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Common Cause, et al. v. Cord Byrd

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

)

TRANSCRIPTION OF VIDEO RECORDING
HOUSE CONGRESSIONAL REDISTRICTING SUBCOMMITTEE
APRIL 19, 2022

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

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1 APRIL 19, 2022

2 CHAIRMAN SIROIS: The Congressional

3 Redistricting Subcommittee will come to order.

4 DJ, please call the roll.

5 THE CLERK: Chair Sirois.

6 CHAIRMAN SIROIS: Here.

7 THE CLERK: Vice Chair Tuck.

8 VICE CHAIR TUCK: Here.

9 THE CLERK: Ranking Member Skidmore.

10 DEMOCRATIC RANKING MEMBER SKIDMORE: Here.

11 THE CLERK: Representatives Benjamin.

12 REPRESENTATIVE BENJAMIN: Here.

13 THE CLERK: Brown.

14 REPRESENTATIVE BROWN: Here.

15 THE CLERK: Fabricio.

16 REPRESENTATIVE FABRICIO: Here.

17 THE CLERK: Fetterhoff.

18 REPRESENTATIVE FETTERHOFF: Here.

19 THE CLERK: Harding.

20 REPRESENTATIVE HARDING: Here.

21 THE CLERK: Hunschofsky.

22 REPRESENTATIVE HUNSCHOFSKY: Here.

23 THE CLERK: Joseph. Joseph.

24 Latvala.

25 REPRESENTATIVE LATVALA: Here.

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1 THE CLERK: Maggard.
2 REPRESENTATIVE MAGGARD: Here.
3 THE CLERK: Massullo. Massullo.
4 McClure.
5 REPRESENTATIVE MCCLURE: I'm here.
6 THE CLERK: Morales.
7 REPRESENTATIVE MORALES: Present.
8 THE CLERK: Perez.
9 REPRESENTATIVE PEREZ: Here.
10 THE CLERK: Plakon.
11 REPRESENTATIVE PLAKON: Here.
12 THE CLERK: Silvers has been excused.
13 Trabulsy.
14 REPRESENTATIVE TRABULSY: Here.
15 THE CLERK: Truenow.
16 REPRESENTATIVE TRUENOW: Here.
17 THE CLERK: Williamson.
18 REPRESENTATIVE WILLIAMSON: Here.
19 THE CLERK: Ex Officio Driskell.
20 REPRESENTATIVE DRISKELL: Here.
21 THE CLERK: Ex Officio Leek.
22 REPRESENTATIVE LEEK: Here.
23 THE CLERK: Quorum is present, Mr. Chair.
24 CHAIRMAN SIROIS: Thank you very much, DJ.
25 Members, a few reminders before we begin.

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1 Please silence all electronic devices, and if you're
2 here today to give public testimony, please take
3 time now to fill out an appearance form and turn it
4 into the Sergeant staff.

5 As a reminder for our members and speakers
6 today, please turn your microphone on when you are
7 speaking and off when you are finished.

8 Members, welcome back to special session.
9 We have a lot of work ahead of us today. So let's
10 jump right in.

11 For those of you who may be tuning in for
12 the first time and as a refresher for the rest of
13 it, I'd like to first take a moment to recap. We
14 began our redistricting process back in September of
15 2021. Since then, we've debuted a website, a map
16 drawing application, and held numerous committee
17 meetings.

18 On March 4th, the House and Senate both
19 passed Committee Substitute for Senate Bill 102.
20 Now, from there, unlike what happens in our state
21 legislative redistricting maps that receive Florida
22 Supreme Court review, our congressional
23 redistricting maps do not receive court review and
24 instead move like a normal bill, which means they
25 are sent to the Governor for approval or veto.

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1 On March 29th, the bill was sent to the
2 Governor, who vetoed it the same day, citing
3 concerns with the United States Constitution. That
4 same day, he issued a proclamation, calling the
5 Legislature into special session to resolve these
6 concerns and established Florida's 28 congressional
7 districts to be used in the upcoming election cycle.

8 Chair Leek and I received a briefing from
9 the Governor's Office about their proposed map. It
10 is my understanding that the Senator received a
11 similar briefing. I'm glad to inform everyone that
12 the Governor's Office is joining us today to provide
13 that same briefing to all Committee members and the
14 public, as well as be available for questions about
15 the proposed map.

16 As the Speaker, as well as the Senate
17 President, have stated, our goal during special
18 session is to pass a new congressional map that will
19 both earn the Governor's signature and withstand
20 legal scrutiny, if challenged. This elected body is
21 responsible to the citizens of Florida to complete
22 our constitutional obligation to pass a
23 congressional map.

24 Now, let's talk about the flow and the
25 roadmap for today's meeting. We have one bill on

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1 the agenda for consideration, House Bill 1-C by
2 Representative Leek. I want to assure members and
3 the public that I intend to allow for enough time
4 for members to ask questions, to hear public
5 testimony, and to allow for debate. I'll be
6 tracking our time closely this afternoon and will
7 keep the Committee informed as we move along.

8 Shortly, I will recognize Representative
9 Leek to explain his bill, which contains the
10 proposed congressional map, P-000C0109. As you may
11 be aware, 10 districts of this map are from our
12 previously passed legislative map, and 18 of the
13 districts are being newly proposed by the Governor's
14 Office.

15 Seeing as the House did not have a role in
16 drawing those districts proposed by the Governor, we
17 have invited their team to be present today to
18 explain the map and answer questions from members
19 afterwards. As is normal, we will move into public
20 testimony and member debate before taking a vote on
21 House Bill 1-C.

22 I'd like to take a moment to also address
23 decorum. There's been a lot of chatter,
24 speculation, and name calling over the last several
25 weeks in anticipation of this special session and

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1 the new proposed map that we'll be considering
2 today. I want to be very clear. Today's meeting
3 with proceed with professionalism, civility, and the
4 decorum that Floridians expect of this legislative
5 body. Members of this Committee and the public
6 alike will keep their emotions and opinions
7 respectable and thoughtful and not engage in
8 personal or partisan attacks.

9 As we've talked about since last fall,
10 there is no single correct redistricting map. There
11 is no such thing as the best map. We are here to
12 consider the next map that will govern elections in
13 Florida for the next decade, and that is no small
14 feat.

15 The last housekeeping item before we
16 transition into our bill presentation is that,
17 members, in front of you is the data packet for map
18 P-000C0109. Similar to the packet produced for
19 previous maps we reviewed, this packet contains
20 information such as county and city splits,
21 compactness scores, and functional analysis data.
22 The bill text is also here in front of DJ in this
23 binder if you would like to review it.

24 Members, up for consideration today is
25 House Bill 1-C, establishing congressional districts

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1 of the state. And as we've done for every other map
2 presentation, I will ask you to hold questions until
3 all districts have been explained to ensure we get
4 through a description of the entire state, and no
5 one region is rushed.

6 Representative Leek, you are now recognized
7 to present House Bill 1-C.

8 REPRESENTATIVE LEEK: Thank you,
9 Chair Sirois.

10 Before I dive into the map itself, I want
11 to echo Chair Sirois' comments from earlier. We as
12 legislators should feel a strong sense of
13 responsibility for passing redistricting maps out of
14 this body. A narrative has started to proliferate
15 that the Legislature has somehow ceded its map
16 drawing responsibility to the Governor. I find that
17 to be a false narrative and incorrect on its face.

18 We have not ceded any responsibility. In
19 fact, we have not -- we have done a responsibility
20 once by passing maps during the regular session, and
21 we will complete it again during this special
22 session. The Governor has also fulfilled his
23 responsibility and chose to veto our maps for
24 reasons I believe his team will elaborate on today.

25 Both branches of government have a role in

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1 this process just like with any other bill. The
2 only abdication of responsibility would be if we
3 threw our hands up and sent an impasse to the
4 courts, allowing them or third parties, all of whom
5 are unelected, to draw our maps.

6 Instead, we have chosen to stay at the
7 table, continue the conversation, and hear out the
8 Governor and work together because that is not only
9 -- not only our responsibility but what Floridians
10 expect of us as their legislators.

11 Our goal for special session is to produce
12 a work product that is legislatively passed and
13 executively signed. It's through that lens that I
14 hope we will all move forward with today's meeting.

15 Now, on to the presentation. Today, we
16 will be presenting map P-000C0109. This is the map
17 reflected in the data packet in front of you, as
18 well as being posted on
19 www.FloridaRedistricting.gov.

20 As Chair Sirois mentioned, 10 of the
21 districts in this map are exact copies of districts
22 that the Legislature passed during the regular
23 session. Those are Congressional Districts 1, 2,
24 20, 21, 22, 23, 24, 25, 27, and 28. You can see
25 those here on our screen.

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1 The new proposed districts that will be
2 presented by the Governor's Office today consists of
3 Congressional Districts 3-19 and 26, as now seen on
4 the screen. Given the new proposed districts are
5 the focus of today's meeting, I would like to ask
6 Chair Sirois to recognize the Governor's Office to
7 explain these districts.

8 I'm more than happy to take questions on
9 the Legislature's districts after the presentation
10 but don't want to use our limited time redescribing
11 configurations we've all previously heard several
12 times.

13 CHAIRMAN SIROIS: Thank you very much,
14 Representative Leek.

15 Representative Skidmore?

16 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
17 you, Mr. Chair.

18 I'd like to move that the Governor's staff
19 be put under oath while testifying in the
20 Subcommittee today.

21 CHAIRMAN SIROIS: Representative Skidmore,
22 first of all, that procedure would be different from
23 any of the testimony that we received in our
24 Committee thus far, and as far as my length of
25 service in the Legislature, I think that that would

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1 be an extraordinary step that I don't feel is
2 necessary and, frankly, I find absurd to seek to put
3 a member of another branch of our government under
4 oath.

5 So that is not well received by me, and as
6 Chair, I will choose to decline your request.

7 DEMOCRATIC RANKING MEMBER SKIDMORE:
8 Follow-up?

9 UNIDENTIFIED FEMALE: Mr. Chair, point of
10 --

11 CHAIRMAN SIROIS: Representative Skidmore.

12 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
13 you, Mr. Chair.

14 Pursuant to Rule 7.2, we have the ability
15 to move to have members or guests who are testifying
16 in Committee to be put under oath, and I feel that
17 it is a fair motion under the circumstances. And
18 I'd like us to move through that process with a --
19 if we could get a second and a vote on it.

20 UNIDENTIFIED FEMALE: I second.

21 CHAIRMAN SIROIS: Thank you.

22 Representative Skidmore, again, I'm going
23 to voice that I think that that is an extraordinary
24 and unnecessary step for us to take. But I will put
25 it to this Committee.

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1 But as we move forward, I think it's a good
2 point to point out the tone for today's Committee
3 meeting. This is a state house, not a courthouse,
4 and that's how I intend to proceed with this
5 Committee today. So in the spirit of working with
6 you and moving our process forward, I will put that
7 to the vote of a Committee, and I will ask for a
8 voice vote.

9 Those in favor of putting the witness
10 providing testimony today under oath please indicate
11 so by saying aye.

12 (Multiple yeas).

13 And those opposed, please say no.

14 (Multiple nos)

15 CHAIRMAN SIROIS: In the judgment of the
16 Chair, the nos have it.

17 We'll now proceed.

18 Representative Driskell.

19 REPRESENTATIVE DRISKELL: (Indiscernible)

20 CHAIRMAN SIROIS: All right. On the motion
21 that we just voted on, seeing two hands on the
22 motion that we just had a voice vote on, DJ, I would
23 ask you to call the roll.

24 THE CLERK: Chair Sirois.

25 CHAIRMAN SIROIS: No.

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1 THE CLERK: Representatives Benjamin.
2 REPRESENTATIVE BENJAMIN: Yes.
3 THE CLERK: Brown.
4 REPRESENTATIVE BROWN: Yes.
5 THE CLERK: Fabricio.
6 REPRESENTATIVE FABRICIO: No.
7 THE CLERK: Fetterhoff.
8 REPRESENTATIVE FETTERHOFF: No.
9 THE CLERK: Harding.
10 REPRESENTATIVE HARDING: No.
11 THE CLERK: Hunschofsky.
12 REPRESENTATIVE HUNSCHOFSKY: Yes.
13 THE CLERK: Joseph.
14 REPRESENTATIVE JOSEPH: Yes for
15 transparency.
16 THE CLERK: Latvala.
17 REPRESENTATIVE LATVALA: No.
18 THE CLERK: Maggard.
19 REPRESENTATIVE MAGGARD: No.
20 THE CLERK: Massullo.
21 REPRESENTATIVE MASSULLO: No.
22 THE CLERK: McClure.
23 REPRESENTATIVE MCCLURE: No.
24 THE CLERK: Morales. Morales.
25 UNIDENTIFIED FEMALE: Daisy, you have to

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1 vote.

2 THE CLERK: Perez.

3 REPRESENTATIVE PEREZ: No.

4 THE CLERK: Plakon.

5 Silvers has been excused.

6 Skidmore.

7 DEMOCRATIC RANKING MEMBER SKIDMORE: Yes.

8 THE CLERK: Trabulsy.

9 REPRESENTATIVE TRABULSY: No.

10 THE CLERK: Truenow.

11 REPRESENTATIVE TRUENOW: No.

12 THE CLERK: Tuck.

13 VICE CHAIR TUCK: No.

14 THE CLERK: Williamson.

15 REPRESENTATIVE WILLIAMSON: No.

16 THE CLERK: Ex Officio Driskell.

17 REPRESENTATIVE DRISKELL: Yes.

18 THE CLERK: Ex Officio Leek.

19 REPRESENTATIVE LEEK: No.

20 THE CLERK: Six yeas, fifteen nays,

21 Mr. Chair.

22 CHAIRMAN SIROIS: Thank you, DJ.

23 Members, the motion fails.

24 The Governor's Office is recognized, and if

25 you would please identify yourself, sir, for the

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1 Committee and the record that would be appreciated.

2 ALEX KELLY: Thank you, Mr. Chair.

3 I'm Alex Kelly with the Executive Office of
4 the Governor, and I'm a deputy chief of staff for
5 the Governor. And I should say apologies for the
6 PowerPoint. Obviously, I made the PowerPoint before
7 House Bill 1-C was filed. So obviously, I'll be
8 speaking to House Bill 1-C and I guess obviously the
9 identical content of Senate Bill 2-C today. But
10 that's it again. Thank --

11 CHAIRMAN SIROIS: Mr. Kelly, I'm sorry to
12 interrupt you. If you could pull that microphone a
13 little bit closer and just speak up a little bit.

14 ALEX KELLY: Thank you, my apology.

15 Again, thank you, member -- thank you --
16 thank you, Mr. Chair, members, and thank you for
17 this opportunity to present the views of the
18 Executive Office of the Governor on the -- the
19 proposed congressional reapportionment plan and to
20 discuss our work and our contributions to this
21 compromise plan.

22 Just to give you a very brief introduction,
23 you know. Frequently today, I'll refer to
24 improvements in the plan, and I think obviously the
25 Chair and the -- and the sponsor gave a great

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1 introduction to the plan. I'll be really speaking
2 to just the 18 districts that are different,
3 although sometimes I'll very generically refer to
4 the plan as a whole. But I really am really
5 referring to our specific and my specific
6 contributions to those 18 districts.

7 And oftentimes throughout the presentation,
8 I will compare very specifically this plan, Plan
9 0109, to the primary plan the Legislature passed,
10 Plan 8019. Although there are some instances where
11 I'll refer to both, and I'll try to remember to
12 identify both when I'm making a comment that
13 definitely refers to both.

14 So for the purpose of my introduction, so I
15 am the map drawer of the 18 districts in this plan.
16 Obviously, I assumed that context would be helpful.
17 So I am the map drawer of these districts, and to
18 give you just a little bit of background of myself,
19 10 years ago, I was the staff director of the House
20 Redistricting Committee here in the Florida House of
21 Representatives.

22 Starting in January this year, I initially
23 served for our office in a role of just providing
24 guidance and oversight to our in-house counsel and
25 our contract counsel and also a contract map drawer

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1 that we brought on board to help initially start our
2 engagement in this process.

3 For reference, that contract map drawer
4 that we brought on board -- his name is Adam Foltz
5 -- the initial map that we submitted on behalf of
6 our office, map 0079, was drawn by -- was authored
7 by Mr. Foltz. For just a little context for his
8 background, he has been a map drawer for state
9 Legislatures in Wisconsin and Texas, and actually
10 currently he's drawing maps for the state of Texas
11 at this present time.

12 Much like your professional staff, myself,
13 our map drawer who drew our original map, map 0079,
14 we've only drawn maps on behalf of state government.
15 Adam Foltz and I collaborated on our office's second
16 contribution, map 0094, and, again, I alone authored
17 the 18 changes -- the 18 districts that are changed
18 in the map before you today and as to how they
19 compare to map 8019.

20 Some additional notes I'll point out at the
21 outset that will be helpful for today, one, no one
22 directed me to favor or disfavor a political party
23 or incumbent throughout this process, and I did not
24 draw any districts or make any districts or make any
25 contributions with the intent of favoring or

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1 disfavoring a political party or an incumbent.

2 Two, in drawing any of the districts
3 submitted by our office, I did not consider or even
4 look at political data, including party
5 registration, voter data. In other words, I do not
6 know the voting history or party registration
7 numbers for any of the districts that I have drawn.

8 With that said, the only time I did
9 reference political data in my work was early in the
10 process. I did -- I did reference political data
11 early in the process when we were observing the work
12 of the Legislature and we were identifying whether
13 or not it was possible to draw a compact African
14 American performing district in Northeast -- in
15 Northeast Florida to both try to comply with the
16 U.S. Constitution and the State Constitution and
17 apply -- comply with the State Constitution in the
18 way that the Florida Supreme Court has interpreted
19 it and the way this Legislature has implemented it.

20 So essentially, I took a look at whether or
21 not it was possible to sort of check all the boxes,
22 so to speak, with complying with the U.S.
23 Constitution and the State Constitution in drawing a
24 more compact minority performing district.
25 Ultimately, I determined it was not possible to do

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1 so.

2 Three, in drawing the compromised plan that
3 you -- that you have before you here today in this
4 legislation and contributing to office's two prior
5 proposals and in the totality of our office's
6 engagement in this process, I have not in any way
7 consulted with anyone outside the Executive Office
8 of the Governor, our contract counsel, our contract
9 map drawer, the Legislature, and its counsel. So
10 I've only worked within the parties here in the
11 House, Senate, and our office and our contract
12 counsel.

13 In other words, I can confirm -- said
14 differently, I can confirm that I've had no
15 discussions with any political consultant, no
16 partisan operative, no political party official
17 concerning any plans proposed by our office and
18 plans considered by the Legislature. In effect, I
19 have engaged in this process, including authoring
20 this proposed compromise plan, in a manner that
21 meets the same high standards that you set forth for
22 your professional staff.

23 And this plan that you're considering today
24 in House Bill 1-C, Plan 0109, is indeed a
25 compromise. It is the product of consultation and

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1 collaboration between our office and House and
2 Senate leadership, and it incorporates portions of
3 the plan passed by the Legislature.

4 As Chair Leek noted, Senate Bill 102,
5 Primary Plan 8019, concepts, of course, from 10
6 districts are included block for block in their
7 entirety in this map. This compromise plan also
8 includes concepts from our two prior office's
9 submissions, Plan 0079 and 0094.

10 It also includes concepts from the map that
11 was actually referred out of this Subcommittee, map
12 -- or Plan 8011 prior to -- or I guess out of this
13 Subcommittee on its way to the full committee and
14 aligns in several other ways that I'll describe with
15 plans considered and the style of the House and
16 Senate's map drawing.

17 As we noted -- in fact, I think, Chair
18 Leek, you did a great job of really summarizing this
19 slide. So I can probably just -- probably just skip
20 this. But, you know, again, in general, the main
21 crux of it is that I'm going to really focus my
22 comments today on the 18 districts that did change.

23 First, in an effort to create a
24 collaborative product, I worked off the
25 Legislature's primary plan 8019. So while I was

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1 seeking to remedy the Governor's veto message and
2 make improvements throughout the map, I began my
3 work downloading Plan 8019 and subsequently making
4 changes.

5 Regarding the proposed plan before you
6 today, it maintains the same number of performing
7 majority-minority seats. It retains the
8 Legislature's exact configuration as was shown in
9 the map of the Panhandle districts and also
10 Southeast Florida, essentially St. Lucie through
11 Monroe Counties.

