

**Florida House Session
March 3, 2022**

Transcript of excerpt of video recording available at:
<https://thefloridachannel.org/videos/3-3-22-house-session-part-1/>

EXHIBIT

J79

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1 [00:10:12]

2 The Speaker: Read the next bill.

3 Clerk: By Redistricting Committee, congressional Redistricting Subcommittee, and
4 Representative Sirois, CS for Senate Bill 7503, a bill to be entitled –

5 Supervisor Clerk: Senate bill, House bill, start over.

6 Clerk: House Bill 7503, a bill to be entitled an act relating to establishing the
7 congressional districts of the state.

8 The Speaker: Members, we are about to take up CS for Senate Bill 102, the vehicle for
9 the congressional maps. Chair Leek in a moment will be recognized to explain the Senate bill,
10 which contains congressional maps passed by the Florida Senate. You will then be able to ask
11 questions about the Senate congressional map, members, with the understanding that the House
12 had no input in the process that the Senate went through on their congressional maps. As we do
13 with other bills, we will then take up the amendments. Chair Leek will be recognized to explain
14 the strike-all amendment that has been filed, which contains the House's congressional maps.
15 After the explanation of the amendment, you'll be able to ask questions of the House
16 congressional maps and then the adhering amendments will be considered by the body. To be
17 sure you get all your questions answered, as last time, as we did last time, the Redistricting
18 Committee staff is set up in the bubble to answer particular technical questions that you may
19 have. Policy questions should be asked on the floor. Amendments will be voted on today. The
20 bill as amended will be voted on tomorrow. So the allotted time for debate will occur tomorrow
21 on the bill as it is amended. Today's PowerPoint presentation and floor materials were all
22 emailed to you this morning and should be in your email. If for some reason you don't have that,
23 then make sure we let the redistricting staff know, and we'll get you whatever materials you

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1 deem necessary. With that, Chairman Leek, let's get started, you're recognized. Before we do
2 that, Chairman Leek, we're going to show this bill TP'd, and read the next bill.

3 Clerk: By Reapportionment and Senator Rodrigues, CS for Senate Bill 102, a bill to be
4 entitled, an act establishing the congressional districts of the state.

5 The Speaker: Chairman Leek, you're recognized to explain the bill.

6 Tom Leek: Thank you, Mr. Speaker. Members, this is the Senate bill unamended, that
7 we're explaining now. Members, the congressional map on the screen is the one that passed out
8 of the Senate in January. The biggest obvious difference between this bill and the amendment we
9 will talk about shortly is that the bill contains just one map, whereas our amendment has two
10 maps, which we'll talk more about when we take up the House amendment. Before we move to
11 the amendment containing the House proposal, I'm going to go over the statewide snapshot of
12 the Senate's proposed map. Visually, the Senate proposals very much align to that of the House's
13 secondary map. When looking at a statewide average of each district's compactness scores, the
14 proposed map's statewide average compactness scores are a Reock score of 0.46, a Convex Hull
15 score of 0.80, and a Polsby-Popper score of 0.43. The statewide average boundary analysis score
16 for nonpolitical or geographic score for this map is 7.86. The Senate congressional map has
17 many areas that make similar drawing decisions compared to the maps you'll see in our
18 amendment shortly, such as being able to keep Polk County wholly within a single congressional
19 district. When looking at the number of split geographies, the Senate congressional map splits
20 just 19 counties and 44 cities. The biggest visual difference between this map and the
21 amendment is the configuration of Congressional District 5. In this map, Congressional District 5
22 takes a similar shape to that of the secondary map and the benchmark map that goes from Duval
23 County to Gadsden County. This necessarily makes this map more similar to the House's

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1 secondary map in most of North Florida. All three maps, the Senate congressional map you see
2 before you now, and the two congressional maps in the House amendments, are all
3 fundamentally similar to each other in every district south of Indian River, Osceola, and the Polk
4 County line. More than that though, 20 of the 28 congressional districts in the Senate
5 congressional map and the House's secondary map in the amendment are configured in a very
6 similar way. And with that Mr. Speaker, that is the explanation of the Senate's congressional
7 map.

8 The Speaker: Are there questions? Are there questions? All right, seeing none, we're
9 going to take a – Representative Skidmore.

10 Kelly Skidmore: Thank you, Mr. Speaker, I am standing. I promise. Thank you,
11 Representative Leek, for the explanation of the Senate map, and I know, obviously, we did not
12 participate in the crafting of the map, but I'm curious about a couple of things, and we've talked
13 about this a little bit in the congressional subcommittee and redistricting full committee. In the
14 Senate map, CD 10, which is in Central Florida, is considered a protected seat on the Senate side,
15 and on our maps, as we went through the process, ultimately CD 10 was not designated as
16 protected. Is there any information that you can provide to us as to how the House and Senate
17 would come to differing conclusions on a protected seat in the different maps?

18 The Speaker: Representative Leek, you're recognized.

19 Tom Leek: Thank you. While I cannot speak to the Senate's process, I have every
20 comfort that the Senate went about it the right way. The conclusion that was drawn differently in
21 the House is just simply because it is a conclusion that each body must make. The underlying
22 data is similar, but the conclusion is just simply different based on how we view the data in the
23 map.

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1 The Speaker: Representative Skidmore, you're recognized.

2 Kelly Skidmore: Thank you, Mr. Speaker. Thank you, Representative Leek. Can you talk
3 to us about the, on the Senate map, the number of protected access seats for our Hispanic and
4 African American seats?

5 The Speaker: Representative Leek, you're recognized.

6 Tom Leek: Thank you. In the Senate map, they have four protected Black districts and
7 three protected Hispanic Districts.

8 The Speaker: Representative Skidmore, you're recognized.

9 Kelly Skidmore: Thank you, Mr. Speaker. And is that similar to what we have in our
10 current map structure that we are operating in?

11 The Speaker: Representative Leek, you're recognized.

12 Tom Leek: We'll get to that when we get into the amendment proposing our maps, but
13 we are three protected Black districts and three protected Hispanic districts.

14 The Speaker: Representative Skidmore, you're recognized.

15 Kelly Skidmore: Thank you, Mr. Speaker. Thank you, Representative Leek. Will you be
16 talking about the process more in depth, in terms of the Tier One and Tier Two compliance and
17 more of the details when we talk about the House maps? So that some of our members that
18 weren't on any of the redistricting committees are going to understand that.

19 The Speaker: Representative Leek, you're recognized.

20 Tom Leek: Yes, that's part of our process. And I'm sure if I miss something, you guys
21 will be sure to remind me.

22 The Speaker: Members, let's take a brief pause to recognize and welcome back to the
23 Florida House Former Representative Jim Waldman.

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1 [Recognition]

2 The Speaker: Members, we're back in questions. Back in questions. Representative
3 Eskamani, you're recognized.

4 Anna Eskamani: Thank you so much, Mr. Speaker. Chair Leek, it's great to see you. I
5 was wondering if the Senate maps also includes a statute of limitation measurement compared to
6 the House. Does it include that, yes or no? I'd love that clarity.

7 The Speaker: Representative Leek, you're recognized.

8 Tom Leek: No.

9 The Speaker: Representative Eskamani, you're recognized.

10 Anna Eskamani: Thank you, Mr. Speaker. Thanks for that, Chair Leek. Was there a
11 reason why they did not? I know that's one thing that contrasts with our maps and theirs.

12 The Speaker: Representative Leek, you're recognized.

13 Tom Leek: Yeah, again, I can't speak to their process.

14 The Speaker: Further questions? Representative Geller, you're recognized.

15 Joe Geller: Thank you, Mr. Speaker. Chair Leek, as I understand it, your amendment that
16 you're going to make is still pending. Am I correct?

17 The Speaker: Representative Leek, you're recognized.

18 Tom Leek: Correct.

19 The Speaker: Representative Geller, you're recognized.

20 Joe Geller: Thank you, Mr. Speaker. Are you amenable to questions at this point about
21 what your amendment will do to the map you're introducing at this minute or do those need to
22 wait, in your opinion, until you place that before us on the amendment.

23 The Speaker: Representative Geller, we will address once we get to the amendment.

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1 You're recognized.

2 Joe Geller: Thank you Mr. Speaker. And I don't want to be redundant to the question that
3 Rep. Skidmore asked, but is there a methodology that you can explain to us as to why there's a
4 difference in the number of protected African American seats in the Senate map from the maps
5 that the House is proposing.

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: Thank you. We'll go through the methodology that the House used and why
8 we ended up at a different conclusion when we get the amendment. But I can't speak to how the
9 Senate, you know, what their process was.

10 The Speaker: Representative Geller, you're recognized.

11 Joe Geller: Thank you Mr. Speaker. I respect that this is not the process of your
12 committee. I understand that, but you're introducing, as I understand it, and I'm happy to be
13 corrected, we have a rules chair, but you're introducing a map, the Senate map, for our
14 consideration, notwithstanding what we'll do with it from here. So my question is, what can you
15 tell us about the methodology that resulted in a fourth protected African American district in the
16 map that you're seeking us to consider at this time?

17 The Speaker: Representative Leek, you're recognized.

18 Tom Leek: My answer remains the same.

19 The Speaker: Representative Geller, you're recognized.

20 Joe Geller: At the risk of asked and answered Chair, when you say your answer remains
21 the same, I'm not sure how the previous answer applies here. Can you explain to us what there is
22 in the map that you are placing before us that results in four protected districts?

23 The Speaker: Representative Leek, you're recognized.

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1 Tom Leek: Yeah, I know this is no surprise to you, Representative Geller, or anyone in
2 here. I can't speak to the Senate's process. And we're taking up the Senate map so we can put
3 this in the right posture, which we will very shortly be moving to amend the Senate map, and the
4 questions about the House process are entirely appropriate. I just can't tell you what the Senate's
5 process was, I wasn't a part of it.

6 The Speaker: Representative Geller, you're recognized.

7 Joe Geller: Thank you Mr. Speaker. Is there, well let me backup. The House, that's us,
8 has retained outside counsel, I believe three different firms, and at least one of them has retained
9 an expert. Is there any analysis that's been provided to you by outside counsel, or experts they've
10 retained, of the Senate map that you're now placing before us, particularly with regard to
11 protected districts?

12 The Speaker: Representative Geller, I believe that Representative Leek has already
13 answered your question, he is not familiar with the Senate methodology and process, he will
14 speak towards the House and the House's work. Representative Geller, you are recognized.

15 Joe Geller: Thank you Mr. Speaker. But my question is a different question. I'm not
16 asking, I heard Rep. Leek's answer, I believe him, Mr. Speaker.

17 The Speaker: Representative Geller.

18 Joe Geller: My question was not what Rep. Leek knows about the Senate process,
19 because he's answered that. I'm asking him if the counsel that the House has retained, or outside
20 counsel, or their experts, have performed any analysis of the Senate map that he's aware of.
21 That's a completely different question.

22 The Speaker: Representative Leek, you're recognized.

23 Tom Leek: Thank you Mr. Speaker. No.

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1 The Speaker: Representative Geller, you're recognized.

2 Joe Geller: Thank you Mr. Speaker. If I'm to understand correctly, there's really nothing
3 else that you can present us, tell us, that you're aware of or anything on this issue with the Senate
4 map. And if I'm right on that, I'll shut for now. You have the shot to get me to do that, Rep.
5 Leek. Just tell me that that's absolutely the case and we can move on.

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: Invitation accepted.

8 The Speaker: Further questions? Representative Eskamani, you're recognized.

9 Anna Eskamani: Thank you Mr. Speaker. Chair Leek, I just have one last question about
10 the Senate's CD 10. I know Rep. Skidmore already asked some questions. So if this is repetitive,
11 please forgive me. My understanding is that the Senate, right now, is protecting the Black voters'
12 ability to elect someone of their choice in CD 10. Could you just explain how they did that?
13 What's the demographic breakdown? Or maybe just direct me to, in the packet, where to go to
14 see that information.

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: Thank you. Again, I can't tell you about their process. But their underlying
17 data is the same underlying data that we have, they've just drawn a different conclusion. So it's
18 not about whether they are protecting or not protecting someone, it's about a different conclusion
19 they've drawn to whether it is a protected district.

20 The Speaker: Further questions, members? Representative Joseph, you're recognized.

21 Dotie Joseph: Thank you Mr. Speaker. Thank you Chair Leek for your work on all of
22 this. I know it's been a lot, especially when you have some interference from other branches of
23 government. My question for you is, this is my first redistricting rodeo, is it traditional that the

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1 House would substantively consider whatever the Senate proposes? Or do we generally just
2 throw on our own map or maps?

3 The Speaker: Representative Leek, you're recognized.

4 Tom Leek: Thank you. This is my first redistricting as well. It is traditional that the
5 Senate would propose their own congressional maps, we would propose our own congressional
6 maps, and then we would have a meeting of the minds at some point in time, either in conference
7 or we agree to accept theirs or they agree to accept ours.

8 The Speaker: Representative Joseph, you're recognized.

9 Dotie Joseph: Thank you Mr. Speaker. And thank you for that response. So that I
10 understand the procedural posture. In this instance, for today, we've decided to put their map
11 aside and put ours in place, which is the amendment that's coming. Under what circumstances
12 would we have done the reverse?

13 The Speaker: Representative Leek, you're recognized.

14 Tom Leek: Yeah, I mean that's part of the bill that we're reviewing today. And I can't
15 describe the universe of circumstances out there that may have resulted in a different decision. I
16 can tell you that we like our maps.

17 The Speaker: Representative Joseph, you're recognized.

18 Dotie Joseph: Thank you Mr. Speaker. Yeah, I understand, you've made it abundantly
19 clear in response to Representative Geller's questions that you're not going to speak on the
20 substance of the Senate maps, which is why my question is not directed at the substance. It's
21 directed to you as Chair of the Redistricting Committee, and your decision-making process in
22 opting that we like our maps or you like our maps, or you like these maps better than the ones
23 proposed in the Senate. I'm just wondering about the decision-making process, for the

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1 edification of the body.

2 The Speaker: Representative Leek, you're recognized.

3 Tom Leek: Yeah, I'll do the best I can with that. I believe that our Senate partners used
4 the right process and came to their maps legitimately, and that they are legally compliant maps.
5 But I have 100% faith because of my involvement directly with the creation of the House maps
6 that our process and our maps are legally compliant. And so, matter of preference, I prefer to use
7 our maps.

8 The Speaker: Representative Joseph, you're recognized.

9 Dotie Joseph: Thank you Mr. Chair. Thank you for that response. Now, when you say our
10 maps, you're 100% certain that our maps are legally compliant. Now it's maps, plural. Is it
11 historically traditional that the House would provide more than one map as opposed to just a
12 single map?

13 The Speaker: Representative Joseph that would probably be a better question on the
14 amendment. You're recognized.

15 Dotie Joseph: Thank you. I guess I'm just trying to understand the thought process. It's
16 going back to the first question, and using his answer to that first question, to understand why he
17 thinks ours is better. That was all. So we can hold it for later on, or however you want to do it.
18 I'm here for whatever you all want.

19 The Speaker: Let's hold that to when we get to the amendment, and I'm sure
20 Representative Leek will provide all of that information. Members, further questions? Further
21 questions? Further questions? Representative Thompson, you're recognized.

