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

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TRANSCRIPTION OF AUDIO RECORDING  
HOUSE SESSION - THE FLORIDA CHANNEL  
APRIL 20, 2022  
10:00 A.M.

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DIGITAL EVIDENCE GROUP  
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1 APRIL 20, 2022

2 MR. SPEAKER: Members of the House will  
3 come to order. Members, please take your seats.  
4 Members and visitors in the gallery, please rise for  
5 the prayer. The prayer today will be given by  
6 Representative Payne.

7 Representative Payne, you may approach the  
8 wall.

9 REPRESENTATIVE PAYNE: Thank you, Speaker.  
10 Members, please join me in prayer.

11 Father, today we come before you this  
12 morning anticipating for what you have in store for  
13 us today. Let us not forget to praise, honor, and  
14 worship you. We are expecting to hear your voice,  
15 and we will be willing to be used by you in order to  
16 fulfill our faithful duties. Father, we ask your  
17 blessing on all the members of the Legislature, our  
18 House and Senate colleagues, our speaker, our senate  
19 president, upon our governor, cabinet members and  
20 their families.

21 Lord, we are grateful to be living in a  
22 democracy, where so many play a part of making sure  
23 the needs of Floridians are met. As we work  
24 together to find solutions to difficult problems, we  
25 ask that you guide our words so that we speak with

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1 respect and humility to one another.

2 And, Father, finally, we ask a special  
3 blessing and prayer for those suffering in the war-  
4 torn regions of the Ukraine. Help there be an end  
5 to the suffering and violence soon. Protect those  
6 in harm's way. All these things we ask in your holy  
7 name. Amen.

8 MR. SPEAKER: Amen. Thank you,  
9 Representative Payne.

10 The clerk will unlock the machine, and  
11 members will record their presence.

12 Have all members recorded their presence?  
13 All members recorded their presence.

14 Clerk will lock the machine after presence  
15 of a quorum.

16 THE CLERK: One hundred and six members  
17 voting in quorum as present, Mr. Speaker

18 MR. SPEAKER: Members and visitors in the  
19 gallery, please remain standing for the pledge. The  
20 pledge this morning will be embedded by  
21 Representative Tant from her desk.

22 REPRESENTATIVE TANT: I pledge allegiance  
23 to the flag of the United States of America and to  
24 the Republic for which it stands, one nation under  
25 God, indivisible, with liberty and justice for all.

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1 MR. SPEAKER: Are there corrections to the  
2 journal?

3 Hearing none. Show the journal approved.  
4 Are there matters on induction in reference?

5 THE CLERK: None on the desk, Mr. Speaker.

6 MR. SPEAKER: Are there communications?

7 THE CLERK: None on the desk, Mr. Speaker.

8 MR. SPEAKER: Are there messages from the  
9 Senate?

10 THE CLERK: None on the desk, Mr. Speaker.

11 MR. SPEAKER: Are there reports of the  
12 standing committees and subcommittees.

13 THE CLERK: On the desk, Mr. Speaker.

14 MR. SPEAKER: Read the report.

15 THE CLERK: The Honorable Chris Sprowls,  
16 speaker, House of Representative. Dear Mr. Speaker,  
17 your rules committee herewith submits a special  
18 order for Wednesday, April 20, 2022.

19 Reading of the report, Mr. Speaker.

20 MR. SPEAKER: Representative Renner, you're  
21 recognized in the report?

22 REPRESENTATIVE RENNER: Mr. Speaker, the  
23 report sets the special order calendar and  
24 allocation of times for questions and debate  
25 contained in the letter, and I move the adoption of

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1 the special order report for today, April 20, 2022.

2 MR. SPEAKER: Are there questions? Are  
3 there questions? Is there a debate? All in favor  
4 of adoption of the special order calendar, say yea.

5 (Multiple yays)

6 MR. SPEAKER: All opposed, no.

7 (Multiple nos)

8 MR. SPEAKER: Show the special order  
9 calendar as adopted. Are there motions relating to  
10 committee and subcommittee references?

11 Representative Geller, you're recognized.

12 REPRESENTATIVE GELLER: Thank you,  
13 Mr. Speaker. I rise to make a motion.

14 MR. SPEAKER: You're recognized.

15 REPRESENTATIVE GELLER: I rise pursuant to  
16 -- thank you, Mr. Speaker. I rise to -- pursuant to  
17 House Rule 11.12 and now move to refer House Bill  
18 1C, establishing the congressional districts to the  
19 state to the full redistricting committee and to the  
20 appropriations committee. And with your permission,  
21 Mr. Speaker, at the time, I'd like to debate the  
22 motion.

23 MR. SPEAKER: All right. Members,  
24 Representative Geller has moved to move the  
25 redistricting bill, which is 1C, to the larger

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1     redistricting committee. This is a debatable  
2     motion. It will pass or not pass by a majority  
3     vote.

4             It is debatable. However, it is only  
5     debatable as -- I think as you know, Representative  
6     Geller, as to the propriety of the reference. That  
7     is the motion.

8             Representative Geller, you're recognized to  
9     debate.

10            REPRESENTATIVE GELLER: Thank you,  
11     Mr. Speaker. As to the propriety of the reference  
12     to both full redistricting and to appropriations,  
13     the appropriations is because there's a million-  
14     dollar appropriation included in this bill and that  
15     should be heard by the appropriations committee.  
16     House Bill 1C is a significant bill and it will  
17     alter the electoral landscape of this state for up  
18     to 10 years for 22 million people. It's 140 pages,  
19     13 sections, in addition to that, a million-dollar  
20     appropriation.

21            It was heard yesterday in the congressional  
22     redistricting subcommittee, where speakers from  
23     across the state came to testify on its impact. At  
24     the end, because of time constraints, some of those  
25     members of the public were given very short periods

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1 of time, I believe, 60 seconds, and there was just  
2 the one hearing. And I understand that in one  
3 hearing, there is a limit, but the bill should be  
4 treated as every other bill that we've seen.

5 I don't believe there is a rule. It's up  
6 to the discretion of the House, but I can't recall a  
7 bill that's gone directly from subcommittee to rules  
8 and special order without going through a full  
9 committee. That's why we have committees. That's  
10 the purpose of it. And the principle -- the  
11 jurisdiction here is the full redistricting  
12 committee. Not referring it and having it heard  
13 there is a departure from our customs and practice.

14 There is time it could have been done. It  
15 could still be done. And some of us on full  
16 redistricting have spent many months preparing for  
17 this exact thing, and we have questions. We studied  
18 this process and debate that should be heard. An  
19 assumption of a rule that we adopted this year on  
20 time management, were for the first time, beginning  
21 in this -- well, I would say this term last year --

22 MR. SPEAKER: Representative Geller, we're  
23 getting outside the propriety of the reference.  
24 Just keep your debate to the propriety of the  
25 reference.

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1 REPRESENTATIVE GELLER: Yes, Mr. Speaker.

2 The assumption we make about full committee is that  
3 after subcommittee, full committees will completely  
4 vet issues, and that's why limiting time is now a  
5 rule that we have. If this is supposed to be an  
6 open and transparent, publicly accessible practice,  
7 we need to have it heard in accordance with what we  
8 have always done heretofore, and it belongs in those  
9 full committees.

10 And, therefore, I asked the House,  
11 consistent with our practice, procedure, and  
12 tradition, to refer this bill to the full  
13 redistricting committee and to the appropriations  
14 committee. I believe we could get that squeezed in,  
15 if that was the choice that the House makes. And I,  
16 therefore, ask for your favorable support in this  
17 motion.

18 MR. SPEAKER: All right. Members,  
19 Representative Geller having closed on his motion  
20 under Rule 11.12, members, now we will vote as a  
21 majority vote whether or not to send those bills --

22 Representative Joseph, we just did -- he  
23 just closed on his motion.

24 REPRESENTATIVE JOSEPH: (Indiscernible)

25 MR. SPEAKER: On the propriety of the

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1 reference. I went to Representative Geller because  
2 I didn't see any other microphones, so he just  
3 closed on his motion.

4 REPRESENTATIVE JOSEPH: (Indiscernible)

5 Representative Joseph, would you like to be  
6 recognized and debate?

7 REPRESENTATIVE JOSEPH: I would.

8 MR. SPEAKER: You're recognized.

9 REPRESENTATIVE JOSEPH: Thank you. Thank  
10 you, Mr. Speaker, and I apologize for interjecting.  
11 We just didn't have the opportunity to debate. I  
12 was waiting for that time. This is a highly unusual  
13 process that we're in right now. The Legislature  
14 has a constitutional duty to draw our redistricting  
15 maps.

16 MR. SPEAKER: Representative Joseph, you  
17 have to keep your debate to the propriety of the  
18 reference.

19 REPRESENTATIVE JOSEPH: I understand.

20 MR. SPEAKER: You're recognized.

21 REPRESENTATIVE JOSEPH: Thank you,  
22 Mr. Speaker. I understand. I'm just trying to  
23 explain that. So as far as making sure that we re-  
24 ference it, part of the purpose is so that we can  
25 fully do our jobs. That's one. Because as a member

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1 of the sub-committee that addressed these  
2 congressional redistricting maps, we were cut off in  
3 questions. Our debate was limited. The comments  
4 from the public was limited. That does not comport  
5 to procedural nor substantive due process, which is  
6 what this whole thing is supposed to be about. We  
7 are not giving the public a reasonable opportunity  
8 to participate. We're not giving people --

9 MR. SPEAKER: Representative Joseph, would  
10 you like to debate on the propriety of the  
11 reference? That is not what you're doing. If you  
12 would like to confine your debate to the propriety  
13 of the reference, I'll recognize you. You're  
14 recognized.

15 REPRESENTATIVE JOSEPH: Thank you,  
16 Mr. Speaker. So for all of those reasons, I believe  
17 that it should be re-referenced to at least the  
18 first committee. But because there is also a \$1  
19 million appropriation that attaches to it, it should  
20 also, as is the practice, be assigned to an  
21 appropriations committee.

22 When we look at the information that was  
23 provided to us, as far as the impact, we don't have  
24 that. So for those reasons, I rise in support of  
25 the motion and ask that members would consider

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1 voting up, if not for us, then for the people of  
2 Florida to allow the public to have a reasonable  
3 opportunity to participate and to have our members  
4 have an opportunity to fully execute our duties and  
5 to fully vet what we're about to vote on. Thank  
6 you.

7 MR. SPEAKER: Is there additional debate?  
8 Is there additional debate?

9 Seeing none, members will now proceed to  
10 vote, please.

11 Representative Robinson, you're recognized  
12 in debate on the propriety of the reference.

13 REPRESENTATIVE ROBINSON: Thank you,  
14 Mr. Speaker. And I just wanted to be on record  
15 saying I truly agree that we should, I mean, just  
16 follow the process. We come up here, and we have  
17 all these different pieces of legislations that we  
18 file and then -- now, I'm a freshman member, but it  
19 appears that we pick and choose which one of the  
20 pieces of legislation is going to actually follow  
21 the full process.

22 I believe that this is something that's  
23 hugely -- that's going to affect all Floridians, and  
24 it should go through appropriations. Besides, they  
25 have a million dollars on it. And yes, it should go

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1 to the full redistricting committee. Everyone  
2 should be able to voice their opinion and really  
3 truly vet this particular piece of legislation. So  
4 I hope that all of my colleagues truly would. Let's  
5 just follow the process. It's the process we do for  
6 everything else. Let's not change on this  
7 particular piece of legislation.

8 MR. SPEAKER: Any additional debate,  
9 members? Any additional debate?

10 Seeing none, all in favor of adoption of  
11 Representative Geller's motion say yea.

12 (Multiple yeas)

13 MR. SPEAKER: All opposed, no.

14 (Multiple nos)

15 MR. SPEAKER: Show the motion fails.

16 Are there matters on reconsideration?

17 THE CLERK: None on the desk, Mr. Speaker.

18 MR. SPEAKER: Are there bills on joint  
19 resolutions on third reading?

20 THE CLERK: None on the desk, Mr. Speaker.

21 MR. SPEAKER: Are there bills on the  
22 special order calendar?

23 THE CLERK: On the desk, Mr. Speaker.

24 MR. SPEAKER: Read the first bill.

25 THE CLERK: By Representative Leek, House

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1 Bill 1C, a bill to be entitled, an act establishing  
2 the congressional districts of the state.

3 MR. SPEAKER: Before we get there,  
4 Representative Leek, I forgot to mention today is  
5 Representative Fine's birthday.

6 Happy birthday, Representative Fine.

7 I'd ask everybody to be nice to  
8 Representative Fine today, but let's be honest,  
9 that's not going to happen.

10 MR. SPEAKER: Representative Leek, you're  
11 recognized.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 Members, today we will be presenting Map  
15 P000C0109. This is the map reflected in the data  
16 packet in front of you as well as being posted on  
17 the Florida redistricting.gov website. This  
18 congressional map is an improvement upon the  
19 benchmark map with regard to Tier 2 metrics.

