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v.) 4:22-cv-109

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Cord Byrd)

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TRANSCRIPT OF VIDEO-RECORDED
HEARING OF THE FLORIDA SENATE SELECT
SUBCOMMITTEE ON CONGRESSIONAL REAPPORTIONMENT
NOVEMBER 16, 2021

DIGITAL EVIDENCE GROUP
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1 SEN. BRADLEY: All right. Well, the Senate
2 Subcommittee on Congressional Reapportionment will now
3 come to order. Uh, Dana, please call the roll.

4 CLERK: Chair Bradley.

5 SEN. BRADLEY: Here.

6 CLERK: Senator Bean.

7 SEN. BEAN: Here.

8 CLERK: Senator Harrell.

9 SEN. HARRELL: Here.

10 CLERK: Senator Rouson.

11 SEN. ROUSON: Here.

12 CLERK: Senator Stewart.

13 SEN. STEWART: Here.

14 CLERK: A quorum is present.

15 SEN. BRADLEY: Thank you. Please silence all
16 electronic devices. Anyone wishing to testify before
17 the subcommittee must fill out an appearance card and
18 hand it to a member of the sergeant's office. Should
19 you select to waive your speaking time, your position
20 will be read into the record.

21 Members, we have a number of items on our agenda
22 today, but before we continue, I'd like to take a
23 moment to talk about the process we're about to embark
24 on. Under Senate Rules, select subcommittees do not
25 consider legislation.

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1 We study or investigate a specific issue
2 following within the jurisdiction of the standing
3 committee. In this case, that issue is the redrawing
4 of Florida's Congressional districts, and so we will
5 use the time allotted to workshop the staff, produce
6 maps, and provide feedback and guidance to staff where
7 appropriate.

8 Our feedback and guidance should conform to the
9 directives issued unanimously by the full committee,
10 and you'll find a copy of the directives in your
11 meeting materials.

12 Our feedback and guidance to staff should also be
13 consistent with the cautions expressed in the
14 memorandum we received last week from President
15 Simpson, President-Designate Passidomo and Leader
16 Book.

17 Our responsibility as a select subcommittee is to
18 assist the full committee in proposing a
19 constitutional Congressional map free of any improper
20 intent. I know that every member of this subcommittee
21 shares that goal.

22 I would caution members in their questions,
23 feedback, or guidance to staff today to express
24 themselves carefully so that nothing said in this
25 meeting is misperceived as motivated by any

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1 impermissible purpose.

2 In the future, we will submit a recommendation,
3 which will include a map or set of maps to the full
4 committee. When Chair Rodriguez reconvenes the full
5 committee to consider our recommendations, members may
6 offer amendments.

7 Accordingly, the maps that will be work shopping
8 today are not final, any alterations that are
9 proposed, whether it's guidance and feedback to the
10 staff or as an amendment offered in the future, should
11 adhere to the constitutional principles and apply them
12 consistently throughout the state.

13 I have been advised by counsel that all plans
14 brought forward by staff today comply with the complex
15 layering of federal and state standards and contain
16 various trade-offs within the equal Tier-Two standards
17 presented in each plan.

18 It is within the balancing of these trade-offs
19 that we must exercise our legislative discretion and
20 produce a constitutionally compliant map. Staff has
21 also informed me that while no senators have requested
22 that staff review the publicly submitted comments or
23 plans for consideration while developing the maps we
24 are workshopping today. Members of the public have
25 been continuing to submit plans and comments to

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1 Florida redistricting.gov.

2 I've reviewed some of these myself and I would
3 like to make sure that members of the committee are
4 aware of them. They can be reviewed on the submitted
5 plans and get involved pages of the website. Are there
6 any questions before we proceed to public comment and
7 presentations on our agenda? All right. Senator
8 Rouson.

9 SEN. ROUSON: Thank you very much. Would you
10 clarify, you said that no staff -- staff has not
11 advised you that they've received any maps from the
12 public. Is that what you said? I'm sorry.

13 SEN. BRADLEY: No staff has -- uh, any maps that
14 have been received are on the joint -- uh, they're on
15 the joint website.

16 SEN. ROUSON: Okay. Thank you.

17 SEN. BRADLEY: Any further questions? All right.
18 Mr. Ferrin, you're recognized for a walkthrough of the
19 staff prepared plans. Um, we will start with the first
20 map in a comprehensive fashion and go through the
21 entire state.