12 For reasons set forth in the detailed
13 memorandum that -- I think it may have been
14 distributed to the members prior to the meeting --
15 the detailed memorandum that our general counsel
16 wrote to accompany the Governor's veto message, the
17 compromise proposal eliminates the racially
18 gerrymandered versions of Congressional District 5,
19 which were included in Senate Bill 102, both the
20 primary plan and the secondary plan. Members, that
21 legal memorandum is included -- again, I think
22 hopefully it's been distributed. That legal
23 memorandum is available.

24 In summary, Congressional District 5 in
25 both the primary and secondary maps enacted by the

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1 Legislature violates the Equal Protection Clause of
2 the United States Constitution because it assigns
3 voters primarily on the basis of race but is not
4 narrowly tailored to achieving -- to achieve a
5 compelling state interest.

6 Again, that memorandum otherwise fully
7 explains the Governor's legal objections to both
8 versions of that district in the primary and
9 secondary maps as it passed the Legislature.

10 I will say because I am the map drawer, I
11 am not legal counsel to the Governor. I'm going to
12 be careful to really focus my comments today on the
13 drawing of the map and not venture into that legal
14 world. It's a little beyond -- it's probably a
15 little beyond my training. So I'm really going to
16 -- going to focus on the map itself and those 18
17 districts.

18 Plan 0109 creates two new districts,
19 Districts 4 and 5, in Northeast Florida consistent
20 with maps previously proposed by our office with
21 some minor improvements. These two districts are
22 race neutral and overall more compacts than
23 Districts 4 or 5 in the maps passed by the
24 Legislature.

25 In addition to resolving federal

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1 constitutional objections raised by the Governor,
2 the proposed compromise plan makes overall
3 improvements with respect to Tier 2 redistricting
4 criteria relative to the maps passed by the
5 Legislature by bringing together some of the best
6 concepts from the Legislature's prior maps and our
7 office's maps.

8 Plan 0109 adjusts the congressional
9 districts in Tampa, for example, the Tampa Bay area
10 and the larger Gulf Region, stretching from Citrus
11 down to Lee Counties and impacting some inland
12 counties to create a hybrid compromise of the
13 Legislature's and our office's maps.

14 These changes improve overall visual
15 compactness, have a net effect of reducing a county
16 split, and significantly increase the usage of Tier
17 2 political and geographical boundary lines.

18 In the Central Florida region, Plan 0109
19 aligns more closely with the map that was referred
20 out of this Subcommittee, Plan 8011, with one
21 distinction that aligns with Senate Plan 8060 as it
22 passed the Senate.

23 With respect to the similarities with the
24 House's Plan 8011, specifically with respect to
25 Congressional District 10, we accept the position

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1 articulated by the House's professional staff in
2 this Subcommittee in that meeting, that this
3 district is not subject to the Florida
4 Constitution's non-diminishment standard because the
5 benchmark district does not contain an African
6 American population sufficient enough, large enough
7 to reliably elect a candidate of their choice.

8 We understand that the House and Senate
9 disagree on this point. However, because districts
10 cannot be drawn on the basis of race unless there is
11 a compelling reason to do so, the absence of
12 agreement between the House and Senate on the need
13 to treat District 10 as a minority protected
14 district under the State Constitution indicates that
15 a compelling basis for using race is lacking.
16 Essentially, the disagreement between the two
17 chambers, as articulated in the testimony, is a
18 reason for a lack of evidence.

19 Accordingly, the proposed plan defers to
20 the House's stated testimony in that Committee
21 meeting or Subcommittee meeting, and my changes to
22 the districts in Central Florida region, including
23 District 10, are drawn on race -- on race neutral
24 principles.

25 Again, these changes in Central Florida

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1 result in Tier 2 improvements for the Central
2 Florida region. And the combination of these
3 changes in Central Florida and the Gulf Coast
4 counties result in some additional Tier 2
5 improvements for other impacted districts like
6 Districts 3, 6, and 11.

7 Lastly, in-between the submission of our
8 office's second map, Plan 0094, and my drawing of
9 this plan, 0109, I received feedback from House and
10 Senate staff regarding our second maps overreliance
11 on the boundaries of census-designated places. I
12 was encouraged to follow the House and Senate's
13 preferred methodology of boundary usage to increase
14 our usage of major roadways, waterways, and railways
15 for Tier 2 compliance.

16 Our second map closely adhered to county
17 and city lines. So that was not a concern, although
18 less frequently to the other Tier 2 recognized
19 boundaries. Therefore, throughout these 18 revised
20 districts, I adopted the Legislature's -- the House
21 and Senate's preferred and clear articulation of
22 Tier 2 compliance. So even where I was trying to
23 articulate a general concept from one of our
24 office's prior maps, I made such revisions using the
25 Legislature's preferred approach to Tier 2

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1 compliance.

2 In the next few slides, I'll just walk you
3 through some key points regarding those Tier 2
4 improvements. First, the proposed plan reduces by
5 one the number of county splits from 18 to 17 by
6 keeping Citrus and Sarasota Counties whole in lieu
7 of Polk, effectively a two-for-one swap.

8 Furthermore, where there are county splits,
9 the number of ways in which those counties are split
10 is reduced. For example, probably the most visible
11 of those changes in a larger county is reducing the
12 number of districts within a portion of Hillsborough
13 County from four to three.

14 Second, the proposed plan reduced reliance
15 on nongeographic and nonpolitical boundaries from
16 12.5 percent to 11.5 percent, not a significant
17 difference but nonetheless showing that effort to
18 again utilize more frequently, well-recognized
19 political and geographical boundary lines in that
20 Tier 2 manner. In other words, when I mentioned
21 previously that I adopted the House and Senate's
22 preferred way to articulate compliance, this is the
23 result of that.

24 Third, although the mean compactness scores
25 are largely equivalent to each other when comparing

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1 my efforts in map 0109 and Plan 8019 as passed by
2 the Legislature, the proposed plan improves the
3 compactness score of the least compact district such
4 that Plan 0109 would be, I believe, the first map
5 considered by the Legislature where every district
6 has a Reock and Polsby-Popper score greater than
7 0.2.

8 I should say, moreover, visually we'll see
9 in a few moments many of the districts are plainly
10 just more circular, squared, more visually compact
11 shapes that are more easily understandable.

12 Lastly, my changes to Plan 0109 stayed
13 equal to the Legislature's achievement of only
14 splitting 16 cities in primary plan 8019. There are
15 some differences about which cities are split when
16 comparing my revisions to the map passed by the
17 Legislature, specifically I keep Cape Coral, Plant
18 City, and Port Orange whole, whereas the Legislature
19 kept Lakeland, St. Pete, and Longboat Key whole.

20 What I did take care to do in each of those
21 cases was first to make sure that if there was a
22 city split in that sort of three cities for three
23 cities swap, to make sure that those cities
24 nonetheless were still only contained within two
25 districts, as the way the Legislature did, as the

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1 way you did.

2 And additional -- and additionally, I tried
3 to make sure that those city splits still made
4 meaningful use of other Tier 2 metrics. For
5 example, as you know, Longboat Key is one of four
6 cities in the state that is itself split across two
7 different county lines. When I made the effort to
8 keep Sarasota County whole, that resulted in
9 splitting Longboat Key because both Manatee and
10 Sarasota were kept whole but kept whole in two
11 different districts, although certainly that was an
12 exchange of Tier 2 compliance that was well worth it
13 in order to keep an entire county whole.

14 I should say just as a disclaimer in saying
15 all of this, I don't mean to ever suggest -- and I
16 think, Chair Sirois, you got at this point -- I
17 don't ever mean to suggest there is a statistical
18 line in the sand for what Tier 2 -- Tier 2 compliant
19 compactness or county splits or city splits looks
20 like.

21 But at the same time, in authoring a
22 compromise plan, I recognized that I should author a
23 plan that recommends improvements and builds upon
24 the work of the Legislature, at the very least give
25 you a plan that never goes backwards and at least

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1 improves upon the work the Legislature has done,
2 even though it's not necessarily, as you said,
3 Chair, it's not a competition of statistics. And
4 that is exactly what I've done.

5 So with that, I'm just going to proceed
6 then to a more detailed visual explanation of the
7 proposed compromise plan.

Statewide, the next two
8 slides -- really, the next four slides -- give you
9 that view statewide. I don't think I need to cover
10 these as much because you -- Chair, you covered
11 these very much or Chairs, I should say, covered
12 these very much in your opening.

13 But this is the statewide view, and then if
14 you just scroll to pulling back the district labels,
15 it was important for me, not just -- obviously we
16 talked about statistics, not just to improve upon
17 statistical goals in the map, like statistical
18 compactness, but I also wanted these changes just to
19 satisfy the eyeball test and offer some squaring up,
20 circling up of the districts and greater usage of
21 clear and visible boundary lines. And so the look
22 and feel of the map mattered just as much as the
23 statistics.

24 As you zoom in on just the districts that
25 changed, I'll just skip a little bit again because

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1 you just looked at something similar. One of the
2 key facets of my work in the proposed plan was to
3 make sure that there was no collateral, unintended
4 consequences to my changes without making some sort
5 of equal or better Tier 2 change.

6 So as I changed one part of the map -- for
7 example, as you see, I split Polk County as part of
8 the swap for keeping Citrus and Sarasota Counties
9 whole. I get a little more in-depth as to exactly
10 how that worked in a little bit. In doing so, I
11 incorporated several Tier 2 changes to Polk County
12 to make sure the new lines were still very
13 meaningful.

14 And in saying that, two-thirds of the
15 residents in proposed District 18 on the right are
16 still coming from Polk County. Clearly, the
17 Legislature was articulating options that centered a
18 district largely around Polk County. And so even
19 though I've split the county in order to pick up
20 Sarasota and Citrus kept whole, I've done so in a
21 way where Polk County is still the predominant two-
22 thirds of the population of a district.

23 Shifting to Districts 4 and 5 on these next
24 couple slides, I already provided some context
25 previously about the newly proposed composition of

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1 these two districts. Just some other general points
2 that I didn't say earlier. The boundary lines
3 between the two are mostly the St. Johns River.

4 As you know, Jacksonville is the one city
5 in the state that is larger than a congressional
6 district. So you must split it, and the river,
7 which nearly equally divides the city, stands out as
8 a logical, recognizable Tier 2 boundary. If you
9 have to split the city somewhere, it stands out as
10 maybe the most recognizable boundary to do so.

11 And in doing so, the maps on the right in
12 Plan 0109 were overall the combined -- when you
13 compare the compactness of the Districts 4 and 5
14 there compared to Districts 4 and 5 on the left,
15 combined, they still improve the overall compactness
16 of the two, even making the split through the river.

17 The southern boundaries of District 4 and 5
18 -- I should -- let me go back. The southern
19 boundaries of Districts 4 and 5 are still exactly as
20 the Legislature proposed them. So the use of the
21 Clay-Putnam line is the same as the Legislature
22 proposed it, and where the split occurs in St. Johns
23 County is exactly as the Legislature proposed it.
24 So we didn't change the southern boundary. I didn't
25 change the southern boundary of Districts 4 and 5.

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1 The last point about these two districts I
2 want to make sure and show you, make sure you see,
3 is that District 4 does need to cross the river at
4 some point for the purposes of equal population, and
5 that population difference was about 1500, 2000
6 residents. So knowing the district has to cross at
7 some point, cross the St. Johns River, I tried to
8 make that a meaningful crossing of the river.

9 Our original iteration of this crossing, I
10 think, was less deliberate. In this improvement
11 configuration, I used the bridges of the Arlington
12 Expressway and Interstate 295 to literally allow a
13 resident to not have to leave District 4 in order to
14 traverse District 4. So again, just trying to use,
15 even in the zero population work on a district,
16 trying to use those boundaries in some kind of
17 meaningful way.

18 The next few slides, slides 14 through 21,
19 visualize my changes to the Gulf Counties from
20 Citrus down to Lee and how those districts impact
21 the counties inland to the east, north, and south.
22 And I'm showing this in a way that I thought about
23 it, trying to make Tier 2 improvements, how I
24 thought and went through the map to make those
25 changes. And essentially this is again a hybrid of

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1 the Legislature's maps and our office's prior plans
2 in this region.

3 In order to achieve worthwhile Tier 2
4 improvements to this region, I did have to revisit
5 how the entire region was drawn. Slide 15, as this
6 slide illustrates, the Legislature's decision to
7 keep Broward, Osceola, and Polk Counties whole --
8 nothing wrong with that decision. Obviously keeping
9 counties whole is a great decision -- but the
10 Legislature's decision to keep Broward, Osceola, and
11 counties (sic) whole places limitations on what
12 could be done in the Tampa Bay region and the
13 counties to the north and south of Tampa Bay.

14 Keeping Broward -- I'm sorry -- Broward,
15 Osceola, and Polk Counties whole creates effect --
16 in effect -- I'm sorry. Go ahead -- in effect,
17 creates a wall across three-quarters of the state.
18 Breaking that wall in Polk County essentially gives
19 the map drawer more flexibility in considering
20 different options for drawing more compact districts
21 and more adherence to political and geographical
22 boundary lines in those Western Gulf Counties in the
23 state of Florida.

24 So in effect, Polk County -- freeing Polk
25 County up then allowed additional considerations.

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1 Otherwise, if it's kept whole, it limits what the
2 map drawer can do in along Tampa Bay and north and
3 south of Tampa Bay.

4 Slide 16, for example, this Congressional
5 District 12 now includes all of Citrus County. In
6 the Legislature's configuration, Citrus County was
7 split. So now, Citrus County is kept whole in this
8 district. Of course, obviously, now District 12
9 takes a much more squared-up, linear shape.

10 Just a few details about the district and
11 the district just to the south of it, that pink
12 district, District 15, District 12 is actually still
13 a majority Pasco County seat, yielding about 141,000
14 Pasco County residents to District 15. The
15 boundaries between 12 and 15 are almost entirely
16 defined by state roads and municipal boundary lines.
17 Zephyrhills is entirely included in District 15.
18 Saint Leo, San Antonio, and Dade City are entirely
19 included in District 12.

20 Taking a look then south of the Tampa Bay
21 region, going down to Sarasota County, the changes I
22 began in Polk also allowed keeping Sarasota County
23 whole in District 17, which, like District 12, now
24 includes two whole counties and portions of a third
25 to get equal population.

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1 The southern portions of District 17 that
2 extend into Lee County only take unincorporated
3 communities, leaving all municipalities from Lee
4 County whole in District 19. This is how I was able
5 to keep Cape Coral whole in District 19. And the
6 boundaries are almost entirely city lines or
7 significant roadways, again, leaning on these Tier 2
8 principles.

9 Taking this approach to the north and south
10 of Tampa Bay then gave me a better chance to draw
11 visually compact districts in Tampa Bay and make
12 improved usage of Tier 2 political and geographical
13 boundaries.

14 Zooming in a little further on Pinellas
15 County in the bay, it's seen from the Legislature's
16 process that having a seat wholly in Pinellas County
17 was an important goal. So I quite literally worked
18 my way west to east, starting with District 13,
19 while I also built my way south to north with
20 District 16, coming from Manatee County, which is
21 still kept whole in this plan.

22 Really leaning in heavily on Tier 2
23 standards of compactness and use of Tier 2
24 boundaries, I split Districts 13 and 14 in the north
25 with the use of the Pinellas-Hillsborough County

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1 line, as the Legislature did, and I largely utilized
2 U.S. 19 as the southern divider. I get my equal
3 population in that middle section of District 13, in
4 the unincorporated Feather Sound area just north of
5 St. Pete.

6 So while I split St. Pete, I'm doing so
7 making a clear use of Tier 2 boundaries. As -- and
8 as I built District 14 eastward and northward in
9 Tampa Bay, again, I sought to ensure that the
10 boundaries of the district were defined by clear,
11 recognizable, Tier 2 boundaries like major roadways
12 and as I was trying to maintain something of a
13 square or rectangular shape to District 14 to keep
14 it compact.

15 You'll see in these next few slides where
16 some of the linkage along predominantly roadways
17 occurs between these districts, in this particular
18 case, between the northern portion of Districts 14
19 and 15 and even District 12 in Pasco County. That's
20 largely the Suncoast Parkway -- that's -- I'm sorry.
21 It's largely the Suncoast Parkway squared off at a
22 county road, as it essentially takes Suncoast
23 Parkway south.

24 You meet up with a county road, and then
25 make a -- I guess if you were traveling south, you

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1 make a left at Busch Boulevard, over to the
2 municipality of Temple Terrace. And I have Temple
3 Terrace highlighted on the map. The Legislature had
4 a very similar configuration around Temple Terrace
5 to accommodate the municipal boundaries wholly in a
6 district.

7 And you'll see that I continued on the
8 Suncoast Parkway into Pasco County, so if you take
9 Suncoast Parkway north into Pasco County and then
10 turn on State Road 54, which is a little curvy but
11 nonetheless a state road to divide Districts 12 and
12 13.

13 What you see here in the unincorporated
14 Brandon area is also a point of emphasis that I
15 achieved a few times when three districts would meet
16 at a point. I essentially tried to make use of a
17 clear -- of clearly recognizable roadways in a Tier
18 2 manner to be distinguishable dividers between
19 districts. So in this case, that juncture of U.S.
20 301 North and South and State Road 60 East and West
21 makes a clear boundary when these three districts
22 meet.

23 And as I was drawing District 16 from
24 Manatee County north into Hillsborough County, I
25 really wanted to hold State Road 60 as a clear

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1 divider that could later be utilized in Polk County,
2 where Districts 15 and 18 would eventually meet.
3 The resulting District 15 also keeps Plant City
4 whole, and despite going into Pasco and Polk
5 Counties, is still approximately two-thirds
6 populated by Hillsborough County residents.

7 The next five slides visualize my changes
8 to the Central Florida region, again, largely
9 returning to the concepts that this Subcommittee
10 passed in Plan 8011 with one exception.

11 That one exception -- we'll start there.
12 That one exception being that I followed more
13 closely to the Senate's concept for Congressional
14 District 8 in that rather than taking the district
15 into southern Volusia to get the last bit of equal
16 population necessary, I turned the district into
17 eastern Orange. That means this proposed plan only
18 splits Volusia County two ways rather than into
19 three different districts, bringing District 7 down
20 to the Volusia-Broward County line without
21 increasing the number of districts in Orange County.

22 Essentially, there as a turning of the
23 wheel, if you will, as to where these districts'
24 boundaries were to square them up, make them more
25 compact, but not actually have any negative impact

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1 on the boundary usage of Orange County but have a
2 positive on the boundary usage in Volusia County.

3 Again, as I mentioned in my opening, I
4 authored District 10 in the House's plan to look
5 more -- I'm sorry -- this plan to look more like the
6 House's plan, Plan 8011, as it passed the
7 Subcommittee, very compactly keeping several cities
8 whole in either Districts 9, 10, or 11.

9 And as you zoom in, I highlighted the
10 municipality -- as you zoom in, I highlighted the
11 municipality of Edgewood, and right next to that is
12 Belle Isle, and both are kept whole in District 9.
13 That explains how District 9 extends upward just
14 slightly, again, utilizing predominantly major
15 roadways, but it's to accommodate these two
16 municipalities and either put them wholly in one
17 district or the other. In this case, puts them
18 wholly in District 9. Winter Park and Maitland are
19 kept whole in District 10, and Ocoee, Apopka, and
20 Winter Garden are kept whole in District 11.

21 The boundaries between these districts are
22 almost -- are also very much defined by Tier 2,
23 either keeping the aforementioned cities whole,
24 utilizing county boundaries -- like you look at
25 District 10. That boundary is the Orange-Seminole

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1 boundary line -- or utilizing major, well-recognized
2 roadways and waterways, except where necessary to
3 get equal population.

4 That western boundary, for example, between
5 Districts 10 and 11 is largely the Apopka-Vineland
6 Road, except where the road briefly discontinues
7 about halfway down the western border of the
8 district.

9 And then the southwestern border of
10 District 10 is another clear -- really clear usage
11 of significant roadways to separate Districts 9, 10,
12 and 11 using Interstate 4 and State Road 528, where
13 they all come together. Again, that achieves really
14 giving those districts a clearly recognizable
15 boundary.

16 The combination of moving District 10 back
17 very compactly towards the middle of Orange County
18 along with keeping Citrus County whole in District
19 12 creates a visually improved, more compact
20 District 11, again, essentially turning the wheel,
21 if you will, of District 11, shifting from the
22 angled shape in Plan 8019 to a more circular shape
23 in Plan 0109 and still includes all of Sumpter
24 County.

25 The combination of reshaping District 7,

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1 10, 11, and 12 then allowed me to reduce the number
2 of districts in Marion County from three to two.
3 The result is that both Districts 3 and 6's
4 boundaries follow State Road 301 north to south,
5 similar to the way the Legislature defined the
6 boundaries just a little further east -- the
7 Legislature just used different roadways -- 301
8 north to south, loop around the boundaries of Ocala,
9 and then -- which is wholly in District 3, and then
10 continue down Interstate 75, so again just using
11 very clear, Tier 2 boundaries.