20 This map improves county splits by keeping  
21 50 counties whole as opposed to the 49 from last  
22 decade. It allows 396 cities to remain whole as  
23 opposed to 373 in the benchmark map, and it improves  
24 upon all three mathematical measures of compactness  
25 with respective scores of 0.47 for REOC, 0.81 for

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1 the convex hull, and 0.43 for Polsby-Popper.

2 This map also satisfies the appropriate  
3 population deviation at plus or minus a single  
4 person. As you may be aware, there are 10 districts  
5 in this map that are the exact copies of districts  
6 that the Legislature passed during regular session.  
7 Those are Congressional Districts 1, 2, 20, 21, 22,  
8 23, 24, 25, 27, and 28. You can see those here on  
9 the screen. The remaining 18 districts have been  
10 newly proposed by the Governor's office and consist  
11 of the Congressional Districts 3 through 19 and 26  
12 as now seen on the screen.

13 Given that these 18 districts are the new  
14 content for this body to review, I would like to  
15 focus the majority of my presentation today on those  
16 districts. I am more than happy to take questions  
17 on the Legislature's districts as well, but I don't  
18 want to belabor the explanation of districts that  
19 we've already extensively reviewed.

20 Districts 4 and 5. Let's begin in  
21 Northeast Florida with Districts 4 and 5. As  
22 described yesterday in committee by the Governor's  
23 map drawer, Plan P000C0109 creates two new districts  
24 in Northeast Florida, consistent with maps  
25 previously proposed by the Governor's office. These

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1 two districts are race neutral and overall more  
2 compact than the configuration of Districts 4 or 5  
3 that were previously passed by the Legislature.

4 The boundary lines between the two  
5 districts are mostly the St. Johns River. As you  
6 know, Jacksonville is the one city in the state that  
7 is larger than a congressional district. It has  
8 over 900,000 people and must be split. And the  
9 river, which nearly equally divides the city, stands  
10 out as a recognizable boundary for these two  
11 districts. The southern boundaries of Districts 4  
12 and 5 are still exactly as the Legislature proposed  
13 them, previously using the Clay Putnam County lines,  
14 and where the split occurs within St. John's County  
15 is the same.

16 District 6 through 16 and 18. The next  
17 several slides visualized changes the central  
18 Florida region and on the west coast from Citrus  
19 County down to Lake County. As described yesterday  
20 in committee by the Governor's map drawer, looking  
21 holistically at the region in keeping Brevard,  
22 Osceola, and Polk Counties all whole, as was the  
23 case of the legislatively passed maps, in effect  
24 creates a wall across three quarters in the state.  
25 Breaking that wall in Polk County essentially gives

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1 more flexibility and considering the different  
2 options for creating more compact districts and more  
3 adherence to political and geographical boundary  
4 lines in those northwestern Gulf counties of the  
5 state. So in effect, splitting Polk County allowed  
6 for additional considerations. For example, one  
7 Tier 2 improvement that was made by splitting Polk  
8 County was being able to keep Citrus and Sarasota  
9 Counties whole.

10 District 9 was improved by smoothing its  
11 visual and mathematical compactness, including  
12 picking up portions of Poinciana, and Polk, and  
13 Osceola counties, including the lake that  
14 essentially represents that piece of Polk County  
15 that, otherwise, sticks into Osceola County.  
16 District 9 also extends out slightly at the  
17 northwest Osceola border utilizing Highway 27 Ronald  
18 Reagan Parkway. This helps with statistical and  
19 visual compactness of several districts in the  
20 region.

21 These changes also helped create a visually  
22 more compact District 11 by essentially turning the  
23 wheel of the population. District 11 shifts from  
24 the angle shape present in the previous legislative  
25 version to a more circular shape, and in

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1 combination, by reshaping Districts 7, 10, 11, and  
2 12 allowed for a one less county split in Marion  
3 County from three splits down to two splits within  
4 the county.

5 District 6 through 11. The next slide  
6 shows changes in district 6 through 11 found in the  
7 Greater Orlando region. As described yesterday in  
8 committee by the Governor's map drawer, these  
9 changes return to House concepts found in Plan 8011  
10 and also follow more closely with Senate concepts in  
11 regards to CD 8.

12 For CD 8, instead of taking the district  
13 into southern Volusia County to get the last bit of  
14 population, District 8 instead goes into Eastern  
15 County. This means this proposed plan only splits  
16 Volusia County twice rather than three times. This  
17 brings the configuration of District 7 down to the  
18 Volusia Brevard County line without increasing the  
19 number of districts in Orange County.

20 Essentially, there was a turning of the  
21 population wheel in order to not have any negative  
22 impact around Orange County while also decreasing  
23 the amount of splits in Volusia County.

24 District 10 in this plan is similar to Plan  
25 8011 that passed the Congressional redistricting

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1 subcommittee and is very compact, keeping several  
2 cities whole within either Districts 9, 10, or 11.  
3 The City of Maitland is kept whole in District 10,  
4 and the cities of Apopka and Winter Garden are kept  
5 whole in District 11.

6 The boundaries between these districts are  
7 very much defined by keeping the aforementioned  
8 cities whole, utilizing county boundaries. For  
9 example, District 10 uses a seminal Orange County  
10 line or utilizes major well-recognized roadways and  
11 waterways except where necessary to get equal  
12 population. The western boundary of District 10  
13 between Districts 10 and 11 is largely the Apopka  
14 Vineland Road.

15 The borders between District 6 and 11 in  
16 the Lake County area is mostly defined by city  
17 boundaries and waterways with Lady Lake, Eustis,  
18 Mount Dora entirely in District 6, and Fruitland  
19 Park, Leesburg, and Tavares entirely in District 11.

20 Moving now over to the west coasts in  
21 Districts 11 through 17. As described yesterday in  
22 committee by the Governor's map drawer,  
23 Congressional District 12 now includes all of Citrus  
24 and Hernando Counties, which helps provide a much  
25 more squared up shape, improving visual compactness.

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1 District 12 is actually still the majority  
2 of Pasco County, yielding about 141,000 Pasco County  
3 residents in District 15. The boundaries between  
4 Districts 12 and 15 are almost entirely defined by  
5 state roads and municipal boundary lines.

6 Zephyrhills is entirely included in District 15 and  
7 St. Leo, San Antonio, and Dade City are entirely  
8 within District 12.

9 District 13 is wholly within Pinellas  
10 County. Starting in the western part of the county  
11 and working east, Districts 13 and 14 largely  
12 utilize US 19 as a divider within Pinellas County  
13 except where equal population is achieved in the  
14 unincorporated Feather Sound area just north of St.  
15 Pete.

16 District 14 starts eastward and moves  
17 northward in Tampa Bay. The boundaries of the  
18 district are defined by clear recognizable  
19 boundaries like major roadways while trying to  
20 maintain something of a square or rectangular shape  
21 for District 13 to keep it visually and  
22 mathematically compact. The linkage of districts in  
23 this area are predominantly along roadways including  
24 in the northern portion of Districts 14 and 15.

25 Similarly, District 12 and Pasco County

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1 uses a large portion of the Suncoast Parkway squared  
2 off at a county road that essentially takes the  
3 Suncoast Parkway south before heading east over to  
4 the municipality of Temple Terrace. Temple Terrace  
5 is kept whole within District 15.

6 Districts 16 and 17 keep both Manatee and  
7 Sarasota County's whole. District 16 uses State  
8 Road 62 as a clear divider. That is also utilized  
9 in Polk County where Districts 15 and 18 come  
10 together. This also allows Plant City to be kept  
11 whole in District 15. And despite going into three  
12 counties, approximately two-thirds of district 15 is  
13 populated by Hillsborough County residents.

14 Largely, due to the Tier 2 decision of  
15 keeping Sarasota County whole and creating District  
16 17 with all of Sarasota, all of Charlotte and  
17 unincorporated portions of Lake Counties, the newly  
18 composed District 17 required moving the entirety of  
19 Hendry County in District 18 and then finding  
20 approximately 4,500 residents elsewhere. This plan  
21 equalizes the population of District 18 and Collier  
22 County, which was already split once.

23 District 18 extends along State Road 82  
24 down State Road 29 North, and then east along County  
25 Road 46 to get those additional 3500 residents of

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1 District 18 to balance out the population.

2 District 26 had to further extend the  
3 western boundaries closer towards unincorporated  
4 East Naples, utilizing roadways and waterways as  
5 boundaries between 26 and 19 in order to balance the  
6 population between all of these cities. Even though  
7 Polk County is now split in this map, District 18 --  
8 it's actually, about two-thirds of the residents are  
9 from Polk and one-third from six rural counties.

10 Additionally, this bill appropriates \$1  
11 million to the Department of State for expenses  
12 related to litigation of the congressional map.  
13 This bill also includes language relating to state  
14 courts. It requires any state court challenge to  
15 the congressional map to be filed in Leon County.  
16 It requires all challenges based on state law to be  
17 filed in state court rather than in federal court.

18 Under the 11th Amendment to the United  
19 States Constitution, the State is immune from suit  
20 and federal court on state law grounds. This  
21 provision reaffirms the State's immunity under the  
22 11th Amendment and makes clear that the State does  
23 not waive that immunity. This provision also  
24 permits any state court challenge to raise both  
25 state law claims and to the extent the Circuit Court

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1 has jurisdiction federal law claims. And finally,  
2 it makes it explicit that nothing in the bill  
3 precludes federal courts from deciding challenges  
4 based on federal law.

5 Mr. Speaker, that is the bill.

6 MR. SPEAKER: Members, we are now in  
7 questions on the bill. Questions on the bill.

8 Representative Willhite, you're recognized.

9 REPRESENTATIVE WILLHITE: Thank you,  
10 Mr. Speaker. Would you recognize Representative  
11 Geller?

12 MR. SPEAKER: Representative Geller? You're  
13 recognized.

14 REPRESENTATIVE GELLER: Thank you,  
15 Mr. Speaker, and thank you for recognizing the  
16 motion before. I appreciate that.

17 Chair Leek, how are you this morning? I  
18 have a number of questions, Chair. Let me ask you.  
19 I understand this is not really necessarily for you  
20 to answer, but do you know why we're not going  
21 through the full committee?

22 MR. SPEAKER: Representative Geller, I  
23 think you answered your own question by saying it's  
24 probably not appropriate to ask. You're recognized.

25 REPRESENTATIVE GELLER: Thank you,

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1 Mr. Speaker.

2 Chair, who drew this map?

3 MR. SPEAKER: Chairman Leek, you're  
4 recognized.

5 REPRESENTATIVE LEEK: The Governor's  
6 office.

7 MR. SPEAKER: Representative Geller, you're  
8 recognized.

9 REPRESENTATIVE GELLER: Thank you,  
10 Mr. Speaker.

11 And who specifically?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Yesterday, in  
14 committee, Mr. Alex Kelly said that he drew the map.

15 MR. SPEAKER: Representative Geller.

16 REPRESENTATIVE GELLER: Do you know with  
17 whom Mr. Kelly consulted in the drawing of the map?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you.

20 Yesterday, Mr. Kelly said that he was the  
21 only one who drew this map. I can't tell you who,  
22 you know -- and let's talk about this generally.  
23 You know, just like we couldn't speak to the Senate  
24 process, I can't speak to the Governor's entire  
25 process. I can only tell you what Mr. Kelly said.

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1 MR. SPEAKER: Representative Geller.

2 REPRESENTATIVE GELLER: Thank you,

3 Mr. Speaker.

4 Did he acknowledge having consulted with  
5 some out-of-state consultants who worked with other  
6 states in map drawing?

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,

9 Mr. Speaker. Yes.

10 MR. SPEAKER: Representative Geller.

11 REPRESENTATIVE GELLER: Did he identify who  
12 those people were?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Yes.

15 MR. SPEAKER: I think we know the next  
16 question. Representative Geller.

17 REPRESENTATIVE GELLER: Thank you,

18 Mr. Speaker. And I think I forgot my "Thank you,  
19 Mr. Speaker" on the previous questions. So thank  
20 you for both.

21 And who did he identify those people as  
22 being by name, sir?

23 MR. SPEAKER: Representative Leek.

24 REPRESENTATIVE LEEK: Thank you,

25 Mr. Speaker.

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1 I believe his name was Adam Foltz, who he  
2 also explained had only ever drawn for state  
3 governments.

4 MR. SPEAKER: Representative Geller.

5 REPRESENTATIVE GELLER: Do we have any  
6 information that would lead us to know one way or  
7 another whether or not, in that consultation or in  
8 that drawing, our constitutional standards that the  
9 map could not be drawn for the purposes of  
10 protecting any incumbent or advancing the interests  
11 of any political party were in fact observed?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 I'll do the best I can with the question.  
16 I'm not sure I entirely understand. The evidence  
17 that you have is before you in this map and in the  
18 testimony that Mr. Kelly gave in committee.

19 MR. SPEAKER: Representative Geller.

20 REPRESENTATIVE GELLER: Thank you,  
21 Mr. Speaker.

22 Well, of course, Chair Leek, I actually  
23 don't have before me the testimony from the  
24 subcommittee. I'm not a member. That's why I'm  
25 asking you whether or not there was something

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1 presented, since it was your bill, and you were  
2 present.