22 Geraldine Thompson: Thank you Mr. Speaker. Representative Leek, I voice concern
23 about how prisoners are counted and based on the census, they are counted where they're

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1 incarcerated rather than where they're from. And I'd like to know if the map that we're
2 considering took anything into account with regard to how that distorts, I guess, the maps, and
3 whether or not anything was done with regard to the prison population?

4 The Speaker: Representative Leek, you're recognized.

5 Tom Leek: Yeah, again Representative, I can't speak to the Senate's process. We're on
6 the Senate bill right now, I can't speak to the Senate's process.

7 The Speaker: Members, further questions of the sponsor? Further questions of the
8 sponsor? Seeing no further questions of the sponsor, are there amendments on the desk?

9 Clerk: On the desk, Mr. Speaker.

10 The Speaker: Read the first amendment.

11 Clerk: Representative Leek offered the following strike-all amendment with title
12 amendment, barcode 729451, remove everything after the enacting clause and insert an
13 amendment.

14 The Speaker: Representative Leek, you're recognized to explain the amendment.

15 Tom Leek: Thank you Mr. Speaker. Members, we're going to use a similar process that
16 we used with the state maps, but before I hand the mic over to Representative Sirois to describe
17 the districts, I want to walk everyone through exactly what is before us today. Each redistricting
18 cycle brings new challenges, and this decade, we have a unique situation ahead of us that
19 requires a unique solution. Our goal, as stated from the very beginning, is to have legally
20 compliant maps. The recent redistricting debate has been centered around the configuration of
21 the North Florida congressional districts and our Tier One standards. Based on current caselaw
22 and legal precedent, the House has maintained that there must be a district in North Florida that
23 allows the minority group the ability to elect a candidate of their choice. And in what you will

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1 see today, we have done that in Congressional District 5. There have also been concerns raised
2 about whether there might be a violation of the 14th Amendment and how a court might,
3 sometime in the future, find Congressional District 5 to be narrowly tailored.

4 So, what you will see today are two maps contained within a single bill. The primary
5 map's configuration addresses these concerns that have been brought to our attention, and should
6 a court rule against that configuration, we've presented an alternative configuration or a
7 secondary map that can immediately take effect. The configuration of CD 5 in the primary map
8 allows the minority population to elect a candidate of their choice, which means there is a
9 performing Black district still within North Florida. It presents a significantly more
10 mathematically and visually compact district. And while it reduces the Black voting-age
11 population, we believe it balances all the feedback we have received about this district and finds
12 a configuration of this district that would harmonize all of the concerns surrounding it from all
13 sides. The Legislature has a responsibility to draw these maps, and we should not abdicate that
14 responsibility. Similarly, under our system of government and our Constitution, it is not the role
15 of the Legislature to interpret the law, but to make the law in alignment with consisting caselaw,
16 interpreting both federal law and the Florida Constitution. Floridians, voters and candidates
17 alike, deserve finality and clarity on their congressional maps as we enter into the upcoming
18 election cycle. It is with humility and respect that we believe we have accomplished our goal
19 with the maps that will be presented to you today.

20 Now let's dive into the maps. The Florida Legislature is directed to redistrict every ten
21 years following the decennial census to account for growing and shifting populations across
22 Florida. Let's talk about the structure of the amendment before we segue into its specific
23 contents. This amendment contains a primary map, H000C8019, that addresses concerns about

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1 the shape of Congressional District 5 by creating a more compact North Florida district that will
2 enable minority voters to elect the candidates of their choice. We believe this solution creates a
3 singular exception of the diminishment standard. The amendment also contains a secondary map,
4 H000C8015, the Legislature knows this is legally compliant under the current law, and keeps the
5 previously proposed configuration of District 5. Outside of districts impacted by the change to
6 District 5, the structure of both maps is exactly the same throughout the rest of the state. The
7 amendment also includes other adjustments that have been made, the same in both maps, that
8 bring us more in alignment with our Senate partners so we can bring this process in for a landing
9 prior to a conclusion of regular session.

10 So, why two maps in one amendment, you may be asking. The primary map was put
11 forward as a way to address the legal theory raised by the Governor while still protecting a Black
12 minority seat in North Florida. If this configuration of CD 5 is – in the primary map, struck down
13 by a court, the secondary map is postured to take immediate effect and contains a district
14 configuration similar to the benchmark district. I acknowledge the primary map looks visually
15 different. Even having two maps is a unique setup. However, we are faced with a unique
16 situation, and this is the House's attempt at continuing to protect the minority group's ability to
17 elect a candidate of their choice, addressing compactness concerns, and working to make sure we
18 bring this process in for a landing during the regular session. And perhaps most importantly, we
19 want to make sure all Floridians have clarity and finality going into our upcoming election cycle
20 with where our map stands.

21 Now let's dive into the details of the primary map. We'll walk through the secondary
22 map after that. From a statewide overview, let's look at the map first as a whole. When compared
23 to the benchmark congressional map, the new proposed congressional districts have several

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1 points of improvement through our Tier Two standards. When looking at a statewide average of
2 each district's compactness scores, we have been able to recreate compact districts that improve
3 on our benchmark metrics even after the addition of a new congressional district. The proposed
4 map's statewide average compactness scores are a Reock score of 0.48, a Convex Hull score of
5 0.82, and a Polsby-Popper score of 0.42. Where feasible, we also worked to improve visual
6 compactness of districts, or the eyeball test, such as being able to keep Polk County wholly
7 within a single congressional district.

8 When looking at the number of county splits, we've kept similar to the benchmark map,
9 with 18 counties split last decade, and only 18 counties split this decade. The ideal population for
10 this decade's congressional districts after adding a 28th district is 769,211 people. The overall
11 deviation range is the same as it was last decade with 27 districts, being the exact ideal
12 population, and one district having a single person less than the ideal population. We also are
13 proudly able to improve the number of cities split in our proposed map. In the benchmark map,
14 there were 39 cities split. In the map that passed the Congressional Redistricting Subcommittee,
15 there were 27 cities split. And in today's amendment, we've been able to decrease that to just 17
16 cities split. This proposed congressional map also allows a district to be placed wholly within all
17 seven counties in Florida that have more population than the size of a single congressional
18 district. They are Miami-Dade, Broward, Palm Beach, Hillsborough, Orange, Pinellas, and Duval
19 Counties, respectively.

20 The proposed map is inclusive of three protected Black districts and three protected
21 Hispanic districts. This is the same number of protected districts as are found in the benchmark
22 map. All six of these protected minority districts have had an individual functional analysis
23 conducted and in performing this analysis, we can confirm that each district will be a solidly

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1 performing district, as under the benchmark map, and will continue to provide minority voters
2 with the ability to elect candidates of their choice and the equal opportunity to participate in the
3 political process. These districts are also drawn in a consistent manner with respect to the Florida
4 Supreme Court precedent to maintain existing majority-minority districts. And as we move
5 throughout the map, I will highlight these districts as well. All of our districts consist of
6 contiguous territory. And as I'm sure you're aware, the committee has also implemented
7 safeguards in order to ensure that we do not draw districts with the intent to favor or disfavor a
8 political party or an incumbent.

9 Now that we've looked at the statewide overview, let's begin to review each region of the
10 state. Mr. Speaker, would you please recognize Representative Sirois to walk through each
11 region of the state.

12 The Speaker: Representative Sirois, you're recognized.

13 Tyler Sirois: Thank you Mr. Speaker, and thank you Chair Leek. Members, starting in the
14 Panhandle, Congressional District 1 has the entirety of Escambia, Santa Rosa, and Okaloosa
15 County. Walton County is then split as Congressional District 1 achieves the equal population
16 threshold here. Again, members, for congressional maps, equal population in each district is plus
17 or minus one person. And for this purpose, the boundary line between District 1 and 2 primarily
18 uses State Road 83 for the majority of its length, except where it deviates to ensure that the
19 municipalities of Freeport and DeFuniak Springs are whole.

20 Both Congressional District 2 and 3 are compact districts that are made up almost entirely
21 of whole counties, except where both districts need to add the necessary population to achieve
22 equal population. Those counties that are split for this purpose are Lafayette and Marion
23 Counties. However, Congressional District 3 contains the entire city of Ocala within Marion

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1 County. These two districts contain 25 whole counties throughout the Panhandle and Big Bend
2 regions.

3 Congressional District 4 contains all of Nassau and Clay County, along with the part of
4 Duval County that is not included in Congressional District 5, which I'll talk about more shortly.
5 This leaves the district approximately 234,000 people short of the population needed for a
6 congressional district, so the district includes part of St. Johns County for population equality,
7 and all municipalities in St. Johns County remains whole in their respective districts.

8 The most striking visual difference in this new configuration of the map is Congressional
9 District 5, which is now wholly within Duval County. Duval County itself is one of the seven
10 counties too large for a single congressional district and therefore has to be split. Excuse me.
11 This district faithfully adheres to all Tier Two principles. This new district configuration creates
12 a very compact district that utilizes the Duval County line for much of its boundary, as well as I-
13 295 and many other major roadways, while keeping this district within only Duval County. It
14 also has a compactness score – compactness scores above the statewide averages for
15 compactness; has a Reock score of 0.51, Convex Hull score of 0.91, and a Polsby-Popper score
16 of 0.49. As part of the amendment, staff did make some technical changes to Congressional
17 District 5 that only affects Tier Two items. These technical changes did not impact the Tier One
18 requirements of Congressional District 5's configuration.

19 The configuration of this district, although very visually different from the benchmark
20 district, while also being much more visually and mathematically compact, is still a protected
21 Black-performing district. There is a reduction in the Black voting-age population, however, our
22 functional analysis concludes this is a reliable performing district. We believe this configuration
23 balances the feedback we've received dealing with the compactness of current Congressional

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District 5, protects the minority voting group in this district, and helps to ensure the citizens of Florida have an enforceable congressional map before the fast-approaching 2022 election cycle.

Moving on Congressional Districts 6 through 11, and 16. Moving south, Congressional District 6 is created in a circular, compact shape that is tied for the highest Reock score in the map at 0.71. Flagler and Putnam County are wholly within this compact district, while also including the southern part of St. Johns County, as well as absorbing the oddly shaped flags of Lake and Volusia Counties. Each municipality in these counties is whole, with the exception of Port Orange in Volusia County, which is split between Districts 6 and 7 to achieve an equal population.

Because Congressional District 6 was created with such a compact shape, a portion of Volusia County was left without a district, so that remaining population is included in Congressional District 7, which also includes the entirety of Seminole County. Within Volusia County, Congressional District 7 primarily uses municipal lines, keeping DeBary, Deltona, Orange City, and Lake Helen whole. This configuration of District 7 is then left approximately 85,000 people short of the ideal district population. So it continues south into Orange County to get this remaining population.

Congressional District 8 includes all of Brevard and Indian River Counties, which leaves the district approximately 2,800 people short of the population needed for a district. In order to achieve this population equality required for congressional districts, the remaining population is added to Congressional District 8 by continuing north into Volusia County along I-95 to include the entire municipality of Oak Hill. This also helps prevent Orange County from being split a fifth time, and keeps Osceola County whole.

Congressional District 9 contains the entirety of Osceola County, which was the fastest-

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1 growing county in the state this past decade. The district includes part of Orange County,
2 following almost entirely primary roadways, such as State Route 50, State Route 436, US 441, as
3 well as others, before using the Orange County line. This compact Tier Two-compliant district
4 also happens to be a new majority-minority Hispanic district, reflective of the Hispanic growth in
5 this region.

6 Congressional District 10 is kept whole – wholly within Orange County, similar to the
7 benchmark map where a district is kept wholly within a county. After receiving feedback on this
8 district, adjustments were made to align it closer to the district that exists in the benchmark map,
9 as well as to the proposal by our Senate partners. We accomplished this by bringing its western
10 border all the way to the Orange County line, which enabled it to keep the municipalities of
11 Edgewood, Belle Isle, Eatonville, Maitland, Winter Park, Ocoee, Winter Garden, and Oakland
12 whole within the district.

13 Congressional District 11 adds the remaining population in Orange County, which is
14 about 194,000 people, and goes west to include the majority of Lake County, all of Sumter
15 County, and part of Marion and Citrus County, where it achieves equal population.

16 Congressional District 16 keeps Polk County whole in this map. This is an improvement
17 from the benchmark map, where Polk County was divided between three districts. Population
18 growth this decade made this possible, and is approximately 44,000 people shy of the ideal
19 population of a congressional district. Pairing Polk County with a small part of eastern
20 Hillsborough achieves the necessary population needed for the population of a congressional
21 district while creating a very compactly shaped district.

22 Moving on to Congressional Districts 12 through 15. Now looking at Congressional
23 District 13 in Tampa Bay, in the Tampa Bay area. It is kept wholly within Pinellas County. Its

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1 northern boundary follows the municipal lines of the cities of Dunedin, Clearwater, and Safety
2 Harbor to enable every city within Pinellas County to remain whole. Because Pinellas County
3 has more people than can fit into a single congressional district, this configuration of
4 Congressional District 13 enables connecting the remaining portion of the county over land to
5 another county rather than over water.

6 Congressional District 12 is the entirety of Hernando County, the remainder of Citrus
7 County, part of Pasco County, which is divided primarily along US Highway 41, as well as a
8 portion of northern Pinellas County not already included in Congressional District 13.

9 Congressional District 14 is located wholly within Hillsborough County. Its boundary
10 follows primary roads Hillsborough Avenue, Bush Boulevard, and I-4 for its northern border,
11 State and County Road 39 on the east side, and County Road 672, Balm Road, and Big Bend
12 Road on the south side.

13 Finishing out the Tampa Bay area, Congressional District 15 then connects the remaining
14 part of Pasco County and northern Hillsborough County to complete the district's population.

15 Members, we move on to Congressional Districts 17 through 19. Congressional District
16 17 is the last of the four districts that have part of Hillsborough County. This district actually has
17 the exact amount of people in Hillsborough County, 112,723 people, so that exactly twelve
18 districts make up all the remaining population in all the counties to the south of Polk, Osceola,
19 and the Indian River County line. This ensures that no other district has to cross these county
20 lines and keeps the counties to the east whole. Congressional District 17 then incorporates all of
21 Manatee County and approximately 250,000 people in Sarasota County to complete its
22 population. Every city in Sarasota County is kept whole with Congressional District 17, utilizing
23 the Venice municipal line for the part of its southern border.

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1 The remaining part of Sarasota County, along with six entire counties, Hardee, DeSoto,
2 Charlotte, Highlands, Okeechobee, and Glades Counties, make up the majority of Congressional
3 District 18. It then adds part of Lee County to acquire its remaining population, using primarily
4 the Caloosahatchee River and the Fort Myers municipal line, and other roadways to achieve this.

5 Congressional District 19 then connects the rest of Lee County with Collier County using
6 primarily I-75, US 41, and Collier Boulevard, creating a very recognizable boundary within the
7 county.