12 The borders between Districts 6 and 11,
13 just for your reference, in the Lake County area is
14 mostly defined by city boundaries and waterways with
15 Lady Lake, Eustis, and Mount Dora entirely in
16 District 6, while Fruitland Park, Leesburg, and
17 Tavares are entirely in District 11.

18 The work to get equal population -- I
19 referenced that little piece that's in Lake County
20 of that eastern, northeastern piece of District 11
21 that's in Lake County, the work to get equal
22 population is largely done tracking right there
23 along State Road 46 as it exits Lake County, and
24 that work is largely in the unincorporated Sorrento
25 area.

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1 The totality of this and other changes that
2 brought, for example, District 7 down to Volusia and
3 Broward, resulted in District 6 taking a more
4 compact, overall circular shape. When you pull back
5 on the map, it has a much more circular shape.

6 Of course, several of these changes had
7 impacts on Polk County, and I wanted to make this --
8 those impacts beneficial in a -- in a Tier 2
9 context. So I factored in how Districts 9, 11, and
10 15 share boundaries with District 18, which, again,
11 District 18 is actually about two-thirds of the
12 residents are from Polk County, one-third from six
13 whole rural counties.

14 First, regarding District 9, I did a couple
15 things that were both helpful in filling out and
16 smoothing this visual and statistical compactness as
17 well for District 9, including also picking up a
18 portion of incorporated Poinciana and the lake that
19 essentially represents that piece of Polk County
20 that otherwise sticks into Osceola County. I also
21 extended District 9 out slightly at the northwest
22 Osceola border, utilizing Highway 27 and the Ronald
23 Reagan Parkway.

24 So the overall idea here was threefold. It
25 creates -- as you pull back from the map, it creates

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1 a visual smoothing of the line, about as smooth as
2 the Polk County-Osceola border will give you a
3 chance to do, but it creates a visual smoothing of
4 the line, which does help with statistical and
5 visual compactness. It eliminates the visual and
6 noncompact effects of that inlet between Polk and
7 Osceola, which, again, contributes to the overall
8 compactness.

9 And I was trying to get the population just
10 right in Districts 9 and 18 so that District 11
11 could have that essentially sort of nearly flat,
12 very roadway-bounded eastern wall abutting up to
13 District 10 in Orange County. So the visual effect
14 of what was achieved in Orange County and how the
15 Districts 9 and 18 interacted in Polk County all had
16 a -- all had a significant effect on each other, and
17 there was a lot of give and take to make that effect
18 work.

19 As I referenced the boundaries between
20 Districts 11 and 15 -- I'm sorry -- 11 and 18,
21 generally speaking, those boundaries focus around
22 Interstate 4. However, you do see some extensions
23 on either side of Interstate 4 between Districts 11
24 and 18.

25 Polk City is entirely included in District

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1 11, but there are a couple of pieces of Polk City
2 that go across Interstate 4. Auburndale is included
3 entirely in District 18, but there are a couple
4 pieces of the city that go across the Interstate.
5 And I mentioned earlier, while Lakeland is split in
6 this map, I wanted to make sure it wasn't split in
7 more than two districts.

8 So as you get close to District 15 there,
9 where you see, again, another jumping across I-4,
10 those are just boundaries of the city of Lakeland
11 and then some of the zero-population work that I did
12 as well.

13 And then when you look at the boundaries of
14 District 11, 15, then back down to 18, U.S. Highway
15 98 is largely the vast majority of that boundary,
16 really extending out of Pasco County into Polk
17 County through Lakeland, utilizing U.S. Highway 98
18 for most of that.

19 The southern boundary, which I made
20 reference to before when looking at the Hillsborough
21 region, is State Road 60. As I mentioned
22 previously, I wanted to hold that boundary line in
23 Hillsborough County with 15 north of that boundary,
24 16 south of it, taking that boundary out -- boundary
25 out of the county so that that southern connection

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1 between 15 and 18 would still utilize State Road 60.
2 And then zero population work there was done just
3 north of the city boundaries of Mulberry in Polk
4 County.

5 Again, as I mentioned earlier in my
6 presentation, overall, this map equals the city
7 splits, 16, of the Legislature's primary plan, but,
8 of course, some of the splits are different. And,
9 you know, and I referenced earlier that I made sure
10 that where there was a split, a city was only split
11 two days.

12 Furthermore, the resulting District 18 is
13 again still a two-thirds Polk County district. I
14 could clearly see that the Legislature was
15 attempting to create in pretty much any map that was
16 considered a majority Polk district. While this is
17 a different configuration, I've still achieved the
18 same overall goal of creating a majority Polk County
19 district in District 18 with numerous Tier 2
20 considerations and improvements around it.

21 Just moving on to the last couple slides,
22 looking at Southwest Florida, I had to make some
23 decisions as a result of those decisions I discussed
24 previously, largely in part due to the Tier 2
25 efforts to keep Sarasota whole and creating District

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1 17 with all of Sarasota, all of Charlotte, and
2 incorporated portions of Lee Counties.

3 My newly composed District 17 required me
4 to equal -- equalize population for District 18
5 through the entirety of Hendry County and then
6 finding approximately another 4500 residents
7 elsewhere.

8 In our office's prior plan, I found those
9 residents in western Palm Beach County, in the
10 cities and around the cities around Belle Isle,
11 Pahokee, and that area. However, in this compromise
12 plan, as we discussed earlier, as the Chair
13 discussed, we were not affecting some of the
14 Southeast Florida districts. So I wanted to hold
15 the Palm Beach County line as the Legislature did in
16 its plan.

17 So zooming in a little more closely, as
18 you'll see on this last slide, I equalized the
19 population in Collier County, which was already
20 split once, extending District 18 along State Road
21 -- kind of that angle along State Road 82, down
22 State Road 29 North, and then east along County Road
23 846 to get those additional 4500 residents for
24 District 18 and balance the population.

25 And for District 26, I had to further

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1 extend District 26's western boundaries closer
2 towards unincorporated East Naples, utilizing
3 roadways and waterways as boundaries between 26 and
4 19, except where necessary to equalize population.
5 The resulting District 26 still has a Hispanic
6 voting age population of 73.22 percent.

7 And with that said, Mr. Chair, that is my
8 explanation of the changes in House Bill 1-C.

9 REPRESENTATIVE LEEK: Thank you, Mr. Kelly,
10 for that presentation. Additionally, members, this
11 bill appropriates \$1 million to the Department of
12 State for expenses related to the litigation of the
13 congressional map. The bill also includes language
14 related to state courts. It requires any state
15 court challenge to the congressional map to be filed
16 in Leon County.

17 All changes based on state law -- or excuse
18 me -- all challenges based on state law to be filed
19 in state court, rather than federal court, permits
20 any state court challenge to raise both state law
21 claims and, to the extent the circuit court has
22 jurisdiction, federal law claims, and finally makes
23 explicit that nothing in the bill precludes federal
24 courts from deciding challenges based on the federal
25 law.

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1 Mr. Chairman, that is the bill.

2 CHAIRMAN SIROIS: Thank you very much,
3 Chair Leek.

4 For the members of the audience, I noticed
5 several more folks have joined us. Just as a matter
6 of housekeeping, if you would like to provide public
7 testimony today, please fill out a speaker form with
8 the Sergeant at Arms. They have those available.

9 Members, we're now going to move into
10 questions on the bill. I would ask that all
11 questions go through the Chair, and I want to offer
12 my reminder once again about my expectation for
13 decorum and civility in this Committee.

14 Members, again, just kind of looking at the
15 clock, we can remain in questions -- maybe we'll
16 give it to about 5:05, 5:10, see where we're at. I
17 want to make sure that we have plenty of time
18 remaining to receive that public testimony.

19 Ladies and gentlemen, we appreciate you
20 being here today with us.

21 And with that, we will move into questions.
22 Representative Hunschofsky.

23 And, members, just kind of to roadmap
24 things out, what I'd like to do is give members a
25 couple of bites at the apple, perhaps a couple of

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1 questions and a follow-up. And then to make sure
2 everybody has had an opportunity, we'll rotate
3 through and then entertain a second round of
4 questions, time permitting.

5 Representative Hunschofsky, you are
6 recognized.

7 REPRESENTATIVE HUNSCHOFSKY: Thank you,
8 Chair Sirois. And how many questions is that, that
9 we're allowed in our first round? Just out of
10 curiosity.

11 CHAIRMAN SIROIS: Go for it.

12 REPRESENTATIVE HUNSCHOFSKY: Okay. I'll go
13 for it.

14 Thank you very much for presenting the map
15 that you drew. You mentioned that this was a
16 compromise map. Yet when we voted on the maps that
17 we passed, we had a map, and we had a secondary map,
18 one map, not -- so I'm not understanding how this is
19 a compromise. Could you explain what you mean by
20 that? Because I thought the secondary map was the
21 compromise and even the first map.

22 ALEX KELLY: Chair?

23 CHAIRMAN SIROIS: Sir, you're recognized.

24 ALEX KELLY: Thank you.

25 At that time, our office had not agreed on

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1 either of those two maps. There were obviously
2 pieces of those two maps that we've incorporated
3 here, of course, 10 of those districts exactly from
4 8019, and there are concepts from those two maps
5 that we've sort of hybridized (sic) with concepts from
6 the maps that our office previously published. But
7 we didn't come out and support either of those two
8 maps.

9 CHAIRMAN SIROIS: And to offer further
10 clarification, the map that is being presented today
11 by Chair Leek and the Governor's Office has provided
12 us with commentary on includes many portions of what
13 the Legislature passed.

14 Representative Hunschofsky, you're
15 recognized.

16 REPRESENTATIVE HUNSCHOFSKY: Thank you,
17 Chair Sirois.

18 So we had a whole bunch of meetings during
19 committee weeks about all the Tiers, and it was
20 drilled into us the Tier 1 and the Tier 2. I
21 noticed in your presentation there was a strong
22 concentration on Tier 2, which we were all told in
23 every single committee meeting we've been in, that
24 those are only to be looked at after the Tier 1
25 standards have been satisfied.

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1 And one of the Tier 1 standards that came
2 up when we had Mr. Popper (phonetic) was the fact
3 that districts shall not be drawn -- and I'm reading
4 this from what was presented to us from the House
5 staff as backup -- districts shall not be drawn with
6 the intent or result of denying or abridging the
7 equal opportunity of racial or language minorities
8 to participate in the political process or to
9 diminish their ability to elect representatives of
10 their choice. A Tier 2 standard is districts shall,
11 where feasible, utilize existing political and
12 geographical boundaries.

13 So with that, I ask, why were the changes
14 made to Districts 4 and 5 looking solely at Tier 2
15 standard, even though a Tier 2 standard is after a
16 Tier 1 standard has been met, and yet the Tier 1
17 standard that I talked about doesn't seem to be met
18 with the line that you drew? So what was -- why was
19 a Tier 2 standard given priority over a Tier 1
20 standard in that case?

21 CHAIRMAN SIROIS: Mr. Kelly, you're
22 recognized.

23 ALEX KELLY: Thank you.

24 And first and foremost, I did note in my
25 testimony that we didn't draw any districts with the

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1 intent of favoring or disfavoring an incumbent or
2 political party, and that is a Tier 1 standard. In
3 addition, all the districts that we've drawn are
4 contiguous, and that is a Tier 1 standard.

5 The other Tier 1 standard regarding
6 diminishment, of course, was the major focus of the
7 Governor's veto message and really the major focus
8 of discussion. And after reviewing your work, the
9 work of the Legislature overall, it was clear that a
10 district couldn't be drawn to both satisfy the U.S.
11 Constitution and the court's and the Legislature's
12 understanding of the State Constitution. In such a
13 situation, the federal Constitution has to prevail.

14 A plain language -- as I'm not -- as I'm
15 not an attorney, a sort of plain language way of
16 saying that is there was no obligation to redraw
17 District 5 as it was -- as it was drawn in the
18 benchmark. There was no obligation. There was no
19 lawfully drawn district to not diminish from.

20 REPRESENTATIVE HUNSCHOFSKY: Chair?

21 CHAIRMAN SIROIS: Representative
22 Hunschofsky, one final question, and then I'd like
23 to move on to make sure we have adequate time for
24 all members.

25 REPRESENTATIVE HUNSCHOFSKY: All right.

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1 One final question --

2 CHAIRMAN SIROIS: We'll come back.

3 REPRESENTATIVE HUNSCHOFSKY: -- for this
4 round. I have a whole other round --

5 CHAIRMAN SIROIS: Yes, ma'am.

6 REPRESENTATIVE HUNSCHOFSKY: -- a whole
7 other section of the state.

8 CHAIRMAN SIROIS: We'll get there.

9 REPRESENTATIVE HUNSCHOFSKY: Why was the
10 decision made then not to put District 5 on top of
11 District 4, as opposed to go kind of meander around
12 it? It would seem it would be more compact to have
13 one on top of the other than to meander around the
14 other.

15 And it doesn't seem like when compactness
16 is the argument, even though it is a Tier 2 argument
17 and still does not follow along the Tier 1 standard
18 -- not the one that you mentioned, but the one that
19 I mentioned -- I wondered why you wouldn't look to
20 keep it, if compactness is so important, compact in
21 that way so that you could not only meet your sub-
22 Tier 2 standard but also the Tier 1 standard that I
23 mentioned.

24 CHAIRMAN SIROIS: You're recognized.

25 ALEX KELLY: Thank you -- thank you,

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1 Mr. Chair.

2 And obviously, you know, in terms of
3 compactness, as the Chair noted in the beginning,
4 there's no -- there's no one right redistricting
5 map. That said, the districts that you're
6 referencing are significantly more compact,
7 significantly more compact in the benchmark.
8 Visually, statistically, they are more compact than
9 the maps that passed this Legislature. So they are
10 more compact districts, and there was a rational
11 choice to be made.

12 As I noted in my comments about those
13 districts, Jacksonville is the lone city in the
14 entire state that is larger than a congressional
15 district. So it's a city you're going to divide,
16 and a logical division to consider is the St. Johns
17 River, which happens to almost divide the city in
18 half on its own naturally. So it's a very logical
19 dividing line.

20 It's clearly well-recognized in the
21 community. So clearly, a constituent would have no
22 question -- are they a voter in District 4? Are
23 they a voter in District 5? -- which is the point of
24 drawing a clear boundary line that follows a major
25 roadway, a highway, or so -- or a waterway and so

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1 forth. So it was a very logical and compact choice
2 to make, and we had already satisfied Tier 1
3 concerns.

4 CHAIRMAN SIROIS: Thank you, sir.

5 Ranking Member Skidmore, you are recognized
6 in questions.

7 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
8 you, Chair Sirois.

9 Thank you, Mr. Kelly, for being here today.
10 This is -- I'm going to go a little slow because
11 it's a lot to digest. It was a lot of -- a lot of
12 changes. So does 109 split as many counties as 8019
13 or more or less?

14 CHAIRMAN SIROIS: Mr. Kelly, you're
15 recognized.

16 ALEX KELLY: Thank you, Mr. Chair.

17 It splits one less county, and also in
18 addition to that, for those counties that are --
19 that are split, it splits those counties fewer
20 times. So it makes a couple types of county
21 improvements. It keeps Sarasota and Citrus whole in
22 exchange for splitting Polk. So it picks up a
23 single county split -- or, I'm sorry, a single
24 county whole. Sorry.

25 CHAIRMAN SIROIS: Representative Skidmore,

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1 you're recognized.

2 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
3 you, Mr. Chair.

4 Thank you for the answer. And does 109
5 reduce the city splits from 8019 or increase city
6 splits?

7 CHAIRMAN SIROIS: Mr. Kelly?

8 ALEX KELLY: Thank you, Mr. Chair.
9 It's equal.

10 DEMOCRATIC RANKING MEMBER SKIDMORE: Equal.

11 CHAIRMAN SIROIS: Ranking member.

12 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
13 you, Mr. Chair.

14 Thank you for the answer. So if the -- if
15 the Governor's veto was based on CD 5 and CD 4 and
16 the number of city splits did not change and the
17 number of county splits was reduced by one split,
18 why did you redraw 18 districts instead of just the
19 district that the Governor objected to?

20 CHAIRMAN SIROIS: Mr. Kelly.

21 ALEX KELLY: Thank you, Mr. Chair.

22 Of course, our office had previously
23 submitted two entirely different state maps for the
24 Legislature's consideration. So it's no secret that
25 there were other preferences in the rest of the map.

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1 There were other opportunities for Tier 2
2 improvements throughout the rest of the map.

3 And so a veto message, of course, the veto
4 message spoke to the Governor's most significant
5 concern throughout the map, but it wasn't a secret
6 that we had already published two complete maps
7 before and made other recommendations throughout the
8 rest of the map.

9 So with the opportunity to take a look at
10 the rest of the map, obviously we deferred to the
11 Legislature exactly block for block in 10 of those
12 seats, but as I articulated, there were a number of
13 opportunities, keeping counties whole -- sorry --
14 keeping counties whole, the visual compactness of
15 the map as well, and just overall a more clear
16 usage, a more consistent usage of political and
17 geographical boundary lines. So there were a number
18 of improvements throughout the map.

19 CHAIRMAN SIROIS: Thank you, Representative
20 Skidmore. Let's do a follow-up.

21 And then we have Representative Benjamin
22 next on my list, and we'll come back to you in the
23 next round.

24 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
25 you, Mr. Chair.

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1 Thank you -- thank you for the response.

2 I'm going to pick -- I have to pick which question

3 I'm going to ask. So the Governor's position is

4 that there was no compelling reason to keep CD 5,

5 but wasn't CD 5 actually drawn by the court? And is

6 that not a compelling interest?

7 Thank you, Mr. Chair.

8 CHAIRMAN SIROIS: Mr. Kelly.

9 ALEX KELLY: Thank you, Mr. Chair.

10 The court got it wrong.

11 CHAIRMAN SIROIS: Representative Benjamin.

12 REPRESENTATIVE BENJAMIN: Thank you,

13 Mr. Chair.

14 CHAIRMAN SIROIS: Representative Benjamin,

15 I apologize.

16 Ladies and gentlemen, there are many new

17 members of the audience that have joined us. I just

18 want to offer a reminder again about the decorum

19 that we have in this Committee. We don't have loud

20 reactions in this Committee. We have business to

21 conduct. We are pressed for time.

22 Representative Benjamin, you are

23 recognized.

24 REPRESENTATIVE BENJAMIN: Thank you,

25 Mr. Chair.

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1 You represented earlier that the law and
2 constitutional arguments are somewhat outside of
3 your purview, but yet you've told us now that the
4 court got it -- got it wrong. And -- but in that
5 decision, the court was attempting to reconcile the
6 federal Constitution and the State Constitution.

7 Would that be a fair statement?

8 CHAIRMAN SIROIS: Sir.

9 ALEX KELLY: Mr. Chair.

10 I'm not aware, although I'm happy to defer
11 to counsel to fill out this answer, but I'm not
12 aware of where the state court -- the state Supreme
13 Court was attempting to reconcile something between
14 federal and state law. But I'm happy to defer to
15 counsel if there is something I'm unaware of.

16 REPRESENTATIVE BENJAMIN: Mr. Chair?

17 CHAIRMAN SIROIS: Representative Benjamin.

18 REPRESENTATIVE BENJAMIN: Thank you.

19 Can you then tell me how did the court get
20 it wrong?

21 ALEX KELLY: Thank you, Mr. Chair.

22 CHAIRMAN SIROIS: Mr. Kelly.

23 ALEX KELLY: And I'll -- and I'll offer
24 sort of, you know, I think a two-part answer here.
25 One, I walked through in my testimony that that was

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1 a seat drawn predominantly based on one criteria,
2 based on race. It is a racial gerrymander, and
3 there was a failing to demonstrate that compelling
4 state interest in doing so.

5 The other side of this, I can speak to from
6 my time at that time working in the Legislature from
7 2009 to 2012. The driving question behind Fair
8 Districts was a district -- the poster child
9 district was a district that sprawled from
10 Jacksonville to Orlando. And in the end resolution
11 a few years later, the court drew a district that
12 sprawls from Jacksonville to Gadsden County. It
13 didn't remedy the issue. It just replaced one
14 gerrymandered district with another.