3 MR. SPEAKER: Representative Leek.

4 REPRESENTATIVE LEEK: This was presented.  
5 The testimony was presented. There is no testimony  
6 that would make me conclude that what you're  
7 suggesting happened.

8 MR. SPEAKER: Representative Geller.

9 REPRESENTATIVE GELLER: Thank you,  
10 Mr. Speaker.

11 Looking at the map itself, what infirmity  
12 in previous maps past led us to decide that changes  
13 were necessary in Tampa Bay?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 I don't believe that's in the map before  
18 you. So what we're going through today is the map  
19 that's before you, not prior maps.

20 MR. SPEAKER: Representative Geller.

21 REPRESENTATIVE GELLER: Thank you,  
22 Mr. Speaker.

23 But my question is: we had a map that we  
24 deemed constitutional -- well, I did not, but the  
25 Chamber apparently deemed it constitutional. As to

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1 the Tampa Bay area, what required a change there?

2 MR. SPEAKER: Representative Leek.

3 REPRESENTATIVE LEEK: Thank you,  
4 Mr. Speaker.

5 I don't know that anything required a  
6 change. And as we have said many, many times  
7 before, that there are innumerable number of maps  
8 that can be illegally compliant. So this map is  
9 simply different than the map that you saw before.

10 MR. SPEAKER: Representative Geller.

11 REPRESENTATIVE GELLER: Thank you,  
12 Mr. Speaker.

13 Is there a theory at play here that since  
14 two is twice the number of one, that Tier 2  
15 standards have become twice as important as Tier 1  
16 standards?

17 MR. SPEAKER: Representative Leek.

18 REPRESENTATIVE LEEK: Thank you,  
19 Mr. Speaker.

20 No.

21 MR. SPEAKER: Representative Geller.

22 REPRESENTATIVE GELLER: Why then do we  
23 constantly hear about Tier 2 standards as if  
24 compactness or political boundaries mattered most  
25 when we're flagrantly ignoring the requirement of

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1 protecting minority districts and going against  
2 explicit language?

3 MR. SPEAKER: Representative Geller --  
4 Representative Geller, we're getting to your --  
5 sounds like your debate for tomorrow. Do you have a  
6 specific question about as it relates to aspects of  
7 this map? You're recognized.

8 REPRESENTATIVE GELLER: Thank you,  
9 Mr. Speaker.

10 Why are we not emphasizing the Tier 1  
11 standards and seem to be ignoring them in favour of  
12 Tier 2 standards?

13 MR. SPEAKER: I think it's going to be  
14 difficult for Chairman Leek to answer that question,  
15 Representative Geller. Can you point to a specific  
16 part of the map that you're referencing?

17 REPRESENTATIVE GELLER: I'm done,  
18 Mr. Speaker. Thank you very much.

19 MR. SPEAKER: Additional questions?  
20 Representative Willhite.

21 REPRESENTATIVE WILLHITE: Thank you,  
22 Mr. Speaker. Would you recognize Representative  
23 Driskell?

24 MR. SPEAKER: Representative Driskell,  
25 you're recognized.

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1 REPRESENTATIVE DRISKELL: Thank you,  
2 Mr. Speaker.

3 Good morning, Chair Leek. I had some  
4 questions about Tampa Bay. So I was curious we  
5 talked about it a little bit in committee yesterday,  
6 but weren't really able to get into the details with  
7 the time limits. But it looks like what we have in  
8 this map actually follows a similar strategy that  
9 was used about a decade ago that was -- resulted in  
10 the maps being struck down in Tampa Bay, that the  
11 Court determined it was a partisan gerrymander.  
12 And I'm just looking at CD 14, and it looks like  
13 there are so many democrats packed in there that it  
14 could lead to the same partisan gerrymander. Could  
15 you explain for me how we have arisen to the CD 14  
16 that's now in the map before us today?

17 MR. SPEAKER: Representative Leek.

18 REPRESENTATIVE LEEK: Thank you,  
19 Mr. Speaker.

20 I can't speak to the Governor's map  
21 drawer's process. What I can tell you is the facts  
22 that were, you know, unique to the case that  
23 occurred many years ago are just that, unique to  
24 that case. This map stands on its own.

25 MR. SPEAKER: Representative Driskell.

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1 REPRESENTATIVE DRISKELL: Thank you,  
2 Mr. Speaker.

3 I also wanted to try to understand because  
4 in the intro to the presentation, we heard that the  
5 -- I thought we heard that the county splits were  
6 made better. But as best I can tell, looking at  
7 8060 and 8019, it's the same number of county  
8 splits. So how is this an improvement?

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: By one less county  
11 split.

12 MR. SPEAKER: Representative Driskell.

13 REPRESENTATIVE DRISKELL: Thank you,  
14 Mr. Speaker.

15 And in terms of cities in the area of Tampa  
16 Bay, your map adds or creates a new city split in  
17 St. Pete and Lakeland but which were both kept hold  
18 in 8019. Can you explain how this is more Tier 2  
19 compliant?

20 MR. SPEAKER: Representative Leek.

21 REPRESENTATIVE LEEK: Thank you,  
22 Mr. Speaker. No. I can't speak to why the  
23 Governor's map drawer chose, you know, this road or  
24 that river over another road or another river. What  
25 I can tell you is that they are both equally Tier 2

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1 compliant.

2 MR. SPEAKER: Representative Driskell.

3 REPRESENTATIVE DRISKELL: Thank you,  
4 Mr. Speaker.

5 And given that the Legislature seems to be  
6 following the Governor's direction at this, from  
7 what I understood from the Governor, his only  
8 complaints were about Northeast Florida, really  
9 about CD 5 and maybe CD 4. That being the case, why  
10 are we making adjustments to CD 14 and CD 15 in  
11 Tampa Bay?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 Again, not speaking to the Governor's  
16 process but I don't think that's a fair premise.  
17 You know, if you looked back at the various maps  
18 that have come through, they have changed over and  
19 over and over again. And it is still true that you  
20 cannot change one line without changing most lines.  
21 And so in this instance, we were -- the Governor was  
22 able to pick up ten of our districts that we had  
23 drafted. So I don't think that it's fair to say  
24 that the Governor's premise was only on CD 5 in the  
25 northeast area. I think that what this map

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1 represents is an entire improvement on the map.

2 MR. SPEAKER: Representative Driskell.

3 REPRESENTATIVE DRISKELL: Thank you,  
4 Mr. Speaker.

5 So I noticed that here there's a lot of  
6 talk about following county lines and trying to  
7 minimize county splits, but how is following county  
8 lines not just a pretext for partisan gerrymandering  
9 here? 8019 splits pretty much just as many counties  
10 as your map. So if 8060 were adapted to make CD 5  
11 just in Duvall, it would actually split two fewer  
12 counties than your map. So how is what we're seeing  
13 today by following county lines not really just a  
14 pretext for the partisan gerrymandering, as we see  
15 that the map that the Governor has presented results  
16 in a significant Republican advantage over the  
17 benchmark maps?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,  
20 Mr. Speaker.

21 As is the case with the prior maps, I'm not  
22 -- we haven't done a performance analysis to know  
23 those types of things. Maybe you guys have, but we  
24 have not, so I can't speak to the partisan  
25 performance of it.

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1 MR. SPEAKER: Representative Willhite.  
2 Representative Brown, you're recognized.

3 REPRESENTATIVE BROWN: Thank you,  
4 Mr. Speaker.

5 We heard yesterday there was a compromise  
6 by -- that this was a compromising product. Can you  
7 speak to that compromise? What were some of the  
8 compromises?

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 I want to make one thing clear. Governor's  
13 office drew the map. Our folks did not draw the  
14 map. It is apparent that the Governor's office drew  
15 a map that was informed by the prior maps that we  
16 have driven. You can see that because of the 10  
17 exactly identical districts that we had in our prior  
18 maps. I believe that that's what the Governor's  
19 office meant by compromise.

20 MR. SPEAKER: Representative Willhite.

21 REPRESENTATIVE WILLHITE: Thank you,  
22 Mr. Speaker.

23 Do you recognize Representative Davis?

24 MR. SPEAKER: Representative Davis, you're  
25 recognized.

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1 REPRESENTATIVE DAVIS: Thank you,  
2 Mr. Speaker.

3 Representative, will either District 4 or 5  
4 perform for black candidates of choice?

5 MR. SPEAKER: Representative Leek.

6 REPRESENTATIVE LEEK: Thank you,  
7 Mr. Speaker.

8 No.

9 MR. SPEAKER: Representative Davis.

10 REPRESENTATIVE DAVIS: Thank you,  
11 Mr. Speaker.

12 Has any analysis been done to prove yes or  
13 no?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 Yes. Recall on the prior maps that we did  
18 a functional analysis on CD 5.

19 MR. SPEAKER: Representative Davis.

20 REPRESENTATIVE DAVIS: Thank you,  
21 Mr. Speaker.

22 So no analysis, again, just for clarity,  
23 has been performed on these maps -- on this map?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

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1 Mr. Speaker.

2 Yes. On CD 4, our staff did a functional  
3 analysis and confirmed that it does not perform.

4 MR. SPEAKER: Representative Davis.

5 REPRESENTATIVE DAVIS: Thank you,  
6 Mr. Speaker.

7 In terms of compactness, have you looked at  
8 whether the Governor's version or the version where  
9 Districts 4 and 5 stack up on top of each other with  
10 the line going straight through Duvall, and would it  
11 be better on compactness?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 I'm not sure I understand that question.  
16 Can you rephrase it?

17 MR. SPEAKER: Representative Davis.

18 REPRESENTATIVE DAVIS: I would. And  
19 looking at the Governor's versions of the map, the  
20 version where CD 4 and CD 5 are stacked on top of  
21 each other with the line going straight through,  
22 would it be a difference if we reconfigured that for  
23 compactness?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

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1 Mr. Speaker.

2 We can't do that hypothetically, so we  
3 would have to see an exact configuration. Remember,  
4 each district will result in a unique compactness  
5 score.

6 MR. SPEAKER: Representative Davis.

7 REPRESENTATIVE DAVIS: Thank you,  
8 Mr. Speaker. I think this is my last question for  
9 now.

10 When we were -- when we charged the  
11 Governor's office with the ability to draw these  
12 constitutional maps using the constitutional  
13 criteria, do you have any idea of the hierarchy,  
14 because these are the Governor's maps, with the  
15 geographic boundaries? For example, did we say that  
16 it was more important to follow the major roads and  
17 highways as boundaries?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,  
20 Mr. Speaker.

21 I don't want to give the indication that  
22 I'm accepting your premise, but I can tell you what  
23 they told us yesterday in committee about the  
24 hierarchy. And they said they came in more in  
25 alliance with -- alignment with the House and

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1 Senate's use of Tier 2 criteria than they had  
2 previously.

3 MR. SPEAKER: Representative Davis.

4 REPRESENTATIVE DAVIS: Thank you,  
5 Mr. Speaker. And last question.

6 Because the Governor drew -- Governor's  
7 office drew these maps, were these maps ever  
8 presented to you or your team prior to being here  
9 today or prior to being in the committee room  
10 yesterday?

11 MR. SPEAKER: Representative Leek.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 Yes. I believe, as has been indicated, I  
15 got a preview of the maps, the map that you are  
16 seeing today, the Governor's office explained those  
17 maps to me, to Chair Seroy (phonetic), and to Ms.  
18 Kelly. I think the Senate has also indicated that  
19 that same week, they got the same briefing on those  
20 maps, but it is the map that you see today without  
21 changes.

22 MR. SPEAKER: Representative Willhite.

23 REPRESENTATIVE WILLHITE: Thank you,  
24 Mr. Speaker. Would you recognize Representative  
25 Williams?

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1 MR. SPEAKER: Representative Williams,  
2 you're recognized.

3 REPRESENTATIVE WILLIAMS: Thank you,  
4 Mr. Speaker.

5 Chair Leek, when you spoke of the Tiers,  
6 you said we're using Tier 2 now instead of Tier 1.  
7 Could you tell why are we choosing to go to Tier 2  
8 instead of Tier 1?

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 No. I did not say that.

13 MR. SPEAKER: Representative Williams.

14 REPRESENTATIVE WILLIAMS: Are we using Tier  
15 2 now instead of Tier 1?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you,  
18 Mr. Speaker.

19 No.

20 MR. SPEAKER: Representative Williams.

21 REPRESENTATIVE WILLIAMS: You spoke of  
22 unique compacts in each one of these districts. Can  
23 you tell me why?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

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1 Mr. Speaker.

2 Very simply, with the redrawing of any  
3 district, it would likely result in a different  
4 compactness score based on whichever test you use.

5 MR. SPEAKER: Representative Williams.

6 REPRESENTATIVE WILLIAMS: The difference  
7 are -- what was the difference? I'm sorry, I didn't  
8 understand.

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 When you change the shape in any way of a  
13 district, it can result in a different compactness  
14 score. So any variation in a district may result in  
15 a different compactness score. I hope that answers  
16 your question.

17 MR. SPEAKER: Representative Williams.

18 REPRESENTATIVE WILLIAMS: Was it taken into  
19 consideration that we would be eliminating a seat  
20 that would usually be held by a black candidate?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you,  
23 Mr. Speaker.