8 Congressional Districts 20 through 23, and 25. Congressional District 20 is a performing
9 majority-minority Black district that was recreated similarly to the benchmark district that
10 connects population in Palm Beach County to population in Broward County. As noted before,
11 the functional analysis on this district conducted by staff ensures the minority group's ability to
12 elect is not diminished. This decade we were able to create this district in such a way that
13 respects more major roadways in the area, such as US 441, I-95, and the Florida Turnpike, and
14 keeps more cities whole, for example keeping the cities of Lake Park, Tamarac, and Royal Palm
15 Beach wholly within it, which were split a decade ago.

16 Congressional District 21 includes all of St. Lucie and Martin Counties, and includes just
17 over 280,000 people in Palm Beach County in order to achieve equal population for this district.
18 The district boundary follows a railway into northern Palm Beach County to Okeechobee
19 Boulevard, where it borders Congressional District 20, before going out to the coast using the
20 Palm Beach Inlet to complete its southern border.

21 Congressional District 22 is kept wholly within Palm Beach County. Its boundary
22 extends north to the Palm Beach Inlet to meet Congressional District 21 before heading west to
23 include the entire city of Wellington, creating the rounded point on the western side of the

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1 district. It then uses the Loxahatchee National Wildlife Refuge to continue south until it gets the
2 population necessary for a district without splitting any other city in Palm Beach County. It uses
3 the Boca Raton and Highland Beach city municipal line for much of this boundary in this area.

4 This leaves approximately 200,000 people in the southeast Palm Beach County that is
5 then included within Congressional District 23, including the entire city of Boca Raton. This
6 district then connects this population with Broward County, utilizing many municipal lines in
7 this area for the boundary line, keeping the cities of Coral Springs, Coconut Creek, and many
8 others whole within Broward County.

9 Congressional District 25 is kept wholly in Broward County, giving Broward County a
10 congressional district wholly within the county for the first time since the 1980 redistricting
11 cycle. The district utilizes as many major roadways as possible, such as I-75, the Sawgrass
12 Expressway, the Florida Turnpike, I-95, Davie Boulevard, and Sunrise Boulevard, among others.
13 It also uses the municipal lines of Weston, Southwest Ranches, Pembroke Pines, Miramar, and
14 Hallandale Beach, as well as the Broward-Miami-Dade County line on the southern side of the
15 district.

16 Congressional District 24 is a performing Black district. As noted earlier, the functional
17 analysis on this district conducted by staff ensures the minority group's ability-to-elect is not
18 diminished. This is the only district that crosses the Miami-Dade-Broward County line, which is
19 an improvement over the benchmark map that had two such districts. This district also includes
20 many whole cities within Miami-Dade County, including Aventura, North Miami, Biscayne
21 Park, Miami Shores, Miami Gardens, Opa-locka, and others, and uses many other major
22 recognizable roadways in the area as possible. This is another district that we heard some great
23 feedback on by members regarding Miami Gardens and Opa-locka. Similarly to our Senate

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1 partners, we have been able to keep these two municipalities whole within Congressional District
2 24.

3 Moving on to Congressional Districts 26 through 28. Congressional Districts 26, 27, and
4 28 are all performing majority-minority Hispanic districts where the functional analysis on each
5 district individually was conducted by staff ensures the minority group's ability to elect is not
6 diminished. Congressional District 26, similar in shape to the benchmark map, connects the part
7 of Collier County not included in Congressional District 19 with population in Hendry County,
8 as well as Miami-Dade County, using the Collier, Broward, and Miami-Dade County lines, as
9 well as I-75, US 41, the Tamiami Trail, and the Dolphin Expressway. It additionally shares a
10 boundary with the Congressional District 24 line in the eastern side of the district. This district
11 includes the municipalities of Hialeah, Hialeah Gardens, Medley, Doral, and Miami Lakes in
12 their entirety. I think that's the first time I've gotten Doral right this session.

13 Our adjustments to Congressional Districts 27 and 28 mirror those of the districts that
14 were in the map approved off the Senate floor. We were able to include these districts in this way
15 as we try to bring this process in for a landing as soon as possible. Congressional District 27 uses
16 the Dolphin Expressway and the Florida Turnpike for the vast majority of its boundary line on its
17 northern and western sides, while using the Cutler Bay municipal boundary along its southern
18 border, creating a very compact district wholly within Miami-Dade County, with a very high
19 Reock score of 0.71.

20 Finally, congressional District 28 includes all of Monroe County, and then connects with
21 the remaining population in southern Miami-Dade County, using US 41 and the Florida Turnpike
22 as its primary boundary lines in Miami-Dade County. The municipalities of Sweetwater, Florida
23 City, and Homestead are whole within the district. Mr. Speaker, would you please recognize

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Chairman Leek to introduce the secondary map.

The Speaker: Members, members, before we go to Chairman Leek, let's take a brief pause just for two recognitions.

[Recognitions]

The Speaker: Again, let's give our undivided attention to Chairman Leek. You're recognized.

Tom Leek: Thank you Mr. Speaker. Members, I want to pause for a second, and refocus before we move on the secondary map. What we just heard described by Representative Sirois was a description of the primary map that is part of this amendment. As I mentioned before, the secondary map that we are about to segue into would only take effect should CD 5 in the primary map be struck down by a court. The secondary map is labeled H000C8015. The structure of this map is exactly the same as the primary map except for six districts that are impacted by the changes to CD 5. The other 22 congressional districts are identical to the districts in the primary map. For everyone's sanity in the next presentation, we're only going to walk through those districts that are different from the primary map. Overall, the map splits 20 counties, which is the same as the map that passed our subcommittee last week. It now only splits 18 cities, an improvement of 9 cities, when we compared to the previous version of this map. There were also improvements made in the overall mathematical compactness score and in boundary analysis. The mathematical compactness scores are now at Reock at 0.45, Convex Hull at 0.80, Polsby-Popper at 0.40. And similarly, this map still maintains three protected Black districts and three protected Hispanic Districts. Mr. Speaker, would you please recognize Representative Sirois to walk through the changes in the secondary map?

The Speaker: Representative Sirois, you're recognized.

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1 Tyler Sirois: Thank you Mr. Speaker, and thank you Chair Leek. Members, let me take a
2 moment to explain the differences between the primary and secondary map. The changes to
3 Congressional District 5 impact an additional five districts, Districts 2, 3, 4, 6, and 11. Let's start
4 with Congressional District 5. The configuration of this district is very similar to the map that
5 passed out of the subcommittee and has had slight changes made to bring it more into alignment
6 with our Senate partners and improve our boundary analysis metrics. It still, of course, remains a
7 protected Black district as well. Additionally, we have been able to equalize our population in
8 Leon County, which prevents Congressional District 2 from having to split Marion County to
9 find the remainder of its population. This a combination of both the House and Senate
10 configurations of this district, with the additional benefit of not splitting Lake City in Columbia
11 County.

12 Swaying back to Congressional District 2, this district is made up of mostly whole
13 counties. It contains 15 whole counties, along with the remaining portion of Walton County not
14 contained within Congressional District 1, and parts of Leon, Jefferson, and Columbia County
15 that are not in Congressional District 5. Its eastern boundary is the county lines of Levy,
16 Gilchrist, and Columbia Counties.

17 Congressional District 3 is made up of five whole counties, Alachua, Bradford, Union,
18 Clay, and Putnam Counties. It then splits Marion County for its remaining population, while
19 keeping the city of Ocala whole, wholly within it, creating a very compact-shaped district similar
20 to the current Congressional District 3.

21 Congressional District 4 has all of Nassau County, along with the remaining part of
22 Duval County that is not included in Congressional District 5. This leaves the district
23 approximately 213,000 people short of the population needed for a congressional district, so the

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1 district must continue south into St. Johns County for population equality. In doing so, it is able
2 to keep all of St. Augustine within the district, and all the other municipalities in St. Johns
3 County remains whole. This district configuration is similar to the current district.

4 In an effort to impact as few districts as possible with regard to the primary map,
5 Congressional District 6 uses the same boundary line with Congressional District 7 in Volusia
6 County, while including all of Flagler County, and a part of St. Johns, Lake, and finally Marion
7 County. This district helps absorb the uniquely shaped parts of Lake and Volusia Counties to
8 create a compact district for this area.

9 Congressional District 11 is very similar to the district in the primary map, as it adds the
10 remaining population in Orange County, which is about 194,000 people, and goes west to
11 include the majority of Lake County, all of Sumter County, and part of Marion and Citrus
12 County, where it achieves equal population. This final slide shows all the remaining districts
13 throughout the state that are unchanged between the two maps. The gray area represents the area
14 of the six districts impacted by the changes to Congressional District 5 where the changes
15 occurred. And that, Mr. Speaker, are both maps in the amendment.

16 The Speaker: Members, before we go to questions on the amendments, let's take a brief
17 pause for recognition.

18 [Recognitions]

19 The Speaker: Members, we're now going to go to questions on the amendment.
20 Representative Alexander, you're recognized.

21 Ramon Alexander: Thank you Mr. Speaker. Thank you Chairman Leek. In regards to the
22 proposed amendment, can you define for me a protected Black district?

23 The Speaker: Representative Leek, you're recognized.

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1 Tom Leek: Yeah, the short answer is that it's one that performs to elect a candidate of
2 their choice.

3 The Speaker: Representative Alexander, you're recognized.

4 Ramon Alexander: Thank you Mr. Speaker. Can you go in more detail? Like
5 methodology or rubric or a metric to make that determination?

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: It is the result of the functional analysis. I don't know how far down the rabbit
8 hole you want to go, but it's the result of the functional analysis that determines whether it
9 performs.

10 The Speaker: Representative Alexander, you're recognized.

11 Ramon Alexander: Thank you Mr. Speaker. Chairman Leek, if I didn't know what the
12 result of the functional analysis is, can you walk me through and give me specifics of how we
13 derived to determining what a protected Black district is and what that threshold is?

14 The Speaker: Representative Leek, you're recognized.

15 Tom Leek: Thank you. First, there is no bright-line threshold. We look at voting-age
16 population, registered voters, election data, and voter turnout.

17 The Speaker: Representative Alexander, you're recognized.

18 Ramon Alexander: Thank you Mr. Speaker. So there is no specific threshold, how did
19 you make the determination? Is it just an opinion or circumstance?

20 The Speaker: Representative Leek, you're recognized.

21 Tom Leek: In some instances, it does involve some subjectivity. But you look at each
22 district, and you have to do a district-by-district analysis. You look to see whether the factors are
23 there, such that when taken together, they allow the population to elect a candidate of their

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1 choice.

2 The Speaker: Representative Alexander, you're recognized.

3 Ramon Alexander: Thank you Mr. Speaker. Was that subjectivity derived from what? Is
4 it derived from a certain set of people or a certain group? Is it derived – where does that
5 subjectivity come in from?

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: Thank you. There are different layers of it. Ultimately, it's going to be
8 derived from us and what the policy choice we make here today is.

9 The Speaker: Representative Alexander, you're recognized.

10 Ramon Alexander: Thank you Mr. Speaker. Can you take me through, I heard reference
11 in the presentation and the amendment about the word diminish. Can you take me through how
12 that is defined? The word diminished?

13 The Speaker: Representative Leek, you're recognized.

14 Tom Leek: Yeah, I'll do the best I can. Ultimately, diminishment is a legal conclusion, a
15 legal, something that the court will ultimately have to decide. But otherwise, hold on just a
16 second here.

17 The Speaker: Representative Leek, you're recognized.

18 Tom Leek: Yeah, it is all of the factors that make up the functional analysis.

19 The Speaker: Representative Alexander, you're recognized.

20 Ramon Alexander: Thank you Mr. Speaker. Just back to, so back to the word diminish, is
21 it speaking to diminishing of a certain demographic of votes? So diminishing Hispanic vote,
22 diminishing African American vote? Or is it just a legal term?

23 The Speaker: Representative Leek, you're recognized.

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1 Tom Leek: It is certainly a legal term, but it is of the minority population.

2 The Speaker: Representative Alexander, you're recognized.

3 Ramon Alexander: Thank you Mr. Speaker. So in regards to the amendment, when there
4 is an established perspective based off of the proposed amendment that there is diminishment, it
5 is a determinate that based off subjectivity that that diminishment is still coherent to
6 representation.

7 The Speaker: Representative Leek, you're recognized.

8 Tom Leek: I'm not sure I entirely understand your question, but it always comes back
9 whether the district performs.

10 The Speaker: Representative Alexander, you're recognized.

11 Ramon Alexander: Thank you Mr. Speaker. So we're back to this floor of how the
12 district performs and what is diminishment. I'm trying to get a clear understanding of how a
13 conclusion was drawn that the appropriate level diminishment was justified for the representation
14 of that district.

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: Can you ask about a specific district? Because it's a district-by-district
17 analysis.

18 The Speaker: Representative Alexander, you're recognized.

19 Ramon Alexander: Well thank you Mr. Speaker. Well based off the proposed amendment
20 is decreasing the number of African American districts, and so if you can speak to those specifics
21 and any triggers around that in diminishment, that would be helpful.

22 The Speaker: Representative Leek, you're recognized.

23 Tom Leek: I think I heard you say that we were decreasing the number of Black protected

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1 districts, that's not accurate. It's the same number as we had in the benchmark.

2 The Speaker: Representative Alexander, you're recognized.

3 Ramon Alexander: Thank you Mr. Speaker. I know in the original questioning, it was
4 stated that we were going from four, based off your purview and perspective of what that is to
5 three.

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: Thank you Mr. Speaker. I don't think that's accurate. I think the Senate
8 increased to four, we remained at three just as it was in the benchmark maps.

9 The Speaker: Representative Alexander, you're recognized.

10 Ramon Alexander: Thank you Mr. Speaker. Well technically, based off the fact that we
11 took up the Senate proposal, the question was, the premise was based off of that. So it would be
12 accurate to suggest based off the current representation and the proposed Senate map, that the
13 proposed House district 8000C8019 does decrease the number of African American
14 representation.

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: Thank you. There are fewer Black protected districts in the House maps than
17 there are in Senate maps. The number of Black protected districts in the House map is the same
18 as the benchmark map.

19 The Speaker: Representative Alexander, you're recognized.

20 Ramon Alexander: – be a while. Thank you. So on, on, on, on the, on the methodology of
21 the congressional maps and the State maps, so was the same methodology used in regards to
22 protected Black seats for the congressional maps as the state maps?

23 The Speaker: Representative Leek, you're recognized.

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1 Tom Leek: Yes, we've adhered to a consistent methodology.

2 The Speaker: Representative Alexander, you're recognized.

3 Ramon Alexander: Can you speak to what that methodology is? Because before, when I
4 asked questions about the methodology, there was subjectivity to it. So if you utilize the same
5 rubric for the congressional map, would you draw the same conclusions of the state maps that we
6 adopted? For example, I'm in House District 8, I'm in a protected Black district. So was that the
7 same determinate in regards to justifying the outcome of your proposed map?

8 The Speaker: Representative Leek, you're recognized.

9 Tom Leek: Thank you, and thank you Representative. I think what we have to start with
10 is House districts, State House districts are so much smaller in population size than a
11 congressional district. So the dynamics that determine a House protected district are different
12 from the dynamics that determine a congressional district protected district, even though you're
13 using the same methodology. So, the short answer is yes, we use the same methodology, but the
14 outcome may be different.