15 REPRESENTATIVE BENJAMIN: Mr. Chair?

16 CHAIRMAN SIROIS: (Indiscernible)

17 REPRESENTATIVE BENJAMIN: Thank you.

18 CHAIRMAN SIROIS: Representative Benjamin,
19 you're recognized.

20 REPRESENTATIVE BENJAMIN: Thank you.

21 Are you aware that compliance with the
22 Voting Rights Act by the courts has been considered
23 a compelling state interest?

24 CHAIRMAN SIROIS: Mr. Kelly.

25 ALEX KELLY: Thank you, Mr. Chair.

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1 That's a great question, and, again, you
2 know, I'm not counsel for the Governor. But I'll
3 speak to the extent of my knowledge of the Voting
4 Rights Act. The Voting Rights Act speaks to
5 districts where the minority community is 50 percent
6 or more of the total community in the district, so
7 in other words, if the African American or Hispanic
8 voting age population of the district is 50 percent
9 or more of the voting age population in the
10 district.

11 That's not the end of that analysis, but
12 that is a sort of introduction to that analysis.
13 The district in question does not meet that
14 threshold. So I don't see any scenario in which the
15 Voting Rights Act is implicated by Congressional
16 District 5.

17 CHAIRMAN SIROIS: Representative Benjamin,
18 let's have one follow-up in this round, and then
19 we're going to move to Representative Joseph. Thank
20 you, sir.

21 REPRESENTATIVE BENJAMIN: Okay. Thank you,
22 Mr. Chair.

23 In determining that it's not -- it was not
24 narrowly tailored to be a compelling state interest,
25 was it that it wasn't narrowly tailored or was it

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1 that it wasn't a compelling state interest? Which
2 14th Amendment or strict scrutiny analysis are we
3 looking at?

4 CHAIRMAN SIROIS: Mr. Kelly.

5 ALEX KELLY: Mr. Chair.

6 I'm not sure I could answer that question
7 directly. I can just say, in general, the
8 obligation to define that compelling state interest
9 is an obligation the map drawer has. So I, as
10 someone who am saying that that district didn't
11 define that, whoever drew that district has to meet
12 that obligation, not me.

13 Counsel could probably elaborate a little
14 bit further on the question if you want.

15 REPRESENTATIVE BENJAMIN: I would want.

16 CHAIRMAN SIROIS: If you have -- if your
17 counsel is present --

18 ALEX KELLY: Yeah.

19 CHAIRMAN SIROIS: -- they can speak to the
20 remaining portion of Representative Benjamin's
21 question, and then we'll move on to Representative
22 Joseph.

23 ALEX KELLY: Ryan Newman, the Governor's
24 general counsel will hopefully help answer the
25 remainder of the question.

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1 CHAIRMAN SIROIS: Mr. Newman, you're
2 recognized.

3 RYAN NEWMAN: Great. Thank you.
4 Sure, I'd be happy to answer that.

5 CHAIRMAN SIROIS: Forgive me.
6 Representative Benjamin.

7 REPRESENTATIVE BENJAMIN: Mr. Chair, can
8 you have him go over the how the court got it wrong
9 more specifically (Indiscernible)

10 CHAIRMAN SIROIS: If you would speak into
11 the microphone and offer that -- offer that question
12 please.

13 REPRESENTATIVE BENJAMIN: Can you give us
14 more of a legal analysis as to the Governor's
15 constitutional challenge to the -- to the map?

16 RYAN NEWMAN: Sure. So --

17 CHAIRMAN SIROIS: Mr. Newman, you're
18 recognized.

19 RYAN NEWMAN: Thank you.

20 Sure. On the issue of the federal
21 constitutionality of District 5 as it was originally
22 configured, the Florida Supreme Court never actually
23 addressed that question. That question has never
24 been resolved by the federal -- by the -- by the
25 Florida Supreme Court as to whether or not District

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1 5, as it was configured, complied or not with the
2 federal Constitution.

3 And so the -- so what we did in the memo
4 that we submitted -- and it lays out, I hope, in
5 sufficient detail the legal argument for why
6 compliance with the Florida Constitution in Northern
7 Florida -- and that's complying with the non-
8 diminishment standard of the Florida Constitution --
9 can't square with the Equal Protection Clause of the
10 United States Constitution.

11 And so just a step back to sort of walk
12 through the analysis, all right. The Supreme Court
13 has made very clear that you cannot draw voting
14 districts based on race unless the state can satisfy
15 strict scrutiny. So there must be a compelling
16 interest, and the district must be narrowly tailored
17 to achieve that compelling interest.

18 Now, the only time that the United States
19 Supreme Court has been willing to even countenance a
20 compelling interest in this context is when there is
21 good reason to believe that the district is
22 necessary to comply with either Section 2 or Section
23 5 of the Voting Rights Act.

24 And I need to point out, even on this
25 point, that is still an open question. The U.S.

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1 Supreme Court has only assumed that compliance with
2 the Voting Rights Act is a sufficient compelling
3 interest to justify a race-based district. That's
4 very narrow, and the Supreme Court has only been
5 willing to assume that much. It's never actually
6 definitively held that.

7 So with respect to compliance with the
8 Voting Rights Act, okay, there's two components to
9 the Voting Rights Act. There's Section 2 of the
10 Voting Rights Act, and there's Section 5 of the
11 Voting Rights Act. Section 5 of the Voting Rights
12 Act no longer applies in this context because of the
13 Shelby County case, right, which wiped out Section
14 4.

15 So Section 5 is no longer operative, but I
16 do want to make an important point here. Section 5
17 never applied to the state of Florida as a whole.
18 It never has. So there was never -- even back, you
19 know, in 1968 or whatever, you know, back when the,
20 you know, the evidentiary basis for the Voting
21 Rights Act of 1965 was being assembled, there was
22 never sufficient evidence to determine that the
23 entire state of Florida should be subject to the
24 Voting Rights Act. It was only determined that five
25 counties, none of which are in Northern Florida,

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1 were subject to the Voting Rights Act for Section 5.

2 So Section 5 of the Voting Rights Act, I
3 guess my point is, that's just out of the picture,
4 all right. So that just leaves us then with Section
5 2, okay. So does Section 2 of the Voting Rights Act
6 require that District 5 in Northern Florida be
7 drawn? And the answer has to be no. Why? Because
8 of the Gingles preconditions that are required for
9 making out a Section 2 claim.

10 You can't even make out a Section 2 claim
11 unless you satisfy the Gingles precondition. The
12 first precondition -- and this is what Alex was
13 trying to get to. The first precondition is, is
14 there a minority population that's reasonably
15 compact, in a reasonably compact geographic location
16 that constitutes a majority of the district?

17 And District 5, notwithstanding the fact
18 that it's gerrymandered. I mean, the district was
19 drawn for the specific purpose of connecting African
20 American populations in Jacksonville with the
21 African American population in Tallahassee and
22 Gadsden Counties.

23 And even then that district is not a
24 majority-minority district. It only got up to 44
25 percent or so, 44, 45 percent if my -- if my memory

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1 serves. And that's even without respecting
2 traditional districting criteria.

3 So that district cannot be -- is not
4 required by the Voting Rights Act, and because it's
5 not required by the Voting Rights Act, it doesn't --
6 cannot serve as a compelling interest to justify the
7 drawing of a district in Northern Florida based on
8 race, okay.

9 So the only -- the only question then is
10 whether or not mere compliance with the Florida
11 Constitution alone by itself is a compelling
12 interest to justify a race-based district.

13 And in this context, where you're having to
14 ignore all traditional districting criteria, which
15 is what the federal courts look at to determine
16 whether or not, you know, the district is necessary,
17 it cannot be a compelling interest, for the same
18 reason that we would never say that, if Florida had
19 a law segregating the schools, that that would
20 somehow trump the Equal Protection Clause. Why?
21 Because, you know, the Florida Constitution says so.

22 The only point -- my only point is mere
23 reliance on the Florida Constitution cannot by
24 itself be enough. Now, don't get me wrong. That's
25 not to say that there are other applications of the

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1 Florida Constitution's non-diminishment standard
2 that could be or that could survive strict scrutiny.

3 One example would be if you had a
4 sufficiently compact African American community,
5 right, in a district. You can't necessarily just
6 carve up that district. That perhaps -- that
7 perhaps could satisfy strict scrutiny.

8 But what does not and cannot satisfy strict
9 scrutiny is trying to cobble together disparate
10 minority communities from across Northern Florida to
11 cobble together a district that might perform for
12 the minority community.

13 And I think that -- that's where District 5
14 goes wrong because it's clearly cobbled together.
15 It's clearly a gerrymander, not unlike the preceding
16 district that went from Jacksonville down to
17 Orlando, you know, as a salamander-type district
18 that went from Jacksonville down to Orlando.

19 But that's the -- that's the fundamental
20 problem. There's no compelling interest here
21 because the Voting Rights Act does not require this
22 district to be drawn in Northern Florida, and mere
23 compliance alone without more of the non-
24 diminishment standard in the Florida Constitution
25 cannot satisfy strict scrutiny, at least as the

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1 Supreme Court has explained it.

2 And just to put a bell on all of this, I
3 mean, the Supreme Court just spoke again just a
4 matter of weeks ago and slapped down a Wisconsin map
5 for containing, you know, improperly racially drawn
6 districts because the --

7 CHAIRMAN SIROIS: Sir, if you'd -- if you'd
8 bring it in for a landing for us, we have members
9 with other questions.

10 RYAN NEWMAN: Thank you. I could go on and
11 on. To -- yeah. So the Wisconsin -- the Supreme
12 Court came in, sort of struck down the Wisconsin --
13 you know, a summary reversal of the Wisconsin maps
14 for not satisfying strict scrutiny.

15 So strict scrutiny is a very, very high --
16 very high standard, and it just wouldn't satisfy it
17 in this context.

18 CHAIRMAN SIROIS: Thank you.

19 Representative Benjamin, I've put you on
20 the list for our second --

21 REPRESENTATIVE BENJAMIN: Well --

22 CHAIRMAN SIROIS: -- round of questions.

23 REPRESENTATIVE BENJAMIN: -- I don't -- I
24 don't have -- well --

25 CHAIRMAN SIROIS: Let me --

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1 REPRESENTATIVE BENJAMIN: -- just thank
2 you, Mr. Chair, because that's the heart and the
3 crux of the changes that were made, and I think that
4 analysis was much needed. Thank you.

5 CHAIRMAN SIROIS: Thank you, Representative
6 Benjamin.

7 Representative Joseph, you're recognized.

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

10 Wow, so many questions. Earlier, you were
11 asked in the Senate to define race neutral in your
12 approach in drawing these maps. Can you define that
13 for us please?

14 CHAIRMAN SIROIS: Mr. Kelly.

15 ALEX KELLY: Thank you, Mr. Chair.

16 Essentially not factoring in race as I'm
17 drawing a district.

18 CHAIRMAN SIROIS: Representative Joseph.

19 REPRESENTATIVE JOSEPH: What, if any,
20 analysis did you do regarding retrogression in
21 creating these maps to analyze both black
22 representation and Hispanic representation or Latino
23 representation?

24 CHAIRMAN SIROIS: Mr. Kelly.

25 ALEX KELLY: Thank you, Mr. Chair.

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1 Great question. And I didn't have a need
2 to with the districts that I was drawing. So I
3 didn't do any kind of analysis like that. Like I
4 didn't do any kind of functional analysis.

5 CHAIRMAN SIROIS: Representative Joseph.

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

8 Looking at your version of, I guess, CD 26,
9 which spans from the Everglades to Collier County in
10 Miami all the way to Hialeah, talk to us about your
11 premise in drawing that particular map in crossing
12 over the way you did.

13 CHAIRMAN SIROIS: Mr. Kelly.

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

15 So that district -- if you -- and if you
16 think about it in the context of the district that
17 the Legislature drew and where I made changes, the
18 eastern boundaries of the district in Miami-Dade
19 County are identical to the boundaries that the
20 Legislature drew. The western half of the county is
21 the portions of the -- portions of the district, I
22 should say, that I drew.

23 So as I was approaching that area with
24 District 18, I described earlier that I was in need
25 of population to complete District 18, and I

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1 assigned Hendry County, the totality of Hendry
2 County as a whole county, to district 18. And using
3 some major roadways in the unincorporated Immokalee
4 area of northern Collier, I then moved a little bit
5 of Collier County into District 18 as well, again
6 though using those major roadways, not splitting any
7 cities in the process.

8 The result of that, I made changes to
9 District 26 exclusively in the -- in the Hendry
10 County side, pulling that district out of Hendry
11 County in its entirety and moving that district,
12 District 26 then, further east into unincorporated
13 East Naples basically and utilizing the major
14 roadways there. There's a few waterways as well, so
15 trying to utilize some clear, natural boundaries.

16 Overall, as I mentioned earlier in my
17 testimony, the Hispanic voting age population of the
18 district is still quite high. It's a little more
19 than 73 percent Hispanic voting age population. So
20 again, I didn't change any of the boundaries in the
21 Miami-Dade County side of the district, just
22 exclusively in the Collier and Hendry side of the
23 district.

24 CHAIRMAN SIROIS: Representative Joseph.

25 REPRESENTATIVE JOSEPH: Thank you,

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1 Mr. Chair.

2 So when you say you were in need of
3 population, you were specifically referring to the
4 Latino population to create this district.

5 CHAIRMAN SIROIS: Mr. Kelly.

6 ALEX KELLY: Thank you, Mr. Chair.

7 Really both. I was in need of population
8 initially just because I was taking the district out
9 of Hendry County and then also out of part of the
10 Immokalee -- unincorporated Immokalee area. The
11 total population shift there was roughly -- my math
12 may be a little bit off -- but about 45,000 people.

13 So, in effect, I needed people for equal
14 population, first and foremost, to complete the
15 district, which meant that I had to push a little
16 further, draw a little further into -- into sort of
17 the coastal side of Collier County but obviously not
18 that far.

19 That said, knowing that this is a
20 historically performing majority-minority Hispanic
21 seat, I was watching those numbers carefully to make
22 sure that in terms of the overall Hispanic voting
23 age population, I was staying very close to the
24 benchmark seat, which I think is maybe a little bit
25 more than 74 percent.

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1 So the seat that I drew, the percentage is
2 around 73, still very high, still at a threshold
3 that should perform for Hispanic -- a majority
4 Hispanic voting age population seat.

5 CHAIRMAN SIROIS: Representative Joseph,
6 let's do a follow-up, and then I'm going to move to
7 Representative Brown, and we'll try to come back.

8 REPRESENTATIVE JOSEPH: Thank you.

9 So your analysis basically presumes that
10 the Latino voters vote cohesively. And you may or
11 may not be aware of this, but in that area, you have
12 lots of different kind of Latino groups, and I don't
13 know if your analysis, based on what you're telling
14 me, you did not take that into account.

15 So my question for you is this map
16 basically takes the same approach as the House and
17 Legislature's previous maps for District 21, but
18 these two Latino electorates are separate in terms
19 of how they tend to perform.

20 So I guess what I'm asking is, is that
21 thinking correct, that this map basically takes the
22 same approach as the House and Legislature's
23 previous maps for District 21 and District 28. And
24 in terms of CD 26 that I'm specifically asking
25 about, it's motivated by that same idea of Latino

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1 cohesion in terms of how they perform?

2 CHAIRMAN SIROIS: Mr. Kelly.

3 ALEX KELLY: Thank you, Mr. Chair.

4 And I think I can answer the question,
5 although I will concede -- in terms of your
6 reference to the prior district numbers, I'm not
7 totally clear which maps you're referring to.

8 But in -- but in general, I was fairly
9 confident that a Hispanic voting age population
10 that's higher than 73 percent is still going to
11 maintain that historical performance for this
12 district that has performed Hispanic for, to my
13 knowledge, at least a couple decades. So I was
14 fairly confident that with such a high Hispanic
15 voting age population, even though it was a slight
16 drop, that overall, it wouldn't -- it wouldn't
17 warrant any concerns.

18 And obviously I had to -- I had to get
19 equal population as well, and no matter what I did,
20 I was also wanting to make sure that if I was
21 assigning Hendry County to a different district, I
22 wanted to make sure that, one way or another, I kept
23 Hendry County whole.

24 CHAIRMAN SIROIS: Thank you.

25 Representative Brown.

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1 REPRESENTATIVE BROWN: Thank you, Mr. --

2 CHAIRMAN SIROIS: Questions.

3 REPRESENTATIVE BROWN: Thank you,

4 Mr. Chair.

5 As it relates to -- I know there was -- in
6 your presentation, you talked about improving the
7 maps. And so specifically to district 10 here, the
8 little barbell-shaped lob, I wanted to know -- can
9 you explain sort of the Orange County configuration
10 and whether or not -- or how it's more Tier 2
11 compliant than the other vetted alternatives that we
12 have done or developed or even debated?

13 And specifically recognizing the political
14 and geographical boundaries for its perimeter. I
15 believe right now it's 63 percent, and I know for
16 the 8019 for CD 10, I believe it was 82 percent. So
17 we're talking about improving. It seems as though
18 it's going backwards. When we look at even the 8060
19 map that we've also kind of reviewed, it also used
20 those boundaries, but it recognized it as a 92
21 percent, so I mean, stellar boundaries. How is this
22 particular configuration compliant and an
23 improvement?

24 CHAIRMAN SIROIS: Mr. Kelly.

25 ALEX KELLY: Sure. Thank you.

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1 And would it help if we went to look at the
2 district? Because there's some aspects that I think
3 the visual helps the explanation if that's okay.

4 CHAIRMAN SIROIS: Yes.

5 ALEX KELLY: Okay. Thank you. Actually, I
6 think I'm going to mess this up. Is it okay if I
7 take control of the --

8 CHAIRMAN SIROIS: Certainly.

9 ALEX KELLY: So one of the things that I
10 did find out -- by the way, Representative, to your
11 roadway question, one of the things that I did
12 discover in the process is that that western
13 boundary of District 10, Apopka-Vineland Road,
14 essentially we don't get -- I don't think we get
15 credit for it.

16 It is predominantly one roadway, but I
17 think, as I understand, the roadways you get credit
18 for in terms of the statistics in the Legislature's
19 redistricting application, it picks up the roadways
20 that the Census Bureau recognizes. But as you zoom
21 in on that district, you find out that it is
22 actually for the most part one solid roadway.

23 Really, the boundaries of that district,
24 you have the Seminole County-Orange County line to
25 the north. You have where that part of District 9

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1 comes up into District 10, and it's -- the wall of
2 that is a significant roadway. And on this side and
3 on this side, in-between are two municipal
4 boundaries. Some of the zero-population work is
5 done just to the north of that.

6 As you go east of those two municipalities,
7 it's just following one nice, clear roadway. It
8 then follows -- I think it's actually the eastern
9 end of that Orange County section of leading out of
10 10, still follows major roadways and waterways as
11 well, but the eastern boundary between 10 and 8 is
12 predominantly roadways and waterways.

13 Most of these boundaries are defined in
14 Tier 2. I don't know if the application picks up
15 all of them and gives us credit for the statistics
16 on all of them, but the boundaries of this district,
17 outside of equal population, are exclusively Tier 2
18 boundaries. The district is very compact, and it
19 overall allowed some other districts around it to
20 become more compact.

21 One of the things that I did was the
22 portions of District 9 -- and obviously, you know,
23 you always have to look at any district, you know,
24 in respect to what it also causes around it. The
25 portions of District 9 as the Legislature passed

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1 them were more on the eastern side of that Orange
2 County.

3 Going north, I pulled those portions more
4 flat and spread across, which helps with your
5 circular test, so like a Reock test or a Polsby-
6 Popper. It's not a massive difference, but it is a
7 little bit of a difference the way that it's drawn.
8 And again those are just predominantly absent some
9 of the zero population work, just major roadways
10 defining those boundaries.

11 The other visual effect here that I really
12 like is how District 11 now -- you know, District
13 11, when it comes from sort of the Lake-Seminole
14 area, it just follows along the Seimone County
15 border. It then goes under the city boundaries of
16 Apopka. Obviously, I didn't want to break the city
17 of Apopka. It goes under the city of Apopka,
18 follows predominantly one roadway. I did note in my
19 testimony that that roadway actually has a break in
20 it. So you couldn't follow that roadway the
21 entirety of the western wall of District 10.

22 But, in effect, District 11 in the
23 configuration -- in fact, I'll take one step back.
24 In the configuration considered by the Legislature,
25 District 11, because 10 is centered really around

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1 Apopka, I believe Ocoee, Winter Garden, that area,
2 District 11 has to then have this arm underneath
3 District 10.

4 Because I was able to create that more, you
5 know, flat use of boundary space between 7-11, 10-
6 11, 9-11, in effect, there's no arm then anymore to
7 District 11, and that contributed, along with what I
8 did in Citrus County, to being able to square up
9 District 11 as well.