24 Was what taken into consideration and what?

25 MR. SPEAKER: Representative Williams.

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1 REPRESENTATIVE WILLIAMS: When the decision  
2 was made to use Tier 2 instead of Tier 1 and/or the  
3 uniqueness of the compact in each one of the  
4 districts.

5 MR. SPEAKER: Representative Leek.

6 REPRESENTATIVE LEEK: Thank you,  
7 Mr. Speaker.

8 Those things aren't related.

9 MR. SPEAKER: Representative Williams?  
10 Okay.

11 Representative Willhite.

12 REPRESENTATIVE WILLHITE: Thank you,  
13 Mr. Speaker. Do you recognize Representative  
14 Joseph?

15 MR. SPEAKER: Representative Joseph, you're  
16 recognized.

17 REPRESENTATIVE JOSEPH: Thank you,  
18 Mr. Speaker.

19 Chair Leek, the Latino Policy and Politics  
20 Initiative at UCLA released a report analyzing  
21 Latino voting patterns in South Florida,  
22 specifically regarding redistricting. Are you  
23 familiar with that report?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

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1 Mr. Speaker.

2 No. I am not.

3 MR. SPEAKER: Representative Joseph.

4 REPRESENTATIVE JOSEPH: Would you happen to  
5 know if the Governor's office is familiar with that  
6 report?

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,  
9 Mr. Speaker.

10 No. I do not.

11 MR. SPEAKER: Representative Joseph.

12 REPRESENTATIVE JOSEPH: Thank you,  
13 Mr. Speaker.

14 So the report finds that a separate --  
15 there are separate and distinct Latino voting blocks  
16 in South Florida and throughout Florida that vary by  
17 geography and ethnicity, and that it clearly shows  
18 that Latino voters do not vote in the same way in  
19 South Florida. Continuing to draw the lines based  
20 on that faulty assumption denies all Latino voters  
21 the ability to elect candidates of their choice --

22 MR. SPEAKER: Representative Joseph, do you  
23 have a question about the map? You're recognized.

24 REPRESENTATIVE JOSEPH: Thank you, Mr.  
25 Speaker. Yeah, it's coming. That's the next thing.

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1           So right now, I want to draw your attention  
2   to the maps that we have before us, specifically as  
3   regards to CD 26, which I asked a little bit about  
4   in committee yesterday. In committee, the  
5   Governor's office testified that part of their  
6   rationale in drawing that particular district, CD  
7   26, was because they wanted to maintain Hispanic  
8   voters there, and he had to go around and get  
9   different population.

10           My question for you is, do you know -- so  
11   knowing what I just said about the Latino report  
12   that came out of the Latino Policy and Politics  
13   Initiative at UCLA and the denial of Latino voters  
14   of their voting rights, looking at CD 26, what would  
15   you say would be the impact of that, had the  
16   Governor's office had that information? Would we  
17   have adjusted the map, or would we just leave it the  
18   way it is?

19           MR. SPEAKER: Representative Joseph, I  
20   think you're asking Representative Leek to comment  
21   on the veracity of a report he's already said he  
22   hasn't read. So do you have a question about that  
23   specific district? You're recognized.

24           REPRESENTATIVE JOSEPH: Thank you, Mr.  
25   Speaker.

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1 I'm not asking for about the veracity of  
2 the report.

3 Just knowing that you should not lump all  
4 Latino voters together, which is the point of the  
5 report, so forget the report for a second. But if  
6 we're accepting the premise that not all Latino  
7 voters, whether they're coming from Cuba, other  
8 parts of Central and South America, they may not  
9 vote the same way. Would it be appropriate to lump  
10 them all into one congressional district such as CD  
11 26, which is before us?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 I'll try. I think your premise is  
16 accepting the veracity of the report, which I have  
17 not read. And I think your question is asking the  
18 hypothetical, what would someone else have done with  
19 that information, which I cannot answer.

20 MR. SPEAKER: Representative Joseph.

21 REPRESENTATIVE JOSEPH: Mr. Speaker, let me  
22 try to ask it a different way.

23 Would you acknowledge that not all Hispanic  
24 voters vote consistently Republican or consistently  
25 Democrat in the state of Florida?

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1 MR. SPEAKER: Representative Leek.

2 REPRESENTATIVE LEEK: Thank you,  
3 Mr. Speaker.

4 If you're asking me to get to the legal  
5 conclusion about cohesion, I can't get there with  
6 you, right. If you're asking me whether people vote  
7 differently and race is not necessarily a  
8 determinant on how they vote, I would agree with  
9 that.

10 MR. SPEAKER: Representative Joseph.

11 REPRESENTATIVE JOSEPH: Thank you.

12 Yes. I was looking for the second answer  
13 to the second question, not the first. Not looking  
14 for a legal conclusion. Now, in terms of -- our  
15 counsel, the House counsel, it's my understanding,  
16 asked the Florida Supreme Court to overturn the  
17 requirement that minority groups be politically  
18 cohesive in order to be protected from diminishment.  
19 And it's my understanding that the Supreme Court  
20 declined to accept the House lawyer's invitation to  
21 overturn that precedent. Is that correct? Did I  
22 understand that correctly?

23 MR. SPEAKER: Representative Leek.

24 REPRESENTATIVE LEEK: Thank you,  
25 Mr. Speaker.

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1 I think you're talking about the Governor's  
2 request for an advisory opinion in which the House  
3 joined. And yes. The Supreme Court declined to  
4 give an advisory opinion.

5 MR. SPEAKER: Representative Joseph.

6 REPRESENTATIVE JOSEPH: Thank you.

7 So going back to CD 26, let's focus on the  
8 Tier 2 analysis and some of the drawbacks that we  
9 see it because we identified some drawbacks in the  
10 prior maps that the House had drawn for CD 26, which  
11 we addressed in committee, and I think staff made an  
12 attempt to address. But now, in the Governor's map,  
13 we still have some Tier 2 deficiencies. So looking  
14 at the map, I see that there is an additional split  
15 of Collier, and it cuts the Immokalee community in  
16 half following local streets like County Road 846,  
17 which isn't our geographic boundaries database.

18 So considering those infirmities with the  
19 current map that we have as it relates to CD 26,  
20 have you or anybody concluded that those Tier 2  
21 drawbacks are necessary to maintain Tier 1  
22 compliance to keep that Hispanic voting group  
23 together?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

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1 Mr. Speaker.

2 Again, I can't tell you what the map drawer  
3 was thinking when he chose this particular Tier 2  
4 criteria over that particular Tier 2 criteria. I  
5 can tell you a review of the map shows that it is --  
6 this map is equally Tier 2 compliant.

7 MR. SPEAKER: Representative Joseph.

8 REPRESENTATIVE JOSEPH: Thank you,  
9 Mr. Speaker.

10 When you say it's equally Tier 2 compliant,  
11 tell me what analysis you're relying on to state  
12 that answer here today.

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 The review of the Governor's map by our  
17 staff.

18 MR. SPEAKER: Representative Joseph.

19 REPRESENTATIVE JOSEPH: Thank you,  
20 Mr. Speaker.

21 Because I just identified the deficiencies,  
22 and I don't see anything to make sure that they're  
23 equal because it looks like it's clearly deficient  
24 under Tier 2, not even Tier 1 criteria.

25 MR. SPEAKER: Representative Leek.

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1 REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3 I suspect the answer lies that we don't  
4 agree it's deficient.

5 MR. SPEAKER: Representative Joseph.

6 REPRESENTATIVE JOSEPH: Thank you,  
7 Mr. Speaker.

8 So Section 7 of the bill at lines 36  
9 through 27, and lines 36 through 47 limits venue for  
10 actions challenging federal congressional districts  
11 to state courts. Can you tell me what your  
12 rationale was for that limitation and restriction of  
13 venue?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker. Let me address the issue of venue  
17 globally, and then we can get into the specifics.  
18 You know, globally, the idea is that -- and first of  
19 all, it's not new, right. Most actions against the  
20 state have to come through Tallahassee. That is a  
21 prerogative in this case would be the Department of  
22 State that gets sued; that is the prerogative of the  
23 state to have that done. This specifies that.  
24 Also, we had a carve out, which we discussed  
25 yesterday, that says any federal issue can be

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1 brought in federal court.

2 MR. SPEAKER: Representative Joseph.

3 REPRESENTATIVE JOSEPH: Thank you,  
4 Mr. Speaker.

5 Well, any federal issue can always be  
6 brought in federal court. That's a matter for the  
7 supremacy clause. I guess my question for you is  
8 why specifically choose state courts as opposed to  
9 federal courts as the venue for federal  
10 congressional districts? And so that I ask -- maybe  
11 flesh out the question a little bit more, why not  
12 just leave it the way it is now? What's the impetus  
13 for having to even make that specific restriction?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 The rationale for having the venue clause  
18 is that all of the challenges should be brought  
19 within the same court. And we believe that court  
20 should be a state court as this is an act of the  
21 State. The rationale for having them want to be  
22 brought in the same state court is so you don't end  
23 up with disparate decisions by different judges  
24 across the state.

25 MR. SPEAKER: Representative Joseph.

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1 REPRESENTATIVE JOSEPH: I agree that it  
2 would be good to have one court manage most of those  
3 claims, but there are going to be times where  
4 specifically considering the fact that the  
5 Governor's basis for drawing these maps as he's  
6 espoused is to set up a challenge to the Voting  
7 Rights Act based on the 14th Amendment, which is a  
8 federal question. So knowing that, why not allow  
9 federal courts to address that federal  
10 constitutional issue as the primary basis? There's  
11 always supplemental jurisdiction, as you're aware.  
12 So why federal court as opposed to state court based  
13 on your rationale?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 This language would allow precisely what  
18 you're saying.

19 MR. SPEAKER: Representative Joseph.

20 REPRESENTATIVE JOSEPH: Thank you,  
21 Mr. Speaker.

22 Yesterday, the presenter from the  
23 Governor's office made reference to the  
24 Legislatures' preferred approach to Tier 2  
25 compliance, and I don't know where that came from.

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1 I don't remember specifically hearing that in  
2 committee, because in committee, we had talked about  
3 the prioritization of Tier 1 versus Tier 2, and I  
4 know staff had focused on Tier 2. So to the extent  
5 that there is some kind of policy decision that was  
6 made by the Congressional Redistricting Committee --  
7 the larger Congressional Redistricting Committee  
8 that I may not be aware of, can you espouse that for  
9 us today? Like, what is the basis for the  
10 preference of Tier 2 over Tier 1 to the extent it  
11 even is a preference?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 First of all, there is no preference for  
16 Tier 2 over Tier 1. What the Governor's office was  
17 talking about was whether to use communities of  
18 interest or what they call CDPs as opposed to Tier 2  
19 standards. We have decided in our process to use  
20 Tier 2 standards. And initially, I think the  
21 Governor's map relied more on communities of  
22 interest. And now, with the most recent map, they  
23 rely on Tier 2 standards.

24 MR. SPEAKER: Representative Joseph.

25 REPRESENTATIVE JOSEPH: Thank you,

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1 Mr. Speaker.

2 And thank you for the response. There's a  
3 million-dollar allocation attached to this  
4 particular item which was not in the maps we  
5 previously considered. Can you tell me how that  
6 million dollars was calculated? What's the basis  
7 for that?

8 MR. SPEAKER: Representative Leek.

9 REPRESENTATIVE LEEK: Thank you,  
10 Mr. Speaker.

11 The million dollars is -- well, first of  
12 all, the state was always going to have to pay for  
13 the litigation regardless of whether we put it in  
14 this bill or not. The million dollars is a rough  
15 estimate of what it would cost for this litigation.

16 MR. SPEAKER: Representative Joseph.

17 REPRESENTATIVE JOSEPH: Thank you.

18 In light of those anticipated litigation  
19 costs, I guess I'm just wondering how that rough  
20 estimate came about. You know, you and I both serve  
21 as counsel for various government entities, and  
22 sometimes we get a quote from outside counsel. Is  
23 it based on particular billable hours? Like, what  
24 is the basis for that estimate?

25 MR. SPEAKER: Representative Leek.

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1 REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3 I don't have the formula that was used, but  
4 that's what the folks tell us.

5 MR. SPEAKER: Representative Joseph

6 REPRESENTATIVE JOSEPH: All right. Last  
7 question on that point. It didn't go through  
8 appropriations committee, so how are we coming at a  
9 million? Like, why couldn't it be 500 -- and I'm  
10 not trying to be facetious. I'm really just trying  
11 to get a gauge as to how that number popped up. And  
12 if there is no answer --

13 MR. SPEAKER: Representative Joseph, I  
14 think it's asked and answered. Do you have an  
15 additional question?

16 All right. Representative Willhite.

17 REPRESENTATIVE WILLHITE: Thank you,  
18 Mr. Speaker. Do you recognize Representative  
19 Alexander?

20 MR. SPEAKER: Representative Alexander,  
21 you're recognized.

22 REPRESENTATIVE ALEXANDER: Thank you,  
23 Mr. Speaker.

24 And thank you, Chairman Leek. In the  
25 Governor's advisory opinion request to the Supreme

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1 Court on February 1st, he spoke specifically to  
2 geography as a justification for some of his  
3 concerns. Am I correct in understanding that the  
4 proposed CD 2 stretches 180 miles?