15 The Speaker: Representative Alexander, you're recognized.

16 Ramon Alexander: Thank you Mr. Speaker, thank you Chairman Leek. So in regards to
17 that, and you talk about geography, does the geography trump the demographic representation?
18 Does that have a greater weight in your determination? So you're saying that with the House
19 maps, because of the, the State House maps, because of the size of them that the geography is a
20 different dynamic. And so when you're looking at the actual congressional maps, that because of
21 that, there's no comparison. What I'm trying to get to understanding is does the demographic
22 representation, does that hold equal weight?

23 The Speaker: Representative Leek, you're recognized.

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1 Tom Leek: Thank you, thank you Mr. Speaker. And I'm not entirely sure I understand the
2 question. What I can tell you is that it is possible in a smaller population size that you will find
3 that the district performs when you start to add a couple hundred thousand more people, that
4 district, that same population may no longer perform.

5 The Speaker: Representative Alexander, you're recognized.

6 Ramon Alexander: Thank you Mr. Speaker. So what you're saying, Chairman, the
7 geography and that methodology takes weight over the demographic representation of those
8 constituencies?

9 The Speaker: Representative Leek, you're recognized.

10 Tom Leek: Thank you Mr. Speaker. I don't, I don't think I'm saying that precisely, but
11 I'm not entirely clear as to what you intend by the question. Geography is a Tier Two standard
12 under compactness.

13 The Speaker: Representative Alexander, you're recognized.

14 Ramon Alexander: Thank you Mr. Speaker. And, and, demographic representation is a
15 Tier One standard, correct?

16 The Speaker: Representative Leek, you're recognized.

17 Tom Leek: Yeah, I'm not familiar with the term that you're using. Tier One standard is
18 that you can't draw a map to favor or disfavor a political party or an incumbent, and you can't,
19 you have to protect protected districts, so that the population has the ability to elect a candidate
20 of their choice.

21 The Speaker: Representative Alexander, you're recognized.

22 Ramon Alexander: Thank you Mr. Speaker. So what you're saying, in the Tier One
23 standard that the protection of minority voices and representation is a part of a Tier One

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1 standard, and then geography is considered a Tier Two standard?

2 The Speaker: Representative Leek, you're recognized.

3 Tom Leek: That's correct.

4 The Speaker: Representative Alexander, you're recognized.

5 Ramon Alexander: I'm going to try and bring it in for a close eventually. So in regard to
6 the state of Florida, and this is specific to the proposed CD 2, how many majority African
7 American counties do we have in the state of Florida?

8 The Speaker: Representative Leek, you're recognized.

9 Tom Leek: If you're talking majority-minority county, which again, we have to use the
10 specific language of the law, there's one and it's Gadsden County.

11 The Speaker: Representative Alexander, you're recognized.

12 Ramon Alexander: Thank you Mr. Speaker. So based off that, out of all these 67 counties
13 in the state of Florida, there's one, Gadsden County. Based off the proposed H000C8019, what
14 would be the demographic representation in your proposed map for Gadsden County?

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: Thank you Mr. Speaker. I don't know what demographic representation
17 means. So can you rephrase the question?

18 The Speaker: Representative Alexander, you're recognized.

19 Ramon Alexander: Well, thank you Mr. Speaker. Mr. Chairman, what would be the new
20 proposed Black voter population for CD 2?

21 The Speaker: Representative Leek, you're recognized.

22 Tom Leek: Yeah, that's in your packet. If you're talking about the BVAP, right? So using
23 the language of the law, Black voting-age population is 23.09%.

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1 The Speaker: Representative Alexander, you're recognized.

2 Ramon Alexander: Thank you Mr. Speaker. You also provided in the packet, I just
3 wanted to get clarity on, in regards to performing districts based off of prior elections. So, based
4 off that particular county, they would be in a district that performed in prior elections, for the
5 previous presidential elections, what are those percentages?

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: Yeah, I need you to rephrase the question.

8 The Speaker: Representative Alexander, you're recognized.

9 Ramon Alexander: Thank, thank you, thank you Mr. Speaker. Chairman Leek, what I'm
10 asking is specific to, with the proposed amendment, with Gadsden County in the new CD 2, you
11 have provided documentation, which I'm trying to get clarification on are prior elections. Trump
12 versus Biden, other, DeSantis versus Gillum, I'm trying to get an understanding of weight, or
13 what level of representation they would have under the proposed amendment?

14 The Speaker: Representative Leek, you're recognized.

15 Tom Leek: Yeah, I can't answer that last question. I can tell you that we don't have, or
16 we don't use elections data by county.

17 The Speaker: Representative Alexander, you're recognized.

18 Ramon Alexander: Mr. Speaker, Mr. Chairman Leek, my question was not by county, by
19 the new proposed amendment district, and is based off the data being provided. I'm just trying to
20 get clarification on it. I think it's like, it's, it's, it's significant. I'm trying to get an
21 understanding, you have only one majority African American county in the state of Florida that
22 is now being represented currently by a minority access district, and now they're going to be
23 represented by what type of district?

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1 The Speaker: Representative Leek, you're recognized.

2 Tom Leek: Thank you. We don't perform a functional analysis except on protected
3 districts.

4 The Speaker: Representative Alexander, you're recognized.

5 Ramon Alexander: Thank you Mr. Speaker, Mr. Chairman Leek. The ethos of my
6 question, it currently is a protected district, so therefore, I think the premise of my question is
7 still relevant.

8 The Speaker: Representative Leek, you're recognized.

9 Tom Leek: Yeah, I think you're talking about, you know, the shifting lines and why the
10 line has moved. So there still is a performing Black protected district. Just the lines have moved.

11 The Speaker: Representative Alexander, you're recognized.

12 Ramon Alexander: Thank you, thank you Mr. Speaker. Based off of the proposed
13 amendment, and the representation of, of communities, outside of Gadsden, like Leon County. I
14 do know that Leon County has a significant African American voting population. Mr. Chairman
15 Leek, how many publicly funded HBCUs are there in the state of Florida?

16 The Speaker: Representative Alexander, I don't think that question pertains to the
17 substance of the amendment. Would you care to rephrase your question? You're recognized.

18 Ramon Alexander: Thank you Mr. Speaker. Well based off the fact that the
19 representation of the community will change based on the proposed amendment, I'm trying to
20 get an understanding of how the proposed change will have an impact on certain demographics
21 in the state, i.e., the only publicly funded state university in the state of Florida. In the proposed
22 map, it would now be represented by a non-minority access district. I'm just trying to get some
23 understanding on that methodology.

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1 The Speaker: Chairman Leek?

2 Tom Leek: Thank you Mr. Speaker. Let me try. I think you're talking about FAMU, and
3 FAMU, yes, would be represented by a different district.

4 The Speaker: Representative Alexander, I'm going – I'm going to take a break for one
5 second. If we can pause the clock. Let me just do a quorum call, quorum call, members. Have all
6 members recorded their presence? All members recorded their presence? Clerk will lock the
7 machine, announce the presence for quorum.

8 Clerk: 104 members voting, a quorum is present Mr. Speaker.

9 The Speaker: Members, I'm sorry to break from our work today. But I think we had an
10 important announcement. A couple of weeks ago, I came up to the rostrum to announce that
11 subsequently to the work done by Chairman Leek, Chairman Byrd, and the Redistricting
12 Committee, that there wasn't a single adverse pleading filed against our legislative House and
13 Senate redistricting maps at the Florida Supreme Court. It is my pleasure now to announce to
14 you that the Florida Supreme Court has just issued their opinion upholding the constitutionality
15 of our legislative maps, they are now the law in the State of Florida. Members, as you know, this
16 is no small feat. It was no small task. The Redistricting Committee has been working for months
17 to make sure we got this right. But let the message be to all Floridians, the message that we set
18 out from the very beginning, which is that we would do our work and that we would come out
19 with constitutionally compliant maps, that the integrity of the process would be unimpeachable,
20 and that we will, as always, defend the rule of law. We did that. Congratulations Chairman Leek
21 and the Redistricting Committee on all your great work. Representative Alexander, you're
22 recognized.

23 Ramon Alexander: Thank you Mr. Speaker. And I just have a few more questions, and

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1 I'll wrap it up. Thank you Chairman Leek for your patience in the conversation. In regards to
2 Gadsden County, we've established that it is the only majority African American county in the
3 state of Florida. Are we suggesting based off the proposed amendment, that they will have the
4 access to elect a representation of their choice, or a representative of their choice?

5 The Speaker: Representative Leek, you're recognized.

6 Tom Leek: Yeah, thank you. This is where we kind of get into proportionality because
7 the congressional districts are so large and it – there only being, I think, what we said, 23%
8 Black voting-age population within the district. It's just, you can't go apples to apples, county to
9 whether it's a performing district or not. But the performing district is now over in Jacksonville.

10 The Speaker: Representative Alexander, you're recognized.

11 Ramon Alexander: Yeah, thank you Mr. Speaker. So Chairman Leek, so the fact that the
12 performing district based off of the proposed amendment will now be in Jacksonville. Is it safe to
13 say that it would diminish the ability of the only majority-African American county in the state
14 of Florida to elect a representative of their own choice?

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: Thank you Mr. Speaker. The problem is the question is an improper premise,
17 right. We don't base it on counties. We base it on a population size, and in this case it has to be
18 plus or minus one person. So, no, I can't accept your conclusion.

19 The Speaker: Representative Alexander, you're recognized.

20 Ramon Alexander: Thank you Mr. Speaker. Can you speak to the premise to the
21 proposed Map A over Map B? Based off the fact that you had Map B before Map A.

22 The Speaker: Representative Leek, you're recognized.

23 Tom Leek: Yeah the primary, you're talking about primary and secondary maps. We

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1 have the primary map there because we are fully aware that the Governor has the veto pen, and
2 he wants to bring forth an argument in the court. And the primary map is specifically chosen so
3 that he will have the ability to bring that argument before the court. The secondary map is there
4 so that the court has an expression from this Legislature, because it's our responsibility to draw
5 the maps. That, should his argument fail, the secondary map will be there and kick in.

6 The Speaker: Representative Alexander, you're recognized.

7 Ramon Alexander: Last question Mr. Chairman Leek. So in regards to the fact we just
8 got the announcement about the state maps, and you used a very defined, based off your
9 perspective, a Tier One, Tier Two system. I'm just trying to get an understanding whether
10 geography, because based off of Representative Sirois' presentation, he talked about the length
11 of the current district CD 5 and the length of the district, but it, it, it does that whole grid a
12 weight over geography or does the demographic representation of those communities hold
13 greater weight?

14 The Speaker: Representative Leek, you're recognized.

15 Tom Leek: Geography only comes in in Tier Two compactness standards.

16 The Speaker: Representative Alexander, you're recognized.

17 Ramon Alexander: Thank you Mr. Speaker. So to be clear, the Tier One standards of
18 demographic access and representation takes precedence over the geography of how a district is
19 drawn?

20 The Speaker: Representative Leek, you're recognized.

21 Tom Leek: Thank you, and I appreciate the dialog. But, again, it's not demographic
22 representation. The question is whether the district performs.

23 The Speaker: Representative Alexander, you're recognized.

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1 Ramon Alexander: Based off of the current and now law approved state maps, over in the
2 Senate, the Senate district that is represented by Senator Ausley, and previously by Senator
3 Montford I know that it has a very long stretch of geography. Were those considerations taken
4 into thought in regards to determining the existing map that is now law?

5 The Speaker: Representative Leek, you're recognized.

6 Tom Leek: Yeah, thank you Mr. Speaker. I mean the short answer is no. Each map lives
7 on its own.

8 The Speaker: Representative Alexander, you're recognized.

9 Ramon Alexander: This should be my final question. So I'm trying to get an
10 understanding is that, you know, if you look at all of the districts throughout the state, on the
11 State Senate map, that is in current law, most of those districts are very compact. What I'm
12 trying to get an understanding is if that was a determinant, why would the existing Senate map
13 produce such a long geographic stretch across east to west, North Florida.

14 The Speaker: Representative Leek, you're recognized.

15 Tom Leek: Thank you Mr. Speaker. I can't speak to the Senate process, okay. But I can
16 also tell you that even in a Senate district, you're talking about a much smaller population-based
17 district, and the functional analysis of whether a district performs or is protected is completely
18 separate than the functional analysis of a protected district in a congressional map.

19 Mr. Speaker. Members, before we continue. Let's take a brief pause for some
20 recognitions.

21 [Recognitions and announcements]

22 The Speaker: Members, we're now going to get back into questions. Back into questions.
23 Representative Daley, you're recognized.

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1 Dan Daley: Thank you Mr. Speaker, and Chairman Leek, you know, my first question
2 and kind of the line of questioning here, it's unique to me that we've got two proposals here, and
3 that we're voting out two proposals. It's almost like, I know some members in the chamber don't
4 like rank-choice voting, but it's almost like we're rank-choice legislating. So, question, have we
5 ever, have we ever proposed two maps?

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: Thank you Mr. Speaker. Not to my knowledge.

8 The Speaker: Representative Daley, you're recognized.

9 Dan Daley: Thanks Mr. Speaker, and thank you Chairman. How was the – and I know
10 you talked a little bit about it, but I'd like to delve into it a little bit more. How was the policy
11 decision made, over priority, which map to prioritize? And who made that decision?

12 The Speaker: Representative Leek, you're recognized.

13 Tom Leek: Yeah, thank you. That policy decision and who made the decision is
14 ultimately the same answer. It was the, I think, the subcommittee first, and then the full
15 committee after.

16 The Speaker: Representative Daley, you're recognized.

17 Dan Daley: Thank you Mr. Speaker. I know you touched on this a little bit earlier Chair,
18 but would it matter if we flipped that priority?

19 The Speaker: Representative Leek, you're recognized.

20 Tom Leek: Yeah, that's not before you today. But, you know, I've explained the reasons
21 why we picked the primary map and put the secondary map behind it.

22 The Speaker: Representative Daley, you're recognized.

23 Dan Daley: Thank you Mr. Speaker, and thank you Chair. You know, the priority map

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1 appears to be similar to the Governor's proposal that he put out a couple of weeks ago. How
2 much deference was given to his proposal in these maps?

3 The Speaker: Representative Leek, you're recognized.

4 Tom Leek: Yeah, thank you. We didn't use the Governor's map. I actually don't agree
5 with your premise that it looks similar or is similar. But we are fully cognizant of the Governor's
6 veto authority and what he said he would like to do. There are also many members in this
7 chamber who would like to give the Governor the opportunity to make his legal argument, which
8 is a novel legal argument and an expansion of the law. Perfectly permissible. This map
9 configuration you have before you puts that squarely within his ability to make those challenges.

10 The Speaker: Representative Daley, you're recognized.

11 Dan Daley: Thank you Mr. Speaker, and this is my final question. Chairman, did you or
12 any of your staff meet with the Governor or any member of the staff?