10 So the changes that I made were never in
11 respect to just one district, although I did use
12 district -- I did use clear roadway boundaries and
13 municipal boundaries almost exclusively and county
14 boundaries with District 10, but the changes were
15 made in respect to all the districts so that all of
16 the districts took on a little more of a
17 statistical, aesthetic compactness and again overall
18 just tried to use those clear boundary lines between
19 them.

20 CHAIRMAN SIROIS: Representative Brown,
21 before you continue, thank you, sir.

22 Members, just to kind of give you a sense
23 of where we're at. We're coming up on a period
24 where we need to wrap up questions. We have
25 significant public testimony, our citizens here with

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1 us today at the capital. We also have an amendment.
2 We have debate and want to give Chair Leek and
3 opportunity for final comments as well.

4 So Representative Brown, you are recognized
5 to continue in questions, but, members, please be
6 mindful of our time.

7 REPRESENTATIVE BROWN: Thank you, Mr.
8 Chair.

9 And I definitely will keep that in mind
10 because I actually do have questions surrounding
11 when we're speaking of those surrounding districts.
12 I have quite a few questions based off of the
13 percentages and points there compared to 8060. But
14 I'll just ask this question so that my other
15 colleagues can have an opportunity at this apple.

16 I know the Governor stated written
17 objection to 8019, and in that written statement, he
18 focused on 4 and 5. And so why are we here messing
19 with the Orlando area, particularly District 10, in
20 ways that clearly worsen the compliance to the
21 constitutional criteria?

22 CHAIRMAN SIROIS: Mr. Kelly, you're
23 recognized.

24 CHAIRMAN SIROIS: Thank you, Mr. Chair.

25 And I should start maybe in reverse order

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1 of the question. I would disagree with the last
2 point that was made. I do believe this composition
3 -- and this composition is very similar to what this
4 Subcommittee passed in Plan 8011. I believe really
5 demonstrates strong compliance with the law, and I
6 believe actually this composition, again, similar to
7 the product passed out of this Subcommittee, I think
8 was actually better than the final product passed
9 out of the Legislature overall.

10 So going back to this Subcommittee work and
11 this Subcommittee's work was similar to the earlier
12 plans that we submitted out of our office. Your
13 question is similar to that of which Representative
14 Skidmore asked earlier. And while the Governor's
15 veto message was driven largely by what was
16 happening in Northeast Florida, we were never secret
17 about submitting maps.

18 We submitted public maps before out of our
19 office. Those maps articulated thoughts and ideas
20 for consideration by the Legislature all around the
21 state. And so obviously the major significant
22 constitutional concern centered around Districts 4
23 and 5 in Northeast Florida.

24 As though we looked at the Legislature's
25 final composition ideas that we had prior to that,

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1 it was clear that I could go into the map and make
2 improvements and really in many cases taking some
3 hybrids of ideas that, as Chair Sirois said earlier,
4 some hybrids of ideas that really combine some of
5 the best work product of the Legislature and maps
6 that we proposed and really trying to pull those
7 ideas together to get the best out of these maps.

8 CHAIRMAN SIROIS: All right. Thank you,
9 Representative Brown.

10 Representative Driskell, you're recognized
11 in questions.

12 REPRESENTATIVE DRISKELL: Thank you,
13 Mr. Chair.

14 Are you saying that because the Governor
15 doesn't like CD 5 as it currently exists that you
16 don't have to regard CD 5 as a benchmark district
17 for which a functional analysis is required?

18 CHAIRMAN SIROIS: You're recognized.

19 ALEX KELLY: Thank you, Mr. Chair.

20 Not exactly the way that you said that, but
21 the crux of the argument -- and Ryan laid out the
22 argument in detail well earlier -- the crux of the
23 argument is that the district violates the U.S.
24 Constitution. So if the district violates federal
25 law, there's no district with which there is an

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1 obligation to look at diminishment. The district
2 was unlawful to begin with.

3 So at that point, the Legislature had no
4 obligation to consider that question. At that
5 point, the Legislature just has Nassau County, Duval
6 County, Clay County, St. Johns County, which in
7 those four counties alone you could fit two whole
8 congressional districts plus start a third district
9 very compactly, very adherent to standards in the
10 State Constitution.

11 CHAIRMAN SIROIS: Representative Driskell.

12 REPRESENTATIVE DRISKELL: Thank you,
13 Mr. Chair.

14 But that's your opinion, correct? That's
15 not actually the current legal standard. The
16 current legal standard, as I understand it, is that
17 when there's a benchmark district, you're supposed
18 to perform a functional analysis; is that correct?

19 CHAIRMAN SIROIS: Mr. Kelly.

20 ALEX KELLY: Thank you, Mr. Chair.

21 No. No. There's no obligation to perform
22 a functional analysis on that district, and as our
23 general counsel noted, as the memorandum notes, as I
24 summarized earlier, that district as drawn in the
25 benchmark violates the Equal Protection Clause of

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1 the United States Constitution. Attempts to redraw
2 that district in various configurations violated the
3 Equal Protection Clause of the United States
4 Constitution.

5 So there's no need to do a functional
6 analysis for a district that, on its face, is
7 unlawful, and the Legislature was not obligated to
8 redraw. And that's really the analysis that Mr.
9 Newman gave, our -- our legal memorandum gave.

10 REPRESENTATIVE DRISKELL: I just -- I don't
11 want to beat a dead horse --

12 CHAIRMAN SIROIS: Representative, just go
13 one more -- one last follow-up, and then we're going
14 to move on.

15 REPRESENTATIVE DRISKELL: Okay. Not a
16 follow-up, new question about Tampa Bay.

17 CHAIRMAN SIROIS: You're recognized.

18 REPRESENTATIVE DRISKELL: All right. Thank
19 you, Mr. Chair.

20 So if we follow the map that you've
21 prepared and that we're reviewing today, it actually
22 follows the exact -- the net effect is that it looks
23 like it's following the exact same strategy that led
24 to what was determined to be a partisan gerrymander
25 that was struck down last decade, packing Democrats

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1 into Tampa Bay CD 14.

2 So my question is, you know, how is
3 following the county lines not just a pretext for
4 partisan gerrymandering here? Because it kind of
5 looks the same as it did about a decade ago.

6 CHAIRMAN SIROIS: You're recognized.

7 ALEX KELLY: Mr. Chair -- Thank you,
8 Mr. Chair.

9 I don't know the partisan breakdown of
10 those seats. I don't know where, you know, where
11 District 13, 14, 15 -- I don't know how those seats
12 are affected. I don't know the partisan data for
13 those seats. So I don't know how to address that
14 question. I can only address the question in the
15 context of how I drew the districts.

16 I wanted to draw -- because I could see
17 that the Legislature had an intent to draw a seat
18 wholly in Pinellas County. So I drew a seat wholly
19 in Pinellas County, utilized very clear boundary
20 lines, a county line for the northern part of that,
21 a state road for the southern part of that, and
22 essentially moved to the east in a block-like
23 fashion and then came north out of Manatee County
24 into southern Hillsborough and essentially just had
25 those two seats, 13 and 16, and eventually meeting

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1 15, just meet along major roadways. So they're just
2 nice, clean, compact seats that follow those major
3 roadways. I'm unaware of the data you're
4 referencing.

5 CHAIRMAN SIROIS: Thank you.

6 Representative Hunschofsky, you're
7 recognized for one brief question.

8 REPRESENTATIVE HUNSCHOFSKY: I'll try my
9 best, Chair Sirois. Thank you.

10 I have a -- I'm going to put it kind of, I
11 guess, all together. We talk constantly about the
12 Tier 2, and I keep going back to the Tier 1 that was
13 told to all of us from multiple times in our
14 committees. And the Tier 2, we're picking bodies of
15 water in certain places, but in other places, it
16 doesn't seem to bother us that we cross bodies of
17 water.

18 My question is -- and this is all related
19 in one, Chair Sirois, how are you defining race
20 neutral, where did that term come from, and how do
21 you -- how do you explain CD 20, for example, when
22 you say that?

23 CHAIRMAN SIROIS: Representative
24 Hunschofsky, I think the initial part of your
25 question has been asked and answered in the

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1 testimony that's been offered.

2 Mr. Kelly, if you'd like to speak to
3 Congressional District 20, you're recognized.

4 ALEX KELLY: Thank you, Mr. Chair.

5 And I really can't speak to Congressional
6 District 20. We didn't draw Congressional District
7 20. So I think I would have to defer to your
8 professional staff or the Legislature as a whole,
9 but we didn't draw Congressional District 20.

10 CHAIRMAN SIROIS: Representative
11 Hunschofsky, can you repeat your question as it
12 relates to Congressional District 20?

13 REPRESENTATIVE HUNSCHOFSKY: Yes. I guess
14 my question, I keep going back to, as I did the last
15 time we had a map in front of us that we were voting
16 on, Tier 1 criteria, the one that I mentioned
17 before, versus the Tier 2 criteria. You bring up
18 the term race neutral. I'm not really sure what
19 that means, and I'm not really sure where that comes
20 from.

21 The map you presented to us has a district
22 that does move around and is obviously done so to
23 protect a racial group from being able to pick a
24 candidate of their choice. So how do you explain
25 that as part of what you were talking about before?

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1 I don't know if that's making sense.

2 CHAIRMAN SIROIS: Staff is recognized.

3 Ms. Kelly.

4 LEDA KELLY: Thank you, Mr. Chair. And
5 thank you, Representative, for the question.

6 So for -- and I'll kind of piece together a
7 couple of things that have been mentioned today
8 already with regards to District 20.

9 So in the Legislature's perspective, that's
10 a protected black performing district. So we
11 performed our functional analysis on the benchmark
12 district and then recreated it to ensure that that
13 minority group can elect a candidate of their
14 choice.

15 One difference that I'd say between
16 Congressional District 20 and, I guess, previous
17 iterations of Congressional District 5 is the
18 threshold of the voting age population. So you've
19 heard the Governor's Office elude several times
20 today to the Voting Rights Act and Section 2
21 analysis.

22 The first condition of the Gingles
23 prerequisite is to have a majority-minority
24 district. In the benchmark district and in the one
25 that's recreated in this plan and prior iterations,

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1 CD 20 is above 50 percent and does meet that first
2 criteria for if someone was to bring a Section 2
3 violation against the map. So we're obviously aware
4 of that and wanted to recreate it to be in alignment
5 with that law as well. Thank you.

6 REPRESENTATIVE HUNSCHOFSKY: Can I --

7 CHAIRMAN SIROIS: Thank you very much.

8 Members, I apologize. We have an amendment
9 -- we have an amendment that we need to take up. We
10 have members of the public that have traveled here
11 today to be with us. We need to -- we need to move,
12 Representative Joseph, into your amendment.

13 REPRESENTATIVE JOSEPH: (Indiscernible)

14 CHAIRMAN SIROIS: Representative Joseph,
15 you are recognized to present your amendment.

16 Members, this is amendment barcode 959221.

17 Representative Joseph, you are recognized.

18 REPRESENTATIVE JOSEPH: Thank you,
19 Mr. Chair.

20 So in this bill, at lines 3627 through
21 3647, it creates Section 7, which limits venue for
22 legal actions challenging federal congressional
23 districts to state court. That makes no sense to
24 me. The question I would have asked had I had the
25 opportunity to do so was, what was the rationale for

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1 that?

2 So this basically -- this amendment is
3 quite simple and straightforward. It removes those
4 lines, such that these congressional federal seats
5 can be challenged in federal court. That is the
6 amendment.

7 CHAIRMAN SIROIS: Thank you very much.

8 Having explained the amendment, members,
9 are there questions on the amendment? Questions on
10 the amendment?

11 Seeing none, is there public testimony on
12 the amendment?

13 We have none submitted, ma'am. We're on
14 the amendment now, but we're going to get to public
15 testimony on the bill in just a moment. I
16 appreciate you being here today. Just one moment.

17 Seeing no public testimony on the
18 amendment, members, is there debate on the
19 amendment?

20 Ranking Member Skidmore, you are recognized
21 to debate on the amendment.

22 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
23 you, Mr. Chair.

24 And thank you, Rep Joseph, for the
25 amendment.

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1 I too was unsure why we needed to do this
2 and why we would want to try and circumvent the
3 federal courts and an opportunity for individuals to
4 work through that process? I don't think it's --
5 this is necessary. We've managed for hundreds of
6 years without, you know, weaponizing the process.
7 I'm not sure why we need to do it now.

8 We have only had these maps for a few
9 hours. We are still trying to wrap our heads around
10 them. We don't need to bog this whole process down
11 with this unnecessary language that gives us all a
12 lot of heartburn and is likely to be
13 unconstitutional for us to tell people whether they
14 can work through the federal court system or not.

15 So I support your amendment. I think it's
16 a good one, and I would ask everyone else to vote up
17 on this amendment.

18 CHAIRMAN SIROIS: Representative Benjamin,
19 recognized in debate.

20 REPRESENTATIVE BENJAMIN: (Indiscernible)

21 CHAIRMAN SIROIS: The amendment.

22 REPRESENTATIVE BENJAMIN: Thank you,
23 Mr. Chair.

24 And just to reiterate that point, we've
25 been arguing now about a federal question, the 14th

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1 Amendment -- how does the 14th Amendment apply in
2 this case? And so if we're talking about a federal
3 question, whether or not our maps violate the 14th
4 Amendment, how can you preclude the federal court
5 from weighing in on that? It's a federal question,
6 which is a requirement to enter into state -- enter
7 into federal court in the first place. So we cannot
8 preclude the federal court from determining what is,
9 in essence, a federal question. So that is my
10 debate. We should vote down on this amendment -- I
11 mean, excuse me -- vote up on this amendment.

12 CHAIRMAN SIROIS: Any other members in
13 debate?

14 Seeing none --

15 REPRESENTATIVE DRISKELL: No. No.

16 CHAIRMAN SIROIS: Representative Driskell
17 in debate.

18 REPRESENTATIVE DRISKELL: Sorry, Mr. Chair.
19 Just very, very, very briefly.

20 And, yeah, I just want to echo back to
21 something that we talked about when we were in
22 regular session, which is this concept of weaponizing
23 procedure, and if we believe that, you know, the
24 maps that we pass are going to be constitutional, if
25 we believe that they're going to stand, there's no

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1 need to weaponize procedure in this way.

2 Previously, it was -- first, it was the
3 statute of limitations and limiting that. Now, it's
4 choice of venue. What's next? It's a very slippery
5 slope, and it's something that we should all be
6 concerned about. And we need to be down on this,
7 thank you -- I mean, up on this amendment, thank
8 you.

9 CHAIRMAN SIROIS: Members in debate?

10 Seeing none, Representative Joseph, you are
11 recognized to close on the amendment.

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

14 This amendment is very straightforward. I
15 mean, it's a federal question, federal courts. It
16 really just makes sense. So the portion restricting
17 the jurisdiction, it's in direct conflict with the
18 Voting Rights Act and 28 USC 1367, which provides
19 supplemental federal jurisdiction over state law
20 claims that are closely related to federal claims.

21 As such, the supremacy clause controls and
22 the state law must concede that federal law, which
23 states that federal courts have jurisdiction over
24 these maps. I mean, it's not even complicated.
25 It's not even close.

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1 So we have to ask ourselves what's really
2 going on. Why would we want to limit challenging
3 federal congressional seats to state courts? I
4 think many of us have ideas as to what the answer is
5 to that question, but even that notwithstanding,
6 let's talk about what the 14th Amendment is, which
7 is the basis for these new maps, as has been
8 espoused to us. The 14th Amendment is one of those
9 remedial statutes in the Post-Reconstruction Era
10 that allowed for more black representation, and but
11 for that law and several others, we would have less
12 black representation.

13 So now, we have the Governor using that
14 same law to turn it on its face, and he wants you to
15 believe that somehow, under some universe, that he
16 is protecting us against segregation, which is
17 straight foolishness because I didn't get into all
18 of the questions that I --

19 CHAIRMAN SIROIS: Representative Joseph, I
20 apologize for --

21 REPRESENTATIVE JOSEPH: Okay.

22 CHAIRMAN SIROIS: -- interrupting. We are
23 very pressed for --

24 REPRESENTATIVE JOSEPH: I understand.

25 CHAIRMAN SIROIS: -- time. Let's --

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1 REPRESENTATIVE JOSEPH: I'm trying to close
2 on my --

3 CHAIRMAN SIROIS: -- you can close on the
4 amendment.

5 REPRESENTATIVE JOSEPH: -- amendment. You
6 shut off all my other questions. So I'm trying to
7 get the point across.

8 So when we look at CD 26, which is
9 protected, as you heard, as Latino voters, which is
10 a Tier 1 criteria, why are we protecting Latino
11 voters and not black voters? When we look at that,
12 there are infirmities that make that map worse in
13 terms of the Tier 2 criteria that we're alleging
14 that we're protecting, but we're not actually
15 protecting it.

16 So what are we really doing? This is smoke
17 and mirrors. This amendment directly just
18 eliminates the -- which court you're taking it to.
19 We shouldn't need this. If your premise is under
20 the U.S. Constitution and the 14th Amendment, which
21 is what we heard legal counsel say, that that's the
22 basis for their claim, then let it play out in
23 federal courts. If it's not, then tell us what
24 you're actually doing. We're not asleep at the
25 wheel. This amendment fixes that and allows us to

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1 do what we're substantively able to do.

2 Thank you, Mr. Chair.

3 CHAIRMAN SIROIS: Thank you, Representative
4 Joseph.

5 Having closed on the amendment, members in
6 favor of the amendment, please signify by saying
7 aye.

8 (Multiple ayes)

9 Those opposed, no.

10 (Multiple nos)

11 The amendment fails.

12 We are now on public testimony.

13 Ladies and gentlemen, we appreciate you
14 being here today for public testimony. We have a
15 lot of public testimony to get through. What I
16 would like to do is, once I call your name, please
17 approach the podium, if you'd like to speak. I will
18 call the next person to speak as well. They are on
19 deck if they would like to move forward in the room.
20 You are also welcome to waive in support or waive in
21 opposition in order to save time.

22 Members of the public joining us today, I'd
23 like to spend the next 40 to 45 minutes receiving
24 your public testimony, which is very important to us
25 to have, and then we'll move into member debate and

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1 the bill sponsor's close.

2 With that, I'd like to ask LaShonda
3 Holloway, a citizen from Jacksonville, to please
4 approach the podium. If you would please state your
5 name, I'm sure that I pronounced it incorrectly, and
6 then next on deck will be Nancy Staats from Atlantic
7 Beach.

8 You are recognized.

9 LASHONDA HOLLOWAY: Thank you.

10 Good afternoon to this Committee. First
11 and foremost, I want to thank you for your work, but
12 I must say that I am in utter shock that that last
13 amendment was not approved.

14 I would urge each of you to vote no on this
15 bill. If congressional seats are federal, then the
16 Equal Protection should be -- law should be heard by
17 federal courts and not by the lower courts.
18 Moreover, as a fourth generation Floridian who is
19 not only a constituent in the 5th Congressional
20 District, I am a stakeholder as a candidate to
21 represent the people of the 5th Congressional
22 District.

23 Furthermore, understand that this
24 particular map that the Governor has proposed, it
25 uses Tier 2 metrics. It does not even use the

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1 federal standard. It used the preferred standard.
2 So not only should we be using United States census
3 numbers, we should also be using Tier 1 standards,
4 and we all know that Tier 1 says you cannot favor a
5 political party.

6 CHAIRMAN SIROIS: Thank you. Thank you,
7 ma'am. That's --

8 LASHONDA HOLLOWAY: My two minutes are
9 up?

10 CHAIRMAN SIROIS: Please continue. My
11 mistake. You have two minutes. Proceed.

12 LASHONDA HOLLOWAY: Thank you so -- thank
13 you so very much.

14 Furthermore, we know that Mr. Kelly stated
15 that this particular -- these particular maps affect
16 18 districts, and as a result of that, it would
17 favor 20 Republican districts and 8 Democratic
18 districts.

19 The citizens of the state of Florida voted
20 for Fair Districts. So not only does it violate the
21 will of the people, it also violates the Equal
22 Protection Clause. The second section of the 14th
23 Amendment strictly states that you must not prohibit
24 voting practices or procedures that discriminate on
25 the basis of race, color, or membership in one

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1 minority language.