5 MR. SPEAKER: Representative Leek.

6 REPRESENTATIVE LEEK: Thank you,  
7 Mr. Speaker.

8 That's not one of the measures that we  
9 have. We don't measure that. So I can't answer  
10 your question.

11 MR. SPEAKER: Representative Alexander.

12 REPRESENTATIVE ALEXANDER: Thank you,  
13 Mr. Speaker.

14 Am I correct that the Governor is proposing  
15 this map that we're going to be voting on tomorrow?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you,  
18 Mr. Speaker.

19 Yes.

20 MR. SPEAKER: Representative Alexander.

21 REPRESENTATIVE ALEXANDER: Mr. Speaker.

22 So I'm speaking, Chairman Leek, to the  
23 advisory opinion, which I think sets the predicate  
24 and the premise for his proposed map. He spoke  
25 specifically to geography, to the existing CD 5. So

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1 I'm asking just for clarification in regards to the  
2 actual size based off mileage -- of miles for the  
3 proposed CD 2.

4 MR. SPEAKER: Representative Leek.

5 REPRESENTATIVE LEEK: Thank you,  
6 Mr. Speaker.

7 I'll do the best -- I cannot -- I believe I  
8 have heard the Governor say it's 180 miles. I  
9 haven't validated that number. I don't know if it's  
10 an estimate or how accurate it is.

11 MR. SPEAKER: Representative Alexander.

12 REPRESENTATIVE ALEXANDER: Thank you,  
13 Mr. Speaker.

14 And based off, I think, the information  
15 provided, I think you are correct. And I do believe  
16 the existing CD 5 expands around about 198 miles, so  
17 they're pretty similar. I'm going to continue on --  
18 in reference to the proposed map, would you suggest  
19 that it is a very unique situation in the 67  
20 counties in Florida, that a county would have a  
21 majority African American population?

22 MR. SPEAKER: Representative Leek.

23 REPRESENTATIVE LEEK: Thank you,  
24 Mr. Speaker.

25 I actually don't know the answer to that

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1 question.

2 MR. SPEAKER: Representative Alexander.

3 REPRESENTATIVE ALEXANDER: Thank you,  
4 Mr. Speaker.

5 I'll try to ask it in a different way. In  
6 regards to the proposed map, there is only one based  
7 off what is been presented to us, one county in the  
8 State of Florida that has a majority African  
9 American population, Gadsden County. Based off of  
10 that in the Tier 1 standard, does this proposed map  
11 diminish those citizens from electing a  
12 representative of their choice?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 And the diminishment question is one the  
17 Court's ultimately going to have to answer.  
18 However, I do not believe Gadsden County has  
19 population sufficient to constitute a congressional  
20 district without knowing for certain, but I don't  
21 believe they do.

22 MR. SPEAKER: Representative Alexander.

23 REPRESENTATIVE ALEXANDER: Thank you,  
24 Mr. Speaker.

25 And I recognize that aspect of it, Chairman

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1 Leek. But what I'm trying to get an understanding  
2 of is, the only majority county that is African  
3 American in the State of Florida, will they have the  
4 opportunity to elect the representative of their  
5 choice, based off the proposed map?

6 MR. SPEAKER: Representative Leek.

7 REPRESENTATIVE LEEK: Thank you,  
8 Mr. Speaker.

9 And I can't begin to speak to what the  
10 citizens of Gadsden County -- who they will vote  
11 for. I think somebody made the point earlier. You  
12 can't assume by race they will vote the same. I  
13 think that that's probably true. So I can't begin  
14 to tell you what those citizens would do, given the  
15 -- you know, the variations in candidates and the  
16 like. There's just no way I can tell you that.

17 MR. SPEAKER: Representative Alexander.

18 REPRESENTATIVE ALEXANDER: Thank you,  
19 Mr. Speaker.

20 And we won't get into that aspect of it.  
21 And I do believe that is appropriate. Let's just  
22 move on real quick so I can understand the proposed  
23 map, because the premise -- and I'm having this  
24 challenge here because on the state maps, we kept  
25 talking about minority protected districts. We kept

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1 talking about black protected districts. We're  
2 talking about Tier 1 standard, and poof, it just  
3 disappeared. And so I'm trying to wrap my mind  
4 around that to understand the core essence of this.  
5 And so based off of that methodology and that  
6 perspective, the proposed map will have how many  
7 minority access seats, since we've already  
8 established that there are minority access seats in  
9 the State of Florida?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,  
12 Mr. Speaker.

13 One, I have to dispute your premise. Tier  
14 1 is still a viable option in here. There are  
15 protected districts in here. It didn't disappear,  
16 right. But your specific question is: under the  
17 Governor's map, how many protected districts do we  
18 have? We have two black and three Hispanic  
19 protected districts.

20 MR. SPEAKER: Representative Alexander.

21 REPRESENTATIVE ALEXANDER: Thank you,  
22 Mr. Speaker. So there are two black protected  
23 districts, and so that was suggested. There is an  
24 underlying rationale that there are and there is a  
25 need to have those type of districts in the State of

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1 Florida; is that correct?

2 MR. SPEAKER: Representative Leek.

3 REPRESENTATIVE LEEK: Thank you,

4 Mr. Speaker.

5 Yes.

6 MR. SPEAKER: Representative Alexander.

7 REPRESENTATIVE ALEXANDER: Thank you,

8 Mr. Speaker.

9 I'm going to try to wrap it up. And so  
10 based off of that, let me get some clarification.  
11 We are now currently at four black protected  
12 districts. And so the Governor's proposed map will  
13 decrease it to two; is that correct?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,

16 Mr. Speaker.

17 Actually, we were at three in the House.  
18 Then the Governor's map has two.

19 MR. SPEAKER: Representative Alexander.

20 REPRESENTATIVE ALEXANDER: Thank you,

21 Mr. Speaker.

22 I'm talking about currently in the State of  
23 Florida, not in a proposal. I believe there are  
24 four, correct?

25 MR. SPEAKER: Representative Leek.

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1 REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3 Actually, no. There are only three current  
4 black protected districts.

5 MR. SPEAKER: Representative Alexander.

6 REPRESENTATIVE ALEXANDER: Thank you,  
7 Mr. Speaker.

8 For the record, can you tell me what those  
9 three are?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,  
12 Mr. Speaker.

13 In the benchmark map, it's 5, 20, and 24.

14 MR. SPEAKER: Representative Alexander.

15 REPRESENTATIVE ALEXANDER: Thank you,  
16 Mr. Speaker.

17 Can we speak to the rationale? And I'm  
18 almost done, Mr. Speaker. And thank you for your --  
19 for the graciousness in the back and forth. I have  
20 the utmost respect for Chairman Leek. What was the  
21 premise of having racial or minority access  
22 districts in the first place? Can you speak to  
23 that?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

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1 Mr. Speaker.

2 I want to be careful here because minority  
3 access district is not a phrase used in the law.  
4 It's commonly used by media. But I think the --  
5 that premise is echoed in the Tier 1 standards.

6 MR. SPEAKER: Representative Alexander.

7 REPRESENTATIVE ALEXANDER: Mr. Speaker.

8 And the Tier 1 standards are in the  
9 constitution, correct?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,  
12 Mr. Speaker.

13 They are in the Florida Constitution. They  
14 are not of the United States Constitution.

15 MR. SPEAKER: Representative Alexander.

16 REPRESENTATIVE ALEXANDER: Thank you,  
17 Mr. Speaker.

18 Are there any federal laws that speak to  
19 this type of representation as well, like civil  
20 rights act of anything?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you, Mr.  
23 Speaker.

24 I think you're referring to the Voting  
25 Rights Act. The Voting Rights Act does, and, of

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1 course, the 14th Amendment that doesn't allow you to  
2 discriminate on the basis of race.

3 MR. SPEAKER: Representative Alexander.

4 REPRESENTATIVE ALEXANDER: Thank you,  
5 Mr. Speaker.

6 And so, based off of that -- I'm trying to  
7 get clarification because I believe that history is  
8 important. And I appreciate the time. So during  
9 the period of reconstruction, how many black  
10 representatives were there in the State of Florida?

11 MR. SPEAKER: Represent Leek.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 I don't know.

15 MR. SPEAKER: Representative Alexander.

16 REPRESENTATIVE ALEXANDER: Thank you,  
17 Mr. Speaker.

18 And it was one. And from 1871, there was  
19 only one. And then it took until 1992 to get three.

20 I'm done with my questions.

21 REPRESENTATIVE LEEK: All right.

22 MR. SPEAKER: Representative Willhite.

23 REPRESENTATIVE WILLHITE: Thank you,  
24 Mr. Speaker. I'm sorry, where was I going next?

25 Representative Learned, I'm sorry.

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1 MR. SPEAKER: Representative Learned,  
2 you're recognized.

3 REPRESENTATIVE LEARNED: Thank you,  
4 Mr. Speaker.

5 And thank you, Chairman Leek. That was an  
6 enlightening series of questions. I wanted to ask  
7 first, because earlier in one of your answers, you  
8 were talking about how this map was better because  
9 it divided one last county. But my understanding in  
10 looking at it is it divides Saint Pete in the way  
11 that Saint Petersburg has never been divided before;  
12 is that correct?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 I don't know the history of the division of  
17 Saint Pete.

18 MR. SPEAKER: Representative Learned.

19 REPRESENTATIVE LEARNED: Thank you,  
20 Mr. Speaker.

21 So Saint Petersburg in the maps that we  
22 passed and that, you know, we all agreed were good  
23 at the time, was in one district. Now, it's in two.  
24 And that's because this district appears to cross  
25 Tampa Bay. I wanted to make sure that I understand

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1 correctly that District 14, as you've drawn it in  
2 this -- or that the Governor drew in this map, does,  
3 in fact, cross Tampa Bay in a way that we all  
4 collectively decided we didn't want to do with our  
5 map.

6 MR. SPEAKER: Representative Leek.

7 REPRESENTATIVE LEEK: Thank you,  
8 Mr. Speaker.

9 I'm sorry, I'm having a little trouble  
10 here. I'm only used to talking to Representative  
11 Learned on an amendment. So we've said it from the  
12 beginning, there is no one single legally compliant  
13 map. And the fact that a district looked different  
14 in a prior map doesn't mean that it looks different  
15 now is inappropriate. So I'm not sure the basis of  
16 your question, but this map has Saint Pete drawn the  
17 way you suggest.

18 MR. SPEAKER: Representative Learned.

19 REPRESENTATIVE LEARNED: Thank you,  
20 Mr. Speaker.

21 My question really is getting at, you know,  
22 I feel like there's a conflict in the logic that's  
23 being applied to this process versus the process we  
24 used, you know, just three weeks ago. So when we  
25 were debating before, we were talking about Tier 1

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1 and Tier 2, and the logic when it pertained to  
2 Congressional District 5 was, well, we are adding  
3 more black voters there. So we're more Voting  
4 Rights Act compliant. And this district, the one  
5 that I'm kind of focused on right now, District 14,  
6 it appears that you're packing more people into that  
7 district and packing more African American voters.  
8 Is that because you're trying to be more Tier 1  
9 compliant with District 14? Is that what you're  
10 doing here?

11 MR. SPEAKER: Representative Leek.

12 REPRESENTATIVE LEEK: Thank you.

13 I'll do the best I can with that. Again, I  
14 can't speak to the map drawers, you know, reason for  
15 choosing this road and that waterway over that road  
16 and the other waterway. So I can't speak to the  
17 rationale of why it now goes across when we didn't  
18 do it. When we did it before, we thought it was  
19 legally compliant. And by legally compliant, we  
20 thought also compliant with Tier 2. And what our  
21 review of this one is that it is equally compliant  
22 with Tier 2.

23 MR. SPEAKER: Representative Learned.

24 REPRESENTATIVE LEARNED: Thank you,  
25 Mr. Speaker.

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1 But that's not our charge here, right.  
2 We're not charged to be Tier 2 compliant. We're  
3 charged to be Tier 1 compliant. My question was  
4 about Tier 1 compliance, which our understanding is  
5 -- which what I understand is what makes this map  
6 unconstitutional, right, because we are effectively  
7 disenfranchising these voters. And my question  
8 really is about this idea that if you can pack more  
9 and more black voters into fewer and fewer  
10 districts, is that Voting Rights Act compliant?  
11 Because we are, in essence, increasing minority  
12 population within those districts and those  
13 districts alone.

14 MR. SPEAKER: There's a lot of conclusions  
15 packed into that question. Do you have a question  
16 about a specific district you'd like to ask  
17 Representative Leek?

18 REPRESENTATIVE LEARNED: Yes, Mr. Speaker.  
19 I mean, that's my question. Is this the intent that  
20 we can pack more and more black voters into fewer  
21 and fewer districts in order to maximize Voting  
22 Rights Act compliance? Is that the logical  
23 conclusion that I'm supposed to be drawing from  
24 this?