13 The Speaker: Representative Leek, you're recognized.

14 Tom Leek: If the question is related to redistricting, during this period of time, no.

15 The Speaker: Members, further questions? Further questions? Representative Joseph,
16 you're recognized.

17 Dotie Joseph: Thank you Mr. Speaker. Chair Leek, in your opening statement about the
18 map, the amended map, and acknowledging that having two maps is unusual, you said that you
19 were faced with a unique situation. Can you expand on what that unique situation was?

20 The Speaker: Representative Leek, you're recognized.

21 Tom Leek: Yeah, thank you. I think I just did in response to Representative Daley.

22 The Speaker: Representative Joseph, you're recognized.

23 Dotie Joseph: So for the record, that, so that I'm not mis- because you gave a couple of

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1 answers to Representative Daley's questions. It was so that certain members in this chamber
2 wanted to allow the Governor to tee up a new, novel constitutional argument, potentially
3 challenging the voting rights amendment? Am I interpreting that correctly?

4 The Speaker: Representative Joseph, I believe that Representative Leek has already, on
5 multiple occasions, stated that point. Representative Joseph, you're recognized.

6 Dotie Joseph: Respectfully, he hasn't. That's – I'm just making sure that I'm pulling the
7 right answer from the multiple answers he gave to Representative Daley. So just for clarification,
8 I just want to make sure if that's the unique situation he's referring to.

9 The Speaker: Representative Joseph, would you care to ask another question? He has
10 already answered that question. Representative Joseph, you're recognized.

11 Dotie Joseph: Thank you Mr. Speaker. How were comments submitted by the public into
12 account in the two new maps that we're looking at today, if at all?

13 The Speaker: Representative Leek, you're recognized.

14 Tom Leek: Thank you, and this would be the same as when we talked about the state
15 maps, right. That each of you, as members representing your constituents, was given the charge
16 of going to your constituents and bringing back their information. Equally, your constituents
17 elected you, and so the input that we got from members was also part of that, that public input
18 that we received. In addition, as you know, the website invited any member of the public to
19 provide their input on the maps.

20 The Speaker: Representative Joseph, you're recognized.

21 Dotie Joseph: Thank you Mr. Speaker. In the Congressional Redistricting Subcommittee,
22 you had made an assertion a moment ago in response to Representative Daley's question, that the
23 two maps and the policy decision in prioritizing one versus the other was made first at the

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1 subcommittee level, and then at the next level. I serve on that particular subcommittee, and I
2 don't recall us ever coming to a decision or even having that discussion in there. At what point
3 was that decision made, as it pertains to the subcommittee, was that something that the
4 leadership of the subcommittee did or the body of the subcommittee?

5 The Speaker: Representative Joseph, again, I believe that Representative Leek has
6 answered that, but I will let him further expand on that. Representative Leek, you're recognized.

7 Tom Leek: Thank you Mr. Speaker. And thank you Representative Joseph. I don't have
8 the benefit of serving on this subcommittee, but I understand now that that issue was first, didn't
9 come through the subcommittee, but came through the full committee.

10 The Speaker: Representative Joseph, you're recognized.

11 Dotie Joseph: Thank you Mr. Speaker. Thank you for answering my previously unasked
12 question. My question for you now is in that subcommittee, the last redistricting subcommittee
13 that we had for the congressional subcommittee, a group called Latino Victory came before us
14 and identified concerns regarding Congressional Districts 14 and 15. Specifically, they raised
15 concerns about cracking geographically compact Latino populations, specifically focusing in
16 Hillsborough and Pasco County, near Mullis City, River Bend area. In contrast, they argued that
17 the Senate maps adopted a plan and benchmark map to keep these communities whole.

18 The Speaker: Representative Joseph, that sounds more like debate. Would you care to ask
19 a question? You are recognized.

20 Dotie Joseph: Thank you. Now that I've laid the predicate for my question, Mr. Speaker.
21 The question is how, if at all, was that public comment concern that was raised in the committee,
22 and later submitted as a public comment, considered, if at all, in the maps that we're voting on
23 today?

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1 The Speaker: Representative Joseph, would you care to rephrase your lead up into the
2 question, to rephrase that into a question. Because there was a lot there. Can you rephrase that
3 into a question? You're recognized.

4 Dotie Joseph: He's shaking his head like he wants to answer. So I think he gets it. No?

5 The Speaker: You're recognized.

6 Dotie Joseph: So I'll try –

7 The Speaker: You're recognized Representative Joseph.

8 Dotie Joseph: Thank you. So here's the question. Was the concern raised by the public
9 comment about Congressional Districts 14 and 15 potentially splitting and or cracking a
10 geographically compact Latino population considered in either of the maps that we're looking at
11 today?

12 The Speaker: Representative Leek, you're recognized.

13 Tom Leek: Thank you, and I appreciate your patience with me, sometimes in the
14 questions with a very long windup, it, it makes me pause to make sure I'm answering precisely.
15 First of all, cracking only has to do with performing districts, those were not performing districts.
16 But the member input, if any one of you brought that to the committee, it was considered. And
17 ultimately, the map that we present you with here, is legally compliant. So if the premise is that
18 the map is not legally compliant here for those reasons, we've addressed that, and we believe that
19 the map before you is legally compliant.

20 The Speaker: Representative Joseph, you're recognized.

21 Dotie Joseph: Thank you Mr. Speaker. Did any member bring that particular concern to
22 your attention that was raised at the Congressional Redistricting Subcommittee? Such that you
23 could take into account just in the way that you described?

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1 The Speaker: Representative Leek, you're recognized.

2 Tom Leek: Certainly didn't bring it to my attention, no.

3 The Speaker: Representative Joseph, you're recognized.

4 Dotie Joseph: Similarly, the League of Women Voters identified a number of issues
5 within the Congressional Redistricting Subcommittee. I don't know if any member specifically
6 had those conversations with you, I guess just for the record, did any members have any
7 conversations with you with respect to prioritizing Tier Two over Tier One criteria in drafting
8 the maps?

9 The Speaker: Representative Leek, you're recognized.

10 Tom Leek: Yeah, I'm not sure I can answer your question because I'm not entirely – I
11 mean I don't remember everything the League raised, and so I can't say conclusively that those
12 issues raised by the League weren't raised by a member, because I don't remember entirely what
13 the League raised. But to the extent, I don't have any knowledge of any member coming to me or
14 to anyone in our staff, and saying the League said this, did you do it. If that answers your
15 question.

16 The Speaker: Representative Joseph, you're recognized.

17 Dotie Joseph: Thank you, Mr. Speaker. Thank you for the response, Chair Leek. What
18 analysis did you use to determine whether or not the *Gingles* factors were met and a specific
19 population was entitled to protection before you started drawing the districts?

20 The Speaker: Representative Leek, you're recognized.

21 Tom Leek: Yeah, thank you and I appreciate it. So, and just for the edification of the
22 body and people who haven't had to suffer through this for as many months as we have, the
23 *Gingles* test is actually a test that is used to determine whether a plaintiff can bring a lawsuit or

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1 not. The required functional analysis that we have is constitutional, and we're only required to
2 perform the functional analysis, but we're not plaintiffs bringing a case. There might be plaintiffs
3 in this room or outside of this room that are going to bring a case and have to pass that standard,
4 but that's not us.

5 The Speaker: Representative Joseph, you're recognized.

6 Dotie Joseph: Thank you, Mr. Speaker. What was the test used for whether or not a
7 population was sufficiently numerous and geographically compact so as to possibly gain
8 protected status? And I want to distinguish from your response to prior questions to
9 Representative Alexander, I'm not asking about bright line. I just want to know what was used
10 specifically in the districts that we did make that analysis for?

11 The Speaker: Representative Leek, you're recognized.

12 Tom Leek: Thank you, again that's the functional analysis that I outlined earlier.

13 The Speaker: Representative Joseph, you're recognized.

14 Dotie Joseph: Thank you, Mr. Speaker. With respect to the functional analysis, you
15 identified a number of factors that weighed into that in making that preliminary determination.
16 For the edification of the body, can you tell us if there were a range of things? There may not
17 have been a bright-line rule, but was it 36% Black voting-age population? 40%? When did it
18 start to trigger? So that people understand how that determination was made?

19 The Speaker: Representative Leek, you're recognized.

20 Tom Leek: Again, there's not a bright-line trigger.

21 The Speaker: Representative Joseph, you're recognized.

22 Dotie Joseph: Thank you Mr. Speaker. So we've received performance data for six of the
23 districts. How were those specific districts identified?

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1 The Speaker: Representative Leek, you're recognized.

2 Tom Leek: From the benchmark map.

3 The Speaker: Representative Joseph, you're recognized.

4 Dotie Joseph: In making that analysis, separate from the benchmark map, in deciding
5 because the benchmark was from before we had the recent census, that was from over ten years
6 ago. As it relates to the maps that we're voting on now, did that analysis of the functional
7 analysis that we've just been talking about, has that changed depending on the district or region?
8 In terms of when you, when you implemented? Or you just used whatever the prior census data
9 was and you didn't go beyond that?

10 The Speaker: Representative Leek, you're recognized.

11 Tom Leek: Yeah, let me address this overview. It is called redistricting for a reason.
12 Restricting necessarily is change. So if the question is whether things change, things change. We
13 use the benchmark map to determine where there was once a protected district and whether it
14 needs to stay a protected district.

15 The Speaker: Representative Joseph, you're recognized.

16 Dotie Joseph: All right, last two questions. With respect to Congressional District 24,
17 which is on page 1 of the map, of the primary map, and it's page 19 of the secondary map. It has
18 this kind of weird configuration at the bottom left corner where it does this weird thing with
19 Congressional District 26. I don't know if the people here who drew that map can speak to that,
20 but I'm wondering what's the basis for that, as opposed to respecting the Tier Two boundary line
21 there?

22 The Speaker: Representative Joseph, we will recognize Representative Sirois to answer
23 your question. Representative Sirois, you're recognized.

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1 Tyler Sirois: Thank you Mr. Speaker. That's the municipal line of Miami Beach.

2 The Speaker: Representative Joseph, you're recognized.

3 Dotie Joseph: Thank you Mr. Speaker, and thank you Chair Sirois. Last question is
4 earlier, Chair Leek made reference to subjectivity based on policy derived from us in responding
5 to Representative Alexander's question. Can you, so, can you unpackage what that means?
6 Because when you say subjectivity derived from us, some of us are not a part of that decision-
7 making process with the respect to subjectivity. Just so that I understand what we're actually
8 deciding on, would you care to elaborate? Thank you.

9 The Speaker: Representative Leek, you're recognized.

10 Tom Leek: Thank you Mr. Speaker. And I think when we spoke about subjectivity, we
11 spoke about, I think I spoke about it in terms of why the Senate may have chosen to, you know,
12 call something a protected district and we did not. Now, everybody in this body is part of that
13 policymaking process and decision, even if you objected to it. Right? If your vote was no, you're
14 still part of that decision that's ultimately made because this body can only through a majority of
15 votes.

16 The Speaker: Representative Learned, you're recognized.

17 Andrew Learned: Thank you Mr. Speaker. And thank you Representative for the
18 conversation, I feel like I've learned a lot, since I'm not on any of these committees. I want to go
19 back to something you were talking about with functional analysis. So, if you don't do a
20 functional analysis on a non-protected district, how do you know there aren't minority
21 populations there that would then meet a Tier One criteria?

22 The Speaker: Representative Leek, you're recognized.

23 Tom Leek: Well remember that functional analysis measures performance, which

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1 necessarily injects partisan, the election results, the partisan nature of whatever that election
2 result may be. And so we do not, under any circumstance, except for protected districts, inject
3 that partisan nature into the analysis.

4 The Speaker: Representative Learned, you're recognized.

5 Andrew Learned: Thank you Mr. Speaker. Thank you, if you could just enlighten me for
6 a little bit. I thought we weren't allowed to use partisan information in this process at all. So
7 you're saying that we can use partisan information, but only once we begin the functional
8 analysis, is that what I heard you say?

9 The Speaker: Representative Leek, you're recognized.

10 Tom Leek: Thank you Mr. Speaker. What I'm telling you is the election results are part
11 of a functional analysis that determines performance. Only happens on protected districts.

12 The Speaker: Representative Learned, you're recognized.

13 Andrew Learned: Thank you Mr. Speaker. I just want to go back to that for one second.
14 So, how do you know a district that there's not a new minority population? I mean you said this
15 is redistricting, so we have to do it every ten years. So, since the last time we drew a map, if a
16 new minority population is moved into a city where they would meet a criteria under Tier One to
17 have their voice heard. How would we know that if we're not doing this analysis?

18 The Speaker: Representative Leek, you're recognized.

19 Tom Leek: Thank you. And remember the process, right? We take the benchmark maps,
20 and then we layer on top of it the 2020 census data, which gives you the population clusters, and
21 including where you would see a concentration of Black voters or Hispanic voters. And recall
22 that in the state maps, we did find where a new one existed, we just did not find one here.

23 The Speaker: Representative Learned, you're recognized.

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1 Andrew Learned: Thank you Mr. Speaker. So if you weren't able to find one, but you
2 weren't using the data to find it, how were you looking if you didn't have the data?

3 The Speaker: Representative Learned, I believe that Representative Leek has answered
4 that question, but I will let Chair Leek expand on that. You're recognized.

5 Tom Leek: Thank you Mr. Speaker. And I do want to be clear here. There's a difference
6 between looking at an element of functional analysis and performing a functional analysis. When
7 you lay the population data over the benchmark map, you can see where voting-age populations
8 accumulate.

9 The Speaker: Representative Learned, you're recognized.

10 Andrew Learned: Thank you Mr. Speaker. Shifting gears for a second. Not a lawyer.
11 We're sending two maps to the court. My understanding is that our constitutional requirement is
12 that we send a map to the court. I know we've prioritized them, or the Legislature has prioritized
13 with a primary and a secondary map. Could the court just take either one? Is there any
14 requirement that they take these things in order?

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: Thank you Mr. Speaker. Actually the constitution is silent on whether you
17 could send one, two, or ten maps. We, the court, however, gets the legislation, which this would
18 be, as it comes to it. And in this situation, we've written the legislation such that they'll look first
19 to the primary, if not the primary, if there's a problem with CD 5, then they go to the secondary.

20 The Speaker: Representative Learned, you're recognized.

21 Andrew Learned: Thank you Mr. Speaker. And last two questions on this. Going back to
22 specifics around CD 5, for example, my understanding is the BVAP in one of the maps is 33 and
23 in the other map is 43, which is a significant difference, as I understand it. So, if you, if the Tier

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1 One requirement is to maximize a minority population's ability, not maximize, but to make sure
2 that they have their voice heard in this process. Wouldn't that mean that our primary criteria is to
3 maximize and make sure that they have their voice heard? And give them the map that best
4 enables them to do that?

5 The Speaker: Representative Leek, you're recognized.

6 Tom Leek: Thank you Mr. Speaker. Actually, the courts have said maximizing is not a
7 requirement.

8 The Speaker: Representative Learned, you're recognized.

9 Andrew Learned: Thank you Mr. Speaker. And last question in that. So if there's no
10 requirement to maximize minority representation under the map, is there a requirement, is there a
11 minimum? Is there a point at which we can't go any lower and still consider it minority protected
12 access?