2 Last and not -- certainly not least, I
3 would say to you we must protect minority access
4 districts from retrogression. We must protect
5 minority access districts from retrogression. Black
6 people, minorities, people of color, and people of
7 minority language ethnicities should have
8 representation. We are --

9 CHAIRMAN SIROIS: Thank you.

10 LASHONDA HOLLOWAY: -- a part of this
11 democracy, and we deserve to be heard.

12 CHAIRMAN SIROIS: Thank you, ma'am.

13 LASHONDA HOLLOWAY: Thank you.

14 CHAIRMAN SIROIS: My apologies for
15 interrupting you.

16 Ms. Staats. Next on deck is Judy Sheklin
17 of Jacksonville.

18 You are recognized, ma'am.

19 NANCY STAATS: Good afternoon, everyone.
20 My name is Dr. Nancy Staats. I'm a board-certified
21 medical doctor, but you don't need an advanced
22 degree to see what is happening here. What we are
23 seeing is a blatant disenfranchisement of African
24 American communities and their representatives.

25 The Governor has many duties and

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1 responsibilities, but drawing maps is not one of
2 them. That is your job, and you are here working
3 hard doing that job. But unfortunately the Governor
4 rejected all your hard work, then came up with us
5 his maps, which you appropriately, rightfully
6 rejected when he first proposed. But now suddenly,
7 after vetoing yours, he's back with more nonsense,
8 and you have folded like a cheap suit, the
9 Republicans.

10 Now, what I would like to say --

11 CHAIRMAN SIROIS: Ma'am, I'm going to
12 remind you. I don't know if you were here when we
13 --

14 NANCY STAATS: Yes. Thank you. I will.

15 CHAIRMAN SIROIS: -- started the meeting --

16 NANCY STAATS: I will.

17 CHAIRMAN SIROIS: -- regarding decorum --

18 NANCY STAATS: I will. Yes.

19 CHAIRMAN SIROIS: -- in the Committee room.

20 NANCY STAATS: I will. What happened in
21 those two months? I'm just curious. Were there
22 discussions about budgetary requests perhaps? Was
23 there arm twisting? I don't know. Maybe someone
24 can clarify. It's painfully clear to me that
25 everyone in this room and everyone outside of this

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1 room knows this entire special session is a farce
2 because there is not even another map being
3 considered.

4 As has been mentioned by others, our
5 Harvard-educated Governor must be well aware that
6 this map violates both the Florida Fair Districts
7 Amendment and the Voting Rights Act, but perhaps he
8 wants the attention. Perhaps a Supreme Court case?
9 I don't know.

10 Everyone remembers back our American
11 history lesson that our government was formed in
12 response to an authoritarian ruler, King George.
13 Our Founding Fathers created a system of three
14 district, autonomous branches of government, yet
15 here we are today, seeking complete -- seeing
16 complete complicity on your part to a new king.

17 In closing, as a physician, I took an oath.
18 I pledged to uphold the Hippocratic Oath. You too,
19 each of you, took an oath. You have taken oaths to
20 uphold the State and U.S. Constitutions and to serve
21 your constituents, and many of you sadly seem to
22 have forgotten. We will not.

23 CHAIRMAN SIROIS: Thank you, ma'am.

24 Ms. Sheklin, you're up next, followed by
25 Juanita Powell-Williams of Jacksonville.

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1 Ladies and gentlemen, if I'd just ask you,
2 when you come to the podium, if you would identify
3 yourself once again. And we'll observe the two
4 minutes, but we may be pressed for time moving
5 forward.

6 Ma'am, you are recognized.

7 JUDY SHEKLIN: My name is Judy Sheklin, and
8 I live in Jacksonville. I'm speaking in opposition
9 to the Governor's proposed maps for several reasons.
10 It is the responsibility of the Legislature to
11 create congressional maps during redistricting
12 according to Article III of the Florida
13 Constitution.

14 The House and Senate, as the previous
15 speaker stated, created and approved maps that you
16 were satisfied with, which, as we know, were then
17 vetoed and redrawn by the Governor. This is
18 unprecedented in state Legislatures throughout the
19 United States.

20 The Legislature here, quickly, the House
21 and Senate acquiesced to the Governor, and that
22 created a dramatic imbalance of power in our state
23 government. This is troubling to me as a citizen.
24 The Governor's maps are a radical departure and
25 aren't in compliance with state and federal law.

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1 These maps, as we've heard today, reduce the
2 likelihood of minorities to elect congressional
3 members of their choice, eliminating two minority
4 districts, and also violating the Voting Rights Act.

5 In 2010, Florida passed the Fair Districts
6 Amendment, and the citizens stated and deserve and
7 expect fairness in redistricting decisions. The
8 Governor's plan that creates 20 Republican minority
9 -- majority districts out of -- and 8 majority
10 Democratic districts blatantly demonstrates partisan
11 gerrymandering.

12 Please stand up for all Floridians and
13 oppose these unfair maps. Thank you.

14 CHAIRMAN SIROIS: Thank you, ma'am.

15 Ms. Powell-Williams, you're up, followed by
16 Cristian Cardona.

17 You're recognized.

18 JUANITA POWELL-WILLIAMS: Yes. Thank you.

19 Good afternoon. Juanita Powell-Williams
20 from Jacksonville, Florida. We often in the law
21 consider knowledge and intent. Ladies and
22 gentlemen, I present to you today that there is full
23 knowledge of what is being done here today within
24 Florida.

25 Florida has become a laughingstock,

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1 unfortunately, and with that, you as our leaders are
2 privy to that. There is full knowledge, and with
3 that, intent, to do just what the Governor is doing.
4 He is taking away a right of a people. We are
5 retrogressing back to the past, and you are allowing
6 that to happen.

7 I know this is falling on deaf ears,
8 unfortunately. We're here from -- your constituents
9 are here from these various counties within Florida,
10 and we're speaking out regardless of some of you
11 already having made up your minds as to what's going
12 to come out of your mouth.

13 But we're here. Ladies and gentlemen,
14 we're going to speak up. We're going to vote, and
15 we will remember. Thank you.

16 CHAIRMAN SIROIS: Thank you, ma'am.

17 Cristian Cardona followed by Marsha Davis.

18 If I could remind members, if I call your
19 name second, if you could make your -- members of
20 the public, if you could make your way up, you're on
21 deck. That will help us move things a little bit --
22 move along a little bit faster.

23 You are recognized.

24 CRISTIAN CARDONA: Thank you.

25 Hello, everyone. My name is Cristian

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1 Cardona. I am opposed to the redistricting plan. I
2 am a worker and a leader with the Fight for \$15 and
3 the union. Different movements are gathered here
4 today because we stand against the elimination of
5 protections that the Fair Districts Amendment
6 provides. This map is a direct attack on black
7 representation and our democracy, and that ain't
8 right.

9 I want to share why -- I want to share my
10 experience as a voter and why this issue is
11 important to me. I moved to Orlando, Florida, with
12 my family in 2009. I gained citizenship and just in
13 time to vote for Amendment 2, which brought us one
14 step closer to a living wage, which is something I
15 have been organizing and speaking up about for
16 years.

17 This amendment has a direct impact on the
18 community around me, my family, my friends, and my
19 neighbors. It felt powerful to organize and
20 campaign to raise the standard of living for
21 millions of Floridians. The day I got to vote yes
22 for Amendment 2 was a day that I will always
23 remember. After months of complaining and yelling
24 it out to the world, I finally had the chance to
25 cast my vote along with my community.

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1 This is why it's so important that workers
2 have a strong voice and a vote. Workers have never
3 been given rights. We've had to fight for all of
4 the things that we won, ever little crumb, every
5 race, every right, and this fight is no different.

6 Governor DeSantis is trying to diminish our
7 ability to have our voices heard at the state level,
8 which we aren't going to let happen. Thank you.

9 CHAIRMAN SIROIS: Thank you.

10 Marsha Davis, followed by Rosemary McCoy of
11 Jacksonville, followed by Tameka Hobbs of
12 Jacksonville.

13 Ma'am, you are recognized.

14 MARSHA DAVIS: Thank you.

15 Good afternoon. I'm Marsha Davis from
16 Orlando, Florida. I'm here to speak against
17 Governor DeSantis' legislative map.

18 Floridians passed the Fair District Act
19 amending the State Constitution to protect minority
20 voters, to ensure their access to representation,
21 and to limit legislators from drawing maps that are
22 unfair. And this map is -- these maps are unfair.
23 It's just not right. I hope your conscience is
24 twinging just a little bit.

25 Minority growth in the last -- this last

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1 census is very clear. That's why we got an
2 additional congressional seat. That tells us that
3 we need more representation, not less. So I would
4 ask you to consider that. The plan is unfair, and I
5 believe the plan is unconstitutional. So I would
6 ask for you to please think about all of your
7 constituents and vote no. Thank you.

8 CHAIRMAN SIROIS: Thank you, ma'am.

9 Rosemary McCoy, followed by Tameka Hobbs
10 and then Laura Cardona.

11 ROSEMARY MCCOY: Good afternoon and thank
12 you so much for having us here and thank you so much
13 for being here.

14 We are living in a time of desperate
15 reaction, and we need your reaction in a positive
16 way. Everyone here knows that we have a war, and
17 yes, I'm going to continue to speak about this here
18 war, Russia and Ukrainian. It's a serious war
19 because it does affect us, whether we're in Florida
20 as a state or whether we are federal or whether we
21 are citizens, residents of the state of Florida.

22 I am a disabled veteran, and I believe in
23 this country. I would go to war today for this
24 country, and you know what I'm asking you all to do?
25 I'm asking you to go to war right here in the state

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1 of Florida. I'm asking you to put down your party.
2 We're not here to be Republicans. We're not here to
3 be Democrats or Independents. We're here to serve
4 the people. I have a nonprofit organization called
5 Harriet Tubman Freedom Fighters, freedom fighters.

6 I believe in freedom. I am a Ukrainian. I
7 have that spirit, and I pray that each one of you
8 do. I pray that you do not bow down to a dictator.
9 We have to stop this. When are we going to stop
10 this?

11 CHAIRMAN SIROIS: Ma'am, I'm going to
12 caution you regarding --

13 ROSEMARY MCCOY: Stop it now. Stop it now.

14 CHAIRMAN SIROIS: Our next speaker is
15 Tameka Hobbs, followed by Laura Cardona.

16 I'd like to remind members of the audience
17 as well regarding civility and decorum in the
18 Committee room.

19 Ma'am, you are recognized.

20 TAMEKA HOBBS: Thank you. Good evening.
21 My name is Dr. Tameka Hobbs. I am a recent resident
22 of Jacksonville and Congressional District 5. I am
23 a native of Florida. I grew up not very far from
24 here in Suwannee County. I am here to report to you
25 as a person who has lived the majority of my life

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1 here in the state of Florida that I have never paid
2 as much attention to the proceedings of this
3 organization because I have never in my life been as
4 concerned as I have been over the last several
5 months.

6 I'm here to voice my opposition to the maps
7 that are being presented by the Governor to this
8 legislative body because, on its face, that is
9 outside of his scope and function. This body has a
10 responsibility for bringing these maps, developing
11 these maps, as you have, for consideration. And it
12 is a definite violation of the checks and balances
13 that are built into our Constitution, as I
14 understand them, for someone else to present those
15 to us. So I will say that, number one.

16 I will also echo what's been said already
17 in that these proposed maps, this proposed map is
18 unconstitutional based on the Florida State
19 Constitution, based on the Fair Districts Amendment
20 from 2010, based on the Voter Rights Amendment
21 that's been -- Voting Rights Act, excuse me, that's
22 been presented here several times.

23 I'd also like to talk about what I heard in
24 the two times, both in the Senate and before this
25 body, that I have heard Mr. Kelly make his

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1 representations about the way that the map that was
2 presented today was -- had come about. He asserted
3 us that he was very interested in it being squared
4 and compact. He described these very round
5 districts. Visually, certainly, we can certainly
6 see that.

7 What he has used -- and I believe
8 mistakenly -- is the application of this idea that
9 these maps were constructed in a race neutral
10 fashion. If it was race neutral, we would not be
11 dealing with the disillusionment, the dismantlement
12 of two of four seats -- congressional districts that
13 have put African Americans in the Congress.

14 CHAIRMAN SIROIS: Ma'am, your time is
15 expired. You want to just bring it in for a
16 landing.

17 TAMEKA HOBBS: For two minutes?

18 CHAIRMAN SIROIS: Ma'am, your time is
19 expired.

20 TAMEKA HOBBS: Okay.

21 CHAIRMAN SIROIS: If you'd like to wrap up
22 your comments.

23 TAMEKA HOBBS: I would like to say that
24 that is on its face false. I want to say to this
25 body that you have a choice before you. As a

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1 historian I have followed the racial history, very
2 painful --

3 CHAIRMAN SIROIS: Thank you.

4 TAMEKA HOBBS: -- history that has not been
5 considered here.

6 CHAIRMAN SIROIS: Thank you, ma'am. Thank
7 you.

8 TAMEKA HOBBS: You have a choice about your
9 legacy today.

10 CHAIRMAN SIROIS: Thank you very much.

11 Laura Cardona of Orlando and then
12 Christopher Nurse of Jacksonville waives in
13 opposition. Our next speaker -- is Laura Cardona
14 coming up? Christopher Nurse waives in opposition.
15 The next speaker Sheila Singleton of Jacksonville,
16 followed by Barney Roberts of Jacksonville.

17 Sheila Singleton?

18 Barney Roberts of Jacksonville, come on up,
19 sir. And then our next speaker will be Trish Neely
20 of Tallahassee.

21 BARNEY ROBERTS: Hi. I'm Barney Roberts
22 from Jacksonville, Florida. I'd like to challenge
23 you to build a future for our kids for tomorrow. If
24 they look at Tallahassee as it has been for the last
25 couple years and they see the behavior that's

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1 happening here, then they're going to say, hey, what
2 should we do about it?

3 Our kids deserve the best, and I hope that
4 you do that too with your decision that you make
5 today and tomorrow. Thank you.

6 CHAIRMAN SIROIS: Thank you, sir.

7 Trish Neely, Tallahassee, followed by Larry
8 Coleton (phonetic) of Orlando.

9 TRISH NEELY: Thank you.

10 CHAIRMAN SIROIS: Ma'am, you're recognized.

11 TRISH NEELY: Thank you for the opportunity
12 to speak. I'm Trish Neely, and I am with the League
13 of Women Voters.

14 I won't repeat what's already been said,
15 but I do have two points. Number one, it was the
16 League of Women Voters against the State of Florida
17 that was the lawsuit that Mr. Kelly mentioned, and
18 we disagree that the court got it wrong. We believe
19 they got it very right.

20 We urge you, urge you to carefully consider
21 what this map will do. It cuts the voting power of
22 African Americans by 50 percent. Think of that, by
23 50 percent, and this is very reminiscent of
24 Florida's voter suppression tactics of over 100
25 years ago.

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1 Folks, we don't want to go backwards. We
2 need to go be going forward. We urge you to vote
3 this map down. Thank you.

4 CHAIRMAN SIROIS: Thank you, ma'am.

5 Larry Coleton -- I'm sorry. I know I'm
6 mispronouncing that -- followed by Hedder Pierre-
7 Joseph of Orlando.

8 If you're going to speak and I mention your
9 name, please make your way forward in the interest
10 of time.

11 Hedder will be followed by Stacy Williams
12 of Orlando.

13 Sir, you're recognized.

14 LARRY COLETON: Thank you, Mr. Chairman.
15 Larry Coleton from Orlando, Florida.

16 I find myself thinking that I'm back in the
17 1950s or 1940s. This reminds me of basically,
18 pardon the language, but white supremacy.

19 CHAIRMAN SIROIS: Sir, I'm --

20 LARRY COLETON: And the fact of the matter
21 is it's ironic to me that the 14th Amendment would
22 be turned on its head when that was initiated to
23 protect Africans who were recently freed from
24 slavery, and we, me, an African descendant of
25 slavery, having people stand -- sit here and talk

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1 about this as though -- and using it as a weapon
2 against the very people it was intended to protect.

3 This is a moment for profiles in either
4 courage or cowardice. To be intimidated by the
5 Governor of this state to capitulate, this is not
6 this Committee's bill. This is the Governor's bill.
7 You haven't done your job. You aren't doing your
8 job, and we are not going to forget this. And
9 history will speak to you. It will speak about you.
10 You will be dealt with for your history and
11 hopefully at the ballot box.

12 CHAIRMAN SIROIS: Thank you, sir.

13 Hedder Pierre-Joseph -- I apologize. I'm
14 butchering the name -- followed by Stacy Williams.

15 HEDDER PIERRE-JOSEPH: No worries. Good
16 evening to the Committee and the Committee members.

17 My name is Hedder Pierre-Joseph.
18 Redistricting is the process by which new
19 congressional and state legislative districts are
20 drawn. Federal law stipulates that districts must
21 have nearly equal population and must not
22 discriminate on the basis of race and ethnicity.

23 The current redistricting map, which
24 eliminates congressional House representation for
25 black people, is based on solely fear, fear that

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1 black people are voting. As black people who are
2 descendants of the enslaved Africans, we know our
3 history, and we have seen this devil before.

4 I implore you not to continue down the dark
5 path of your ancestors and deny black people their
6 constitutional right of representation. I remind
7 all of you of the Boston Tea Party of 1773.

8 Finally, I ask you to look around and to
9 see the promise and the hope of the enslaved
10 Africans. We are on the side of justice, and with
11 the God of Abraham, Isaac, Jacob, and our ancestors,
12 we shall always overcome. Remember, there is
13 something called God and time. Thank you for your
14 consideration.

15 CHAIRMAN SIROIS: Thank you. My apologies
16 for butchering your name.

17 Stacy Williams followed by Troy Squire.

18 Stacy Williams is not here.

19 Troy Squire of Jacksonville. If I call
20 your name, if you'd make your way forward.

21 Following Troy will be Jonathan Webber of
22 Tallahassee.

23 TROY SQUIRE: THANK YOU for letting me
24 speak.

25 I just have one question, but first, my

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1 name is Troy Squire. I live in Congressional
2 District 5, and as the regional breakdown for
3 Northern Florida states, your plan will split black
4 communities across three different congressional
5 districts, which results in the loss of the current
6 black opportunity district, linking Jacksonville and
7 Tallahassee.

8 So my question is to Governor Ronald Deon
9 DeSantis and this Subcommittee. What are you saying
10 (sic) is that black votes does not matter to you?
11 That's my only question. Thank you.

12 CHAIRMAN SIROIS: Thank you, sir.

13 Jonathan Webber of Tallahassee, followed by
14 David Rucker of Orlando. And after David will be
15 Genesis Robinson of Daytona Beach.

16 Sir, you are recognized.

17 JONATHAN WEBBER: Thank you so much.

18 Good afternoon. My name is Jonathan
19 Webber. I'm the deputy director of Florida
20 Conservation Voters, and for the record, I do live
21 in CD 5, Al Lawson's district just south of
22 Apalachee here in Tallahassee.

23 Florida Conservation Voters strongly
24 believes that the health of our environment is
25 directly tied to the health of our republic, and

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1 just as we monitor our water for pollution, we
2 monitor our government for signs of sickness.

3 Fair representation is one of the best
4 metrics we have to measure the health of our
5 government. The census and ensuing redistricting
6 process is the test. Today, we're asking ourselves
7 questions like, was this map drawn in complete
8 transparency? Does it respect the rules set forth
9 in the Voting Rights Act, in the state and federal
10 Constitutions? Were the people of Florida given
11 ample opportunity to participate and comment on this
12 map? And most important, considering the profound
13 legacy of state-sponsored oppression in Florida,
14 does it protect or diminish the right of black
15 Floridians to elect the leaders of their choice.

16 You all know the answers to these
17 questions, and while fair representation is vital,
18 fear of doing the right thing is the ultimate
19 terminal sickness in democracy. Our republic is
20 only as strong as the rights of the minority groups
21 to participate. I love this country not so much for
22 its history but for its promise. But that promise
23 must be guaranteed to everyone, not just the
24 powerful or the monied or the ruling class.

25 FCV stands in solidarity with our friends

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1 and allies across the state in opposition to these
2 maps. Thank you all for coming today. Thank you.

3 CHAIRMAN SIROIS: Thank you.

4 Next is David Rucker, followed by Genesis
5 Robinson.

6 Ladies and gentlemen, we have about 20
7 speaker cards left. I'd like to move into debate at
8 6:00 p.m. So following you, sir, I will be reducing
9 public testimony to one minute each.

10 Thank you, sir.

11 DAVID RUCKER: You're giving me one minute?

12 CHAIRMAN SIROIS: No, sir. After you.

13 DAVID RUCKER: Oh, after me.

14 CHAIRMAN SIROIS: You have two minutes.

15 DAVID RUCKER: Good. My name is David
16 Rucker. I live in Orlando. I live in District 10,
17 and I am a super voter. I started voting when I was
18 18. That's in the Civil Rights in 1965. I've only
19 missed two voting out of my whole time as being a
20 teenager and a young and old adult.