25 MR. SPEAKER: Representative Leek.

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1 REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3 It's certainly not our intent, and we have  
4 no reason to believe that was the Governor's map  
5 drawer's intent.

6 MR. SPEAKER: Representative Learned.

7 REPRESENTATIVE LEARNED: Thank you,  
8 Mr. Speaker.

9 What evidence are we using to understand  
10 the Governor's intent if his actions are speaking  
11 louder than words?

12 MR. SPEAKER: Representative Learned, you  
13 would like to ask a question without making  
14 conclusions.

15 Representative Willhite, you're recognized.

16 REPRESENTATIVE WILLHITE: Thank you,  
17 Mr. Speaker. Will you recognize Representative  
18 Campbell?

19 MR. SPEAKER: Representative Campbell,  
20 you're recognized.

21 REPRESENTATIVE CAMPBELL: Thank you,  
22 Mr. Speaker.

23 Representative Leek, as I understand it,  
24 Alex Kelly was the person that drew these maps,  
25 correct?

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1 MR. SPEAKER: Representative Leek.

2 REPRESENTATIVE LEEK: Thank you,

3 Mr. Speaker.

4 Yes. That was his testimony yesterday.

5 MR. SPEAKER: Representative Campbell.

6 REPRESENTATIVE CAMPBELL: Thank you,

7 Mr. Speaker.

8 And, Representative, did he consult with  
9 anyone else in the drawing of these maps?

10 MR. SPEAKER: Representative Campbell, I  
11 believe that was answered previously, and I think  
12 Representative Leek talked about Mr. Kelly's  
13 testimony yesterday. Additional questions?

14 REPRESENTATIVE CAMPBELL: Thank you,  
15 Mr. Speaker.

16 What was the methods that he used to  
17 establish these maps?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,

20 Mr. Speaker.

21 And I believe that question has also been  
22 asked. But he used the Tier 1, Tier 2 standards,  
23 and the United States Constitutional standards. I  
24 believe that was his testimony.

25 MR. SPEAKER: Representative Campbell.

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1 REPRESENTATIVE CAMPBELL: Hey, Mr. Speaker.  
2 How was the census used in the development  
3 of these maps?

4 MR. SPEAKER: Representative Leek.

5 REPRESENTATIVE LEEK: Thank you,  
6 Mr. Speaker.

7 Again, didn't develop these maps but census  
8 data is the fundamental underpinning of any map.

9 MR. SPEAKER: Represent Campbell.

10 REPRESENTATIVE CAMPBELL: Thank you,  
11 Mr. Speaker.

12 Yesterday, we heard from Counsel yesterday  
13 about strict scrutiny and the Gingles test. What  
14 analysis did he use to determine whether or not the  
15 Gingle tests were met?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you.

18 Again, I can't speak to his analysis other  
19 than what he testified to yesterday. I will point  
20 out that the Gingles test only comes into play upon  
21 a challenge to the maps.

22 MR. SPEAKER: Representative Campbell.

23 REPRESENTATIVE CAMPBELL: Thank you,  
24 Mr. Speaker.

25 Lastly, where can the public access the

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1 data points to the development of these maps?

2 MR. SPEAKER: Representative Leek.

3 REPRESENTATIVE LEEK: Thank you,

4 Mr. Speaker.

5 There is a data packet in front of you now.

6 There's also a data packet on the website.

7 MR. SPEAKER: Representative Campbell.

8 REPRESENTATIVE CAMPBELL: Mr. speaker.

9 What website would that be?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,

12 Mr. Speaker.

13 Floridaredistricting.gov.

14 MR. SPEAKER: Representative Campbell.

15 REPRESENTATIVE CAMPBELL: That's it.

16 MR. SPEAKER: Representative Willhite.

17 REPRESENTATIVE WILLHITE: Mr. Speaker,

18 would you recognize Representative Diamond?

19 MR. SPEAKER: Representative Diamond,

20 you're recognized.

21 REPRESENTATIVE DIAMOND: Thank you,

22 Mr. Speaker.

23 Good morning. I just wanted to follow up

24 on Representative Joseph's questions, specifically

25 with regard to CD 26. I want to further understand

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1 this issue of establishing voter cohesion because my  
2 understanding from the case law is that that's the  
3 first step in any retrogression analysis. And,  
4 specifically, the question is relating to Hispanic  
5 voting cohesion in the South Florida. Given what  
6 the Florida Supreme Court has said about that issue,  
7 are we taking into account, in this map,  
8 particularly around CD 26, how those Latinos -- the  
9 voting cohesion of those Latino voters in that part  
10 of the state?

11 MR. SPEAKER: Representative Leek.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 I believe you're talking about the Gingles  
15 test, which, once again, is only performed upon a  
16 challenge. So the Gingles test is a plaintiff's  
17 obstacle declare to bring a claim.

18 MR. SPEAKER: Representative Diamond.

19 REPRESENTATIVE DIAMOND: But I just want to  
20 understand that thinking. So, I mean, the Gingles  
21 test, that is the law of the Supreme Court, right,  
22 the United States Supreme Court. So, I mean, we  
23 have to look at that and make certain that we are  
24 meeting that test in producing this map. Do we not?

25 MR. SPEAKER: Representative Leek.

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1 REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3 It is the law of the Florida Supreme Court  
4 for plaintiffs who are bringing a claim to challenge  
5 the maps -- excuse me, US Supreme Court.

6 MR. SPEAKER: Representative Diamond.

7 REPRESENTATIVE DIAMOND: But I guess I'm  
8 just trying to establish. I mean, as I understand  
9 these cases, and you've studied them far more than I  
10 have, Mr. Chairman, but we have to -- if we're going  
11 to draw these districts in -- for instance, like CD  
12 26, where we're making these assumptions about  
13 Latino voting populations. Let me ask it this way.  
14 Has there been any analysis done on CD 26, with  
15 regard to the Latino voting population, that there  
16 will be sort of a cohesiveness necessary in that  
17 voting population in order to defend that district  
18 under that test?

19 MR. SPEAKER: Representative Leek.

20 REPRESENTATIVE LEEK: Thank you,  
21 Mr. Speaker.

22 Remember, the only analysis that we are  
23 required to perform is the functional analysis,  
24 which has been done. We have not performed the  
25 analysis that you're talking about on the Governor's

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1 test --

2 MR. SPEAKER: Representative Diamond.

3 REPRESENTATIVE DIAMOND: Mr. Speaker.

4 And do you know if the drafter has  
5 performed that analysis? You've said earlier that  
6 the drafter was in the Governor's office.

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,  
9 Mr. Speaker.

10 No, I do not.

11 MR. SPEAKER: Representative Diamond.

12 REPRESENTATIVE DIAMOND: In terms of the  
13 drafter, I mean, you know, when you established the  
14 process that we used during regular session for the  
15 drafting of the maps, you established certain  
16 processes in terms of retention of records and, you  
17 know, efforts to make certain that we were meeting  
18 the Tier 1 compliance. What questions did you ask  
19 of the drafters to build the same assurances in this  
20 process?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you,  
23 Mr. Speaker.

24 Recall that this map, as all of the other  
25 Governor's maps, were submitted through the portal.

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1 To get through the portal, you have to fill out a  
2 form that requires you to answer those kinds of  
3 questions.

4 MR. SPEAKER: Representative Diamond.

5 REPRESENTATIVE DIAMOND: So earlier you  
6 mentioned that there had been a briefing -- a  
7 private briefing for you and Chairman Seroy and your  
8 staff from the Governor's office with regard to the  
9 map that we're about to vote out today. Were any  
10 questions asked in that private briefing about just  
11 sort of to provide additional assurances in addition  
12 to whatever that form may require?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 I mean, bluntly, the form asked the very  
17 questions you're asking about. And so with that  
18 form being filled out, we know the answer to those  
19 questions. I can't recall whether we ask any  
20 additional questions or whether there's any  
21 additional flavor. But the form itself takes care  
22 of what you're asking about.

23 MR. SPEAKER: Representative Diamond.

24 REPRESENTATIVE DIAMOND: Thank you,  
25 Mr. Speaker.

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1           And it's been reported that this map will  
2     result in a congressional delegation from Florida of  
3     20 Republican seats and 8 Democratic seats. Are you  
4     aware of those reports?

5           MR. SPEAKER: Representative Leek.

6           REPRESENTATIVE LEEK: Thank you,  
7     Mr. Speaker. I have heard the same because it's  
8     hard to turn on the news and escape it. But I can  
9     tell you that we can't validate those reports.

10          MR. SPEAKER: Representative Diamond.

11          REPRESENTATIVE DIAMOND: Do you know if the  
12     drafter of this map is aware of those reports?

13          MR. SPEAKER: Representative Leek.

14          REPRESENTATIVE LEEK: Thank you,  
15     Mr. Speaker.

16          No. I do not.

17          MR. SPEAKER: Representative Diamond.

18          REPRESENTATIVE DIAMOND: So I guess my  
19     question, when I hear about those reports is, you  
20     know, how can it not be evidence of partisan intent  
21     if there is such a substantial difference between  
22     the partisan configuration of the state and the  
23     partisan effect of this map?

24          MR. SPEAKER: Representative Leek.

25          REPRESENTATIVE LEEK: Thank you,

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1 Mr. Speaker.

2 Let me do the best I can with that. Of  
3 course, the US Supreme Court has told us that the  
4 mere fact that you have a map that produces -- you  
5 know, that favors one party over another is not in  
6 itself evidence of partisan intent. So I would say,  
7 you know, as far as your premise is concerned, I  
8 think you're off. I don't think that is the law.  
9 And the fact that -- well, I guess you would have to  
10 accept then the performance data that you're talking  
11 about. But to do so, meaning that you know the  
12 performance data, that your argument in and of  
13 itself would be tainted in some way, because you  
14 know the performance data. I'm not sure I accept  
15 that premise either.

16 MR. SPEAKER: Representative Diamond.

17 REPRESENTATIVE DIAMOND: Thank you very  
18 much, Mr. Speaker.

19 In your presentation of the map, you  
20 mentioned waterways in different parts of the state.  
21 Like for instance, in Northeast Florida, we use the  
22 Saint John's River as a natural dividing line. In  
23 our county, in Pinellas County, the dividing line  
24 was not Tampa Bay, as you know, but was -- us was  
25 34th Street, US-19. Can you speak to why the

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1 drafter did not use Tampa Bay as the dividing line,  
2 but instead chose to use a street?

3 MR. SPEAKER: Representative Leek.

4 REPRESENTATIVE LEEK: Thank you,  
5 Mr. Speaker.

6 Again, and let me just say this again. If  
7 the question begins with, "Why did the drafter do  
8 this," the answer is always going to be I can't tell  
9 you precisely why the drafter did this. But I can  
10 tell you that the Tier 2 boundaries that the drafter  
11 used are as legally compliant as the Tier 2  
12 boundaries that we used in our prior maps.

13 MR. SPEAKER: Representative Willhite.

14 REPRESENTATIVE WILLHITE: Who did I say  
15 next? I'm sorry. Mr. Speaker, do you recognize  
16 Representative Humphrey?

17 MR. SPEAKER: Representative Humphrey,  
18 you're recognized.

19 REPRESENTATIVE HUMPHREY: Thank you very  
20 much, Mr. Speaker.

21 It's interesting to see you on the wall and  
22 in person at the same time. But anyways, I have a  
23 question for -- thank you for recognizing me,  
24 Mr. Speaker.

25 And, Chair Leek, man, do I have to say I'm

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1     sorry, and I'll explain that in debate tomorrow, and  
2     not in regards to my questions, by the way. So we  
3     have funds set aside in this bill to deal with any  
4     legal matters that should come up in reference to  
5     this bill. My question is: what happens when this  
6     map is challenged?

7             My next question is: if you could just  
8     detail the steps of what happens when this map is  
9     challenged, and whether or not we'll have to have a  
10    special election if the outcome is that these maps  
11    are deemed invalid in areas.

12            My third question is --

13            MR. SPEAKER: My recommendation is let's  
14    just take one at a time, if we can.

15            Representative Leek.

16            REPRESENTATIVE LEEK: Thank you,  
17    Mr. Speaker.

18            I don't know that I can describe the  
19    universe of things that could happen if these maps  
20    are challenged because I think, you know, the  
21    challenges are unknown at this point. But it will  
22    go to court, and the Court will make a ruling on  
23    whether the challenge is upheld or not.

24            MR. SPEAKER: Representative Humphrey.

25            REPRESENTATIVE HUMPHREY: Thank you,

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1 Mr. Speaker.

2 Chair Leek, in the past, when the maps were  
3 challenged, did we have to have a special election?

4 I wasn't here for it, and I'm not asking this  
5 because I know the answer. I'm really asking  
6 because I don't know.

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,  
9 Mr. Speaker.

10 No. We didn't have to have a special  
11 election.

12 MR. SPEAKER: Representative Humphrey.

13 REPRESENTATIVE HUMPHREY: Thank you,  
14 Mr. Speaker.

15 Chair Leek, did the creators of the map  
16 explain why the two seats that sit in South Florida,  
17 the black protected seats, were not touched?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,  
20 . Speaker.