13 The Speaker: Representative Leek, you're recognized.

14 Tom Leek: Thank you Mr. Speaker. That's a district-by-district analysis for protected
15 districts. And that's where the functional analysis tells you where that district still performs. So,
16 any one of those factors within the functional analysis can change, but if the district still
17 performs, it meets the requirement.

18 The Speaker: Representative Hinson, you're recognized.

19 Yvonne Hayes Hinson: Thank you Mr. Speaker. I'm looking at the two maps, primary
20 and secondary. Could you tell me who drew these two maps?

21 The Speaker: Representative Hinson, those – that came through the committee process.
22 But I will let Chair Leek, if he would like to, to expand on that. But Representative Hinson, those
23 maps came through the committee process, and are here on the floor. Representative Leek,

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1 you're recognized.

2 Tom Leek: Yeah, what the Speaker said.

3 The Speaker: Representative Hinson, you're recognized.

4 Yvonne Hayes Hinson: So, Representative Leek, did it follow the same path as the joint
5 resolution of apportionment?

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: I'm sorry. Thank you, Mr. Speaker. It took us a second to try to piece together
8 that question. If the question is, was the methodology used in the State House maps consistent
9 with the methodology used in the congressional maps, the answer is yes.

10 The Speaker: Representative Hinson, you're recognized.

11 Yvonne Hayes Hinson: Thank you very much, thank you very much. Does that mean
12 staff made all policy decisions? And if not, who else made policy decisions?

13 The Speaker: Representative Hinson, again, those maps were drawn in committee, voted
14 on by the members of that committee, discussed by the members of that committee, and are now
15 here before us. You're recognized.

16 Yvonne Hayes Hinson: Thank you Mr. Chair. So I did hear in the question and answering
17 of a lot of people in here, which was educating me that the Governor drew one of these maps,
18 and you guys wanted him to have that opportunity. I'm trying to figure out which one it was?

19 The Speaker: Representative Hinson, Representative Daley asked a similar question. That
20 question was answered by Representative Leek. Would you care to rephrase or ask another
21 question. You're recognized.

22 Yvonne Hayes Hinson: I'll try to rephrase to get the answer I'm trying to get. Was the
23 primary map drawn with consideration of the Governor? Or was the secondary map drawn with

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1 the consideration of the Governor?

2 The Speaker: Representative Hinson, again, Representative Leek has answered that
3 question. That was a question that was posed by Representative Daley in terms of the
4 considerations that were taken in terms of these maps. You are recognized.

5 Yvonne Hayes Hinson: Keeping in mind that I'm not on any redistricting committee. I
6 don't know what's going on, I'm trying to get information. Will you allow him to give me that
7 for clarification please?

8 The Speaker: Representative Hinson, those questions were posed just minutes ago by
9 Representative Daley. You're recognized for another question.

10 Yvonne Hayes Hinson: I didn't hear that answer. I appreciate the fact that you're hiding
11 that answer from me. However, I'm looking at the two maps, I live in Congressional District 3.
12 The primary map is substantially different in the primary map for Congressional 3 and the
13 secondary map for Congressional 3. My question is, I guess, this is a question that you will allow
14 him to answer, why did you shift Congressional 3 so far to the left, almost taking me out of it?

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: I think your question is directed to the primary map. And what was the – the
17 primary map has a much better compactness score and complies much better with Tier Two
18 requirements than does the secondary map.

19 The Speaker: Representative Hinson, you're recognized.

20 Yvonne Hayes Hinson: The compactness. I'm sure I'm supposed to understand that, but I
21 don't. But would you say that the primary map gives better majority-minority access than the
22 secondary map?

23 The Speaker: Representative Hinson, your question is seeking an opinion as opposed to

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1 information. You are recognized for another question.

2 Yvonne Hayes Hinson: He used a term, compactness. Doesn't that mean there is some
3 data involved in that answer?

4 The Speaker: Representative Leek, you're recognized.

5 Tom Leek: Thank you Mr. Speaker, yes it does.

6 The Speaker: Representative Hinson, you're recognized.

7 Yvonne Hayes Hinson: Representative Leek, can you please tell me which one of these
8 maps has the highest concentration of BVAP? That's a term I don't understand either, but I'll tell
9 you what they say it is, Black voter percentage or age.

10 The Speaker: Representative Hinson, that information is in your map, what is on your
11 desk, what was provided to each member of this House. You are recognized.

12 Yvonne Hayes Hinson: Let me just say Mr. Speaker, you have given a great presentation
13 this morning to me. Thank you.

14 The Speaker: Representative Driskell, you're recognized.

15 Fentrice Driskell: Thank you Mr. Speaker. Given that – Chair Leek, good morning.
16 Given that the court just facially approved our House and Senate maps, which we drew to protect
17 racial and language minorities, why do we think that it's unconstitutional, presumably, to do so
18 now, with respect to CD 10?

19 The Speaker: Representative Leek, you're recognized.

20 Tom Leek: Thank you. I don't think that we do. I don't think that we do. Our maps that
21 we're proposing, and I guess CD 10 would be the same in both the primary and the secondary,
22 we believe is legally compliant. And recall that there are an innumerable number of ways that
23 you can draw a legally compliant map. What the court just approved, they said that the map that

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1 we submitted to them was legally compliant.

2 The Speaker: Representative Driskell, you're recognized.

3 Fentrice Driskell: Thank you Mr. Speaker. I'm drawing a distinction between legally
4 compliant and protected. I think my question is about why is it not protected, but let me ask that
5 same question with respect to CD 5, given that the court just facially approved our House and
6 Senate maps where we drew it to protect racial and language minority voters. Why do presume
7 that it's unconstitutional to do so with respect to CD 5?

8 The Speaker: Representative Leek, you're recognized.

9 Tom Leek: Thank you. I don't think we presume it's unconstitutional to do so. And CD 5
10 is a protected district.

11 The Speaker: Representative Driskell, you're recognized.

12 Fentrice Driskell: Thank you Mr. Speaker. And I have some questions for CD 5, I'll try
13 to run through them quickly because I've heard traces of it asked, but not sure if all of this got
14 clarified. So, how does the CD 5 configuration on the primary map perform for minority voters?

15 The Speaker: Representative Leek, you're recognized.

16 Tom Leek: Thank you, and Representative Driskell, I'm not trying to be obtuse here, it
17 allows, the district performs, right. So it allows the minority population to elect a candidate of
18 their choice.

19 The Speaker: Representative Driskell, you're recognized.

20 Fentrice Driskell: Thank you. But wouldn't you acknowledge that it's correct that more
21 than a third of the time this configuration of the district fails to elect the minority candidate of
22 choice?

23 The Speaker: Representative Leek, you're recognized.

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1 Tom Leek: Thank you Mr. Speaker. That is, an election result is a single component of a
2 multicomponent functional analysis.

3 The Speaker: Representative Driskell, you're recognized.

4 Fentrice Driskell: Thank you. Meaning that it can fail more than a third of the time, but
5 that's just one of the factors that you took into account?

6 The Speaker: Representative Leek, you're recognized.

7 Tom Leek: Thank you Mr. Speaker. Yes, election results is one of the factors in a
8 functional analysis.

9 The Speaker: Representative Driskell, you're recognized.

10 Fentrice Driskell: Thank you. Would you classify this configuration of CD 5 as a safe
11 seat?

12 The Speaker: Representative Leek, you're recognized.

13 Tom Leek: Yeah, I think you're asking my opinion. I'm going to avoid giving my
14 opinion because we're duty-bound by our charge here to pass legally compliant maps. I think CD
15 5 is a legally compliant protected district.

16 The Speaker: Representative Driskell, you're recognized.

17 Fentrice Driskell: Thank you Mr. Speaker. How does the configuration of CD 5 on the
18 secondary map perform for minority voters?

19 The Speaker: Representative Leek, you're recognized.

20 Tom Leek: Thank you Mr. Speaker. Again, I'm not trying to be obtuse, the functional
21 analysis demonstrates it performs.

22 The Speaker: Representative Driskell, you're recognized.

23 Fentrice Driskell: Thank you Mr. Speaker. On the secondary map, does CD 5 perform for

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1 minority voters 100% of the time?

2 The Speaker: Members, let's take a brief pause just for a reminder, just for a reminder.

3 [Announcement]

4 The Speaker: Representative Leek, you're recognized.

5 Tom Leek: Thank you. This information is in your packet and I believe it performed
6 Democrat for – is that right? Thank you, performed Democrat for the entire period that we've
7 looked, that it's been in play.

8 The Speaker: Representative Driskell, you're recognized.

9 Fentrice Driskell: Thank you. And understanding that the benchmark district, I believe
10 also performed 100% of the time, is it fair to say that the secondary map is more in alignment
11 with the benchmark map for CD5?

12 The Speaker: Representative Leek, you're recognized.

13 Tom Leek: I think – thank you Mr. Speaker. I think the secondary map is – looks more
14 similar to the benchmark map.

15 The Speaker: Representative Driskell, you're recognized.

16 Fentrice Driskell: Thank you Mr. Speaker. So, what is the Florida Constitution and the
17 Voting Rights Act say about moving a minority seat from a safe seat to a competitive seat? Is
18 that diminishment and is it lawful?

19 The Speaker: Representative Leek, you're recognized.

20 Tom Leek: Thank you. And diminishment is ultimately a question for the court, but the
21 law doesn't use safe seat or competitive seat. The question is whether the district performs, and
22 the district performs.

23 The Speaker: Representative Driskell, you're recognized.

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1 Fentrice Driskell: Thank you Mr. Speaker. What do the Florida Constitution and the
2 Voting Rights Act say about moving a minority seat, like CD 5, to perform less than it did, than
3 it would under the benchmark?

4 The Speaker: Representative Driskell, I believe that Representative Leek has stated on
5 multiple occasions that the district in both maps performs. You're recognized.

6 Fentrice Driskell: Thank you Mr. Speaker. And in my question, I laid that predicate,
7 right, we're talking about performance, and I believe we understand that CD 5 performs 100% of
8 the time as a benchmark. What does the Voting Rights Act say now about the map that's drawn,
9 okay? The map that we're drawing, I guess it would be the primary map, which does not
10 perform, at least a third of the time. That's the question that has not been asked or answered
11 today.

12 The Speaker: Representative Leek, you're recognized.

13 Tom Leek: Yeah, thank you. I don't know that the Voting Rights Act speaks specifically
14 to it, or if there's a provision you'd like to ask about in the Voting Rights Act, I can try to answer
15 it. What I can tell you is this district, under its functional analysis, is a performing district, even
16 today. If you – it is not, you know, it's not appropriate to peel apart a piece of it, and try to attack
17 that piece, and declare that it's not performing.

18 The Speaker: Representative Driskell, you're recognized.

19 Fentrice Driskell: Thank you Mr. Speaker. My question is that in light of that, is this
20 diminishment, what is being proposed under the primary map?

21 The Speaker: Representative Leek, you're recognized.

22 Tom Leek: Thank you Mr. Speaker. And the short answer is no. As long as the district
23 performs, it is not diminishment. Ultimately, a court is going to have to determine whether it is

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1 diminished or not. But the short answer is no, it is not diminishment as long as the district
2 performs.

3 The Speaker: Representative C. Smith, you're recognized.

4 Carlos Smith: Thank you Mr. Speaker. Thank you Chair Leek for answering our
5 questions. I want to get to the whole concept of primary versus secondary map. I'm just trying to
6 understand this concept. So, basically what we have in front of us is we have a primary and
7 secondary map, but we have passed bills off of this floor this session that were also, I suppose
8 constitutionally questionable. For example, we were not given a choice between an
9 unconstitutional versus perhaps a slightly more constitutional 15-week abortion ban. What makes
10 redistricting different than other legislative proposals that we've considered this session where
11 we would factor in constitutionality on the policy decision you've made here to consider a
12 primary and secondary option within a single bill as we have before us here today.

13 The Speaker: Representative C. Smith, I believe Representative Leek has stated on
14 multiple occasions that there is nothing within the Constitution that outlines whether it's one
15 map, two maps, ten maps, that can be proffered by the Florida Legislature. You're recognized to
16 ask another question. You're recognized.

17 Carlos Smith: Thank you Mr. Speaker. And for clarification, I understand there's no
18 restriction on ranked-choice legislating. But my question is why are we doing it here because of
19 constitutional concerns with redistricting and not on other policies?

20 The Speaker: Representative C. Smith, I believe Representative Daley has asked a similar
21 question to that, to your question. Would you care to ask another question? You're recognized.

22 Carlos Smith: Thank you Mr. Speaker. So since we've never done this before, the
23 concept of including these two choices, a primary and a secondary map, it is unprecedented, as

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1 you've said we've not done it for redistricting. I suppose what I'm trying to ask is how are we as
2 members supposed to decide if we have two very different options in front of us. Like, I'll use an
3 example. If someone on either side, from either party believes that the primary map in front of us
4 has major constitutional concerns, but perhaps, they don't think the secondary map has
5 constitutional concerns. Are we supposed to support the bill or oppose the bill? I'm just, I'm
6 trying to understand this concept of rank choice legislating.

7 The Speaker: Representative C. Smith, I believe you're asking more as an opinion rather
8 than actual information regarding the substance of this amendment. Would you care to ask
9 another question? Members, further questions? Representative Geller, you're recognized.

10 Joe Geller: Thank you Mr. Speaker. And thank you Chair Leek. Now, a map passed out
11 of redistricting committee on Friday. My understanding is we have another amendment, which
12 has been mostly called technical, is that next on our consideration? When do we get to look at
13 what that further change from committee is?

14 The Speaker: Representative Leek, you're recognized.

15 Tom Leek: Thank you. This is the amendment that you have before you now.

16 The Speaker: Representative Geller, you're recognized.

17 Joe Geller: Thank you Mr. Speaker. What are the changes in this one from what we voted
18 on Friday?

19 The Speaker: Representative Leek, you're recognized.

20 Tom Leek: Thank you. Just broadly stated, it's Tier Two changes. It's CD 5 and 4 using,
21 you know, I think it's a roadway over a waterway, or a waterway over roadway, something along
22 those lines. If you need a more technical answer, we do have the folks in the back.

23 The Speaker: Representative Geller, you're recognized.

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1 Joe Geller: Thank you Mr. Speaker. What change, what effect do these so-called
2 technical changes have on the performance of the proposed district?

3 The Speaker: Representative Leek, you're recognized.

4 Tom Leek: Thank you. The district, so, I'll say this, the district still performs. If you want
5 to know the effect on BVAP, it actually goes up slightly.

6 The Speaker: Representative Geller, you're recognized.

7 Joe Geller: Thank you Mr. Speaker. You used on several occasions the phrase singular
8 exception. What is the singular exception here? And why is that justified if it's so singular?

9 The Speaker: Representative Leek, you're recognized.

10 Tom Leek: Thank you. The singular exception is the reduction in BVAP in CD 5. And
11 the reason we're doing that are all the reasons I set forth with Representative Daley, and many
12 others.

13 The Speaker: Representative Geller, you're recognized.

14 Joe Geller: Thank you Mr. Speaker. Rep. Driskell was asking you about diminishment, I
15 understand your answer. But moving from something like 44% to I think it's 35%, it's an 8- or 9-
16 point reduction. Does that not constitute dilution under the standards that we're – Tier One and
17 Voting Rights Act?