21 And what I like to do and have you guys,
22 before you even think about voting, we keep asking
23 you to vote and the things that we don't like about
24 what's happening with the Governor and what he's
25 talking about, I want you to go back.

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1 Before you make this vote -- in 1975, a
2 song came out by the O'Jays, and it would say you
3 got to give the people what they want. Before you
4 vote, I want you to listen to that song. I want you
5 to listen to it all the way through and then come
6 back and vote. All right. That's what I need you
7 to do. All right.

8 The next thing, there are four positions
9 that we have now. The Governor want to cut them
10 down to two, all right. You need to look at that
11 too. We're talking about oppression of voters,
12 especially blacks at that time, in '65. We need to
13 take heed and look at those things. We don't want
14 to repeat history, all right. We want to move
15 forward.

16 But what the Governor is trying to is to
17 try to repeat history, which is not good for all of
18 us in America, you know. U.S. is us. That means we
19 are here together, but remember, what I want you to
20 do, 1975, the O'Jays, the O'Jays, all right. You
21 got to give the people what they want. Thank you.

22 CHAIRMAN SIROIS: Thank you, sir.

23 Genesis Robinson, followed by Gail Gardner,
24 one minute.

25 Sir, you are recognized.

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1 GENESIS ROBINSON: Mr. Chair, I would ask
2 that you reconsider to allow two minutes so I can
3 speak.

4 CHAIRMAN SIROIS: Sir. I have --

5 GENESIS ROBINSON: I have somebody that's
6 going to yield his time.

7 CHAIRMAN SIROIS: I have 20 speakers left.
8 One minute, sir. You are recognized.

9 GENESIS ROBINSON: Okay. Thank you. Good
10 afternoon, members. Thank you, Mr. Chair, for the
11 opportunity to speak for one minute to address the
12 House Subcommittee.

13 My name is Genesis Robinson. I am a
14 registered voter in the state of Florida. I also
15 serve as the political director for Equal Ground
16 Action Fund. We are a black-led voting rights
17 organization working to increase civic engagement in
18 black communities throughout the state.

19 We are here in opposition to this plan.
20 Obviously, you have abdicated your responsibility to
21 draw maps to the Governor, and as an organization
22 working to expand equity in the state, we believe
23 that this map is unconstitutional.

24 With minority growth that we saw in the
25 2020 census, it is critical that we have diverse

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1 viewpoints and experiences represented at the
2 federal level of government. The lived experiences
3 and perspectives of these individuals are a crucial
4 part in representing and reflecting the fullness of
5 our state.

6 It is unconscionable to think that maps
7 that govern our state for the next decade could give
8 us less minority representation than we currently
9 have. When the history of this moment is written,
10 you do not want your name to be among those that
11 violated --

12 CHAIRMAN SIROIS: Sir, your time --

13 GENESIS ROBINSON: -- and voted to take --

14 CHAIRMAN SIROIS: -- your time is expired.

15 GENESIS ROBINSON: -- away minority
16 representation --

17 CHAIRMAN SIROIS: Thank you.

18 GENESIS ROBINSON: -- in the state of
19 Florida. Thank you.

20 CHAIRMAN SIROIS: Thank you.

21 Gail Gardner of Ocoee, followed by Cheryl
22 Jones of Winter Garden.

23 Ma'am, you're recognized.

24 GAIL GARDNER: Good evening. Gail Gardner
25 from District 10.

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1 In the '60s, my ancestors who lived in the
2 North where I was born and grew up would board a
3 charter bus and head south where they were born and
4 grew up. Well, now, I too boarded a charter bus
5 today for the same reason.

6 My experience has been that we are fighting
7 once again and repeating history. Our ancestors did
8 this. They defended their time. They defended the
9 right to vote. And so, therefore, we're asking that
10 the congressional redistricting map not just to draw
11 the line but hold the line and make this legislative
12 body accountable and not allow the persuasive
13 executive decision by the Governor to be a force to
14 diminish the black vote, of which those of you who
15 benefited from the Fair Districts Amendment 5 and 6
16 that prohibits politicians from drawing districts
17 that favor themselves and their parties, to ensure
18 that minorities will have the opportunity to elect
19 representatives of their choice. Let's not allow
20 history to repeat itself. Thank you.

21 CHAIRMAN SIROIS: Thank you, ma'am.

22 Cheryl Jones, followed by Ebony Hardy-Allen
23 of Jacksonville.

24 Ma'am, you are recognized.

25 CHERYL JONES: Hello. I am Cheryl Jones

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1 from Orlando.

2 I want to emphasize that our democracy is
3 under attack. When you look at this redistricting
4 map, it is clearly and blatantly designed to oppress
5 black voters.

6 And I also want to address the fact that
7 you would not have the speaker under oath. That
8 simply holds them accountable. I don't know if
9 others in here have heard, but he's flip-flopped
10 back and forth a few times between here and the
11 Senate, and being under oath holds his word to his
12 record. So we would like to make sure that as we
13 listen to the speakers, that they are held
14 accountable and that the redistricting map actually
15 does represent the citizens of our state.

16 I live in Orlando, which is currently
17 district 10, but the redistricting will put me in
18 District 11. And some of the reasons that were
19 stated as to why it's being redistricted are
20 different from other counties. Other counties are
21 held intact, and I believe that holding our
22 representatives accountable will make a difference.

23 CHAIRMAN SIROIS: Your time is expired.
24 Thank you, ma'am.

25 Our next speaker is Ebony Hardy-Allen,

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1 followed by Indesar Sabris (phonetic) of
2 Jacksonville, and then we'll have Gail Presley of
3 Orlando.

4 Ma'am, you're recognized.

5 EBONY HARDY-ALLEN: Hello. My name is
6 Ebony Hardy-Allen. I'm a voter's right advocate.

7 Since I only have one minute, I'm only
8 going to take 30 seconds because I've sat here, and
9 I prepared a speech. But I'm not going to use it.
10 I sat here, and I listened. And I looked at
11 everybody's faces.

12 Three things, this reminds me of a poll
13 tax. This reminds me of a literacy test. This
14 reminds me of a paper bag test. My skin is too
15 dark. I will not have representation. If you all
16 vote for this bill, we will remember. We will vote
17 you out of office. I am asking that you do not
18 strip us of our representation. That's all I have
19 to say. Literacy tests, poll tax, and a paper bag
20 test.

21 CHAIRMAN SIROIS: Thank you, ma'am.

22 Indesar Sabris of Jacksonville, and then
23 we'll have Gail Presley of Orlando, followed by
24 Hazel Gillis of Jacksonville.

25 Ms. Presley?

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1 GAIL PRESLEY: Yes?

2 Come on up.

3 Hazel Gillis will be next, followed by
4 Cecile Scoon.

5 Ma'am, you're recognized.

6 GAIL PRESLEY: Well, thank you and good
7 afternoon. Thank you, Chairman. To all of our
8 House of Representatives, my name is Gail Presley,
9 and I am a proud member of Congressional District
10 Number 10, which is held by none other than our
11 House of Representative.

12 It is disheartening to me here today to
13 hear some of the information that was shared,
14 especially from the attorney today. I come from a
15 family, who have -- back in the 1960s, listening to
16 some of the stories that they told me about voters
17 rights and how they had to fight so hard to become a
18 voter. I feel like I'm back in the 1960s today, and
19 it is 2022.

20 I do oppose to the bill that is here today,
21 and I implore you -- because you took an oath to
22 serve the people. And we are the people. I am that
23 person, and I do represent Congress -- Congressional
24 District 10, and I do implore you, ladies and
25 gentlemen, to do the right thing --

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1 CHAIRMAN SIROIS: Your time is --

2 GAIL PRESLEY: -- and vote the right way.

3 CHAIRMAN SIROIS: Your time is expired.

4 GAIL PRESLEY: Thank you, Chairman.

5 CHAIRMAN SIROIS: Thank you very much.

6 Thank you, ma'am.

7 Hazel Gillis, followed by Cecile Scoon, and
8 then we'll have Allison Clark of Maitland.

9 Ma'am, you're recognized.

10 HAZEL GILLIS: Good evening. My name is
11 Hazel Gillis. I am a member of the James Weldon
12 Johnson Branch of the ASALH, the Association for the
13 Study of African American Life and History, and I
14 live in Congressional District 5 in Jacksonville,
15 Florida.

16 Governor Ron DeSantis' rejection of Florida
17 Legislature-drawn maps is a direct attack on black
18 representation in our democracy. By proposing a
19 congressional map that reduces Florida's black
20 representation in Congress by 50 percent, the
21 Governor is attempting to silence the voices of
22 hundreds of thousands of black voters.

23 We oppose any map that has been drawn by
24 Governor Ron DeSantis. In 2010, Florida passed the
25 Fair Districts Amendments 5 and 6 that prohibits

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1 politicians from drawing districts to favor
2 themselves and their parties and to ensure minority
3 voters have equal opportunity to participate in the
4 political process and have a fair opportunity to
5 elect representatives of their choice --

6 CHAIRMAN SIROIS: Thank you, ma'am.

7 HAZEL GILLIS: -- their party.

8 CHAIRMAN SIROIS: Your time is expired.

9 HAZEL GILLIS: We must end this
10 manipulation. Thank you.

11 CHAIRMAN SIROIS: Cecile Scoon of Panama
12 City.

13 Thank you, ma'am.

14 Cecile Scoon of Panama City, followed by
15 Allison Clark of Maitland, followed by ZsaZsa
16 Ingram-Fitzpatrick of Tallahassee.

17 Ma'am, you are recognized.

18 CECILE SCOON: Thank you. Cecile Scoon,
19 President of the League of Women Voters of Florida.

20 What a difference a day makes. I was here
21 a few weeks ago, and I was really proud of this body
22 when you addressed Mr. Popper, Professor Popper, and
23 he came forth with this idea, turning things on its
24 head and telling you that following the law was
25 illegal.

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1 And you literally asked him, do you have a
2 case on point? And the man said no. I don't. And
3 that is the true fact. You are ignoring Tier 1.
4 Tier 1 actually does not require intent, as Mr.
5 Kelly seemed to be implying and stating. It goes by
6 impact. If you do not protect the voting rights and
7 make sure that people have an opportunity to select
8 a representative of their choice if they are a
9 minority by race or language, you are violating Tier
10 1, and you are violating the Florida Supreme Court's
11 standing on the law. And that's simply the case.

12 They are trying to change the law ahead of
13 time. The Governor is supposed to enforce the law,
14 not change the law. The people that write the law
15 are the legislators. This is all backwards, and
16 it's hurting every single citizen of this state.

17 Yes. Black people are being targeted, but
18 the destruction of our separation of powers is --

19 CHAIRMAN SIROIS: Thank you, ma'am.

20 CECILE SCOON: -- is affecting everyone.

21 Thank you.

22 CHAIRMAN SIROIS: Thank you, ma'am. Thank
23 you.

24 CECILE SCOON: Please vote no.

25 CHAIRMAN SIROIS: Thank you, ma'am.

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1 Ms. Clark of Maitland, followed by ZsaZsa
2 Ingram-Fitzpatrick of Tallahassee, and then we'll
3 have Myrtle Lucas of Jacksonville.

4 Ma'am, you are recognized.

5 ALLISON CLARK: Thank you, Mr. Chair.

6 I am Dr. Allison Clark, a native Floridian
7 born in Volusia County, and I live in District 7. I
8 am here to voice my opposition to this bill.

9 I could cite historical data, statistics,
10 court cases, et cetera that demonstrate the
11 unconstitutionality of the vote that you are about
12 to take, but due to time, I will keep my statement
13 to this.

14 The purpose of this session is clear to the
15 nation and Floridians. It is to establish a path
16 for the Governor's race for the White House in 2024,
17 and it is a path that is being built on the backs of
18 Florida's black voters. I ask you to vote no to
19 this bill.

20 CHAIRMAN SIROIS: Thank you, ma'am.

21 ZsaZsa Ingram-Fitzpatrick, followed by
22 Myrtle Lucas.

23 Ma'am, you are recognized.

24 ZSAZSA INGRAM-FITZPATRICK: Thank you.

25 I am ZsaZsa Ingram-Fitzpatrick, and I come

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1 to give you a brief statement. It is about facts,
2 rights, and responsibility. The fact is it is not
3 in the Governor's job description that he should be
4 putting forth maps on redistricting.

5 It is your right to tell him to stay in his
6 lane and do his job, and it is the responsibility of
7 us, the voters, the people who put you in office, to
8 come before you and let you know what we think when
9 we do not like what you're doing.

10 And today I am requesting that you look
11 closely at what is being put forth to diminish black
12 voters and people of color, our voices within this
13 state, and that you also look at the census and know
14 that we are that sleeping giant because our numbers
15 are not diminishing. They are growing. Thank you
16 and vote against this bill.

17 CHAIRMAN SIROIS: Thank you, ma'am.

18 Myrtle Lucas of Jacksonville, followed by
19 Haraka Carswell of Jacksonville, and then we'll have
20 Ingrid Montgomery.

21 MYRTLE LUCAS: Okay. My name is Myrtle
22 Lucas. I am a member of the James Weldon Johnson
23 Branch of the ASALH, the Association for the Study
24 of African American Life and History, and I live in
25 the Congressional District 5 in Jacksonville,

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1 Florida.

2 We oppose any map that has been drawn by
3 the Governor -- by Governor Ron DeSantis.
4 Legislators and Governors are doing this to unfairly
5 rule -- unfairly have it their way. That's what I'm
6 really going to say. Okay. We must end this at the
7 cost to protect our democracy and black voters. We
8 vote for legislation --

9 CHAIRMAN SIROIS: Thank you, ma'am.

10 MYRTLE LUCAS: -- to draw -- no. I can't
11 sit -- to draw maps for Fair Districts, and we want
12 them to do their job.

13 CHAIRMAN SIROIS: Thank you, ma'am. Your
14 time is expired.

15 MYRTLE LUCAS: Okay. Enough for Governor
16 DeSantis.

17 CHAIRMAN SIROIS: Thank you, ma'am.

18 Haraka Carswell, followed by Ingrid
19 Montgomery, and we'll -- no Haraka Carswell?

20 Ingrid Montgomery?

21 Yes, ma'am.

22 HARAKA CARSWELL: (No audible response)

23 CHAIRMAN SIROIS: Waive in opposition.

24 Thank you very much.

25 Ingrid Montgomery?

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1 INGRID MONTOMERY: (No audible response)

2 CHAIRMAN SIROIS: Oh. My apologies. Thank
3 you, ma'am.

4 Jasmine Burney-Clark, an opponent of the
5 bill.

6 Odwan Whitfield (phonetic) of Jacksonville,
7 an opponent of the bill. Are you here to speak?
8 Come on up, sir. And then we'll have Gwendolyn
9 Colman of Jacksonville.

10 Sir, you are recognized.

11 ODWAN WHITFIELD: My name is Odwan
12 Whitfield. I'm in Congressional District 5. I'm a
13 taxpayer, and I am a United States Army combat
14 veteran. I fought over in district -- in foreign
15 territories only to come back here to fight for my
16 rights for representation.

17 It bothers me. It bothers me that we rush
18 through this Committee hearing. First, it was for
19 the interest of the people. So you rush the
20 Representatives, and the people come up, and we rush
21 the Representatives.

22 CHAIRMAN SIROIS: Sir, could you please
23 keep your comments to the legislation.

24 ODWAN WHITFIELD: It's to you all. And so
25 what's the rush? The session is from the 19th until

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1 the 22nd. Why are we rushing so fast? This affects
2 me and the people in my district.

3 The difference between you all saying that,
4 you know, well, my uncle, auntie, cousin, brother,
5 sister went to war, the difference is they don't
6 have to come back to this. They don't have to. Do
7 your jobs.

8 CHAIRMAN SIROIS: Sir, your time is --

9 ODWAN WHITFIELD: It isn't fair.

10 CHAIRMAN SIROIS: Sir, your time is
11 expired.

12 ODWAN WHITFIELD: Do your jobs. That's all
13 (indiscernible).

14 CHAIRMAN SIROIS: Your time is expired.
15 Thank you.

16 Gwendolyn Coleman, Jacksonville.

17 Thank you for your service.

18 Gwendolyn Coleman, an opponent of the bill.

19 Walter Smith of Jacksonville, an opponent
20 of the bill.

21 Kristin Fowailee of Maitland, an opponent
22 of the bill.

23 Dr.Carolynn Zonia, followed by Lisa Perry.
24 Lisa, are you here? Next will be Joey McKinnon.

25 Ma'am, you are recognized.

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1 DR. CAROLYNN ZONIA: Okay. Mr. Chairman,
2 Committee members, I'm Dr. Carolynn Zonia. I'm
3 speaking against the Governor's maps.

4 I just wanted to point out in September
5 2021, the U.S. Department of Justice issued
6 guidelines for Section 2 of the Voting Rights Act,
7 and they clearly state that it's prohibited -- it
8 prohibits any procedure or practices that minimize
9 or cancel out the voting strength of members of
10 racial or language minority groups in the voting
11 population.

12 So whether you vote down the amendment,
13 whether, you know, you're keeping the language in
14 that says that you're limiting where this can be
15 challenge, it's going to be challenged, and it's
16 going to be overturned. Please vote against the
17 Governor's maps. Thank you.

18 CHAIRMAN SIROIS: Thank you, ma'am.

19 Lisa Perry, followed by Joey McKinnon.

20 Mr. McKinnon, you are recognized.

21 JOEY MCKINNON: Thank you, Chair.

22 CHAIRMAN SIROIS: I'm sorry. Excuse me.

23 Lisa Perry is an opponent of the bill.

24 Sir, you're recognized.

25 JOEY MCKINNON: Thank you, Chair.

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1 My name is Joey McKinnon, and I'm a
2 resident of the impacted CD 5. And I'm opposed to
3 this bill.

4 During the regular legislative session,
5 you, the Legislature, produced a map that was
6 challenged to my knowledge by no one. Until
7 Governor DeSantis broke with democratic norms, and
8 here we are. And to be fair, I love many of you,
9 but I didn't want to see you after Easter.

10 Stand by your maps. You did a good job.
11 How often do people come to this podium and say
12 that? But stand by your map. After this past
13 session, it's time to turn down the heat. We all
14 know that.

15 Today, you have the opportunity to protect
16 the Constitution of the great state of Florida by
17 upholding the Fair Districts Amendments, defend
18 democratic norms, and prioritize people over
19 partisanship, like you did with your maps. So let's
20 do what's right. Thank you.

21 Thank you. We have Charletta Sowell of
22 Jacksonville, waiving in opposition.

23 And finally Joanne Brooks of Jacksonville,
24 waiving in opposition.

25 Members, we are now in debate.

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1 Members wishing to debate.

2 Representative Benjamin, you are
3 recognized, followed by Representative Skidmore.

4 REPRESENTATIVE BENJAMIN: Thank you,
5 Mr. Chair.

6 We're here at this special session and in
7 this Subcommittee to consider the Governor's veto
8 with regards to a map or maps that we sent him that
9 we believed at the time that we sent them that those
10 maps were constitutionally compliant and that those
11 maps were sufficient for representation in our --
12 for our congressional representation.

13 That map held that four seats from Florida
14 would hold black representation in our Congress.
15 And now we're here today discussing a map that will
16 change that representation from four to two.

17 And when we talk about the significance of
18 that, we're told that the contested seating was, in
19 fact, not legal in its iteration. However, it was
20 not challenged. It was provided to us by the courts
21 and was never challenged. That makes it benchmark.
22 That means it had to be analyzed. That means it was
23 subject to Title 3, or our Fair District Amendment,
24 and that we codify Section 5 of the VRA, which says
25 that we have to protect our representation in our

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1 state from regression.

2 We believe that when we did that Title that
3 regression was something that we wanted to protect
4 our state from, and we have long recognized that in
5 the law that we can give greater protections than
6 the federal government. And it was said by counsel
7 that adhering to state law was not a compelling
8 state interest.

9 Yeah. I believe that -- and that's not
10 case law. That's his opinion, and I believe that
11 there is no greater state interest than upholding
12 our Constitution, our Constitution that gives
13 greater protections. And so we have now decided
14 that we would compromise with the Governor after
15 we've given him constitutionally compliant (sic),
16 but where is the compromise? He's given us an
17 offer, but where is our counteroffer? Where is our
18 counter discussions as to what we believe should be
19 right.

20 You've heard a lot of testimony giving here
21 today. I don't believe that the court got it wrong.
22 I believe that we're getting it wrong now, that
23 black folks matter. Black representation matters.
24 We sought to ensure that we would not go backwards.
25 Our State Constitution ensured that we would

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1 continue to take Florida forward, and in doing so,
2 we enshrined it in law.