21 I'm trying to recall back to the testimony,  
22 which is available. If you'd like -- I think you  
23 might have actually been in the committee room as  
24 well. But my recollection is they felt that those  
25 seats were Tier 1, Tier 2 compliant, met a

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1 compelling state need and were narrowly tailored.

2 MR. SPEAKER: Representative Humphrey.

3 REPRESENTATIVE HUMPHREY: Thank you very  
4 much, Mr. Chair. Thank you, Mr. Speaker.

5 MR. SPEAKER: Representative Willhite.

6 REPRESENTATIVE WILLHITE: Will you  
7 recognize Representative Gottlieb?

8 MR. SPEAKER: Representative Gottlieb,  
9 you're recognized.

10 REPRESENTATIVE GOTTLIEB: Thank you,  
11 Mr. Speaker.

12 I just have one question, Rep Leek, and  
13 that is, having listened to your answers, which is  
14 that the Governor's office drew these maps, and this  
15 body did not. How does that not violate the  
16 separation of powers?

17 MR. SPEAKER: Representative Leek.

18 REPRESENTATIVE LEEK: Thank you,  
19 Mr. Speaker.

20 Of course, the Governor's always had a role  
21 in it from day. And this narrative that we are  
22 somehow abdicating our responsibility because the  
23 Governor had no role in it is just plainly false.  
24 So the Governor always had the opportunity to draw a  
25 map, just like the ACLU, just like the League of

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1 Women Voters, just like, you know, the hundreds of  
2 citizens who drew maps. Looking at their maps, even  
3 taking up their maps is not an abdication of our  
4 responsibility, nor is it a violation of separation  
5 of powers. It's just simply part of the process  
6 that is permissible.

7 MR. SPEAKER: Representative Willhite.

8 REPRESENTATIVE WILLHITE: Mr. Speaker, will  
9 you recognize Representative Smith?

10 MR. SPEAKER: Representative Smith, you're  
11 recognized.

12 REPRESENTATIVE SMITH: Thank you,  
13 . Speaker.

14 Chair Leek, are these maps race neutral as  
15 the Governor has requested?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you.

18 I believe the Governor used the term, "race  
19 neutral" as a counterbalance to predominantly based  
20 upon race. And the maps are both race neutral in  
21 areas, and, you know, protected -- also based on  
22 race in the areas that are protected.

23 MR. SPEAKER: Representative Smith.

24 REPRESENTATIVE LEEK: So it's not one or  
25 the other.

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1 MR. SPEAKER: Representative Smith.

2 REPRESENTATIVE SMITH: Thank you,  
3 Mr. Speaker.

4 So what is the distinction between which  
5 areas of the state we've decided to have race  
6 neutral and which areas of the state are not race  
7 neutral?

8 MR. SPEAKER: Representative Leek.

9 REPRESENTATIVE LEEK: Thank you,  
10 Mr. Speaker.

11 All of those protected districts are not  
12 race neutral.

13 MR. SPEAKER: Representative Smith.

14 REPRESENTATIVE SMITH: The Governor's  
15 counsel stated in his memo that equal opportunity  
16 districts for minority voters are tantamount to  
17 segregation. He used that argument to eliminate CD  
18 5. Is it also the position of the House that equal  
19 opportunity districts for minority voters are  
20 tantamount to segregation?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you,  
23 Mr. Speaker.

24 I don't recall hearing the Governor's  
25 office say those words, but the answer is no. And

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1 that's why these districts also contain protected  
2 districts.

3 MR. SPEAKER: Representative Smith.

4 REPRESENTATIVE SMITH: Thank you,  
5 . Speaker.

6 I'm hoping that you can explain a little  
7 bit further the difference between these districts.  
8 The Governor said that districts need to be compact,  
9 and they shouldn't have tendrils or spill into other  
10 -- or into the middle of other districts. If you  
11 look at CD 20, can you explain why the tendrils of  
12 CD 20 that extend eastward, especially the one that  
13 cuts into the heart of CD 23, are acceptable in  
14 South Florida if they are prohibited in North  
15 Florida?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you,  
18 Mr. Speaker.

19 You're overstating the law and letter.  
20 Remember the first thing is population, right, plus  
21 or minus one person. So you're necessarily going to  
22 have to go different places to get to that zero  
23 population, that equal population. And I think what  
24 you're seeing is that one -- the CD 20 is certainly  
25 more compact than CD 5 was.

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1 MR. SPEAKER: Representative Smith.

2 REPRESENTATIVE SMITH: Thank you,  
3 Mr. Speaker.

4 And I'm not trying to denigrate CD 20. I'm  
5 just trying to get you to explain to us and explain  
6 to me the inconsistency there. Why is that tendrill  
7 cutting into CD 23? What is the purpose of that  
8 tendrill?

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 And again, Representative Smith, you're  
13 putting too much emphasis on uniformity. The  
14 purpose of that is equal population.

15 MR. SPEAKER: Representative Smith.

16 REPRESENTATIVE SMITH: Thank you,  
17 Mr. Speaker.

18 So just to clarify, the purpose of that  
19 tendrill is not to protect the strength of racial and  
20 language minorities in that district?

21 MR. SPEAKER: You couldn't hear it?

22 REPRESENTATIVE LEEK: Yeah.

23 MR. SPEAKER: Representative Smith, can you  
24 repeat the question.

25 REPRESENTATIVE SMITH: Thank you,

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1 Mr. Speaker.

2 Chair Leek, you just stated that the  
3 purpose of that tendril was to ensure equal  
4 population. So what you're also saying is the  
5 purpose of that tendril in Congressional District 20  
6 is not to ensure the ability of racial or language  
7 minorities to elect the candidate of their choice?

8 MR. SPEAKER: Representative Leek.

9 REPRESENTATIVE LEEK: Thank you,  
10 Mr. Speaker.

11 No. I don't think you can draw all that  
12 corollary. CD 20 is a protected district.

13 MR. SPEAKER: Representative Smith.

14 REPRESENTATIVE SMITH: Thank you,  
15 Mr. Speaker.

16 I also want to jump back to the Governor's  
17 office, and how they drew the map. I'm curious.  
18 Did they keep records to prove they were not drawn  
19 in a way that was driven by partisan intent? And  
20 did you request that they keep records to prove that  
21 or disprove it in a court of law?

22 MR. SPEAKER: I think Chairman Leek  
23 answered that in response to Representative  
24 Diamond's questions.

25 Is there any additional information you'd

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1 like to add, Representative Leek?

2 REPRESENTATIVE LEEK: (Shakes head).

3 MR. SPEAKER: You have additional  
4 questions, Representative Smith?

5 REPRESENTATIVE SMITH: No, nothing else.

6 MR. SPEAKER: Representative Willhite.  
7 Yield back the 23 seconds?

8 REPRESENTATIVE WILLHITE: Yes, sir.

9 MR. SPEAKER: All right. Representative  
10 Eskamani, you're recognized for your question.

11 REPRESENTATIVE ESKAMANI: Thank you,  
12 Mr. Speaker.

13 Very quick question for you, Chair Leek. I  
14 know that one of the arguments being made by the  
15 Governor's office with CD 5 is that there is no  
16 apparent state interest in keeping it to be minority  
17 access, But the courts disagree with that. I mean,  
18 does the weight of the courts not compel the state  
19 to have an interest?

20 MR. SPEAKER: Representative Leek.

21 REPRESENTATIVE LEEK: Thank you,  
22 Mr. Speaker.

23 Actually, there is no court opinion  
24 precisely on that issue.

25 MR. SPEAKER: All right, members. Time

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1 having expired in questions, we are in amendments.

2 Are there amendments?

3 THE CLERK: On the desk, Mr. Speaker.

4 MR. SPEAKER: Take up the First Amendment.

5 THE CLERK: Representative Jenne offered  
6 the following amendment with title, Amendment,  
7 Barcode 717833. Remove lines 95 through 3647 and  
8 insert in amendment.

9 MR. SPEAKER: Leader Jenne, you're  
10 recognized on your amendment.

11 REPRESENTATIVE JENNE: Thank you,  
12 Mr. Speaker. Good to see you.

13 Members, essentially what this amendment  
14 does is it adopts plan 80/60, which was the Senate  
15 plan in place of this proposed map. This particular  
16 plan has the following characteristics: divides the  
17 state into 28 congressional districts with a  
18 population of 769,221 people. Each district will  
19 grow by 42,876 people, compared to the pre-existing  
20 map.

21 It establishes four protected African-  
22 America districts, CD 5, 10, 20, and 24. It  
23 maintains the Gadsden to Duval configuration known  
24 as CD 5. It establishes three protected Hispanic  
25 districts, CD 25, 26, and 27. The plan, we believe,

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1 improves on most Tier 2 metrics compared to the  
2 underlying benchmark plan. It does also reduce city  
3 splits and improves compactness.

4 Mr. Speaker, that is the amendment.

5 MR. SPEAKER: Are there questions on the  
6 amendment? Are there questions?

7 Representative Robinson.

8 REPRESENTATIVE ROBINSON: Thank you,  
9 Mr. Speaker.

10 Representative, I just wanted to ask. And  
11 this particular map was drawn by who?

12 MR. SPEAKER: Representative Jenne. Leader  
13 Jenne.

14 REPRESENTATIVE JENNE: The specific  
15 individual, not sure, but I know this was the map  
16 that was approved by the Senate and with bipartisan  
17 support.

18 REPRESENTATIVE ROBINSON: Follow-up.

19 MR. SPEAKER: Representative Robinson.

20 REPRESENTATIVE ROBINSON: So this map was  
21 draw by the Legislature as part of our duty,  
22 correct?

23 MR. SPEAKER: Leader Jenne.

24 REPRESENTATIVE JENNE: Yes, it was. This  
25 was crafted by our colleagues across the hall in the

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1 Senate. And this was a plan that they did vote on  
2 and overwhelmingly had bipartisan support.

3 MR. SPEAKER: Representative Geller.

4 REPRESENTATIVE GELLER: Thank you, Mr.  
5 Speaker.

6 And thank you for this good amendment,  
7 Leader. In addition to keeping the current  
8 configuration from Gadsden to Duval, does this map  
9 also provide for the continued election of an  
10 African-American congressional representative in the  
11 Orlando area?

12 MR. SPEAKER: Leader Jenne.

13 REPRESENTATIVE JENNE: Yes. Thank you,  
14 Mr. Speaker.

15 And thank you, Representative Geller, for  
16 that particular question. Yes, it does. And that  
17 was a difference between the two chambers. I'm not  
18 casting aspersions, but that was a difference. The  
19 Senate treated CD 10 as a protected seat. The  
20 House, we did not do so.

21 MR. SPEAKER: Representative Geller.

22 REPRESENTATIVE GELLER: Thank you,  
23 Mr. Speaker.

24 Leader Jenne, does this map preserve the  
25 previous configuration of what has been the existing

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1 district that involves representation in Pinellas  
2 County as opposed to the new map that we're looking  
3 at today?

4 MR. SPEAKER: Leader Jenne.

5 REPRESENTATIVE JENNE: Yes, sir. It's much  
6 closer.

7 MR. SPEAKER: Representative Geller.

8 REPRESENTATIVE GELLER: Thank you,  
9 Mr. Speaker.

10 Does this map continue as the map in front  
11 of us does to provide for the election of an  
12 African-American representative to congress in  
13 Broward in Palm Beach County, by making certain  
14 deviations from compactness so that that protected  
15 district can remain protected?

16 MR. SPEAKER: Representative Jenne.

17 REPRESENTATIVE JENNE: Yes, sir. It does.

18 MR. SPEAKER: Representative Geller.

19 REPRESENTATIVE GELLER: Thank you,  
20 Mr. Speaker.

21 Do you know the vote by which this map  
22 passed the Senate?

23 MR. SPEAKER: Representative Jenne.

24 REPRESENTATIVE JENNE: Yes, sir. I do. I  
25 have it here. I believe the count was 36 to 4. 36

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1 to 4.

2 MR. SPEAKER: Representative Geller.

3 REPRESENTATIVE GELLER: Thank you,

4 Mr. Speaker.

5 So in addition to having overwhelming  
6 bipartisan support, in your estimation, Leader  
7 Jenne, does the map that you are proposing as an  
8 amendment comply with the Florida Constitution Fair  
9 District's provision, as well as the Voting Rights  
10 Act of 1965?

11 MR. SPEAKER: Leader Jenne.

12 REPRESENTATIVE JENNE: Thank you,

13 Mr. Speaker.

14 Representative Geller. Yes, it does. I  
15 believe it does. I believe if you look at the  
16 statistics of each of these districts, I believe you  
17 will find that to be the absolute case.

18 MR. SPEAKER: Additional questions,  
19 members? Additional questions? I see no additional  
20 questions. We are in -- are there amendments to the  
21 amendment?

22 THE CLERK: None on the desk, Mr. Speaker.

23 MR. SPEAKER: Are there substitutes?

24 THE CLERK: None on the desk, Mr. Speaker.

25 MR. SPEAKER: We are in debate. Members

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1 who wish to be recognized in debate.