18 The Speaker: Representative Leek, you're recognized.

19 Tom Leek: Thank you, I'm sorry I had to check there. You're mixing legal terms,
20 dilution and diminishment. Dilution doesn't apply here. I think you're asking about the question
21 diminishment, which is the question you just asked. What I would say is the court will ultimately
22 determine. You know diminishment is a legal conclusion. A court will ultimately determine that.

23 The Speaker: Representative Geller, you're recognized.

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1 Joe Geller: Thank you Mr. Speaker. On a number of occasions, you used the phrase this
2 district performs. Is it fair to say that when you say that, that you are doing on kind of a pass fail
3 basis? You know, it's either, well it's good enough or it's not good enough, and you're not really
4 comparing the percentage by which something is compliant, whether it's more compliant than it
5 was or whether this is not as compliant, but just in your judgment, in your opinion, it's good
6 enough to be pass fail? It performs?

7 The Speaker: Representative Leek, you're recognized.

8 Tom Leek: I'm sorry, there's kind of a lot to unpack there. The district performs, it is
9 compliant. Could you rephrase your question?

10 The Speaker: Representative Geller, you're recognized.

11 Joe Geller: Thank you Mr. Speaker. When you say it performs, what you're saying is that
12 it's good enough, but you're not numerically comparing with how likely it is to perform, correct?

13 The Speaker: Representative Leek, you're recognized.

14 Tom Leek: Thank you. No, that's incorrect. What you're talking about is performance,
15 which is a piece of a functional analysis, right. So you're talking about election results, a piece of
16 a functional analysis. We have to look at all of the pieces of functional analysis to determine
17 whether the district performs. In looking at all of the pieces of the functional analysis, the district
18 performs.

19 The Speaker: Representative Geller, time has expired, but I will allow you to ask one last
20 question. You're recognized.

21 Joe Geller: Thank you Mr. Speaker. I'm not talking about election results singularly. In
22 your vernacular, you're saying something performs, and what I'm trying to get at is when you
23 say performs, it's like a yes or no. Either it does or it doesn't. And it doesn't take any

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1 probabilities of performance into account, you're just saying yes it does, good enough, or no it
2 doesn't. Is that right?

3 The Speaker: Representative Leek, you're recognized.

4 Tom Leek: Thank you, and I'm not trying to be obtuse, but I'll stand on my prior answer.
5 I think I've explained the functional analysis and what it takes to determine whether a district
6 performs.

7 The Speaker: Time having expired on questions. Members, actually, time having expired,
8 are there amendments to the amendment?

9 Clerk: On the desk Mr. Speaker.

10 The Speaker: Read the first amendment to the amendment.

11 Clerk: Representative Driskell offered the following amendment to amendment with title
12 amendment, barcode 210217, remove lines 7125 to 7132 and insert an amendment.

13 The Speaker: Representative Driskell, you're recognized to explain your amendment.

14 Fentrice Driskell: Thank you Mr. Speaker. And we weren't able to get into this in
15 questions, because there was such limited time. But I did just want to make aware that the
16 amendment that we're considering would actually change the statute of limitations to bring a
17 factual challenge to the maps from four years to 30 days. And so my amendment to the
18 amendment would remove that language altogether so that we can keep the same four-year
19 statute of limitations. To address a few concerns, I know that in committee when we heard this
20 on Friday, there was a general sentiment presented that most challenges to the redistricting maps
21 are themselves brought within 30 days. While I can concede that many challenges in the past
22 have been brought within 30 days, not all of them have been. And what happens when you
23 reduce a statute of limitations so drastically, from four years to 30 days, the concern is that

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1 you're not giving the citizens of the people of Florida or any other interested parties the time that
2 they would need to adequately prepare and to bring a good lawsuit. So that, Mr. Speaker, is the
3 amendment.

4 The Speaker: Having explained the amendment, are there questions of the sponsor? Are
5 there questions of the sponsor? Representative Geller, you're recognized.

6 Joe Geller: Thank you Mr. Speaker. And thank you for this good amendment, Rep.
7 Driskell. Can you explain why not having the statute of limitations set at 30 days or having any
8 particular separate statute of limitations is a better option for the voters of Florida?

9 The Speaker: Representative Driskell, you're recognized.

10 Fentrice Driskell: Thank you Mr. Speaker. Yes, Rep. Geller, happy to do that. So 30 days
11 is a very short time frame, and one of the concerns that I have is that you might see lawsuits that
12 are not adequately researched, or well thought out, filed within that 30-day time frame, just to
13 make sure they're preserving their opportunity to bring a claim within a statute of limitations.
14 The additional point that I would make is that I've never seen anything like anywhere else in
15 statute where you have a statute of limitations that typically is for, you know, at least a year, or
16 years or more. And we know that with redistricting, it's a four-year statute of limitations, taking
17 that and reducing it down to 30 days. The point of all of this is if we believe in our maps,
18 members, if we believe that our maps are constitutional, then allow the procedure to proceed as it
19 normally would. We don't need to use procedure as a weapon. If people have challenges to our
20 maps, let them bring well researched, well thought out litigation. I'm not commenting actually on
21 whether the litigation itself is good or bad, or a lawsuit would be good or bad. But give people
22 the time that they need to adequately review the record, retain counsel, do the research, do the
23 due diligence, and bring a lawsuit, and 30 days is not sufficient time, as we've seen based in

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1 prior examples. Sometimes it takes more than 30 days to bring such a lawsuit. Thank you.

2 The Speaker: Are there questions of the sponsor? Are there questions of the sponsor?
3 Seeing no further questions of the sponsor. Members, we're now in debate on the amendment. Is
4 there debate on the amendment? Representative Geller, you're recognized in debate on the
5 amendment to the amendment.

6 Joe Geller: Thank you Mr. Speaker. I'd like to urge members to vote for this amendment
7 for a couple of reasons. First of all, it's fair. Second of all, it is likely to reduce litigation. If
8 people have more time, as Rep. Driskell said, to think about this, to analyze it, to study it, they
9 won't be compelled to file litigation that perhaps, in the fullness of time, they might decide is
10 unnecessary. There's another reason why this amendment makes very good sense. Frankly, this
11 amendment imperils the whole bill. You know, to set a shortened statute of limitations is to
12 interfere with people's existing rights to challenge something under the existing law. Statutes
13 that limit the ability of citizens to bring actions are reviewed carefully, they're a little suspect.
14 But one that drastically shortens the statute like this is more than a little suspect, and in addition,
15 the fact that this shortened statute would only be imposed based on a last-minute addition,
16 literally in the last committee hearing, right before it comes to the floor, after this process has
17 already been underway for months. That's very suspect, highly questionable. That, by itself, I
18 think, could get this whole thing tossed, I might want that, but I still think it's a bad idea to try to
19 limit the rights of every single voter in Florida, to ask that how they are represented be properly
20 reviewed before a court, and to try to do that at the last second in the same litigation, in the same
21 bill, the very bill that's setting the reapportionment, and now as part of that, we're suddenly
22 going to snatch these rights away from every Florida voter. No Members. A bad idea, Members.
23 Support this good amendment, and let the people of Florida decide what they're going to do and

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1 how they want this reapportionment and redistricting to be reviewed in our courts. Vote up on
2 this amendment.

3 The Speaker: Members, further debate? Is there further debate? Representative Robinson,
4 F., you're recognized in debate on the amendment to the amendment.

5 Felicia Robinson: Thank you Mr. Speaker. And I just wanted to thank Representative
6 Driskell for bringing this amendment. I truly believe that it's a good amendment. I'm not an
7 attorney, and I don't know about all the legal terms. But when I looked at the bill, and I was
8 looking at it, and it made such a drastic change going from four years to be able to determine
9 whether something is wrong to just 30 days, I thought that that was really, really drastic, and
10 made it suspect. Made me say, I don't know about this. So, I was thinking that yes, if we can
11 actually do something about that, with this amendment will do, I think it would be a great thing.
12 And I'm thinking about all Floridians, your everyday people, they're not going to understand.
13 Anytime you make such a big change, from four years to 30 days, not even a year, not even six
14 months. And so I thank you for this amendment. I think it's a great job, and I do encourage all of
15 my colleagues to vote up on this, not for us, but for the people of Florida. Thank you.

16 The Speaker: Members, we have two minutes remaining on debate on the amendment to
17 the amendment. Is there further debate? Representative Leek, you're recognized in debate on the
18 amendment to the amendment.

19 Tom Leek: Thank you Mr. Speaker. Members, let's disabuse ourselves of the fantasy that
20 these lawsuits haven't already been drafted. I sat in my office in September and received a phone
21 call from a reporter asking me to comment on the Fair Districts Coalition's threat to file a lawsuit
22 at that time before, actually it was August, before we even had census data. So let's disabuse
23 ourselves of the fantasy that these lawsuits haven't already been drafted. The first lawsuit, last

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1 time, was filed within an hour, within an hour of the bill becoming law. Secondly, we talk about
2 this as if redistricting had its own statute of limitations. Redistricting did not have its own statute
3 of limitations. You have to fall back to the catchall standard civil lawsuit four-year statute of
4 limitations. So what we are proposing here, for the first time, is to give redistricting its own
5 statute of limitations. And what I'll tell you is it's found in other places in the law. For instance,
6 there's a 30-day challenge window for ballot language being proposed. What we're saying here
7 is redistricting is at least as important as proposing new language to the Constitution. And
8 Members, with that, I think our voters deserve clarity and finality around their elections, and I
9 urge you to vote down on this amendment.

10 The Speaker: Members, time having expired for debate on the amendment to the
11 amendment. Representative Driskell, you're recognized to close on your amendment to the
12 amendment.

13 Fentrice Driskell: Thank you Mr. Speaker. To respond to a few comments. The first is
14 that, I think that is a bit comparing apples to oranges when we're talking ballot language, which
15 is supposed to fit a small piece of paper, compared to these maps, which take up multiple,
16 multiple pages. These bills, which are rather large and voluminous, so we're not talking apples to
17 apples, here. So let's disabuse ourselves of that notion that those two things are similar when
18 you're looking at 30-day challenges. Second, I can concede that point. I can disabuse myself of
19 the knowledge, or the consideration, that perhaps there are some lawsuits already drafted. But the
20 fact that there may be some legal complaints already drafted doesn't mean that they all are.
21 There are names that I could mention, like William Hefner, Michael Danish, Andrew Dugin,
22 these names may not mean anything to you in this chamber, and frankly I'm not, I don't even
23 know these people. But these are individuals who submitted maps on our website, which we

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1 opened up, FloridaRedistricting.gov, to give people more direct access to participate in this
2 process. And they were able to submit their own congressional plans for maps. We don't know
3 what everyday Floridians have planned. We don't know if there are any Floridians who are
4 planning to bring a challenge or not. The third point, which is that, sure, there is no statute
5 articulated in the laws that we look at with respect to redistricting, to articulate what the statute
6 of limitations is. But that's okay. That's how the law works. There are plenty of statutes that
7 don't have a statute of limitations within the direct text, and I know this means nothing probably
8 to anybody but the lawyers. But when that happens, then you go back to that fallback statute of
9 limitations, which is four years, which has governed the redistricting process for as long as I
10 know and can look back, certainly dating back to at least the early '90s. So we're making a
11 dramatic change. And I just want to make that point. When you're engaged in a fight over
12 something, lose it fair and square. Lose it on the substance. Lose it because you didn't put your
13 best foot forward. Right? Let people challenge us and see if we put our best foot forward. We
14 don't need to use procedure as a weapon to cut off Floridians' voices. And you need to
15 understand that passing this amendment without my amendment to the amendment is what
16 you're doing. You're saying, you're basically saying to Florida voters, we don't want to hear
17 from you. Unless you can bring this within 30 days, don't even think about it. And that's an
18 insult to Florida voters. It is. So I encourage you to be up on this amendment. Thank you.

19 The Speaker: Having closed on the amendment to the amendment. All those in favor of
20 the adoption of the amendment to the amendment, say yea.

21 Multiple speakers: Yea.

22 The Speaker: All opposed, no.

23 Multiple speakers: No.

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1 The Speaker: And show the amendment to the amendment fails. Read the next
2 amendment to the amendment.

3 Clerk: Representative Driskell offered the following amendment to amendment, barcode
4 423999, remove line 7127 to 7129 and insert an amendment.

5 The Speaker: Representative Driskell, you're recognized to explain your amendment to
6 the amendment.

7 Fentrice Driskell: Thank you Mr. Speaker. Members, this amendment represents a
8 compromise position. You heard with the prior amendment that the current statute of limitations
9 is four years. This amendment to the amendment would change it to one year. So rather than
10 shorten it down to 30 days, rather than leaving it four years, which some folks might think be a
11 little long. Let's reduce it down to one year, which I think strikes the appropriate balance of not,
12 of trying to give a little more certainty to Florida voters about what's going to happen with these
13 maps if they're challenged in litigation, but it also provides Florida voters, and any interested
14 parties, adequate time to do the research, review the record, and bring a well-researched, well-
15 written lawsuit. And that Mr. Speaker is the amendment to the amendment.

16 The Speaker: Having explained the amendment to the amendment, are there questions of
17 the sponsor? Are there questions of the sponsor? Representative Joseph, you're recognized.

18 Dotie Joseph: Thank you Mr. Speaker. Representative Driskell, I'm just wondering, in
19 terms of the requirements in the Florida Constitution for the time period, which I believe might
20 be even up to four years, and us doing a bill to change the time period in the Constitution. What,
21 if any, impact does that have on the weight? On the weight of the legal documents? So in terms
22 of a piece of legislation versus the Constitution?

23 The Speaker: Representative Driskell, you're recognized.

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1 Fentrice Driskell: Thank you Mr. Speaker. And you're right, Rep. Joseph, I think the
2 point that you're getting at is that we afford greater weight to our Constitution, and that the
3 Constitution is the foundational document that sets forth the guardrails. And then those are the
4 lines that we color in with respect to legislation. So using legislation in this way, to cut off that
5 constitutional, or the opportunity to challenge these maps, potentially, and to make sure that they
6 are constitutional, seems like we're using a statute as a weapon against a right that's, kind of,
7 afforded under the Constitution. So you're right, the Constitution gets greater weight than our
8 statutes.

9 The Speaker: Representative Gottlieb, you're recognized.

10 Mike Gottlieb: Thank you Mr. Speaker. I've been listening to the argument, and my
11 understanding, so just so the other members know, due process is a legal requirement that the
12 state respect all legal rights to a person owed. When we shorten the period of statute of
13 limitations, do you believe that that is a denial of due process to the people of the state of
14 Florida?

15 The Speaker: Representative Gottlieb, I believe you are asking an opinion as opposed to
16 information, would you care to rephrase your question? You're recognized.

17 Mike Gottlieb: Thank you Mr. Speaker. Why do you think shortening the period of time
18 on the statute of limitations harms the people of the state of Florida?

