier, really had to  
12 lift the whole region out and look at options to  
13 reconfigure it. Taking this approach north and  
14 south of Tampa Bay and gave me a better chance to  
15 draw more visually compact districts in Tampa Bay  
16 and make improved usage of Tier 2 political and  
17 geographical boundary lines.

18 Zooming just a little bit further on  
19 Pinellas County and the bay, it seemed from the  
20 Legislature's process that there was a goal to have  
21 a seat wholly in Pinellas County, and so this map  
22 still accomplishes this goal. I literally started  
23 in this region working from west to east. Doing so,  
24 essentially, I was able to create a very squared-up,  
25 compact district.

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1 In the northern part of District 13 where  
2 it connects to District 14, that's just your  
3 Pinellas-Hillsborough line. The southern part of  
4 the seat just follows state road in-between Pinellas  
5 -- or actually through the city of St. Pete, I  
6 should say, follows a state road, and a just nice  
7 clean line splits District 13 and District 14.

8 And then I continued just to work my way  
9 east as I build District 14, again, seeking to  
10 utilize as clean, clear, distinguishable lines --  
11 municipal boundary lines, really leaning heavily on  
12 Tier 2 standards. I essentially then built District  
13 16 north at the same time and built District 16  
14 north with the same goal in line of having those  
15 boundaries match, again, clearly distinguishable  
16 roadways. And I should say too District 16 still  
17 keeps all of Manatee County whole.

18 CHAIRMAN RODRIGUES: Senator Rouson, you  
19 are recognized for a question.

20 SENATOR ROUSON: Thank you very much,  
21 Mr. Chairman.

22 The way you have drawn CD 14 and CD 13, 13  
23 being St. Pete and Pinellas, 14 being Tampa and  
24 Hillsborough, you have packed black voters of  
25 Midtown, South St. Pete with black voters in East

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1 Tampa. Current configuration of the district is  
2 different from what you've suggested. Can you  
3 explain the difference?

4 CHAIRMAN RODRIGUES: You are recognized.

5 ALEX KELLY: Mr. Chair, thank you.

6 To be frank, I actually am unaware of the  
7 black voting age population of District 14. This  
8 was not even drawn with any type of racial intent at  
9 all. This was not drawn with any type of even  
10 looking at any racial data for this district. There  
11 was not to my knowledge any reason to do so. So I  
12 was just drawing a district based on nice, clean,  
13 compact lines, lines that adhered to major roadways,  
14 major recognizable roadways, and try to split as few  
15 cities as possible in this area.

16 I do trade a split of St. Pete for -- my  
17 apology --

18 SENATOR ROUSON: You traded --

19 ALEX KELLY: -- one other city, my apology,  
20 but I do -- there is a city split trade in this  
21 area. But so the overall city splits are equal to  
22 what the Legislature adopted, but I just utilized  
23 the major roadways and worked my way east and worked  
24 my way north.

25 CHAIRMAN RODRIGUES: Senator Rouson, do you

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1 have a follow-up?

2 SENATOR ROUSON: No.

3 SENATOR BRACY: Mr. Chairman, I do have a  
4 question.

5 CHAIRMAN RODRIGUES: We'll go to Senator  
6 Bracy and then Senator Gibson.

7 SENATOR BRACY: Thank you.

8 Is Mr. Alex Kelly under oath for this  
9 committee?

10 CHAIRMAN RODRIGUES: No. He's not.

11 SENATOR BRACY: I know we do it in certain  
12 circumstances, certain secretaries. Could we make  
13 that happen in this committee?

14 CHAIRMAN RODRIGUES: The time to have done  
15 that would have been before we began the  
16 presentations. So at this point, I would rule that  
17 out of order.

18 Senator Gibson, did you have a question?

19 SENATOR GIBSON: Thank you, Mr. Chair.

20 In terms of the -- I think I heard the  
21 primary elections showed some data that CD 5  
22 couldn't on its own elect a candidate of their  
23 choice, some historical image and something about  
24 historical, and that's, I guess, in any other  
25 district that should be a minority access district,

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1 you mentioned that the primary elections showed that  
2 they couldn't -- is that correct -- by themselves --

3 CHAIRMAN RODRIGUES: Mr. Kelly?

4 SENATOR GIBSON: -- elect someone?

5 ALEX KELLY: Thank you, Mr. Chair.

6 I think the question you're asking about  
7 pertained somewhat to my comments about  
8 Congressional District 10, not Congressional  
9 District 5. But I'm not totally sure. There might  
10 have been some blurring of the line there between  
11 the two in the question.

12 SENATOR GIBSON: Follow-up, Mr. Chair?

13 CHAIRMAN RODRIGUES: You are recognized.

14 SENATOR GIBSON: It may be blurring because  
15 they impact the same ethnic people perhaps, but it  
16 was said that data had shown -- that was in context  
17 of 5 and 10, that the primary data showed that the  
18 CD 5 couldn't elect a minority member of Congress on  
19 their own, which is why we weren't following any  
20 Tier 1 because all we're talking about today is Tier  
21 2. And that's the reason for it's not diminished;  
22 is that what you said about the primary data --

23 CHAIRMAN RODRIGUES: Mr. Kelly.

24 SENATOR GIBSON: -- primary election data?

25 ALEX KELLY: Thank you, Mr. Chair.

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1 I think your question or at least what  
2 you're referencing from my testimony refers to my  
3 comments about Congressional District 10, and I was  
4 reflecting on the House professional staff's, their  
5 analysis of Congressional District 10. We didn't  
6 look at the political data for Congressional  
7 District 10. I didn't look at the political data  
8 for Congressional District 10.

9 The House, in their subcommittee,  
10 referenced their analysis of Congressional District  
11 10 and that based on their analysis of past years  
12 primary electoral data, that their analysis showed  
13 that the black community in Orange County, in  
14 Congressional District 10, could not on their own  
15 elect a candidate of their choice.

16 Congressional District 5, I don't think  
17 I've heard anyone question that the district has an  
18 ability to elect. Their issues are similar, but the  
19 issues are not identical. The question in  
20 Congressional District 5 is it is a gerrymandered  
21 district drawn predominantly based on one criteria,  
22 a strong -- predominantly based on race and was it  
23 drawn in a way that meets a compelling state  
24 interest, which is a question that would have to be  
25 asked of the map drawer to justify the district.

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1 SENATOR GIBSON: So --

2 CHAIRMAN RODRIGUES: You are recognized.

3 SENATOR GIBSON: Thank you, Mr. Chair.

4 And so the map drawer only looked at an  
5 analysis that didn't include a functional analysis  
6 in any configuration, correct?

7 CHAIRMAN RODRIGUES: You are recognized.

8 ALEX KELLY: My apology. I'm not sure I  
9 understood the question.

10 SENATOR GIBSON: So -- I'm sorry.

11 CHAIRMAN RODRIGUES: Restate.

12 SENATOR GIBSON: Thank you, Mr. Chair.

13 In the purported gerrymandered district  
14 based on race, the -- and now in the map that we're  
15 dealing with today, there was -- a functional  
16 analysis was not reviewed to recognize communities  
17 of interest, not gerrymandered based on race,  
18 because it's all race neutral; is that correct?

19 CHAIRMAN RODRIGUES: Do you understand it  
20 now?

21 ALEX KELLY: I think so. Yes. Thank you,  
22 Mr. Chair and thank you.

23 So I'm going to break that down. So our  
24 office has not done a functional analysis on any of  
25 the districts. We have not -- I have not drawn

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1 districts based on communities of interest. What  
2 you did say at the end, we drew districts -- is  
3 correct. We drew districts in a race neutral way.

4 SENATOR GIBSON: Mr. Chair?

5 CHAIRMAN RODRIGUES: Follow-up?

6 SENATOR GIBSON: I keep trying to  
7 understand the -- is there a definition for race  
8 neutral drawing?

9 CHAIRMAN RODRIGUES: You're recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

11 I mean, I'll give you a non-attorney  
12 definition. Essentially, for me, race was not a  
13 driving factor of how I drew the district. It was  
14 definitely not a predominant factor, and as I noted  
15 when we talked earlier about District 14, I couldn't  
16 even tell you -- and I still can't tell you -- what  
17 the actual black voting age population of the  
18 district is.

19 I drew that district, District 13, 14, all  
20 the districts around it solely based on trying to  
21 draw districts that are compact, aesthetically  
22 compact, statistically compact, that follow clearly  
23 definable political and geographical boundary lines  
24 that meet that Tier 2 test. So I didn't draw a  
25 single district in this map based on race.

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1 SENATOR GIBSON: Follow-up?

2 CHAIRMAN RODRIGUES: You are recognized.

3 SENATOR GIBSON: Thank you, Mr. Chair.

4 And so the Tier 1 never came into play in  
5 terms of keeping communities of interest together,  
6 that it doesn't have to be a majority, but certainly  
7 their ability to elect the representative of their  
8 choice, that was never a factor. It's just strictly  
9 where the lines are and let people fall where they  
10 may; is that kind of how it --

11 CHAIRMAN RODRIGUES: You are recognized.

12 SENATOR GIBSON: -- it is?

13 ALEX KELLY: Thank you, Mr. Chair.

14 Again, I drew districts based on drawing  
15 compact districts that followed aesthetic  
16 compactness, statistical compactness, followed  
17 clearly identifiable, recognizable, political and  
18 geographical boundary lines. I did not use  
19 communities of interest as a standard, and I did not  
20 draw race-based districts.

21 SENATOR GIBSON: Thank you, Mr. Kelly.

22 CHAIRMAN RODRIGUES: Senator Stewart, did  
23 you have a question?

24 SENATOR STEWART: Thank you, Chair.

25 A little bit toward where Senator Gibson

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1 was going, but what I'm gathering from the  
2 discussion thus far is that Tier 1 guidelines that  
3 was the federal law was not considered in this map  
4 and primarily you went by roadways and to make sure  
5 that the Tier 2 was done correctly?

6 CHAIRMAN RODRIGUES: You are recognized.

7 ALEX KELLY: Thank you, Mr. Chair.

8 Senator, the Tier 1 guidelines are part of  
9 state law, not federal law.

10 CHAIRMAN RODRIGUES: Do you have a follow-  
11 up, Senator Stewart?

12 SENATOR STEWART: That's news to me. Thank  
13 you.

14 CHAIRMAN RODRIGUES: Senator Bracy.

15 SENATOR BRACY: Thank you. Thank you,  
16 Mr. Chairman.

17 Senator Rouson talked about the black  
18 people in Pinellas, and now they're moved to a  
19 district over that will now have them most likely  
20 representing -- having a Republican representative.  
21 And you're saying you are not aware of that at all  
22 whatsoever, did not have any impact on your  
23 decision-making.

24 CHAIRMAN RODRIGUES: You are recognized.

25 ALEX KELLY: Thank you, Mr. Chair.

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1 Race and political partisan data in no way  
2 related at all to my drawing of Districts 13, 14,  
3 15, 16, or any of the districts on the map. Really  
4 leaned in heavily to Tier 2 standards of compactness  
5 and use of Tier 2 boundaries in these districts.  
6 Again, I made a split in northern -- the northern  
7 part of District 13 along the Pinellas-Hillsborough  
8 County line, in the southern part of District 13 and  
9 14 right along U.S. 19 as a southern divider.  
10 There's a little bit of equal population work done  
11 just north of St. Pete in the unincorporated Feather  
12 Sound area as --

13 SENATOR BRACY: I got it. Thank you. I  
14 understand. So District 5 -- excuse me -- District  
15 10 --

16 CHAIRMAN RODRIGUES: You are recognized for  
17 a follow-up.

18 SENATOR BRACY: Thank you, Mr. Chairman.

19 So in District 10, the district that I  
20 represent now, in West Orange County, all of the  
21 black people in West Orange County have now been  
22 moved to a district that will be represented mostly  
23 by Lake County.

24 So you have an area that has elected Val  
25 Demings, who was a potential Vice President

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1 Democratic nominee for President, who will now be  
2 electing possibly Representative Anthony Sabatini,  
3 who is known for blackface.

4 And I mean no district, but I'm trying to  
5 make a point that you're telling me that this group  
6 of people who have elected someone completely  
7 different now will be electing someone like that.  
8 And you're saying you had no idea. This is the  
9 first time that you're ever considering that point.