3 And so there could be no greater state
4 interest -- there could be no greater compelling
5 interest than to ensure that our laws are upheld
6 when -- especially when they give greater benefit.

7 And so we should vote this down because
8 black votes matter. Black voters matter. Black
9 representation matters, and we should give the
10 people what they want.

11 CHAIRMAN SIROIS: Thank you, Representative
12 Benjamin.

13 Members, just checking in on time,
14 according to my phone, we're at 6:02 now. I'd like
15 -- my goal is for us to vote or to have a close from
16 Chair Leek at about 6:25. So if you'd help me stay
17 on track.

18 Representative Skidmore, you are
19 recognized.

20 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
21 you, Mr. Chair.

22 I want to thank the folks that traveled
23 from around the state who came to testify today. We
24 heard they came from all parts of Florida.

25 You know, I just feel that this map clearly

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1 violates the Florida Constitution. Whether it was
2 devised with the intent of denying or abridging the
3 equal opportunity of racial or language minorities
4 to participate in the political process or to
5 diminish the ability to elect representatives of
6 their choice, the fact of the matter is the result
7 is it does. And that violates the Constitution.

8 If the Governor believes, as he has stated,
9 that a racially gerrymandered district is tantamount
10 to segregation, then why did he leave Congressional
11 District 20 alone? When all of his objection was on
12 Congressional District 5 and they redrew 18 other
13 districts but they left a racially gerrymandered
14 district alone, that is -- it doesn't jive with what
15 it is that he is saying.

16 And this bill, this map, is
17 unconstitutional because whether it was devised with
18 the intent to favor a political party, the fact of
19 the matter is the result is it does. Mr. Kelly
20 testified that -- in his testimony that his cleanup
21 of the Legislature's map randomly resulted in a
22 partisan makeup of 20 Republican seats and 8
23 Democratic seats, as widely reported in the media.

24 Members, it's an Easter miracle, and all he
25 was worried about was race neutral. But remarkably

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1 this map has 20 Republican performing seats and 8
2 Democratic seats. There are so many things wrong
3 with this map. There are so many things that are
4 wrong with this process and wrong with the
5 Governor's insertion of himself in this map to
6 benefit his Presidential election.

7 I am telling you this is going to come back
8 and bite you. You should vote no on this. I don't
9 care how many times we have to come back to get it
10 right. I will come back. I will come back. I will
11 come back. And you should too.

12 CHAIRMAN SIROIS: Representative Brown, you
13 are recognized in debate.

14 REPRESENTATIVE BROWN: Thank you, Mr.
15 Chair.

16 Frankly, I cannot tell you what the purpose
17 of this Committee is -- here is today because it
18 seems as though there are folks within this room
19 that are sort of content with the Governor's
20 decision to run a one-man show with these
21 congressional maps.

22 Not only has this move been unprecedented,
23 but it is unnecessary meddling in its finest on
24 behalf of the Governor. I find it an honor and a
25 privilege and it is an honor and a privilege that

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1 Floridians have elected us to represent them and to
2 really participate in this redistricting process.
3 But it's also our constitutional duty as legislators
4 to do so.

5 And so I refuse to sit here and neglect
6 that. I refuse to sit here and ignore my
7 constitutional duty, my moral duty, of the people of
8 the state of Florida, who entrusted us to ensure
9 that their voices are heard.

10 They voted some years ago on the Fair
11 District Amendments, and they voted for every
12 legislator in this room. Our biggest obligation to
13 them, members, is to do what's right. The biggest
14 obligation is to them and not the Governor.

15 His pride, as it was mentioned by Rep
16 Skidmore, his pride and his ambition to become
17 President by any means necessary only hurts us as a
18 collective, and it hurts us as Floridians. And we
19 have continually seen this time and time again, just
20 with the many bills that we have been asked to vote
21 on. We've seen it with SB-90. We've seen it with
22 last year election's police bill, and all these
23 bills disenfranchise voters.

24 I feel that we should not be allowing
25 someone to bully both chambers and do his bidding

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1 without a fight, and so today, on behalf of the many
2 folks that have come here, those that have been
3 silent, those who have not been able to make it here
4 to Tallahassee, I'm here to fight for you as a
5 constituent. I will be voting no, absolutely. I'm
6 not here to work for the Governor or his ambition,
7 and so I ask my colleagues, I implore my colleagues,
8 not only in this room but also in the other chambers
9 and the 120 of us to do the same and do what the
10 folks of Florida sent us here to do.

11 CHAIRMAN SIROIS: Thank you.

12 Representative Harding in debate.

13 REPRESENTATIVE HARDING: Thank you,
14 Chairman.

15 And, first, I just want to say that I will
16 be supporting House Bill 1-C today, one, because I
17 believe that, as it's been outlined throughout this
18 process today, that I believe it's constitutional,
19 and I believe it's the right result. But, number
20 two, because there's a process.

21 And today we've talked about -- we've used
22 the term veto several times, but we haven't talked
23 about -- I'm sorry -- we've inserted the term about
24 the Governor proposing a map, but we haven't talked
25 about in the process the Governor has the ability to

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1 veto. That is part of the process.

2 When you get elected, oftentimes, we were
3 told, you know, the first time you have a bill that
4 you want to run, the idea that it's going to pass on
5 its first time is pretty slim. It does happen, but
6 it's the exception. It may not work through the
7 process for a variety of reasons, or it may be
8 vetoed. And you have to come back and reconvene on
9 how do we work to move forward? And that's what
10 we're doing is moving forward.

11 When I got elected, I tried to do three
12 things when I was running and then also as I've
13 served. I've tried to be straightforward, try to
14 represent the people that have sent me here, and
15 I've also tried to stay true to my values.

16 And on the straightforward piece, I went
17 back, and there's been discussion today in Committee
18 that the previous map was just this harmonious map
19 that we all loved. And it was so great. The fact
20 was that there was not a single Democrat member that
21 voted for the previous map. So when we point to
22 that as the example, then why did you not support
23 that map?

24 And the second thing I want to point out is
25 that, just as I mentioned previously, there's a

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1 process. We were -- we knew going into
2 redistricting that one of the jobs we had was we
3 could propose our own maps. That didn't happen. I
4 have not seen Democrat members that are opposing the
5 bill today propose their own maps in the process.

6 So I want to -- last thing is just to the
7 audience members, I want to thank you for being
8 here. Whether we agree or disagree, it takes
9 courage to be here, and the term courage was pointed
10 out. And I like that word courage because it takes
11 courage to speak. It takes courage to run for
12 office. It takes courage.

13 But I would implore you to hold the folks
14 accountable that you are celebrating today in
15 opposing this bill by having the courage to propose
16 their own maps, which hasn't happened.

17 So I'll be supporting this bill. Thank you
18 for being here and speaking, whether we agree or
19 disagree.

20 CHAIRMAN SIROIS: Representative Joseph in
21 debate.

22 REPRESENTATIVE JOSEPH: Thank you,
23 Mr. Chair.

24 Black representation matters. Even if that
25 means you might have a better chance at getting a

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1 seat in Congress. When we think about the amendment
2 that I proposed, right now, even in the bill, there
3 is a little subclause that says federal questions
4 can be addressed in federal court. So why would we
5 need to add that it needs to go to state courts?

6 Well, if you haven't been following the
7 jurisprudence, the federal courts have relegated
8 dealing with these kinds of redistricting
9 gerrymandering cases in cases where there's
10 partisanship. They say we're not touching that. So
11 partisanship is the carrot.

12 We also have indications from the U.S.
13 Supreme Court with questions raised in other
14 litigation about what constitutes a compelling
15 interest. I would posit that making sure that
16 minority representation exists is a compelling state
17 interest. Some may disagree. Some people want us
18 to be race neutral.

19 What race neutral means is that I have the
20 opportunity to ignore the impact on racial
21 minorities when I make a decision that is factually
22 neutral. That means, on its face, it doesn't take
23 into account race, but in practice, the impact, the
24 effect is that it eliminates, diminishes, decreases,
25 and has the effect of discrimination.

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1 And what we're saying when we pass these
2 policies, whether it's in this context or in the
3 context of education or in the context of employment
4 is we see the pain, but we don't want to see the
5 pain. So we're just going to pretend like your pain
6 does not exist.

7 It is disgraceful that this legislative
8 body would be willing to sacrifice black
9 representation at the alter of this Governor's
10 political ambitions and maybe some of your own.
11 People, Floridians, voters, Americans should have
12 the right to choose their representatives and not
13 the other way around.

14 We should not be stacking the cards --
15 Republicans should not be stacking the cards in
16 their favor 20 to 8 and then have the nerve to come
17 up here and try to say that it was not in
18 consideration of partisanship.

19 All that does is empowers one particular
20 group to continue to ignore the needs of Floridians.
21 Floridians, both Republicans and Democrats, care
22 about things that help us to be healthy, prosperous
23 and safe, whether that means fixing our broken
24 Unemployment Compensation system -- and a number of
25 things that I'm not even going to get into.

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1 CHAIRMAN SIROIS: Representative Joseph,
2 let's try to keep it, you know, within the framework
3 of the bill.

4 REPRESENTATIVE JOSEPH: Understood.

5 CHAIRMAN SIROIS: And let's bring it in for
6 a landing because there's others that want to
7 participate.

8 REPRESENTATIVE JOSEPH: I will do my
9 darndest right now.

10 These maps are not it. They're not even
11 our maps. They're the Governor's maps. This is
12 absurd. I was so proud of us last time that we even
13 at least made the effort. It doesn't mean that
14 those maps were perfect. We identified issues.
15 We're going to have issues. Just because something
16 isn't perfect doesn't mean it wasn't better. The
17 other ones were better than this.

18 And I'm disappointed that this is the route
19 that we have decided to go, we, to be clear, my
20 colleagues who will be voting in favor of this map.
21 That's who I mean by we. But we who are still
22 fighting for the people, whether you're Democrat or
23 Republican, whether you're black or white, we are
24 disappointed with this process, with this
25 legislation, and with the result of decreasing black

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1 representation, which will be difficult to challenge
2 in advance of the next elections.

3 CHAIRMAN SIROIS: Representative Driskell
4 in debate.

5 REPRESENTATIVE DRISKELL: Thank you,
6 Mr. Chair.

7 Members, no problem can be solved from the
8 same consciousness that created it. That's Albert
9 Einstein. And when I look at what we're doing with
10 the redistricting process, it seems to me that we're
11 trying to roll back the clock to the same
12 consciousness that created the problems such that we
13 would need a Voting Rights Act and Fair District
14 Amendments in the first place.

15 I know sometimes our debates get heated in
16 here, and we have very deep issues and values that
17 cause us to disagree. But I actually have love in
18 my heart for each and every one of you, and when I
19 go back home, people ask me, how is that possible
20 when you hear these bills that are just -- my
21 constituents, many of them perceive to be so mean
22 spirited. And I say because I'm able to connect
23 with my colleagues on a human level.

24 But I think that we've missed something in
25 the process when we can have people come before us

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1 and bare their souls and their fears and their
2 frustrations, and we cannot connect with them on a
3 human level. What about their humanity? What do we
4 say to the voters of Gadsden County, the only
5 majority-minority district that we have in the state
6 of Florida? I'm sorry. We're taking your
7 representation. What about their humanity? I'm
8 worried about our consciousness. I'm worried that
9 we are going backwards with these maps.

10 Just to address a couple of things. I know
11 the point was raised that the Democrats in large
12 part did not vote in favor of the congressional maps
13 when we had them before us in regular session.
14 Well, there were some real things wrong with that,
15 starting with we introduced two maps, and the
16 primary map was closer to what the Governor was
17 proposing then, which we thought was
18 unconstitutional.

19 The secondary map was closer to what many
20 of us had worked on with Chair Sirois, and there was
21 starting to be a consensus around. And I'm not even
22 sure that passing two maps was constitutional,
23 right. So the only flip that I see -- Democrats,
24 let's be clear, have been real consistent. The only
25 flip that I see was not from our caucus.

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1 And to the point that was made earlier in
2 testimony, that the Governor, you know, it's no
3 secret that he's, you know, been putting information
4 about there about these maps and what he thinks,
5 that's right. And guess what? The Legislature
6 close to ignore that for the most part. Some of his
7 feedback was taken into the primary map that was
8 passed, but we looked at what the Governor was
9 doing. We were saying no. This is wrong. It's
10 unconstitutional. The Governor is the executive
11 branch. That is to execute the law, not to
12 legislate it and to pass it. That's our job.

13 Another thing, second, the current law
14 matters. I heard in testimony today, well, the
15 court got it wrong. Well, we can opine that all
16 that we want, but the law is the law. The rule of
17 law matters, and I don't see anything that we've
18 done here that suggests to me that we actually are
19 following in a legal way redistricting principles.

20 I know. I got to bring it in for a
21 landing. Thank you, Mr. Chair.

22 The third point is just I see so much
23 inconsistency in what's been presented before us
24 where we focused on certain principles for certain
25 regions of the state but not for South Florida. I

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1 don't understand the inconsistency. It's
2 problematic. It is rushed. We need more time,
3 Mr. Chair. We absolutely just need more time to
4 consider this. This process is not enough. I'm
5 down. Thank you.

6 CHAIRMAN SIROIS: Representative
7 Hunschofsky.

8 REPRESENTATIVE HUNSCHOFSKY: Thank you,
9 Mr. Chair.

10 I have to say when I asked to be on this
11 Committee, I was very excited. I find it an
12 incredible honor to be able to serve in this Florida
13 House of Representatives. Wherever the outcomes
14 end, I feel so -- it weighs tremendously on me that
15 every vote I make, every decision I make impacts
16 someone's life, and not just their life today but
17 their future.

18 It also is about a sense of trust that we
19 have been entrusted to be the voice and to speak up
20 for the people we represent. So I was super excited
21 when I got to be on this Committee, and we were told
22 really early on not to talk to people about the
23 maps, not to listen to people about the maps. And
24 we were given rules to follow.

25 And I followed them. I listened at every

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1 Committee meeting. Every time something came up, I
2 always went back to the Tier 1 and Tier 2 that the
3 leadership here and the staff here told us this is
4 what we are supposed to follow. I didn't follow
5 Twitter. I didn't follow newspapers. I followed
6 exactly what I was told to follow.

7 This map doesn't follow what I was told we
8 are supposed to follow. It doesn't matter what the
9 intent is. It's the result of whether we are
10 denying or abridging the equal opportunity of racial
11 or language minorities to participate in the
12 political process or to diminish their ability to
13 elect representatives of their choice, not the
14 intent but the result.

15 That's a Tier 1 standard, which must come
16 before the Tier 2 standards. And I, as a local
17 person, always talked about I want to keep our
18 cities together, ad nauseum. But it's --

19 CHAIRMAN SIROIS: Representative, if you
20 could -- if you could wrap up your comments please.

21 REPRESENTATIVE HUNSCHOFSKY: I will --

22 CHAIRMAN SIROIS: There are others.

23 REPRESENTATIVE HUNSCHOFSKY: I understand.

24 So what I'm saying is we talk about being
25 race neutral. I didn't see anywhere in my

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1 directions that I'm supposed to be race neutral. I
2 see that I'm supposed to make sure that we're not
3 diluting representation.

4 There are also concerns in here that now
5 we're picking which courts the challenges come. We
6 didn't do that in our last maps, and we even put in
7 a \$1 million of an appropriation in here for that,
8 that we didn't do prior. And those are all concerns
9 I have with this map.

10 I don't understand why -- where the
11 difference is that some bodies of water take
12 precedent over other bodes of water, that some
13 weird-shaped districts take priority over some --
14 why 200 miles is worse than 180, and these are all
15 my concerns with this map.

16 CHAIRMAN SIROIS: Thank you.

17 Representative Latvala.

18 REPRESENTATIVE LATVALA: Thank you, Mr.
19 Chairman.

20 I think it's slightly disingenuous to say
21 that you were proud of something that you voted
22 against. The last Speaker, one of the last Speakers
23 said that there was virtually -- and my -- just for
24 the record, I was not referring to Representative
25 Hunschofsky.

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1 One of the last Speakers said that the last
2 map had no opposition. Well, it was apposed by the
3 nonpartisan organization the League of Women Voters,
4 and it was also opposed by every one of my
5 Democratic colleagues. But other than that, it
6 didn't have any opposition.

7 And, you know, we passed a map, members.
8 the Governor didn't like it, and I remember the day
9 that we passed it on the floor. One of my
10 Democratic colleagues stood up on the floor and said
11 you all are passing this map for the Governor.

12 We were accused of passing the map for the
13 Governor then, and I didn't agree with that. And I
14 guess the Governor also didn't think that we passed
15 the map for him because he vetoed it, which is part
16 of his constitutional duties. He's allowed to do
17 that.

18 Gadsden County was brought up. We're
19 keeping Gadsden County whole in this map. We're not
20 including Gadsden County with a county that's 10
21 counties away.

22 I thank all the people that were here to
23 speak to us today. I thought it was interesting
24 that we had people from Tallahassee and people from
25 Jacksonville that were here, and they were all in

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1 the same congressional district. I grew up in
2 Jacksonville.

3 I voted in -- the first election that I
4 voted in was in 2000. Back then, my Congressperson
5 represented me, and her congressional district was
6 in Jacksonville. And it stretched all the way from
7 Jacksonville to Orlando. Part of it had one side of
8 the street but not the other because it was a, as
9 somebody from the Governor's Office's mentioned, it
10 was a small skinny salamander. That's called
11 gerrymandering.

12 And so this is a good map. I will be
13 supporting it. I will have no regrets, and I think
14 history will judge me just fine, as it will everyone
15 else that votes yes. Thank you.

16 CHAIRMAN SIROIS: Representative Leek, you
17 are recognized to close.

18 REPRESENTATIVE LEEK: Thank you, Mr. Chair.
19 In the interest of time, I'll waive close.

20 CHAIRMAN SIROIS: Thank you.

21 DJ, please call the roll.

22 THE CLERK: Chair Sirois.

23 CHAIRMAN SIROIS: Yes.

24 THE CLERK: Representatives Benjamin.

25 REPRESENTATIVE BENJAMIN: No.

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1 THE CLERK: Brown.
2 REPRESENTATIVE BROWN: No.
3 THE CLERK: Fabricio.
4 REPRESENTATIVE FABRICIO: Yes.
5 THE CLERK: Fetterhoff.
6 REPRESENTATIVE FETTERHOFF: Yes.
7 THE CLERK: Harding.
8 REPRESENTATIVE HARDING: Yes.
9 THE CLERK: Hunschofsky.
10 REPRESENTATIVE HUNSCHOFSKY: No.
11 THE CLERK: Joseph.
12 REPRESENTATIVE JOSEPH: No.
13 THE CLERK: Latvala.
14 REPRESENTATIVE LATVALA: Yes.
15 THE CLERK: Maggard.
16 REPRESENTATIVE MAGGARD: Yes.
17 THE CLERK: Massullo.
18 REPRESENTATIVE MASSULLO: Yes.
19 THE CLERK: McClure.
20 REPRESENTATIVE MCCLURE: Yes.
21 THE CLERK: Morales.
22 REPRESENTATIVE MORALES: No.
23 THE CLERK: Perez.
24 REPRESENTATIVE PEREZ: Yes.
25 THE CLERK: Plakon.

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1 REPRESENTATIVE PLAKON: Yes.
2 THE CLERK: Silvers has been excused.
3 Skidmore.
4 DEMOCRATIC RANKING MEMBER SKIDMORE: No.
5 THE CLERK: Trabulsy.
6 REPRESENTATIVE TRABULSY: Yes.
7 THE CLERK: Truenow.
8 REPRESENTATIVE TRUENOW: Yes.
9 THE CLERK: Tuck.
10 VICE CHAIR TUCK: Yes.
11 THE CLERK: Williamson.
12 REPRESENTATIVE WILLIAMSON: Yes.
13 THE CLERK: Ex Officio Driskell.
14 REPRESENTATIVE DRISKELL: No.
15 THE CLERK: Ex Officio Leek.
16 REPRESENTATIVE LEEK: Yes.
17 THE CLERK: 15 yeas, 7 nays, Mr. Chair.
18 CHAIRMAN SIROIS: Thank you, DJ.
19 Please show the bill reported favorably.
20 Members, I'd like to thank you for your
21 work today. I'd like to thank the members of the
22 public that joined us as well.
23 Without objection, the meeting is
24 adjourned.
25 (END OF VIDEO RECORDING)

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1 CERTIFICATE OF TRANSCRIPTIONIST

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

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

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Julie Thompson, CET-1036