19 The Speaker: Representative Driskell, you're recognized.

20 Fentrice Driskell: Thank you Mr. Speaker. I think there are due process concerns. And I
21 thank you for raising those because due process is something that's guaranteed to us, right, like
22 not just under the Florida Constitution, but also the U.S. Constitution. And when we wade into
23 this water where we're cutting off the ability to bring lawsuits, we're also wading in the water of

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1 cutting off access to the courts, which is guaranteed under the U.S. Constitution. And so let me
2 just take that a step further which is, members, we might not like litigation, nobody wants to get
3 sued, nobody wants to hire me, okay. It's a tough business to be in, nobody wants to hire a
4 litigator. But it's the system that we have. It's the system that we've set up, and it's the only
5 process that we have for recourse. So shortening, to your question, why I think it's harmful to
6 Florida voters is because it is going to impact adversely their due process, and their access to the
7 courts. So we really are wading into dangerous waters here, and potentially with this
8 unconstitutional, potentially unconstitutional proposal. Thank you.

9 The Speaker: Members, further questions? Are there further questions of the sponsor?
10 Seeing no more questions. Representative Geller, okay. Seeing no further questions. Members,
11 we're now in debate. Representative Geller, you're recognized in debate on the amendment to
12 the amendment.

13 Joe Geller: Thank you Mr. Speaker. Members, this is a great amendment. Everybody can
14 vote for it.

15 The Speaker: Is there further debate? Representative Woodson, you're recognized in
16 debate on the amendment to the amendment.

17 Marie Woodson: Thank you Mr. Chair. Members, a year is fair time for the people of
18 Florida to look at the process and see what's going on. Rep Driskell, I thank you for the
19 amendment. I really think it's a fair and reasonable amendment. And we really need to give this
20 one some consideration. We want to work together, and this is not an unreasonable amendment.
21 Let's send a message to the people that we do want to work together. And Rep. Leek, we have
22 been working together, and we appreciate it. But this time, I'm hoping that you can give this
23 amendment some consideration because from four years, Rep. Driskell is asking to limit it to

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1 one, at least one, to give each of us the time. We owe it to the people of Florida. So I'm asking
2 you to please give this amendment some consideration and let's work together on this process
3 because we are in this battle together. Thank you.

4 The Speaker: Representative Joseph, you're recognized in debate on the amendment to
5 the amendment.

6 Dotie Joseph: Thank you Mr. Speaker. I mean, quite frankly, any restriction or limitation
7 decreasing the period authorized in the Constitution is, quite frankly, unconstitutional. But that
8 notwithstanding, if we are going to throw the Constitution and the procedural due process
9 requirements by the wayside, then at least let's make it quasi-reasonable. This amendment is a
10 reasonable attempt to try to get you, not even halfway, like a quarter of the way to what the
11 Constitution actually allows. If you're going to do it anyway, you might as well try to make it
12 realistic. We just heard from the Speaker of the House about – you know what, let me just pause
13 there and encourage you to vote up on the amendment. I know you're probably not going to do it
14 anyway, but all I can do is ask because procedural due process actually matters. Our Constitution
15 that we're all sworn to uphold and protect and defend against all enemies foreign and domestic,
16 actually matters. Thank you.

17 The Speaker: Representative Leek, you're recognized in debate on the amendment to the
18 amendment.

19 Tom Leek: Thank you Mr. Speaker. And just in case anybody's confused about what
20 you've heard here today, the Florida Constitution does not prescribe a statute of limitations for
21 redistricting. It just doesn't. It's not there. And think about what you're being asked to do.
22 You're being asked to make citizens go to the ballot box three months, or overturning what the
23 citizens have done at the ballot box – excuse me. You are asking the citizens to vote without

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1 knowing who their ultimate representative would be. So if you go to a year, that's three months
2 after they would have been at the ballot box, electing their representative. All this does, by
3 adding a 30-day limitation, is allow the citizens to know what district they live in and who
4 they're going to vote for. I urge you to vote down on the amendment.

5 The Speaker: Members, we have two minutes remaining in debate on the amendment to
6 the amendment. Representative Robinson, F., you're recognized.

7 Felicia Robinson: Thank you Mr. Speaker. And as I debated on the last one, I thought it
8 was a good amendment. But this one I think is a great amendment because, you know, it really
9 seems to be reasonable. And, no, I wasn't confused about the Constitution, I understand that the
10 Constitution doesn't have a play on this. However, it's what we fell back on up until now. We've
11 always, you know, it might not have had a time limit, but the people of Florida have used that
12 four years to be able to challenge it. And if we're going to change that, we should at least give
13 them an adequate amount of time, and I think that a year is very reasonable. And I just don't
14 think we should actually try to rush the process. You're saying 30 days is just not enough time,
15 and I believe that the people of Florida would appreciate us giving them that time instead of
16 having them rush into a process. You know, a year, three more months, I think they'll actually
17 appreciate that. So I do encourage all of our colleagues. And I mean, I know I've been sitting in
18 here for two years now, and it's really, really tough to get an amendment passed. But, if you truly
19 care about the Floridians and the people that we say we care about, and we have this liberty and
20 freedom, and all those things that we talk about. Let's put it to action today, and actually pass a
21 really great amendment.

22 The Speaker: Members, time has expired on debate, in debate on the amendment to
23 amendment. Representative Driskell, you're recognized to close on your amendment to the

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1 amendment.

2 Fentrice Driskell: Thank you members for the robust conversation around the statute of
3 limitations today, and thank you Mr. Speaker. So, help me save us. Help me save us. That's
4 really what I'm trying to do. Help me help you. I do not think that a court will look kindly on us
5 taking the statute of limitations from four years and reducing it to 30 days. This attempt to reduce
6 it from four years to one year, frankly, like Rep. Joseph said, is not ideal. But I understand that
7 we operate in a process where we have different perspectives, we take those into account, we try
8 to work the system and come up with compromises that we can all live with. It will reduce the
9 statute of limitations by 75%. It is a good compromise. There are a couple of things in debate
10 that I wanted to address, and I'm very glad Chair Leek brought this up, which is wanting to
11 provide certainty to the voters, and to do that as quickly as possible. What I'd like everyone to
12 understand is that whatever maps we vote out, are the maps that people will run on for the next
13 election cycle. There's nothing that will change that. Regardless of whether a lawsuit is filed in
14 30 days, if it's filed in a year, or two years, or four years, the maps that get voted out, and, you
15 know, they get passed in the House and the Senate, and if they're approved by the Governor, this
16 congressional map, plus the House and Senate maps that we already passed, those are the maps
17 that we're going to run on. The voters will be fine. The candidates will be fine. We will have
18 maps to run on. And then the court will do its job, and that's okay for it to do its job. It's a third
19 and coequal branch of government, let it do its job. And if the court decides to draw new maps,
20 then during that next election cycle, after that, they'll run on those new maps. So there's nothing
21 in jeopardy here, in terms of the voters not having the certainty that they need in the next election
22 cycle. I also wanted to address something because I think there's a sentiment that needs to be
23 challenged. You need to understand that having the statute of limitations at a year is fair. It's just,

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1 it's simply fair. Having a shorter statute of limitations of 30 days does not do anything to help
2 expedite the court's ability to do its job. The court is going to need to take the time that it needs
3 to take to review the record. You can see we've already been talking about this for two and a half
4 hours today. It takes time to review a record. So whether or not that legal challenge is brought
5 within 30 days or not, doesn't matter. So, again, in closing, help me help us. Help me help you.
6 Please vote up on this compromise. Thank you.

7 The Speaker: Having closed on the amendment to the amendment. All those in favor of
8 the adoption of the amendment to the amendment, say yea.

9 Multiple speakers: Yea.

10 The Speaker: All those opposed, say no.

11 Multiple speakers: No.

12 The Speaker: And so the amendment to the amendment fails. Are there amendments to
13 the amendment?

14 Clerk: None on the desk, Mr. Speaker.

15 The Speaker: Are there substitute amendments?

16 Clerk: None on the desk, Mr. Speaker.

17 The Speaker: Members, we're back on the main amendment. And debate members will
18 be five minutes, with the main debate on the bill tomorrow, obviously extended and structured.
19 But for this amendment, it is – debate is at five minutes. There will be substantial debate
20 tomorrow on the overall bill. We are now in debate. We're now in debate on the amendment.
21 We're in debate on the amendment. Representative Geller, you're recognized.

22 Joe Geller: Members, this is a bad idea. This one column A, one from column B
23 approach. What it shows is that we don't have confidence that the so-called primary map will

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1 pass constitutional muster. Having a secondary map only maps sense if you don't expect the
2 primary map to be there. This is unprecedented in Florida law, it is not severability that says you
3 can take something out and what's left stands. What a precedent this sets. Should we start doing
4 this on every bill? Every time we pass something, say, well we're not really sure if what we're
5 passing is legal, so how about we pass something and if the courts don't like it, well maybe we'll
6 have another idea that might pass. And if that doesn't work, then well, we've got something else
7 we can always fall back on. You can't do that. Our obligation is to pass what is legal. And if
8 we're so unsure that this so-called primary map will not pass muster, which it won't, it won't.
9 Maybe somebody wants to strike down the Voting Rights Act, maybe somebody wants to strike
10 down the provision to the Florida Constitution. But this primary map does not comport with
11 those standards. It's unconstitutional and so we're going to say, if it doesn't work, we got
12 another one. Where's plan C, and D? We're supposed to pass what we believe is right. Let's have
13 a map, let's have something we believe in. This fallback position is unprecedented, but if
14 allowed, it would be a terrible precedent. Really a bad idea. Really something that goes way
15 beyond even just as important as this redistricting map is. So, please vote no. Thank you.

16 The Speaker: Representative Skidmore, you're recognized in debate on the main
17 amendment.

18 Kelly Skidmore: Thank you Mr. Speaker. And thank you Representative Leek for
19 spending the amount of time you have so far. I know that we'll get into serious debate tomorrow.
20 I will echo many of the comments that our colleague Representative Geller have made. What are
21 we afraid of, members? What are we afraid of? If the primary map is the primary map, then we
22 should stand on it. If the secondary map is the map that we really want, then we should stand for
23 it. I don't understand why we think we can do this, constitutionally. Why we think we can have

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1 this option, and give it to the court? We should know. We should know and we should be proud
2 and we should stand with what we pass out of this house. My only comfort is that after we do
3 this, there's still an opportunity to meet with the Senate, and try to hash out a map that we can all
4 agree on, that stands up to constitutional muster, that protects protected seats that we currently
5 have. There is still an opportunity for us and I hang onto the thread of that hope that we get there.
6 But this is embarrassing.

7 The Speaker: Further debate, members? Is there further debate? Seeing no further debate
8 on the amendment, Representative Leek, you're recognized to close on your amendment.

9 Tom Leek: Thank you Mr. Speaker. Please recognize Chair Sirois on the close.

10 The Speaker: Representative Sirois, you're recognized to close on the amendment.

11 Tyler Sirois: Thank you very much, Mr. Speaker. And thank you Chair Leek. First, a
12 quick point of clarification. I want to point out, I've heard some rumblings around the chamber,
13 and I think it's important to revisit that the primary map is identical to the map that passed out of
14 the full Redistricting Committee, other than a minor technical change, related to Congressional
15 Districts 4 and 5, where we equalized the population between boundary lines. Where, for
16 example, we used waterways instead of roadways. So. I wanted to quickly point that out. I also
17 want to thank members that participated in the process over the last several months. Chair Leek
18 and I have had the opportunity to meet with many of you to hear your insight and your feedback.
19 Chair Leek, it's been a particular honor working with you throughout this process. And to learn
20 from your mastery of the subject matter. I also appreciate the opportunity to learn more from the
21 members about communities and neighborhoods. I believe it was time well spent. It should be
22 said that redistricting is change, and change is hard. To one member, a district on this map may
23 be a far-off, never-before-visited corner of the state. To you, though, that district is part of a

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1 community, with neighborhoods, small businesses, schools, and parks. And I say that to kind of
2 revisit why we're here today and undertaking this effort. Understandably, when you start talking
3 about changing these districts, it invokes intense discussion. As you now fully appreciate, this
4 process is complex. Since the start of this process, we've been focused on following the law. Our
5 approach has been careful and consistent. But I want to take a moment to speak to the issue that
6 is foremost in many of your minds, the Governor's submission. The Constitution of our state
7 provides that congressional maps produced by this Legislature will be presented to the Governor.
8 Like any other bill, he has the authority to approve or veto this legislation. Given his
9 constitutional role, we should carefully consider his input as a factor in our well-informed
10 decision making. Members, we don't legislate in a vacuum. Whether it's public testimony in
11 committee, the hundred maps submitted through our website, the feedback of our members, or
12 the proposal of the chief executive, all of this should be carefully considered for the value that it
13 adds to our process. The Governor has provided his own perspective, but so have many of you.
14 So have many of you. Members placed their priority on keeping cities whole. This bill reduces
15 the number of city splits from 39 to 37, and today's amendment decreases that to 17. When
16 members proposed alternative boundary lines to Congressional District 10, we obliged. And
17 when the law, in its current configuration, required us to maintain protected districts, we did. The
18 map before you today is a culmination of our process that started with extensive member
19 education, significant public input, and robust member feedback. It is our best attempt to balance
20 all of these interests. And you see that balance in the way that this bill is structured. This two-
21 map approach offers a primary map that provides an alternative configuration in the Panhandle
22 that addresses the Governor's concerns.

23 The Speaker: Representative Sirois, if you could –

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1 Tyler Sirois: Bring it in sir.

2 The Speaker: – bring it in for a landing.

3 Tyler Sirois: The primary map moves us closer to the Senate position in other areas,
4 specifically related to Miami Gardens and Congressional District 10 in Central Florida. This is a
5 direct result of member engagement. The secondary map offers an alternative configuration in
6 the Panhandle that maintains the district contained in the benchmark map. The secondary map
7 includes the same member feedback regarding Miami Gardens and Congressional District 10.
8 We acknowledge this is a new approach. It's never been done before, but that doesn't make it
9 any less viable. The executive, the courts, and time will ultimately judge this work product and
10 that's okay. That's exactly how this process is supposed to work. We make the best decisions we
11 can with the information that we have available. Floridians deserve clarity and finality. Mr.
12 Speaker, my last point before I bring it in for a landing. Up until today, I've avoided talking
13 about the politics of redistricting. As I was preparing for today, I remember Representative
14 Maney's comments from yesterday about how, as a judge, he had to divorce his personal feelings
15 from the law. After the last few months, I can tell you that that is a fitting description for the
16 redistricting process. Redistricting is guided by our Florida Constitution. Our job was to carry
17 out this process and follow our Constitution. Our charge was to complete a redistricting process
18 with integrity that produces a legally compliant map. Our charge was to follow the Constitution.
19 To the best of our ability, we have completed that task. Please join me in voting up on this
20 amendment. Thank you Mr. Speaker.

21 The Speaker: Having closed on the amendment. All those in favor of the adoption of the
22 amendment, say yea

23 Multiple speakers: Yea.

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1	The Speaker: All opposed, no.
2	Multiple speakers: No.
3	The Speaker: And show the amendment is adopted. Are there amendments on the desk?
4	Clerk: None on the desk, Mr. Speaker.
5	The Speaker: Show the bill rolled over for third reading.
6	[02:44:57]



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