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

12 My reading of the state Constitution, it  
13 would have violated the law on several -- Tier 1 law  
14 in several ways for me to even go anywhere near an  
15 analysis like that. So I have no consideration for  
16 anything like that. I think to put something into  
17 context here too that is important.

18 And I can -- Mr. Chair, if it's okay, I can  
19 skip to District 10 if that might help.

20 CHAIRMAN RODRIGUES: Let's do that.

21 ALEX KELLY: So this is Congressional  
22 District 10. Well, this is the region. This is how  
23 it compares to the map that the Legislature passed,  
24 which is not dissimilar from the benchmark and then  
25 Congressional District 10 in the map before you

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1 today.

2 That Congressional District 10 is a very,  
3 very Tier 2-adherent district, very compact. All of  
4 those lines are used to define either major roadways  
5 or municipal boundaries, and to put this into  
6 context, the benchmark Congressional District 10, to  
7 my knowledge, has a black voting age population  
8 somewhere just under 27 percent, somewhere in the  
9 high 26 percent range.

10 The district that you're looking at there  
11 today has like a 25.98, 25.96, a very close  
12 percentage to 26. So it's not even a 1 percent.  
13 It's maybe a 7/10 or 8/10 of a percent point drop in  
14 its black voting age population.

15 So just drawing a compact seat -- and I can  
16 walk through the different city and roadway  
17 boundaries. Just drawing a compact seat that lines  
18 up with -- you can see that's the Seminole-Orange  
19 County line. You can see some major roadways. That  
20 piece of District 9 that goes up into District 10,  
21 that's the cities of Belle Isle and Edgewood. So  
22 it's keeping some municipalities whole. Maitland,  
23 Winter Park are kept whole in 10. You've got Winter  
24 Garden, Ocoee, Apopka are kept whole in 11.

25 So just following all those principles, we

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1 were able to draw a very compact District 10 that's  
2 not even a percentage point difference in its black  
3 voting age population. So we really adhered to the  
4 principles in Florida law and drew a very compact  
5 district, and that's something that was similar to  
6 what the House had drawn and articulated good  
7 reasons for drawing it. And so when I worked on  
8 this map, that is the seat that I drew, and it  
9 really is a very compact and very lawfully compliant  
10 seat.

11 SENATOR BRACY: Mr. Chairman?

12 CHAIRMAN RODRIGUES: You're recognized.

13 SENATOR BRACY: Thank you.

14 You mentioned before that you had no idea  
15 on percentages. You did not use that for any  
16 outcomes, yet you just quoted the black voting age  
17 population, how much it changed. So help me  
18 understand.

19 CHAIRMAN RODRIGUES: You want to provide  
20 some clarity there?

21 ALEX KELLY: Thank you, Mr. Chair.

22 I noted that comment specific to District  
23 14. District 10, we recognized that there was a  
24 tension between the testimony in the House and  
25 Senate. And so it was important to understand the

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1 black voting age population, as well as the Hispanic  
2 voting age population of that district, that  
3 benchmark district, again, somewhere, you know,  
4 around, give or take, close to 26-something percent.  
5 I forget the exact number, but 26-something percent  
6 black voting age population in the benchmark. And I  
7 think the Hispanic voting age population is actually  
8 larger, around 28 percent Hispanic voting age  
9 population.

10 So this was a district where we did have to  
11 look at -- I had to look at the data for the black  
12 voting age population, the Hispanic voting age  
13 population, try to come to an understanding of that  
14 tension between the House and Senate testimony, and  
15 figure out an appropriate resolution.

16 SENATOR BRACY: Okay. So you were aware of  
17 --

18 CHAIRMAN RODRIGUES: You are recognized.

19 SENATOR BRACY: Thank you, Mr. Chair.

20 So you were aware of the black voting age  
21 population, Hispanic voting age population when  
22 making the changes that you were -- that you made in  
23 District 10; that is correct?

24 CHAIRMAN RODRIGUES: You are recognized.

25 ALEX KELLY: Yes.

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1           SENATOR BRACY: Okay. All right. Just  
2 looking at the Federal Voting Rights Act, and it  
3 protects against retrogression. And it defines that  
4 as the ability of racial and language minorities to  
5 elect representatives of their choice. So any  
6 effect to that would be considered retrogression.

7           So what I'm saying is to move the people  
8 from West Orange County, who have elected Val  
9 Demings as their Congresswoman, to now move them in  
10 a district in Lake County with the villages and  
11 others where now they won't be able to elect the  
12 representative of their choice, from this  
13 definition, it clearly goes against the Voting  
14 Rights Act. It clearly is retrogression.

15           How do you explain that group of black  
16 people having the choice to vote for one, but now  
17 they will not be able to elect the candidate of  
18 their choice?

19           CHAIRMAN RODRIGUES: Mr. Kelly, you are  
20 recognized.

21           ALEX KELLY: Thank you, Mr. Chair.

22           And I won't claim to be an expert on every  
23 facet of the Voting Rights Act, but in general, I  
24 don't know of any way in which a Voting Rights Act  
25 challenge could be brought to a district that's 26

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1 percent of the black -- or 26 percent of it's the  
2 black community, 28 percent of it's the Hispanic  
3 community. I don't know that there's any connection  
4 at all to the Voting Rights Act for a district like  
5 that.

6 Generally, that type of challenge is, to my  
7 knowledge -- and counsel could probably clarify --  
8 but to my knowledge is applicable to a district  
9 where a majority of the district is a particular  
10 minority community, so a district, in other words,  
11 where it has a 50 percent-plus black voting age  
12 population.

13 There's further analysis required, more  
14 than just that, but in general, this district and  
15 the Voting Rights Act wouldn't have anything to do  
16 with each other.

17 CHAIRMAN RODRIGUES: Senator Bracy?

18 SENATOR BRACY: But you said before you  
19 don't even know the percentages the House used to  
20 determine if this is even a minority seat or not.  
21 So --

22 CHAIRMAN RODRIGUES: Well, he did say he  
23 looked at District 10.

24 SENATOR BRACY: He looked at the black  
25 voting age population, but to determine if it is a

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1 minority seat -- you know what. We're going in  
2 circles. What I would ask, Chairman, is that we've  
3 got a lot of people here, and I think there's  
4 honestly only three, four districts that are really  
5 what people are paying attention to.

6 So I appreciate the presentation from the  
7 Governor's Office, but just so that we have time for  
8 debate and that people have a chance to speak, I  
9 would ask that we could conclude the presentation or  
10 really expedite it and then allow for people to  
11 speak.

12 CHAIRMAN RODRIGUES: Senator Gibson.

13 SENATOR GIBSON: Thank you, Mr. Chair.

14 And I certainly will save time for public  
15 testimony. I appreciate those who have come today.  
16 On the -- I'm unclear as to which -- when there was  
17 data reviewed, when there wasn't data reviewed.

18 But just in the House primary map -- I  
19 believe that was one that you all utilized, I think,  
20 a little bit or tweaked it a little bit -- the black  
21 voting age population according to this full  
22 analysis was around 35 percent, a little over 35  
23 percent. In the data for the race neutral maps,  
24 that goes down to 12 percent.

25 And so it's your testimony today that

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1 because -- that there's no diminishment because that  
2 population couldn't elect a candidate of their  
3 choice in a primary?

4 CHAIRMAN RODRIGUES: You are recognized.

5 ALEX KELLY: Thank you, Mr. Chair.

6 I apologize. I don't have the benefit of  
7 the data that you're looking at. So I'm not sure  
8 what you're looking at.

9 CHAIRMAN RODRIGUES: Do you have a follow-  
10 up?

11 SENATOR GIBSON: Mr. Chair? Yes.

12 So I have the packet with the map that  
13 we're discussing, which district by district,  
14 includes percentages for the various districts based  
15 on the map that we received.

16 CHAIRMAN RODRIGUES: Senator Gibson, our  
17 staff --

18 SENATOR GIBSON: So this is the staff data.

19 CHAIRMAN RODRIGUES: Our staff prepared --

20 SENATOR GIBSON: Okay.

21 CHAIRMAN RODRIGUES: -- that data.

22 SENATOR GIBSON: Well, Mr. Chair, may I?

23 CHAIRMAN RODRIGUES: Yes.

24 SENATOR GIBSON: Regardless of the  
25 preparation -- and I trust what our staff does --

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1 those are the percentages. And that is not  
2 diminishment because CD 5 is no longer considered to  
3 have need for a minority access district? Would  
4 that be the premise?

5 CHAIRMAN RODRIGUES: Mr. Kelly.

6 ALEX KELLY: I have to apologize. I'm not  
7 sure. Are we talking about District 5 or District  
8 10?

9 SENATOR GIBSON: I said -- I'm sorry.

10 ALEX KELLY: And I'm still not really sure  
11 what data -- I don't know if we're referencing data  
12 regarding racial and language minorities. I don't  
13 know if we're referencing elections data. I'm  
14 struggling to follow the question?

15 SENATOR GIBSON: May I?

16 CHAIRMAN RODRIGUES: He's at a disadvantage  
17 not having the packet.

18 SENATOR GIBSON: May I explain it?

19 CHAIRMAN RODRIGUES: Sure.

20 SENATOR GIBSON: Thank you, Mr. Chair.

21 So we have something called a voter age  
22 voting data, right, or the voting age population in  
23 each of the congressional districts that were drawn  
24 in Plan 109, and the projection for the CD 5 in 109  
25 of black voting age population in CD 5 is now 12

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1 percent, which was previously in the map I believe  
2 you referenced that the Senate passed -- you chose  
3 this one -- 8019, was 35 percent.

4 And so my question -- but you don't --  
5 because you don't have the -- because you don't have  
6 the data, can you not answer the question based on  
7 the percentages that I gave?

8 CHAIRMAN RODRIGUES: Mr. Kelly.

9 ALEX KELLY: Sure. Okay. And thank you.  
10 And thank you for the clarification. I think I'm  
11 starting to understand what you're asking. So  
12 you're referring to District 5 in map 8019, and  
13 District 5's black voting age population in map 8019  
14 is 35.32 percent.

15 I wouldn't say that District 5 in map 0109  
16 is the comparable district. Neither district really  
17 resembles it, but I wouldn't say that it's the  
18 comparable district. District 4 in that map, in map  
19 0109, has a black voting age population of 31.66  
20 percent, and that achieved that 31.66 percent  
21 without attempting in any way to draw it with race  
22 as a consideration.

23 SENATOR GIBSON: District 4 has the 30  
24 percent.

25 CHAIRMAN RODRIGUES: That's what he said.

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1 SENATOR GIBSON: Okay. And District 5 is  
2 12 percent.

3 CHAIRMAN RODRIGUES: He'll have to take  
4 your word for that. He doesn't have the data.

5 SENATOR GIBSON: And thank you, Mr. Chair.

6 And so collectively in previous maps, those  
7 -- it's the split between the districts that then  
8 create a difference in the numbers and also go to a  
9 different area, correct?

10 CHAIRMAN RODRIGUES: you are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

12 You know, Senator, I think this visual  
13 helps articulate based on the district -- or the  
14 districts that the Legislature drew in its primary  
15 plan and the districts that I've drawn in this plan  
16 before you today.

17 When you look to the left, District 5 that  
18 the Legislature drew, and you tried to compare the  
19 geography, therefore, the population to District 4  
20 that I drew, really most of the Legislature's  
21 District 5 -- most of it but obviously not all of it  
22 -- most of it population wise is in that District 4  
23 that I drew.

24 You can see there's a little portion of  
25 kind of -- not fully southwest Jacksonville but

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1 getting into Southwest Jacksonville in the  
2 Legislature's District 5 that for the map that I  
3 drew is in a different district. That would explain  
4 the changes in the numbers because the populations  
5 don't match perfectly.

6 SENATOR GIBSON: Well --

7 CHAIRMAN RODRIGUES: You are recognized.

8 SENATOR GIBSON: Thank you. Thank you,  
9 Mr. Chair.

10 And it's still diminishment; is that  
11 correct? In each of the districts, it's not 35  
12 percent any longer --

13 CHAIRMAN RODRIGUES: You are recognized.

14 SENATOR GIBSON: -- correct?

15 ALEX KELLY: Thank you, Mr. Chair.

16 As I noted in my opening, the district as  
17 drawn in the different configurations by the  
18 Legislature violates the Equal Protection Clause of  
19 the 14th Amendment of the United States  
20 Constitution. So in effect, the plain language way  
21 of looking at that is there was no benchmark  
22 district to be redrawn. So, therefore, there is no  
23 diminishment to be considered.