2 Representative Geller.

3 REPRESENTATIVE GELLER: Thank you,

4 Mr. Speaker. Members, I urge you to support this

5 map for a lot of reasons. This amendment is a

6 better plan. This amendment does not require a

7 million dollars to be appropriated in for

8 anticipated litigation. This amendment complies

9 with the Florida and Federal Constitution. This

10 amendment does not fly in the face of them. If

11 someone thinks that not only the Florida

12 constitution, but the Voting Rights Act of 1965, the

13 law for almost 60 years in this country, is

14 unconstitutional, they have a right to take that to

15 court.

16 If someone thinks that the 14th Amendment

17 prohibits anything race-based, which I heard today

18 and is wrong; if someone thinks that the 14th

19 Amendment does not have language that would, as

20 interpreted by the courts, allow consideration if

21 there is a compelling state interest, and you use

22 the most narrowly tailored means possible to achieve

23 the result, remembering that that amendment was

24 passed as a remedial measure and its very name says

25 it was equal protection. It's designed to protect.

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1 But we should not ignore the constitution of the  
2 state and federal law in anticipation that someone  
3 might challenge those things and take them and maybe  
4 get them reversed. We should comply with the law as  
5 it exists, as it's been interpreted for almost 60  
6 years. We should comply with it, and anyone who  
7 doesn't agree is free to raise that challenge. We  
8 should not ignore what 63 percent of the voters of  
9 Florida said for us to do.

10 Members, this map, which passed the Senate  
11 36 to 4, is -- doesn't that say something? Isn't  
12 that a statement to all of us? Members, we should  
13 adopt this amendment. We should comply with the  
14 very clear dictates of Tier 1, which is more  
15 important than Tier 2, and of the federal Voting  
16 Rights Act. And if somebody wants to take those to  
17 court, and say they're wrong, we've been wrong in  
18 interpreting the 14th Amendment for 150 years, well,  
19 by God, this is America. They have a right to do  
20 that. God bless anybody who wants to raise a  
21 challenge and get it determined. But until the  
22 courts change that, we must comply with the law as  
23 it is written, as our voters told us to do.

24 Please adopt this amendment. Thank you.

25 MR. SPEAKER: Additional debate?

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1 Additional debate?

2 Seeing none, Leader Jenne. You're  
3 recognized to close.

4 REPRESENTATIVE JENNE: Mr. Speaker, thank  
5 you as always.

6 Members, it's a simple amendment. It's a  
7 request to take the Senate plan. It is not my plan.  
8 I do not claim any authorship over it. I claim  
9 nothing other than someone who has to be anything  
10 other than someone who has reviewed these maps.

11 I put this forward in the spirit of  
12 compromise. Because, members, having been through  
13 this redistricting process now for a second time, I  
14 can tell you that it's very difficult, if not  
15 outright impossible, to make a perfect map in which  
16 every single line is in its proper place. But I  
17 believe, and I think my caucus also believes, that  
18 this is infinitely better than the map that is  
19 actually in front of us today, especially in terms  
20 of Tier 1.

21 But what about Tier 1? We spent months  
22 discussing the maps. And Tier 1 was the absolute  
23 apex of our guidelines. But now it has been cast  
24 aside like democracy's detritus. Why? Because of  
25 an abrupt change in philosophy. I will not condemn

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1 that change. I will not comment on that change, but  
2 it is due to an abrupt change in philosophy.

3 When we convened here earlier this year,  
4 the VRA meant something. The Fair Districts  
5 Amendment meant something. Tier 1 meant something.  
6 These guided the entire process, and now they're  
7 being tossed aside. Well, members, for me  
8 personally, those things, the VRA, Fair Districts  
9 Amendment, Tier 1, that still means something to me.  
10 That still means something to a lot of members on  
11 this floor today.

12 So I ask your favorable support of this.  
13 Members, the car is not in neutral. The car is  
14 speeding ahead. We have one last exit before we  
15 ride over the cliff. I suggest we put on that turn  
16 signal and get off right now. Thank you.

17 MR. SPEAKER: Members, Representative Jenne  
18 having closed on his amendment, all in favor of  
19 adoption of the amendment say yea.

20 (Multiple yeas)

21 MR. SPEAKER: All opposed, no.

22 (Multiple nos)

23 MR. SPEAKER: Show the amendment fails.  
24 Read the next amendment.

25 THE CLERK: Representative Joseph offered

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1 the following amendment with title, Amendment  
2 Barcode 799545. Remove lines 3627 through 3647, and  
3 insert in amendment.

4 MR. SPEAKER: Representative Joseph, you're  
5 recognized to explain your amendment.

6 REPRESENTATIVE JOSEPH: Thank you,  
7 Mr. Speaker.

8 Section 7 of the bill before us, there's a  
9 couple of things. One of which is it selects venue  
10 in Leon County, right here, and it presets that.  
11 And I'm just going to read it. "An action  
12 challenging the state's congressional districts on  
13 state constitution or state law grounds must be  
14 brought in state court."

15 And earlier during questioning, you heard  
16 some of the rationale as to why. And the purpose of  
17 this amendment is just to do what I think is more  
18 appropriate, which is to allow litigants to choose  
19 which venue is more appropriate depending on the  
20 nature and the crux of their case. It is not  
21 unusual to have questions of law that both involve  
22 state and federal issues. That's why you have  
23 supplemental jurisdiction. It's not complicated.  
24 That is a decision that I believe should be made,  
25 and we should allow for that flexibility,

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1 considering that these are federal congressional  
2 seats that we're talking about. We're not talking  
3 about state House seats or state Senate seats.  
4 We're talking about our federal congressional seats.  
5 So I think it would be more than appropriate to  
6 eliminate just that section. So the amendment is  
7 really simple and straightforward. And all it does  
8 is it removes lines 3627 through 3647 from the bill  
9 and leaves the law in its place, and to the extent  
10 that the bill sponsored talked about how federal  
11 questions can be addressed in federal court. That's  
12 always the case. That's the whole point of the  
13 supremacy clause.

14 So that is the amendment. I ask that  
15 members support it. There's a lot of things that  
16 we're doing that are novel. There's no need to  
17 introduce this additional component into the  
18 process. And that is the amendment, Madam Speaker.

19 MADAM SPEAKER: Having explained the  
20 amendment, are there questions of the sponsor? Are  
21 there questions?

22 Seeing no questions, is there an amendment  
23 to the amendment?

24 THE CLERK: None on the desk, Madam  
25 Speaker.

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1 MADAM SPEAKER: Is there a substitute  
2 amendment?

3 THE CLERK: None on the desk, Madam  
4 Speaker.

5 MADAM SPEAKER: And debate, is there a  
6 debate on the amendment?

7 Representative Eskamani, you are  
8 recognized.

9 REPRESENTATIVE ESKAMANI: Thank you so  
10 much, Madam Speaker. I just want to say thank you  
11 to the Representative for bringing forth this good  
12 amendment. This is just an example of good  
13 government. Let's ensure people have concerns, have  
14 the time to make those concerns expressed. If folks  
15 feel like these maps are in good legal standing,  
16 they should not have an issue with this amendment.

17 Thank you, Madam Speaker.

18 MADAM SPEAKER: Additional debate?

19 Representative Driskell.

20 REPRESENTATIVE DRISKELL: Thank you, Madam  
21 Speaker. And happy birthday to you -- or belated  
22 birthday.

23 Members, this is a drum I'll continue to  
24 beat in terms of thinking about how we use procedure  
25 and making sure that we are not using procedure as a

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1 weapon against the people of the State of Florida.  
2 It's problematic, okay. There's procedure, and  
3 there's substance in the law. Two distinct things.  
4 But what happens sometimes -- what I'm noticing is a  
5 dangerous trend in this Legislature, which is that  
6 we are now amending legislation, or amending bills,  
7 or adding procedural weapons to these bills, and I  
8 really don't like it. We need to give the people  
9 the opportunity to be heard in court. There's no  
10 reason why this can't be heard in federal court.

11 And I understand there's a provision at the  
12 end of 1(c) that talks about this does not preclude  
13 any action being brought in federal court. But,  
14 actually, it's internally inconsistent to me, that  
15 provision of the bill and then the prior provision  
16 saying that you can't bring this in federal court.  
17 So I don't understand what we're doing here.

18 And I thank you, Rep Joseph, for this  
19 amendment, because you really are trying to hold us  
20 accountable and making sure that we are meeting with  
21 due process in a procedural way that we need to for  
22 the people of Florida.

23 So thank you for this. I'll be up on your  
24 amendment today.

25 MADAM SPEAKER: Additional debate?

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1 Members, additional debate?

2 Representative Joseph, you're recognized to  
3 close on the amendment.

4 REPRESENTATIVE JOSEPH: Thank you, Madam  
5 Speaker. So the portion of the House bill that's an  
6 issue with the redistricting bill is it's a  
7 jurisdiction of federal courts. And it conflicts  
8 with the Voting Rights Act in 28 USC 1367, which  
9 provides supplemental federal jurisdiction over  
10 state law claims that are closely related to federal  
11 claims. It takes precedent. So the supremacy  
12 clause should control, and state law must concede to  
13 federal law, which states that federal courts have  
14 jurisdiction over these maps.

15 And as a practical matter, I know that  
16 there are few attorneys in the room, but state  
17 courts and federal courts are different. They just  
18 are. In terms of their susceptibility to a number  
19 of things -- and I'm not here to impugn the court,  
20 but there's a reason that we have these things in  
21 federal court. And as we're seeing these attacks  
22 that are being mounted on, you know -- effectively  
23 what we're complaining about, what the crux of a lot  
24 of folks are complaining about, is the delusion of  
25 these maps proposed by the Governor of black votes.

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1 That's the underlying concern. So if we are  
2 decreasing representation based on the 14th  
3 Amendment -- so people may not be too familiar with  
4 the 14th Amendment, and I want to keep it tied to  
5 the reason for my amendment is there was a US  
6 Supreme Court case called Dred Scott. Some of you  
7 may not be familiar with it, but it held that the  
8 black man had no right that the white man had to  
9 accept. And that black people could never be  
10 citizens of these United States. That was basically  
11 the premise of that case. That led to the passage  
12 of a couple of things. But after the 13th  
13 Amendment, the United States thought that we were  
14 good. Slaves are free. But it wasn't so because  
15 the states who were resisting these new rights that  
16 were being exercised and allotted to black people  
17 were just not falling in line.

18 So Republicans, interestingly enough, led  
19 by Thaddeus Stevens at the time, who proposed the 14  
20 Amendment -- Republicans proposed the 14th Amendment  
21 to ensure that black people had all the privileges  
22 and immunities, had equal protection under the law  
23 that other folks did. It was really that simple.  
24 So the purpose of the 14th Amendment is to just make  
25 sure that we're equal.

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1           And many of you may be familiar with the  
2   Three-fifths clause that exists in the Constitution,  
3   which counted black people as three-fifth of a  
4   person. Another thing the 14th Amendment did was  
5   take care of that. It made us a full person. So  
6   when I look at these maps who are trying to make  
7   people, black people, count as less --

8           MR. SPEAKER: Representative Joseph, your  
9   time has expired. I'll just give you a moment to  
10   conclude.

11           REPRESENTATIVE JOSEPH: Mr. Speaker, that's  
12   very kind. When I hear 14th amendment being used to  
13   make our voices and our representation be slashed by  
14   practically 50 percent, that's offensive to the  
15   whole point of the 14th amendment. And that  
16   Republican body recognizes it. And I hope at some  
17   point, these Republicans are Republicans because I  
18   don't think it's a Republican versus Democrat issue.  
19   This is not and doesn't need to be.

20           With that, I ask for your favorable support  
21   on this amendment to keep it in federal courts where  
22   it actually belongs. Thank you.

23           MR. SPEAKER: Representative Joseph having  
24   closed on her amendment, all in favor of adoption of  
25   amendment, say yea.

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1 (Multiple yeas)

2 THE COURT: All opposed, no.

3 (Multiple nos)

4 THE COURT: Show the amendment fails.

5 Read the next amendment.

6 COURT CLERK: None on the desk, Mr. Speaker.

7 MR. SPEAKER: Read the next Bill.

8 COURT CLERK: By Representative Fine and  
9 others, House Bill 3C, a bill to be entitled "An Act  
10 relating to independent special districts."

11 MR. SPEAKER: Representative Fine, you're  
12 recognized to explain your bill.

13 REPRESENTATIVE FINE: Thank you,  
14 Mr. Speaker, and thank you for acknowledging my  
15 birthday earlier. Normally, I would be spending  
16 today at Disney World. I don't think that's going  
17 to be happening.

18 So with that, I'm pleased to present House  
19 Bill 3C. This is a very simple bill that would  
20 expire or sunset all special districts created  
21 before 1968 when the Florida Constitution was  
22 established on June 1st of next year. And that is  
23 the bill.

24 MR. SPEAKER: Members, we are in questions.  
25 Representative Willhite.

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CERTIFICATE OF TRANSCRIPTIONIST

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

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



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Julie Thompson, CET-1036