24 SENATOR GIBSON: Last question?

25 CHAIRMAN RODRIGUES: Last question.

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1 SENATOR GIBSON: Thank you, Mr. Chair.

2 And, well, I'll put it in kind of a  
3 compound question. So in terms of compactness, are  
4 the two districts in Jacksonville area equal in  
5 compactness, and is there another configuration that  
6 can be drawn that keeps more of the African American  
7 community of interest together and have the same  
8 compactness and did you try?

9 Thank you, Mr. Chair.

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

12 And in terms of compactness, the plan 109 -  
13 - 0109 on the right compared to the plan -- the  
14 primary plan the Legislature adopted, Plan 0109, is  
15 -- those two districts combined is statistically  
16 more compact than the primary plan the Legislature  
17 drew. The main reason being is that District 4, as  
18 the Legislature drew it, is very noncompact. So it  
19 brings down your overall compactness of those two  
20 districts combined. So Plan 0109 is an improvement  
21 upon compactness.

22 CHAIRMAN RODRIGUES: Are there any other  
23 members of the committee that have a question?

24 SENATOR BRACY: Mr. Chairman? Sorry.

25 CHAIRMAN RODRIGUES: Mr. Bracy?

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1 SENATOR BRACY: Yeah.

2 CHAIRMAN RODRIGUES: Senator Bracy.

3 SENATOR BRACY: Thank you, Senator Gibson.

4 I get your point.

5 Last two questions. Mr. Kelly, how do you  
6 justify splitting the minority population in Orlando  
7 into two separate districts when it had been  
8 contained in CD 10 in the benchmark?

9 CHAIRMAN RODRIGUES: You are recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

11 As I noted before, there was no obligation  
12 in any way to redraw District 10, the benchmark  
13 district. There's no lawful obligation to redraw  
14 that seat that way. What I did was I drew a  
15 District 10, which, again, for reference, is nearly  
16 equal, maybe a 7/10 or 8/10 of a percentage point  
17 different in terms of its black voting age  
18 population.

19 I drew a District 10 in an area that  
20 includes Winter Prink, Maitland, is more centrally  
21 located in Orange County, a very compact seat, and  
22 drawing of that district actually allowed for some  
23 Tier 2 compliance in several other ways around the  
24 seat as well, essentially helping with District 9,  
25 District 11.

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1           So I followed the outline of Florida law to  
2   draw those seats, draw those seats compactly,  
3   utilize political and geographical boundary lines,  
4   and I didn't consider race in any way in the drawing  
5   of the seat.

6           SENATOR BRACY: Thank you, Mr. Chairman.

7           Last question. But aren't you -- in doing  
8   it that way, aren't you putting Tier 2 requirements  
9   above Tier 1?

10          CHAIRMAN RODRIGUES: You are recognized.

11          ALEX KELLY: Thank you, Mr. Chair.

12          And as I noted in my opening, you know,  
13   part of Tier 1 is contiguity obviously, which I  
14   followed that, and then part of Tier 1 is not  
15   intentionally favoring or disfavoring an incumbent  
16   or political party. And as I noted in my opening, I  
17   did not do that, and I did not intend to do that.  
18   And I did not in any way take any feedback from  
19   anyone to try to do something like that.

20          So I didn't violate that Tier 1 standard,  
21   and there was no diminishment obligation for that  
22   district. So I complied with Tier 1, moved to Tier  
23   2, and drew very compact districts that follow  
24   political and geographical boundary lines.

25          CHAIRMAN RODRIGUES: Okay. Are there any

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1 other questions from members of the committee?

2 Seeing none, we have a new member to the  
3 Senate who's not on the committee who has joined us.  
4 If you would like, please introduce yourself to the  
5 crowd, and you may ask your question.

6 SENATOR OSGOOD: Thank you, Mr. Chair.

7 I am Senator Rosalind Osgood, newly elected  
8 for District 33, and thank you so much.

9 Just trying to understand in listening at  
10 the responses to Senator Bracy, where it's keep  
11 being said that we didn't use race, but then we've  
12 determined that one district is racial  
13 gerrymandering. And you just said that, when you  
14 were asked about Tier 1 and Tier 2, that when you  
15 looked at CD 5, that there was no attempt to -- you  
16 said you didn't discuss with anyone about favoring a  
17 political party. You didn't have a conversation.  
18 But if that is the outcome of what has been done,  
19 then how do we address that, you know?

20 You clearly said you didn't -- it was not  
21 your intent. And sometimes we can work and do  
22 things, especially when we're just using maps and  
23 highways, and the result ends up being something  
24 other than what we intended. Because when we look  
25 at what's going on with 5, 10, and the overall

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1 schemes of these maps, it does appear to be  
2 politically motivated. And it also appears to not  
3 take the hardworking black citizens of this state  
4 serious.

5 And I'm sorry if I don't know all the  
6 correct languages. I'm just asking my question so  
7 that I would be able to respond to the people that  
8 elected me to represent them.

9 CHAIRMAN RODRIGUES: Could you restate your  
10 question please?

11 SENATOR OSGOOD: So in the conversation and  
12 questions back and forth with the Senators here, Mr.  
13 Kelly has expressed the process he took and his  
14 intent. That's not my question, okay. But the  
15 results means that we're eliminating two seats that  
16 gave minority access, where one political party is  
17 being diminished in numbers and another one is  
18 gaining.

19 So that clearly to me, when I look at Tier  
20 1, violates when it talks about favoring a political  
21 party. So I'll stop there first. So I'm just  
22 trying to understand because we, you know, we talk  
23 about race neutral, and then we talk about racial  
24 gerrymander. We're either using race or we're not.

25 CHAIRMAN RODRIGUES: I'm sorry. Could you

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1 restate the question again?

2 SENATOR OSGOOD: Okay. I'll start with the  
3 first question.

4 CHAIRMAN RODRIGUES: It sounds like we're  
5 getting into debate, and I just want to make sure  
6 we're asking --

7 SENATOR OSGOOD: No. I'll start --

8 CHAIRMAN RODRIGUES: -- a question.

9 SENATOR OSGOOD: Okay. I'll start with the  
10 first question.

11 Okay. Mr. Kelly has stated that it was not  
12 -- that he didn't have any conversations with  
13 anybody to favor a political party. When we look at  
14 the results we got, Tier 1 says clearly that we  
15 cannot favor a political party, and we haven't  
16 talked a lot about Tier 1. It's been mentioned a  
17 couple of times. So how do we substantiate what  
18 you've given us does not violate Tier 1? Let me --

19 CHAIRMAN RODRIGUES: All right.

20 SENATOR OSGOOD: -- ask him that.

21 CHAIRMAN RODRIGUES: Thank you.

22 Mr. Kelly?

23 ALEX KELLY: Thank you, Mr. Chair.

24 And thank you, Senator. And as I noted in  
25 my opening -- and the Tier 1 standard's intent and I

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1 noted in my opening that I've never had any  
2 conversations that would compromise that intent.  
3 I've never had anyone push or encourage any type of  
4 intent such as that, that would either favor or  
5 disfavor an incumbent or political party, and that's  
6 not what I intended to do. So I've not violated the  
7 Tier 1 standard of intent. Speaking of the results  
8 of the map, I don't know what the results are. So I  
9 couldn't even begin to provide an answer to that  
10 question.

11 CHAIRMAN RODRIGUES: Do you have a follow-  
12 up?

13 SENATOR OSGOOD: Mr. Chair, I have one  
14 follow-up.

15 Okay. Let me go back to District 5. I'm  
16 trying to understand with District 5. I understood  
17 your comments about the 14th Amendment and about the  
18 racial gerrymandering, but it appears to me to  
19 violate the Voting Rights Act. So can you tell me  
20 how what you're recommending to eliminate District 5  
21 does not violate the Voting Rights Act?

22 CHAIRMAN RODRIGUES: You are recognized.

23 ALEX KELLY: Thank you, Chair.

24 So Senator, generally, as I was -- one of  
25 the questions earlier was similar when we were

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1 talking about District 10, my general understanding  
2 of the Voting Rights Act is it's not implicated --  
3 it's not a potential Voting Rights Act question  
4 unless a majority of the district's population -- a  
5 majority of the voting age population, I should say,  
6 of the district is of the same minority community.

7 So if a majority of the district -- that's  
8 not the only question as to whether or not there  
9 could be a Voting Rights Act implication, but that  
10 benchmark district, Congressional District 5, a  
11 majority of that district is not represented by any  
12 particular minority community. So the Voting Rights  
13 Act should not be implicated in any way.

14 SENATOR OSGOOD: In District 5, not 10, 5.

15 CHAIRMAN RODRIGUES: You are recognized.

16 ALEX KELLY: Thank you, Mr. Chair.

17 My statement there would actually apply to  
18 both 5 and 10.

19 SENATOR OSGOOD: Okay. Thank you, Mr.  
20 Chair. And thank you for allowing me to ask the  
21 question.

22 CHAIRMAN RODRIGUES: Yes, ma'am.

23 That concludes questions, and it concludes  
24 the presentation. Thank you, Mr. Kelly.

25 Next, we do have an amendment from Senator

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1 Rouson.

2 Let's take up amendment barcode 917356.

3 Senator Rouson, you are recognized to  
4 explain your amendment.

5 SENATOR ROUSON: Thank you very much,  
6 Mr. Chair.

7 And there are a lot of things to say in a  
8 short period of time, and I do want to give respect  
9 to those who traveled here and want to speak in  
10 public comment. So I'll keep my description of the  
11 amendment fairly brief.

12 First, this amendment restores District 5  
13 in Northern Florida as a minority access seat as it  
14 has been. Secondly, it restores the 10th District  
15 in Orlando area as a minority seat, as it has been.  
16 It also keeps the city of Tampa entirely within  
17 District 14 and keeps the city of St. Petersburg  
18 whole in District 13.

19 The intent of this amendment is to protect  
20 minority access districts from retrogression as the  
21 black communities in those areas have had access for  
22 decades, and it continues the legacy of minority  
23 representation. And that's the amendment.

24 CHAIRMAN RODRIGUES: Are there questions on  
25 the amendment?

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1 Senator Broxson, you are recognized.

2 SENATOR BROXSON: Senator, and you are an  
3 attorney, but in your opinion, would this violate  
4 the federal intent of how we draw congressional  
5 maps?

6 CHAIRMAN RODRIGUES: Senator Rouson, you  
7 are recognized.

8 SENATOR ROUSON: No.

9 CHAIRMAN RODRIGUES: Are there any other  
10 questions?

11 Seeing no questions, we do not have  
12 appearance forms for the amendment.

13 So now, we'll move to debate. Is there  
14 debate on the amendment?

15 Hearing no debate, Senator Rouson, you are  
16 recognized to close on the amendment.

17 SENATOR ROUSON: Thank you very much,  
18 Mr. Chairman.

19 Diversity and diversity in representation  
20 matters. Like the late, great Charles Rangel,  
21 Congressman from Harlem, said, full participation in  
22 government and society has been a basic right of  
23 this country and this state, symbolizing the full  
24 citizenship and equal protection of all.

25 The amendment seeks to not allow

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1 retrogression, which reduces in the main bill the  
2 opportunity of minorities to elect a person of their  
3 choice. The underlying bill screams of diminishment  
4 because it eliminates two minority districts.

5 As divisions both real and imagined deepen  
6 in our political, social, economic, in our health  
7 and justice worlds, even our education world, it  
8 becomes increasingly important, even critical, that  
9 everyone have a seat at the table where decisions  
10 are being made. This amendment goes a long way  
11 towards ensuring that. And with that, I close and  
12 ask for your favorable support.

13 CHAIRMAN RODRIGUES: All those in favor of  
14 the amendment say yea.

15 (Multiple yeas)

16 CHAIRMAN RODRIGUES: All opposed, say nay.

17 (Multiple nays)

18 CHAIRMAN RODRIGUES: The amendment fails.

19 There is another amendment, which I had  
20 filed, barcode 644248.

21 Without objection, show that amendment has  
22 been withdrawn.

23 We're now going to move to appearance forms  
24 for the bill, and we have quite a few. Okay. I'm  
25 going to start with those who are waiving against

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1 the bill so that we have their statements on the  
2 record.

3 We have Reverend Dr. Joe Parramore, who is  
4 waiving against the bill.

5 We have Deborah Baker-Rian from Niceville,  
6 Florida, who is waiving against the bill.

7 We have Jean Simbaneller (phonetic) from  
8 Milton, Florida, who is waiving against the bill.

9 We have Matt Dailey from Tallahassee, who  
10 is waiving against the bill.

11 We have Lisa Perry from St. Petersburg,  
12 Florida, who is waiving against the bill.

13 Next, we're going to move to individuals  
14 from Jacksonville, Florida, who are also waiving  
15 against the bill.

16 We have Robert Buchanan (phonetic) waiving  
17 against the bill.

18 We have Joy Burgess from Jacksonville,  
19 Florida, waiving against the bill.

20 We have Jonathan Burgess from Jacksonville,  
21 Florida waiving against the bill.

22 Okay. Next, we're going to continue with  
23 Jacksonville individuals who are waiving against the  
24 bill.

25 We have Gwendolyn Colman from Jacksonville

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1 waiving against the bill.

2 We have -- it looks like -- and I'm having  
3 difficulty reading the handwriting, but it looks  
4 like Haraska Lavashal (phonetic) from Jacksonville,  
5 Florida, waiving against the bill.

6 Samille Davis (phonetic) from Jacksonville,  
7 Florida, waiving against the bill.

8 Sheila Singleton from Jacksonville,  
9 Florida, waiving against the bill.

10 Joanne Brooks from Jacksonville, Florida,  
11 waiving against the bill.

12 Next, we have additional people from  
13 Orlando who are waiving against the bill.

14 It looks like Rylan Wagner (phonetic) from  
15 Orlando waiving against the bill.

16 Lore Cordova (phonetic) from Orlando  
17 waiving against the bill.

18 John Kemper from Orlando waiving against  
19 the bill.

20 Anastasia Jackson from Orlando waiving  
21 against the bill.

22 Allison Clark from Maitland, Florida,  
23 waiving against the bill.

24 Mecca Godwin (phonetic) from Orlando  
25 waiving against the bill.

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1 Jasmine Fernandez from Orlando waiving  
2 against the bill.

3 Anyone else?

4 Now, we're into our list of speakers.  
5 We're going to begin with speakers from Orlando, who  
6 have filled out the appearance card and are not  
7 being compensated for their appearance. We're going  
8 to get the non-compensated forms up first, and then  
9 as time permits, move through those who have been  
10 compensated for their testimony.

11 We're going to begin with Reverend Dr.  
12 Martin M. Spoony (sic) from Orlando. Thank you,  
13 sir. And you are recognized for two minutes, sir.

14 REVEREND DR. ROBERT M. SPOONY: Thank you.  
15 Good morning -- good afternoon, and that's Reverend  
16 Dr. Robert M. Spoony from Orlando, Florida.

17 CHAIRMAN RODRIGUES: Thank you.

18 REVEREND DR. ROBERT M. SPOONY: But I'll  
19 take Martin.

20 To the committee Chair and his committee  
21 members, again, my name is the Reverend Dr. Robert  
22 M. Spoony. I'm pastor of Mt. Zion Missionary  
23 Baptist Church in Orlando, Florida, which is in  
24 Congressional District 10. I also live in  
25 Congressional District 10. I'm not a politician,

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1 but I consider myself a public servant. Some people  
2 also may consider me a subject matter expert on  
3 servant leadership.

4 And I'm here today because the church is  
5 called to be engaged. The church is called to lead.  
6 The church is called to lend voice, moral authority,  
7 resources in an effort to resist evil and -- and to  
8 bring reorder to the common life of -- of those who  
9 are most vulnerable, those who need to be protected.

10 We're servants to our congregations, and as  
11 servant leaders, one of the things I do understand  
12 is that servant leadership consists of ethicalness  
13 and moral -- you're either -- you're ethical and  
14 moral. Leadership can be taught, but ethics is tied  
15 to your character.

16 And so what I'm here to talk about in only  
17 these two short minutes is the fact that morally is  
18 this the right thing to do to eliminate two  
19 congressional districts, which will, in turn,  
20 marginalize many, many people?

21 I've heard all the statistics spouted this  
22 afternoon, and many of them, I -- I know for a fact  
23 that they're just not necessarily true. I wonder  
24 where -- what -- what you looked at for -- to  
25 determine that the amount of African Americans and

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1 Latinos who live in the district because I live in  
2 the 10th District, and I know that the numbers are  
3 not the same as I just heard today.

4 And so my -- my point is, will you morally  
5 be able to live with yourself if you really make  
6 this decision to just push a whole group of people  
7 out of the way and -- and allow them not to  
8 participate in the American system?

9 This is your decision. You've already  
10 vetted your process. You came up with your answers.  
11 You came up with a map, and now it's been vetoed and  
12 turned around. Will you stand up and do the right  
13 thing? Or will you bow down and be bullied?

14 That's the question that I just -- that's  
15 just resonating in my mind. We've elected you to do  
16 the right thing, and I just ask that you do the  
17 right thing. Remember, we are one. Our cause is  
18 one, and if we're ever to be successful in this  
19 world, we ought to help one another. Help other  
20 people get a chance to vote. Thank you.

21 CHAIRMAN RODRIGUES: Thank you for your  
22 comments.

23 Carla Jones, and on deck, we'll have  
24 LaShonda Holloway.

25 Ms. Jones --

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1 CARLA JONES: Good afternoon.

2 CHAIRMAN RODRIGUES: -- you are recognized  
3 for two minutes.

4 CARLA JONES: Thank you. My name is Carla  
5 Jones. I am from Orlando, Florida, and I'm the  
6 candidate running for Chief Financial Officer of the  
7 State of Florida. I'm not an attorney, but I wake  
8 up with one every morning.

9 And I'm here to, as you know, let you all  
10 know that I am against the redistricting planned,  
11 and I am -- because I know the representative from  
12 the Governor's Office, he stood here, and he said  
13 that race did not play a role in the redistricting  
14 process. I'm here to tell you that I don't believe  
15 it.

16 I think that it is the main factor that we  
17 are looking at, and it's unfortunate. Because  
18 minorities, they vote. They pay taxes. They own  
19 property. They have rights, and a lot of that --  
20 it's been looked over. And I'm highly disappointed  
21 in the redistricting.

22 I'm the mother of six children, and they  
23 are all of voting age. And a couple of them have  
24 come -- have approached me about this redistricting,  
25 and so I'm here today to stand up and say it's

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1 wrong. I think race plays a big, big factor in the  
2 decisions that's being made. And unfortunately we  
3 aren't -- we -- we're -- we're one, but we're not  
4 living as one. United, we stand. Divided, we fall.

5 So I would like to ask everyone, everyone  
6 standing within the -- within -- if you can hear me  
7 today, please reconsider this bill, please. It is  
8 racist in my opinion. I don't know how much that  
9 means, but it is racist. And I need to take some  
10 true answers back to my children. I don't want to --  
11 -- I don't want them to be --

12 CHAIRMAN RODRIGUES: You need to --

13 CARLA JONES: -- lied to.

14 CHAIRMAN RODRIGUES: -- bring it in for a  
15 close.

16 CARLA JONES: Okay. I don't want them to  
17 be lied to. So please reconsider. Please  
18 reconsider this bill. It is racist, and I thank you  
19 for listening to me.

20 CHAIRMAN RODRIGUES: Thank you for your  
21 comments today.

22 We have LaShonda Holloway. On deck, Dr.  
23 Evie Welch (phonetic).

24 You are recognized for two minutes.

25 LASHONDA HOLLOWAY: Good afternoon. My

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1 name is LaShonda L.J. Holloway, and I am the  
2 candidate to represent the people of the 5th  
3 Congressional District. But, moreover, I am a  
4 fourth generation Jacksonvillian and Floridian.

5 It is -- it is an abomination that we are  
6 wasting taxpayer dollars regarding this  
7 reapportionment and regarding redistricting when we  
8 elect citizens -- I'm sorry -- we elect you, the  
9 legislators, to come here and make laws and to draw  
10 the lines.

11 However, notwithstanding your willingness  
12 to stand up and -- stand up to the Governor, I am  
13 here to say that this map denies equal access to the  
14 political process, and it discriminates on the basis  
15 of not only the African American race but black and  
16 brown people and also language minorities in the  
17 vein of Hispanics.

18 Furthermore, Mr. Kelly stated that he used  
19 the Tier 2 standard. I believe -- not I believe --  
20 the law states, one, that all persons -- all persons  
21 in the State of Florida, the fair district laws, the  
22 law that the citizens stated that they wanted fair  
23 districts.

24 Look, 20 seats is not fair. Twenty  
25 Republican seats versus eight Democratic seats is

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1 not fair. So not only does it violate the will of  
2 the people, under the equal protection of the law,  
3 the equal protection argument, in particular,  
4 Section 2 of the Voting Rights Act of 1965, it  
5 specifically prohibits voting practices or  
6 procedures that discriminate on the basis of race,  
7 color, or membership in one language minority group.

8 We must protect minority access districts  
9 from retrogression. I'll repeat that. We must  
10 protect minority access districts from  
11 retrogression. The --

12 CHAIRMAN RODRIGUES: Please bring it in for  
13 a landing.

14 LASHONDA HOLLOWAY: I'll bring it in for  
15 the landing. Last, I will say that representation  
16 of all citizens is indeed a compelling state  
17 interest. Minority representation matters. We  
18 deserve representation, and this outright attempt by  
19 Governor DeSantis to dilute the voice of minorities,  
20 it is an abomination. And all voices deserve to be  
21 heard. Protect our democracy and -- and --

22 CHAIRMAN RODRIGUES: Thank you for your  
23 comments.

24 LASHONDA HOLLOWAY: -- maintain the maps.  
25 Thank you.

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1 CHAIRMAN RODRIGUES: Dr. Evie Welch. On  
2 deck is Gail Frances Gardner.

3 Dr. Welch, you are recognized for two  
4 minutes.

5 DR. EVIE WELCH: My name is Evie.

6 CHAIRMAN RODRIGUES: I'm sorry. Dr. Evie  
7 Welch.

8 DR. EVIE WELCH: Adams Welch.

9 CHAIRMAN RODRIGUES: I apologize.

10 DR. EVIE WELCH: I vote in District 5. I  
11 am the committeewoman for Voting District 713 in  
12 Jacksonville, Florida. You're looking at one of the  
13 warriors of the boots on the ground.

14 Before I give my disappointment, I must  
15 commend Senator Rouson for giving me a ray of hope.  
16 Before I came here, it appeared to me that you  
17 weren't in keeping with any of the laws that really  
18 looks at the minority people who are marginalized.  
19 I couldn't believe my ears, and so I'm here today.  
20 At least there is a glimmer of hope.

21 We must contain the ideas of the  
22 Constitution, Amendment 14, Section 2. We must go  
23 back and read what the people voted for in the  
24 revision of the Constitution. They -- the people of  
25 Florida, not the Governor himself, said that we must

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1 look at the federal statutes, and we must consider  
2 what the Voting Rights Act of 1965 really made us to  
3 look at making this a more perfect union.

4 And as a person who spent most of her life  
5 professionally and academically working very hard to  
6 make sure that Amendment 19 was always remembered,  
7 do consider what you are doing to the State of  
8 Florida. You are dividing us. We don't want to go  
9 back, and we will not go back. Thank you for  
10 listening to me.

11 CHAIRMAN RODRIGUES: Thank you for your  
12 comments.

13 We have Gail Frances Gardner. David  
14 Rucker, you're on deck.

15 GAIL FRANCES GARDNER: Good afternoon.

16 CHAIRMAN RODRIGUES: You have two minutes,  
17 ma'am.

18 GAIL FRANCES GARDNER: In the '60s, my  
19 ancestors, who live in the north where I was born  
20 and grew up, would board a charter bus and head  
21 south, where they are born and grew up. Well, now,  
22 I too boarded a charter bus today for the same  
23 reason my ancestors did. I too want to defend  
24 theirs, mine, and generations to come voting rights.  
25 The Congressional District redistricting

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1 map not just to draw the lines but hold the line and  
2 make this legislative body accountable and not allow  
3 the persuasive executive decision by the Governor to  
4 be a force to diminish the black vote, of which  
5 those of you who benefited from the Fair Districts  
6 Amendments of 5 and 6, that profit politicians from  
7 drawing districts to favor themselves and their  
8 parties and to ensure that minorities will have the  
9 opportunity to elect representatives of their  
10 choice. Let's not allow history to repeat itself.  
11 Thank you.

12 CHAIRMAN RODRIGUES: Thank you for your  
13 comments.

14 David Rucker. And on deck is Odwan  
15 Whitfield (phonetic).

16 Mr. Rucker, you have two minutes. Thank  
17 you.

18 DAVID RUCKER: Good afternoon, Chair and  
19 members, representatives.

20 My name is David Rucker. I'm from Orlando,  
21 Florida. I also lived in District 10. I am highly  
22 disappointed on the way things are being done right  
23 now. For 57, almost 58 years, we're still fighting  
24 about minorities voting.

25 Currently, the Governor wanted to cut two

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1 seats when we already have four. I don't understand  
2 that. All right. You're demising the vote for  
3 minorities, and I want to say black folks first.  
4 Then we can trickle down to the rest, the Latinos  
5 and other people, but it's unfair the way that you  
6 had a map going.

7 You decided not to use your map and use  
8 what the Governor wants to do, all right. I think  
9 it's a bigger disappointment for the people that you  
10 represent and the people that you don't represent  
11 but are voters. I am a super voter. I have been  
12 voting here since 1965. I haven't missed but one  
13 vote in my whole life doing this, all right.

14 So some things has to change, and some  
15 things don't. But what you need to do is make a  
16 conscious decision on what you're going to do about  
17 drawing these maps. Let us have our own voice and  
18 do what we need to do for us and not include us with  
19 everyone else. But that would be fair to do, and I  
20 don't know if you all know how to be fair sometimes.

21 So I think you need to look at this and  
22 really make a concentration on getting -- keeping  
23 the four that we have now instead of cutting it down  
24 like the Governor want to do with two. Thank you.

25 CHAIRMAN RODRIGUES: Thank you for your

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1 comments.

2 We have Mr. Whitfield followed by Dr.  
3 Carolynn Zonia.

4 Mr. Whitfield, you are recognized for two  
5 minutes.

6 ODWAN WHITFIELD: Thank you. My name is  
7 Odwan Whitfield. I am a taxpayer in District 5, in  
8 Congressional District 5, and I'm here today because  
9 this is a serious matter. I have this Senator here,  
10 who has been looking at her laptop the whole time.  
11 I have two Senators back there that have been  
12 looking at their laptops. I've been watching them.

13 This is a serious matter. There's lives at  
14 stake here. There are lives at stake here. The --  
15 the representative from the Governor's Office said  
16 that Tier 1 is only intent and that he didn't  
17 converse or he didn't talk to anybody that -- that  
18 helped him to decide these maps. Yet, he looked at  
19 public testimony on video or he read the record. So  
20 technically, he looked at everybody's opinion on  
21 these maps before he drew them. How is that not --  
22 disregard that. Disregard that.

23 Even if the -- the Governor's Office said  
24 you know what. I think it's -- it's better for this  
25 environment, for this government, for this -- for

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1 this state that 1 percent of everybody needs to be  
2 killed. He came up here, gave those statistics to  
3 you all in a nice manner. It is still left up to  
4 you all to make that decision.

5 This is people's livelihoods. I am a  
6 United States Army veteran, served in Iraq and  
7 Kuwait. Some of you would say so did my son. So  
8 did my daughter. So did my father. So did my  
9 sister. None of them have to come back to this  
10 United States and do what I am doing here today.  
11 They don't have that. They have a luxury. They  
12 have a benefit.

13 I'm standing here today fighting for my  
14 livelihood after I fought in Desert Storm, after I  
15 fought in Iraq, in -- in other countries, only to  
16 come back here to fight for my right to vote, for my  
17 right to representation.

18 Senators, do your jobs. This is not right,  
19 and this is not fair. I don't care what statistics  
20 say. You know it in your hearts. You know it. Do  
21 the right things.

22 CHAIRMAN RODRIGUES: Thank you for your  
23 comments and thank you for your service.

24 Dr. Zonia.

25 ODWAN WHITFIELD: Don't thank me for my

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1 service. Give me my representation.

2 CHAIRMAN RODRIGUES: And ZsaZsa Ingram-  
3 Fitzpatrick, you're on deck.

4 DR. CAROLYNN ZONIA: Thank you, Mr.  
5 Chairman. And, Senators, thank you for the  
6 opportunity to speak.

7 I really can't say it any better than the  
8 previous speaker, but I'm asking you to follow  
9 Florida's Constitution and remind you of your  
10 promise to support, protect, and defend the  
11 Constitution of the United States and Florida.

12 I'm also here as a physician working on the  
13 front lines to speak for families who are struggling  
14 to keep up. Essential workers cannot find or afford  
15 a place for their families to live. Homeowners can  
16 no longer find or afford property insurance. Folks  
17 are working hard but cannot afford the basic  
18 necessities like utilities, and the looming prospect  
19 of many losing healthcare in the next few months  
20 adds to the pain that many are feeling.

21 By the Governor's own proclamation,  
22 legislative business this week may be transacted if  
23 introduced by consent of two-thirds of the  
24 membership of both houses of Legislature.

25 So on behalf of Florida families, I'm

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1 asking you to please follow the Constitution on  
2 redistricting and vote no on the Governor's map and  
3 to use this special session to also address the real  
4 emergencies that are crushing your constituents.  
5 Thank you.

6 CHAIRMAN RODRIGUES: Thank you for your  
7 comments.

8 We have ZsaZsa Ingram-Fitzpatrick with Dr.  
9 Nancy Staats on deck.

10 Is Ms. Ingram-Fitzpatrick here?

11 Dr. Staats. And then we'll have Judy  
12 Sheckland on deck.

13 DR. NANCY STAATS: Good afternoon,  
14 everyone. My name is Dr. Nancy Staats.

15 CHAIRMAN RODRIGUES: Staats, thank you.

16 DR. NANCY STAATS: Thank you.

17 CHAIRMAN RODRIGUES: I apologize for --

18 DR. NANCY STAATS: No worries.

19 CHAIRMAN RODRIGUES: -- butchering that.  
20 You are recognized for two minutes.

21 DR. NANCY STAATS: Okay. Thank you. I'm a  
22 board certified medical doctor, but you don't need  
23 an advanced degree to see what's happening here. We  
24 know this is the blatant disenfranchisement of  
25 African American communities and their

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1 representatives. It's unfortunate that some of you  
2 can't even look at me.

3 Just two months ago, you all worked very  
4 hard making maps that adhered to Florida statutes,  
5 and then the Governor proposed his own maps, which  
6 you rightfully said, no, Gov, this is too far. But  
7 then he vetoed yours, came back with his, and now  
8 suddenly, you folded like a cheap suit.

9 I'm wondering what happened in those two  
10 months. Were there backroom talks maybe working out  
11 the budget details? I don't know. Arm twisting?  
12 I'm not sure. Your arms all look fine, but maybe we  
13 need to think about what you are here for, which is  
14 to, as people have said, represent your  
15 constituents.

16 It's painfully clear to me, to everyone in  
17 this room, and everyone outside this room that this  
18 special session is a farce. There is not even  
19 another map being considered, and you won't consider  
20 amendments. And it also has been mentioned this  
21 Harvard-educated Governor of ours must be well aware  
22 that his maps violate both the Fair Districts  
23 Amendment and the Voting Rights Act, but perhaps, he  
24 wants the attention. Perhaps he wants to go to a  
25 Supreme Court case. That may be exactly what he

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1 wants.

2 At any rate, you're making it easy for him,  
3 but he must know that he's necessitating more  
4 lawsuits, which more appeals after that, all of this  
5 at the expense of all of Florida's citizens, like  
6 these special sessions.

7 As we all learned in early grade history --  
8 American history, our government was formed in  
9 response to an authoritarian ruler, King George.  
10 Remember that? Our Founding Fathers created a  
11 system of three distinct, autonomous branches of  
12 government, yet here we are today seeing complete  
13 complicity to a new king.

14 As a physician, I pledged to uphold the  
15 Hippocratic Oath. You too, all of you, took an oath  
16 too to uphold --

17 CHAIRMAN RODRIGUES: Please --

18 DR. NANCY STAATS: -- your state's  
19 constitution, which demands, mandates that you form  
20 these maps, and you have not done so.

21 CHAIRMAN RODRIGUES: Please bring it in for  
22 a landing.

23 DR. NANCY STAATS: Please, please remember  
24 the oath you took, which you seem to have forgotten.  
25 We will not forget. Thank you.

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1 CHAIRMAN RODRIGUES: Thank you for our  
2 comments. Judy Sheklin. And Trish Brown will be on  
3 deck.

4 JUDY SHEKLIN: My name is Judy Sheklin.  
5 I'm from Jacksonville, Florida. I too am opposed to  
6 the Governor's proposed maps. It is the  
7 responsibility of the legislators, the Legislature,  
8 to create congressional maps during redistricting  
9 according to Article III of the Florida  
10 Constitution.

11 The House and Senate did that, created  
12 approved maps and that they were satisfied with, and  
13 as we now know -- we've heard this all day -- were  
14 then vetoed and redrawn by the Governor. This is  
15 unprecedented in Legislatures all over the country.  
16 This hasn't been done.

17 You, as legislators, quickly acquiesced to  
18 the Governor, creating a dramatic imbalance of power  
19 in our state government. This is very troubling.  
20 The Governor's maps are a radical departure, and  
21 they aren't in compliance with state and federal  
22 law. These maps, as we've heard again here today,  
23 reduce the likelihood of minorities to elect  
24 congressional members of their choice, eliminating  
25 two minority districts and violating the Voting

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1 Rights Act.

2 In 2010, Florida passed the Fair Districts  
3 Amendment, and the citizens of this state  
4 overwhelmingly spoke. They deserve and expect  
5 fairness in redistricting decisions. The Governor's  
6 plan creates 20 Republican-majority districts and 8  
7 Democratic-majority districts. This blatantly  
8 demonstrates partisan gerrymandering. Please stand  
9 up for all Floridians and oppose these unfair maps.  
10 Thank you.

11 CHAIRMAN RODRIGUES: Thank you for your  
12 comments.

13 Trish Brown. And we have Rodney Long on  
14 deck.

15 Trish Brown?

16 Rodney Long.

17 For the record, Trish Brown is against the  
18 bill.

19 Mr. Long, you are recognized for two  
20 minutes.

21 RODNEY LONG: Thank you, Mr. Chairman.

22 I'm Rodney Long. I don't live in  
23 Congressional District 5 or 10. I'm from Alachua  
24 County, Gainesville, Florida.

25 Because I am a concerned resident of this

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1 state, I drove here today to speak to you in  
2 opposition to the proposed plan, SB 2-C Plan 019  
3 (sic) for three reasons. First, because if you  
4 approve this map, it will reduce the minority  
5 representation in the State of Florida by 50  
6 percent. Second is there's no doubt in my mind that  
7 these maps, if you approve them, will lead to  
8 retrogression, which violates the Voting Rights Act.

9 Thirdly, I'm a person who believes in  
10 process. I've served in local government for 17  
11 years. I was president of the Florida Association  
12 of Counties, served two terms. I understand how  
13 government works very well, but what I do not  
14 understand is this. We have a process that we  
15 follow, and we all are sworn to oaths. And we  
16 follow those oaths.

17 What I do not understand as a person who  
18 understands process is how do you acquiesce the  
19 authority given to you as a legislative body to draw  
20 district lines under reapportionment? I'm a person  
21 who believes in process. I can accept the fact --  
22 if you approved the maps and I don't like the maps  
23 but you approved the maps, I could live with that.

24 What I cannot live with is that you're just  
25 not going to approve any maps. That is a

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1 dereliction of your oath and your duties. Do the  
2 right thing. I could live with whatever maps you  
3 all approve, but what I cannot live with is you  
4 abdicating your responsibility to do your job.

5 CHAIRMAN RODRIGUES: Thank you for --

6 RODNEY LONG: Do the right thing.

7 CHAIRMAN RODRIGUES: -- your comments.

8 Next, we have Matt Van Wormer with Whitney  
9 Wogen (phonetic) on deck.

10 You are recognized for two minutes.

11 MATT VAN WORMER: Okay. Thank you.

12 I was just going to waive, but I'm going to  
13 say a couple words because I'm on the other side of  
14 this bet and will be the first to speak to that.

15 The map looks very square to me. It looks  
16 very logical. Now, I don't -- I don't live in  
17 Orlando. I moved in here recently, and so I don't  
18 understand what some -- much of the politics are  
19 here that have gone before. But I don't see weird  
20 little lines going in here and there to try to  
21 protect or do weird things. It seems very logical.  
22 So I'm favor of what plan to -- Senate Plan 2-C 109.  
23 So thank you.

24 CHAIRMAN RODRIGUES: Thank you for your  
25 comments.

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1 We have Whitney Wogen with Bridget Smith  
2 (phonetic) on deck.

3 Ms. Wogen, you have two minutes.

4 WHITNEY WOGEN: Thank you. My name is  
5 Whitney Wogen. I just wanted to voice my support  
6 for SB 2-C Plan 109. Thank you.

7 CHAIRMAN RODRIGUES: Thank you for your  
8 comments.

9 Bridget Smith. And we have Carmen Soto on  
10 deck.

11 BRIDGET SMITH: Bridget Smith, I'm from  
12 Marion County, Florida. A lot of PhDs here, a lot  
13 of physicians here. I'm a nurse. So I don't have a  
14 redistricting degree. It is a science in all of  
15 itself. I was here for the House and Senate debates  
16 during session, and it is a lot. I commend you all  
17 for even understanding all this. It's a lot.

18 But me, as a lay person to this,  
19 redistricting to me is to equalize populations among  
20 electoral districts after publication of the census,  
21 but it seems today it's been all about race issues  
22 and color.

23 From what I understand, the Fair District  
24 Act, it's -- it was to state that a minority group  
25 would not be prohibited from voting in their

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1 candidate. But looking at the maps currently with  
2 the contiguousness of them, which is what we're  
3 supposed to do, and not make it about race,  
4 according to everything we've talked about today, it  
5 has become about race. And it's very confusing to  
6 all of us.

7 I support this bill. The 2017 Supreme  
8 Court decision, this is different. The Supreme  
9 Court decision, a North Carolina case brought up the  
10 fact that the gerrymandering had too many blacks in  
11 that district. So they threw that map out because  
12 it was gerrymandered. Now, based on that decision,  
13 District 5 is considered gerrymandered, the previous  
14 District 5. So that's my interpretation of it. I  
15 do support the bill. Thank you very much.

16 CHAIRMAN RODRIGUES: Thank you or your  
17 comments.

18 We have Carmen Soto, and Robert Schmidt  
19 (phonetic) is on deck.

20 CARMEN SOTO: Hi. My name is Carmen Soto,  
21 and I'm waiving in favor of the bill.

22 CHAIRMAN RODRIGUES: Thank you for your  
23 comment.

24 CARMEN SOTO: Thank you.

25 CHAIRMAN RODRIGUES: Robert Schmidt. And

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1 then we've got John Berry (phonetic) on deck.

2 ROBERT SCHMIDT: Good afternoon. I'm  
3 speaking in support of SB 2-C Plan 109, 0109. While  
4 this plan was drawn for common sense districting,  
5 today's discussions have devolved into political  
6 accusations.

7 Not one voice has been silenced today by  
8 this map. Everyone still has a voice. I am happy  
9 this Governor has shown backbone. We hear people  
10 discuss the unprecedented nature of this map. I  
11 might remind those that look to other states such as  
12 New York to see what real gerrymandering looks like  
13 for political gains.

14 This map represents common sense and allows  
15 for the seismic shifts that are happening in Florida  
16 today. Thank you.

17 CHAIRMAN RODRIGUES: Thank you for your  
18 comments.

19 John Berry.

20 I don't see John. Lauren -- John is in  
21 support of the map.

22 Lauren Dickenson (phonetic).

23 LAUREN DICKENSON: I waive in support of  
24 the map.

25 CHAIRMAN RODRIGUES: Waives in support,

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1 thank you.

2 Okay. That concludes testimony from the  
3 non-compensated.

4 We're going to move to the compensated.  
5 We've got about 40 minutes, and I believe the  
6 members are going to want to debate. So we're going  
7 to do one minute testimony.

8 We'll start with Marsha Davis, and on deck  
9 will be Cristian Cardona.

10 Marsha Davis? Thank you, ma'am.

11 MARSHA DAVIS: I waive against Governor  
12 DeSantis' legislative map. Floridians, and I was  
13 one of them, voted the Fair District Act Amendment  
14 into the state Constitution to protect minority  
15 voters and to prevent legislators from doing what it  
16 appears has been done, making sure that you protect  
17 your party. It's not right.

18 Minority growth alone, by the last census,  
19 indicates that there should probably be more  
20 minority representation in the Legislature, but the  
21 Governor plans to cut our representation in half.  
22 That's not right. The plan is unfair, and I believe  
23 that it is unconstitutional. Thank you.

24 CHAIRMAN RODRIGUES: Thank you for your  
25 comments.

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1 Cristian Cardona. And we have Stacy  
2 Williams (phonetic) on deck.

3 CRISTIAN CARDONA: Thank you. My name is  
4 Cristian Cardona. I am worker and leader with the  
5 Fight for \$15 and the union from Orlando, Florida.  
6 Different movements are gathered here today because  
7 Florida's Republican leadership is trying to silence  
8 black and brown communities by passing voter  
9 suppression laws.

10 By eliminating protections that Fair  
11 Districts Amendment provides, this map is a direct  
12 attack on black representation and our democracy,  
13 and that ain't right. By proposing a congressional  
14 map that reduces Florida's black and brown  
15 representation by 50 percent, the Governor is trying  
16 to advance his political career at the expense of  
17 black and brown voters.

18 Let me tell you about my experience as a  
19 voter and why this issue is important to me. I  
20 moved to Orlando, Florida, with my family in 2009.  
21 I gained citizenship just in time to vote for  
22 Amendment 2. Amendment 2 brought us one step closer  
23 to a living wage, which is something I have been  
24 organizing and speaking up about for years.

25 This amendment has a direct impact on the

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1 community around me, my family, my friends, and my  
2 neighbors. It felt powerful to organize and  
3 campaign to raise the standard of living for  
4 millions of Floridians. The day I got to vote yes  
5 on Amendment 2 --

6 CHAIRMAN RODRIGUES: Please bring it in for  
7 a close.

8 CRISTIAN CARDONA: All right. This --  
9 after months of campaigning and yelling it out to  
10 the world, I finally had the chance to cast my vote  
11 with my community. This is why it's important that  
12 workers have a strong voice and a vote.

13 I want to thank everyone for showing up and  
14 taking time out of their day because I know workers  
15 have never been --

16 CHAIRMAN RODRIGUES: Thank you for your  
17 comments.

18 CRISTIAN CARDONA: -- given rights.

19 CHAIRMAN RODRIGUES: I appreciate it.

20 Stacy Williams. And Larry Coleton  
21 (phonetic) on deck.

22 LARRY COLETON: Good afternoon --

23 CHAIRMAN RODRIGUES: Thank you.

24 LARRY COLETON: -- Mr. Chairman.

25 CHAIRMAN RODRIGUES: You are recognized for

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1 a minute.

2 LARRY COLETON: Ms. Williams is not here.

3 I'm Larry Coleton.

4 CHAIRMAN RODRIGUES: Okay.

5 LARRY COLETON: The writer James Baldwin  
6 said, not everything that is faced can be changed,  
7 but nothing can be changed until it is faced. The  
8 columnist Leonard Pitts wrote that one party in  
9 America is steering the ship of this state towards  
10 jagged rocks, and that's where we find ourselves.

11 I like what the former and late President  
12 John Kennedy asked. He wrote a book called Profiles  
13 in Courage. In these next few days, we're going to  
14 see one of two things, either profiles in courage or  
15 profiles in cowardice.

16 We have a bully as a Governor, and  
17 unfortunately, we have members of this body,  
18 Mr. Chairman, that have essentially capitulated your  
19 constitutionally required responsibilities.

20 CHAIRMAN RODRIGUES: Please bring it in for  
21 a close.

22 LARRY COLETON: It's up to you. It's  
23 either going to be courage or cowardice, and  
24 unfortunately, the fear is it will be cowardice.

25 CHAIRMAN RODRIGUES: Thank you for your

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1 comments.

2 We have Hedder Pierre-Joseph with Gail  
3 Presley on deck.

4 HEDDER PIERRE-JOSEPH: Good afternoon to  
5 the committee and committee members. My name is  
6 Hedder Pierre-Joseph. I am a member of  
7 Congressional District 10 for the last 19 years.

8 Redistricting is the process by which new  
9 congressional and state legislative districts are  
10 drawn. Federal law stipulates that districts must  
11 have nearly equal protection, equal population, and  
12 must not discriminate on the basis of race or  
13 ethnicity.

14 The current redistricting map, which  
15 eliminates Congressional House representation for  
16 black people is based on fear, fear that black  
17 people are voting. As black people who are  
18 descendants of the enslaved Africans, we know our  
19 history, and we know -- and we have seen this devil  
20 before.

21 I implore you not to continue down the path  
22 of your ancestors and deny black people their  
23 constitutional right of representation. I remind  
24 all of you to remember the Boston Tea Party of 1773.  
25 Finally, I ask you to look around or to remember the

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1 presence of the people that were in this room, and  
2 for me, I see the promise of the enslaved African.  
3 We are on the side of justice, and with the God of  
4 Abraham, Isaac, and Jacob and our ancestors --

5 CHAIRMAN RODRIGUES: Bring it in for a  
6 landing please.

7 HEDDER PIERRE-JOSEPH: -- we shall always  
8 overcome. Remember this, we win with God and time.  
9 Thank you for your consideration.

10 CHAIRMAN RODRIGUES: Thank you for your  
11 comments.

12 Gail Presley with Cheryl Jones on deck.

13 Ms. Presley, you are recognized for a  
14 minute.

15 GAIL PRESLEY: Thank you. Good afternoon  
16 to each and every one of you, Chairman, and also to  
17 Mr. Randolph Bracy. Thank you so very much. It is  
18 indeed my pleasure to be here today but in an awe of  
19 disbelief.

20 I am very heartbroken as a resident of  
21 Congressional District 10, long life resident. I  
22 come from a family that marched those march in 1960.  
23 I come from a family who knows about how it feels  
24 when it comes to voter's right and standing up for  
25 the injustice that are done to the people who are

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1 black and brown. I come from a family who was very  
2 proud to know that it is your -- your vote and your  
3 voice that matters.

4 And today I come to you very disappointed.  
5 I oppose C-0109 (sic) because I feel that it is a  
6 disparity on the black and brown people, and I come  
7 from a congressional district where I want to see --

8 CHAIRMAN RODRIGUES: Please bring it --

9 GAIL PRESLEY: -- someone --

10 CHAIRMAN RODRIGUES: -- in for a close.

11 GAIL PRESLEY: -- who looks like me and  
12 represent and know how we feel. So with that being  
13 said, it is your right. You took the oath. You  
14 said that you would serve us, and we're looking here  
15 now and listening to statistics. And I don't  
16 understand where those statistics are coming from  
17 because I am a proud resident of Orange County,  
18 Florida.

19 CHAIRMAN RODRIGUES: Thank you for your  
20 comments.

21 GAIL PRESLEY: And I thank you for this  
22 time, Chairman, and you all have a wonderful day.

23 CHAIRMAN RODRIGUES: Thank you.

24 Cheryl Jones with Pastor Marcus McCoy on  
25 deck.

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1 I do not see Cheryl. She is against the  
2 bill.

3 We have Pastor McCoy on the way. After  
4 Pastor McCoy, we'll have Barney Roberts on deck.

5 You are recognized for a minute.

6 PASTOR MARCUS MCCOY: Thank you. Blessings  
7 to all with special recognition to my own Senator,  
8 Senator Bracy. My name is Marcus McCoy, Junior. I  
9 serve as the senior pastor of the Historic Greater  
10 Refuge Memorial Church, which sits in Congressional  
11 District 10, exiting now over 150 years.

12 I stand on behalf of my community to  
13 strongly urge this committee to vote no on the  
14 proposed map C-0109 by Governor -- by our Governor  
15 that removes black representation in Congress.

16 Currently, Florida has four black access  
17 seats of twenty-seven. If the map were to be  
18 approved, that number would reduce to 50 and would  
19 leave Florida with less than 10 percent of the  
20 congressional districts represented by members in  
21 black access seats. It is disheartening to see that  
22 with already such low representation, this Governor  
23 wants to dilute representation even more.

24 And while I and those that I represent do  
25 not fully agree with the decision made to offer a

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1 two-map solution during this year's legislative  
2 session, at least it was the decision of this  
3 Legislature. The map being --

4 CHAIRMAN RODRIGUES: Please bring it in for  
5 a close.

6 PASTOR MARCUS MCCOY: -- considered today  
7 is not your own. I stand here urging you to reject  
8 political games and partisanship in drawing  
9 Florida's new congressional districts. Thank you.

10 CHAIRMAN RODRIGUES: Thank you for your  
11 comments.

12 Barney Roberts. And on deck will be  
13 Rosemary McCoy.

14 Mr. Roberts, you are recognized for a  
15 minute.

16 BARNEY ROBERTS: Hi. I'm Barney Roberts.  
17 I -- I stand opposing the Governor's bill. I think  
18 that it is another disheartening thing to consider  
19 in Florida.

20 In -- in 2010, the Florida voters added  
21 amendments to the state Constitution in the Article  
22 III, Sections 20 and 21. These amendments  
23 prohibited line drawing that intentionally favors or  
24 disfavors a political party or an incumbent. The  
25 amendment also afforded protection to racial and

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1 language minorities.

2           Districts may not draw -- districts may not  
3 be drawn with the intent or resulting in denying or  
4 abridging the equal opportunity of racial or  
5 language minorities to participate in the political  
6 process or to diminish their ability to elect  
7 representatives of their choice.

8           Finally, unless it would conflict with the  
9 standards described above, amendments require that  
10 district populations be as neatly equal as  
11 practicable and that districts be compact, where  
12 feasible, follow existing political, geographical  
13 boundaries.

14           Ladies and gentlemen --

15           CHAIRMAN RODRIGUES: Please bring it in for  
16 a close.

17           BARNEY ROBERTS: -- I would beg and ask if  
18 you'll consider that the things we do today, our  
19 children are going to have to live with it. And for  
20 me, as a veteran and a man in the U.S., I love it  
21 when kids see us, and they're proud about what we  
22 do. We should make our kids proud, and we should  
23 bring them together, not divide them on all facets.  
24 Thank you.

25           CHAIRMAN RODRIGUES: Thank you for your

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1 comments and thank you for your service.

2 Rosemary McCoy. And on deck is Troy  
3 Squire.

4 ROSEMARY MCCOY: Thank you so much --

5 CHAIRMAN RODRIGUES: You are recognized for  
6 a minute.

7 ROSEMARY MCCOY: -- Chair and thank you so  
8 much for, Senator Audrey Gibson, for allowing us to  
9 be here, and I respect all of you. But I want to  
10 prick your hearts. This is not about just signing  
11 off because of your party. This is about real-life  
12 situations.

13 There's a war going on, Ukrainians and  
14 Russians. We do not want that here in the United  
15 States, nor do we want it in the state of Florida.  
16 But if we keep on -- and it starts from you, all  
17 right. Everything trickles down. From your  
18 leadership, it comes down. And if we have a war  
19 here among you all against your people, we have  
20 Ukranian (sic) and Russia. I don't want that.

21 So I'm asking you to check your own hearts  
22 out. I'm asking you to just look at it. If it's  
23 fair, then go with it. But if you check your hearts  
24 out and you find out that it isn't fair, then I'm  
25 asking you to vote no.

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1           See this? It's blue. But you know what  
2   they have? Pink. Act like this is pink. And if  
3   you fail to vote correctly, you need a pink slip.  
4   Do your job. That's all we asking you to do. You  
5   want me to do my job. So I can pay taxes.

6           CHAIRMAN RODRIGUES: Please bring it in for  
7   a close.

8           ROSEMARY MCCOY: Guess what? The people  
9   want you to do your job. That's all we ask. I  
10   think that's fair. Do you think it's fair? I do.  
11   Do your job.

12          CHAIRMAN RODRIGUES: thank you for your  
13   comments.

14          Troy Squire. And we'll have Tameka Hobbs  
15   on deck.

16          I don't see Mr. Squire. He is against the  
17   map.

18          Tameka Hobbs.

19          I don't see Tameka. She is against the  
20   map.

21          Ebony Hardy-Allen, also against the map.

22          Hazel Gillis. And on deck will be Myrtle  
23   Lucas (phonetic).

24          Thank you, Ms. Gillis. You have a minute.

25          HAZEL GILLIS: Thank you. Good afternoon.

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1 My name is Hazel Gillis. I am a member of the James  
2 Weldon Johnson Branch of the ASALH, Association for  
3 the Study of African American Life and History, and  
4 I live in Congressional District 5 in Jacksonville,  
5 Florida.

6 Governor Ron DeSantis' rejection of the  
7 Florida Legislature's drawn political map is a  
8 direct attack on black representation and our  
9 democracy. By proposing a congressional map that  
10 reduces Florida's black representation in Congress  
11 by 50 percent, the Governor is attempting to silence  
12 the voices of hundreds of thousands of black voters.  
13 We oppose any map that has been drawn by Governor  
14 Ron DeSantis.

15 In 2010, Florida passed the Fair Districts  
16 Amendments 5 and 6 that prohibits politicians from  
17 drawing districts to favor themselves and their  
18 parties and to ensure minority voters have equal  
19 opportunity to participate in the political process  
20 and have a fair opportunity to elect representatives  
21 of their choice, their party. We must end this  
22 manipulation at all costs to protect our democracy  
23 and black vote. Thank you so much. Thank you, Your  
24 Honor.

25 CHAIRMAN RODRIGUES: Thank you for your

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1 comments.

2 Hazel Gillis. Oh, that was you. Thank  
3 you.

4 Myrtle Lucas. And then on deck is Ingrid  
5 Montgomery.

6 MYRTLE LUCAS: Good evening. My name is  
7 Myrtle Lucas. I'm -- I am a member of the James  
8 Weldon Johnson Branch of the ASALH, the Association  
9 for the Study of African American Life and History.

10 I oppose any map that has been drawn by  
11 Governor Ron DeSantis, and let's see. We vote to --  
12 let me see. I'm sorry. We vote for -- to draw maps  
13 from fair districts, and we want them to do their  
14 job and not for Governor Ron DeSantis to be a  
15 dictator and a bully. That's it.

16 CHAIRMAN RODRIGUES: Thank you for your  
17 comments.

18 Ingrid Montgomery with Walter Smith, Junior  
19 on board.

20 Ms. Montgomery, you are recognized for a  
21 minute.

22 INGRID MONTGOMERY: Good afternoon. My  
23 name is Ingrid Montgomery, and I live in Duval  
24 County. I'm here today to voice my condemnation of  
25 this redistricting plan for Northern Florida. This

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1 plan splits black communities across three different  
2 congressional districts, which personally impacts me  
3 because it results in the loss of my congressional  
4 district, CD 5, which has been the "black  
5 opportunity district" linking Jacksonville and  
6 Tallahassee.

7 SB 2-C, also C-0109, is intentionally and  
8 unconstitutionally designed to make it ever more  
9 challenging for us black voters to elect black  
10 Democratic members of Congress. You elected took  
11 the oath to stand up for equal ground. "If we merge  
12 mercy with might and might with right, then love  
13 becomes our legacy and change our children's  
14 birthright." Amanda Gorman, The Hill We Climb. Do  
15 the right thing. Thank you.

16 CHAIRMAN RODRIGUES: Thank you for your  
17 comments.

18 Walter Smith, Junior. And on deck is Lee  
19 Harris.

20 Are you Mr. Smith?

21 WALTER SMITH, JR.: Yes. Good --

22 CHAIRMAN RODRIGUES: You are --

23 WALTER SMITH, JR.: -- afternoon.

24 CHAIRMAN RODRIGUES: -- you are recognized  
25 for a minute. Thank you.

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1 WALTER SMITH, JR.: Good afternoon again.

2 I am Commander Sergeant Major Walter Smith, Junior,  
3 retired U.S. Army, 30 years of military service for  
4 this country. I oppose this proposal by the  
5 Governor. This proposal reminds me of what took  
6 place after Reconstruction. Thank you.

7 CHAIRMAN RODRIGUES: Thank you for your  
8 comments.

9 I've been told that Lee Harris is not here.  
10 We'll have the record show that he is against the  
11 bill.

12 Next up, Jonathan Webber with Florida  
13 Conservation Voters.

14 Mr. Webber, you are recognized for a  
15 minute.

16 JONATHAN WEBBER: Thank you so much. My  
17 name is Jonathan Webber. I'm the deputy director of  
18 Florida Conservation Voters, and just for the  
19 record, I am a resident of CD 5, Al Lawson's  
20 district, here in Tallahassee, just south of  
21 Apalachee.

22 We at Florida Conservation Voters, we  
23 strongly believe that the health of our environment  
24 is directly tied to the health of our republic. And  
25 just as we monitor our water for pollution, we

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1 monitor our government for signs of sickness. Fair  
2 representation is one of the best metrics we have to  
3 measure the health of our government. The census  
4 and ensuing redistricting process is the test.

5 Today, we are asking ourselves questions  
6 like was this map drawn with complete transparency?  
7 Does it respect the rules set forth in the Voting  
8 Rights Act and in the State and Federal  
9 Constitutions? Were the people of Florida given  
10 ample opportunity to participate and comment on this  
11 map? And most importantly, considering the profound  
12 legacy of state-sponsored oppression in Florida,  
13 does it protect or diminish the right of black  
14 Floridians to elect leaders of their choice?

15 You all know the answers to these  
16 questions, and while fair representation is vital,  
17 fear of doing the right thing is the ultimate  
18 terminal sickness in democracy. Our republic is  
19 only as strong as the right of minority groups to  
20 participate. I love this country not so much for  
21 its history but for its promise.

22 CHAIRMAN RODRIGUES: Please bring it in for  
23 a close.

24 JONATHAN WEBBER: That promise must be  
25 guaranteed to everyone, not just the powerful, the

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1 monied, or the ruling class. We stand in solidarity  
2 with our friends and allies across the state in  
3 opposition to these maps. Thank you and thank you  
4 to everyone who showed up today.

5 CHAIRMAN RODRIGUES: Thank you for your  
6 comments.

7 Cecile Scoon with the League of Women  
8 Voters of Florida.

9 CECILE SCOON: Good afternoon. My name is  
10 Cecile Scoon with the League of Women Voters, and  
11 I've been here a few times. I am very disappointed,  
12 as many people are, that we are in this position.  
13 When this whole thing started, there was many  
14 promises made to adhere to all of the laws, and it  
15 was interesting that Mr. Kelly did not mention that  
16 the Tier 1, which is the citizens initiative of the  
17 Fair Districts, not only has an intent provision, it  
18 has an impact provision.

19 So it doesn't matter if he came here and  
20 drew the maps, and he did not intend anything.  
21 That's irrelevant to the other half, which says, if  
22 you have this impact that harms the ability to  
23 select the representative of your choosing if you  
24 are a racial or language minority, that's a problem  
25 under our law. And so what they have done is

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1 completely violated Tier 1 of our Constitution,  
2 which was found lawful and correct by our Florida  
3 Supreme Court.

4 So that is the status of the law as we  
5 stand, and anything that comes now that rebukes that  
6 or does anything like that is looking for a new  
7 court to make a different decision. But the law  
8 right now says --

9 CHAIRMAN RODRIGUES: Please bring it in --

10 CECILE SCOON: -- that is illegal.

11 CHAIRMAN RODRIGUES: -- for a close.

12 CECILE SCOON: And we would ask you to  
13 adhere to the law as we all know it, Fair Districts  
14 and the Voting Rights Act. Thank you.

15 CHAIRMAN RODRIGUES: Thank you for your --

16 SENATOR GIBSON: Chair --

17 CHAIRMAN RODRIGUES: -- comments.

18 SENATOR GIBSON: May I ask a question?

19 CHAIRMAN RODRIGUES: We still have another  
20 --

21 SENATOR GIBSON: Quickly.

22 CHAIRMAN RODRIGUES: -- speaker. And we --

23 SENATOR GIBSON: It's just --

24 CHAIRMAN RODRIGUES: -- are doing a hard  
25 stop at 4:30.

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1 SENATOR GIBSON: It's a 30-second answer.

2 CHAIRMAN RODRIGUES: I'm not going to  
3 recognize it at this time.

4 Matthew Isabel (phonetic).

5 SENATOR GIBSON: Well, may I ask you a  
6 question, Mr. Chair?

7 CHAIRMAN RODRIGUES: What's that?

8 SENATOR GIBSON: May I ask the question of  
9 you? Maybe our staff may know the answer.

10 CHAIRMAN RODRIGUES: Yes.

11 SENATOR GIBSON: Thank you. I'm just  
12 wondering if we know how many hundreds of thousands  
13 of votes across this state did the Fair Districts  
14 Amendment pass by.

15 CHAIRMAN RODRIGUES: I don't know. We'll  
16 have staff look into that and get back to you.

17 SENATOR GIBSON: Thank you, Mr. Chair.

18 CHAIRMAN RODRIGUES: Mr. Isabel, you are  
19 recognized for a minute.

20 MATTHEW ISABEL: Members of this  
21 committee, for months, a vast majority of you  
22 pledged your support to preserving districts that  
23 gave African Americans the ability to elect a  
24 candidate of their choice. You defended seats that  
25 were in some form or fashion drawn three decades ago

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1 to correct centuries of injustice. The laws and  
2 cases from the late 20th century saw an explosion of  
3 minority representation. Since the passage of the  
4 1982 Voting Rights Act, the number of African  
5 American Congresspeople has gone from 18 to 60.  
6 Florida is part of this very tradition.

7 Redistricting in Florida began with such  
8 promise. Draft maps from both chambers had anywhere  
9 from three to four seats designed to give African  
10 Americans a chance to elect a candidate of their  
11 choice. Efforts for alt-right Twitter activists to  
12 dismantle districts like CD 5 and 10 were ignored by  
13 you lawmakers for the longest time, but now with the  
14 Governor's intervention, you have backtracked on all  
15 of these principles in the name of party unity.

16 And for what reason? To appease a Governor  
17 who sees his path to the Presidency by acting like a  
18 modern-day George Wallace. We see the private  
19 grumblings that many of you have fed to the press,  
20 expressing your off-the-record concern. Most of you  
21 openly admitted in private to being afraid of the  
22 Governor. He's threatened primaries to you, to your  
23 colleagues, and he's threatened to black -- to veto  
24 --

25 CHAIRMAN RODRIGUES: Please bring it in for

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1 a close.

2 MATTHEW ISABEL: -- budget items. He's --  
3 I'm closing. Why don't you just come out and say  
4 he's blackmailing you? Instead of coming up with  
5 fake legal justifications, why don't you at least  
6 admit that you're afraid of him, and you want him to  
7 like you? Why don't you just admit that you're  
8 cowards.

9 CHAIRMAN RODRIGUES: Thank you for your  
10 comments.

11 SENATOR STARGEL: Mr. Chair?

12 CHAIRMAN RODRIGUES: That concludes public  
13 testimony.

14 Is there debate?

15 SENATOR STARGEL: Mr. Chair?

16 CHAIRMAN RODRIGUES: Senator Stargel, you  
17 are recognized.

18 SENATOR STARGEL: Mr. Chair, I move that we  
19 -- this committee vote in SB 2-C on or before 4:27.

20 CHAIRMAN RODRIGUES: That motion is made.  
21 Show it adopted without objection.

22 We're now in debate.

23 Senator Gibson.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 First, I want to start with the whole idea

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1 that the state of Florida's Constitution doesn't  
2 cover Tier 1, and it absolutely does, which is why I  
3 was trying to determine approximately the hundreds  
4 of thousands of votes that -- from our constituents  
5 that supported the Fair Districts Amendment to the  
6 -- to our state Constitution, which is also a part  
7 of our first packet that we got on the Florida  
8 Redistricting packet, which I, of course, thank the  
9 staff again for. I have papers all over the place.

10 And so -- in that, in the Fair Districts  
11 Amendment to the Constitution -- and I wrote a note  
12 that I don't believe that the Constitutional  
13 Revision Commission in 2018 made any changes or  
14 changed at all the Fair Districts Amendment, which  
15 speaks to the fact that districts may not be drawn  
16 with the intent or result of denying or abridging  
17 the equal opportunity of racial or language  
18 minorities to participate in the political process  
19 or diminish their ability to elect representatives  
20 of their choice.

21 And there are other parts of this, but I  
22 want to hasten so that others get to debate. And I  
23 don't lose some other important points that I wanted  
24 to make. One of those is if you've never been  
25 denied anything, then you have no context as to why

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1 representation is important. And so -- and why it  
2 is important that the representative understands the  
3 community that they're representing in totality.

4 And so what's on the line? First of all,  
5 CD 5 came about as a large representing minority  
6 population because of a lawsuit years ago, and that  
7 is why that congressional district existed as a  
8 minority access district in Jacksonville. The suit  
9 was filed by our previous member of Congress -- I  
10 don't know. It was 19--whatever it was -- '70, '60s,  
11 in order for there to be representation to include  
12 representation of people of color.

13 And so in a conversation I had the other  
14 day, when, you know, when people try to figure out,  
15 oh, it's about race. Well, it's more than about  
16 race. It's also about need. And so in order for  
17 those folks with health -- more health disparities  
18 than -- or health disparities -- I don't know how  
19 you can have any more -- neighborhoods that have  
20 been crumbling historically, infrastructure needs,  
21 cleaning of Brownsville and communities of color  
22 that weren't anywhere else, who represents those  
23 communities matter?

24 Yes. There's growth in -- in upward  
25 mobility as well, but there are still healthcare

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1 disparities. There's still holes in things that  
2 need to happen. And so when a member doesn't  
3 understand in totality that population, the funding  
4 requests that have been put forward over the years  
5 disappear. The blend of everyone takes the focus  
6 off of some of those who are the neediest of  
7 particularly healthcare and improvement in their  
8 neighborhoods, education, those kinds of things.

9           While it's getting better, it's been behind  
10 for so many years that catching up becomes difficult  
11 without a representative that doesn't understand  
12 exactly all of the people they are representing.  
13 And I think every individual in any district is just  
14 as important as the -- as the neighbor next door or  
15 across the street. Everyone is, and that's the way  
16 I've always done my job. But unfortunately the maps  
17 in front of us, CD 5 is one of them, where there's  
18 such a split unnecessarily, cut the community right  
19 down the middle, the community of color.

20           And so without having to do that and making  
21 sure that all resources are delivered to all parts  
22 of the community, it would be great if we all lived  
23 in health disparity districts, and then we'd all get  
24 the same attention. But we don't. It would be  
25 great if we all lived in low income communities, but

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1 we don't. And so those who do need representation  
2 to speak to that issue.

3 And so I just think that the purpose of the  
4 maps was to make two Republican forming -- it has  
5 nothing to do with race -- there are black  
6 Republicans, Hispanic Republicans -- but has  
7 everything to do with party as well. So there's a  
8 double whammy in Duval. We have a separation of  
9 culture, and then we also have two seats that no --  
10 that will perform for Republican members of  
11 Congress.

12 And I don't -- I don't know if -- I don't  
13 know if we can even sit here and -- and call that  
14 the right thing to do. And also in CD 10 as well.  
15 So what seems to be -- what -- what wants to be put  
16 forward to us as innocence is -- is not there, and I  
17 hope that people will remember that this is not for  
18 tomorrow or next week. It's not -- it doesn't  
19 change for 10 more years.

20 And I refuse to believe that the people of  
21 color population in Duval shrunk in the past census,  
22 or if it didn't shrink, people are now living all on  
23 top of each other. That is definitely not the case.  
24 And so I -- I'm done, Mr. Chair. Thank you.

25 CHAIRMAN RODRIGUES: Senator Bracy.

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1 SENATOR BRACY: Thank you, Mr. Chairman.

2 You know, this clearly violates Fair  
3 Districts. It clearly violates the federal law, the  
4 federal Voting Rights Act, and I don't even think  
5 it's worth debating. I mean, I think that's clear,  
6 and the fact that Alex Kelly would get in front of  
7 us and say he had no idea that he was taking a swath  
8 of black folks and putting -- putting them in the  
9 same district with -- with the villages and not --  
10 and saying he didn't know that it would affect their  
11 ability to elect the candidate of their choice is a  
12 joke. It's a joke, and it's insulting. So I'm not  
13 going to even go there.

14 What I will say to you, members, is that  
15 what the Governor is doing in bullying you all, in  
16 dictating what you're going to do, you are  
17 essentially losing the power and the independence of  
18 the Senate. And you are making the Governor the de  
19 facto President from now on, because with a bully,  
20 once you give in, it doesn't stop. He's going to  
21 continue this, and you will not be able to defy him  
22 again.

23 He's threatened to -- he's threatened to  
24 primary you all. He's threatened to primary  
25 endorsed candidates from the President, and he's not

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1 going to stop. And you laying down, you are setting  
2 the stage for this to happen over and over again.  
3 And if that's what you want, you want him to be the  
4 House Speaker, the Senate President, and the  
5 Governor, so be it.

6 But I just want to lay out what we're  
7 actually doing today, and I love you all. I've  
8 served with you. You all are friends, and so I'm  
9 speaking to you genuinely. And this is how I feel,  
10 and if this is what we're going to do, so be it.  
11 But I at least want to be on record to say I don't  
12 think it's right.

13 And I don't think this is in tradition of  
14 what the Senate stands for. We have been an  
15 independent body, and we made a decision before.  
16 And now we are caving. We are folding, and I think  
17 we're better than that.

18 CHAIRMAN RODRIGUES: Senator Stewart for  
19 two minutes.

20 SENATOR STEWART: Thank you, Chair.

21 Frankly, I never thought we'd be here  
22 today. I know that when we had months and months of  
23 meetings and we came up with a map that was  
24 extremely fair and we gave that map to the Governor,  
25 we didn't expect to have any consequences. But

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1 today we see that I was really, really wrong, and  
2 that we sit here today.

3 This map that was produced -- and we were  
4 able to see it a few days ago, and, you know, I  
5 didn't like it. I don't like being here because I  
6 think we did a really good job when we had the  
7 opportunity to do it. But this map has no  
8 connection to Tier 1, and everything stated by the  
9 Governor's map drawer and perhaps some of the  
10 attorneys that helped him, all the paperwork is on  
11 Tier 2. Well, Tier 2 is not nearly as important as  
12 Tier 1.

13 And so when you've got them totally  
14 ignoring Tier 1, for whatever their reasons were  
15 stated, I think we might as well just leave here and  
16 go straight out that door and get our attorneys  
17 because we're going to be going to court anyway.

18 So I just think this is the wrong approach  
19 to what we have signed on to do, and we did a really  
20 good job. And I want to thank everybody here, how  
21 hard they worked, and I -- I don't -- I'm just not  
22 in favor of overturning the nearly perfect map that  
23 we put together. Thank you.

24 CHAIRMAN RODRIGUES: It's now 4:27, time  
25 certain.

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1 Dana, please call the roll on Senate Bill  
2 2-C.  
3 THE CLERK: Senator Bean.  
4 SENATOR BEAN: Yes.  
5 THE CLERK: Senator Bracy.  
6 SENATOR BRACY: No.  
7 THE CLERK: Senator Bradley.  
8 Senator Brodeur.  
9 SENATOR BRODEUR: Yes.  
10 THE CLERK: Senator Burgess.  
11 SENATOR BURGESS: Yes.  
12 THE CLERK: Senator Gibson.  
13 SENATOR GIBSON: No.  
14 THE CLERK: Senator Harrell.  
15 SENATOR HARRELL: Yes.  
16 THE CLERK: Senator Rodriguez.  
17 SENATOR RODRIGUEZ: Yes.  
18 THE CLERK: Senator Rouson.  
19 SENATOR ROUSON: No.  
20 THE CLERK: Senator Stargel.  
21 SENATOR STARGEL: Yes.  
22 THE CLERK: Senator Stewart.  
23 SENATOR STEWART: No.  
24 THE CLERK: Vice Chair Broxson.  
25 VICE CHAIR BROXSON: Yes.

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1 THE CLERK: Chair Rodrigues.

2 CHAIRMAN RODRIGUES: Yes.

3 By your vote, Senate Bill 2-C is reported  
4 favorably.

5 Is there any other business before the  
6 committee?

7 Seeing none, Senator Rouson moves we  
8 adjourn.

9 Show the motion adopted.

10 (END OF AUDIO RECORDING)

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Julie Thompson, CET-1036