22 Um, and then as we reach the subsequent maps,
23 we'll focus on the differences between that and the
24 first map. Uh, we'll stop for questions after each
25 region as opposed to waiting to the end. I think

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1 they'll be more relevant and help our discussion. So,
2 Mr. Ferrin, you're recognized.

3 MR. FERRIN: Thank you, Madam Chair. So we've
4 produced a series of maps since receiving the
5 directives. Uh, the last time the full committee met
6 on October 18th, the -- the plans will be workshopping
7 today, districts have been numbered to be roughly, uh,
8 analogous to the benchmark districts.

9 The exception of course in the Congressional case
10 is district 28 -- 28, which didn't exist in the
11 benchmark plan. We relied on the plain language of the
12 constitution and existing judicial precedent to ensure
13 that plans comply with the complex layering of federal
14 and state standards.

15 And we drew these districts to balance the COE
16 co-equal Tier-Two standards of Article three sections
17 20 and 21 of the Florida Constitution unless doing so
18 would conflict with the Tier-One standards.

19 To comply with the Tier-One standards, we drew
20 these districts without reviewing any political data
21 other than where it was required to perform an
22 appropriate functional analysis to evaluate whether or
23 not a district denied or abridged a racial or language
24 minorities group's ability to participate in the
25 political process or diminish their ability to elect

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1 representatives of their choice.

2 Districts were drawn without the use of any
3 resident's information of any sitting member of the
4 Florida legislature or of Congress and districts were
5 drawn without regard to the preservation of existing
6 district boundaries.

7 To comply with the Tier-Two standards, we drew
8 the districts to be nearly as -- nearly equal in
9 population as practicable with district population
10 deviations of plus or minus one person of the ideal
11 population of 769,221.

12 Districts were drawn to be visually compact in
13 relation to their shape and geography. Mathematical
14 scores were used where appropriate. Districts were
15 drawn to use county boundaries where feasible and in
16 less populated areas, whole counties were grouped
17 together to make a district or a set of districts and
18 in more populated areas where it was feasible to do
19 so, districts were kept wholly within a county.

20 The plans were also drawn to use geographic
21 features that are easily recognizable and readily
22 ascertainable, such as, uh, for district boundaries
23 we're feasible. The boundary analysis for each plan
24 illustrates the rate at which railways, interstates,
25 federal and state highways and large water bodies were

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1 used as district boundaries for each district. To keep
2 cities whole, we drew the plans to keep cities whole.

3 We're doing so as feasible while recognizing that
4 the Impermanent and irregular shapes of the municipal
5 boundaries were present and if or when a city was
6 split, we sought out, uh, static geographic features
7 to use these district boundaries. And accordingly as a
8 result of all this, the plans we have before us today
9 illustrate a number of trade-offs within these co-
10 equal Tier-Two criteria and are presented to the
11 committee for exercise of the legislative discretion.

12 All these plans, uh, were published, uh, last
13 Wednesday, and they're available on Florida
14 redistricting.gov where they can be viewed inter
15 interactively or downloaded from the submitted plan --
16 plans page for independent analysis.

17 Each one of these links in the PowerPoint, if
18 anybody has their laptop up with that running, will
19 link to a, uh, interactive map for each plan. The
20 reference layers can be added to that to show county
21 boundaries, city boundaries, uh, major roads and
22 railways, uh, so that members can zoom in and around -
23 - around -- in and around the map and follow along
24 that way if they choose.

25 As, uh, part of the meeting materials, we

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1 published, uh, these plan packets, uh, each member
2 here has received a hard copy of those. Those are also
3 available on the select subcommittee's, uh, webpage,
4 uh, for the public, uh, consumption.

5 These plan packets contain everything used to
6 analyze a redistricting plan. The data comes from the
7 redistricting application and is simply reformatted
8 for easier consumption. They -- the cover page for
9 these contains a statewide map with insets of South
10 Florida, Jacksonville, Tampa Bay, and Orlando.

11 It also contains a pages of sensors and
12 boundaries statistics, contains lists of split --
13 split counties and cities and a functional analysis of
14 districts protected from non-diminishment standards in
15 the Constitution.

16 We've included in the meeting materials a copy of
17 the over-under map as well, uh, that shows the
18 existing boundaries as they are either over or
19 underpopulated and is color coded accordingly.

20 And we've also included a, uh, packet of the
21 benchmark, uh, plans that were drawn in 2016. The
22 census and boundary statistics page shows the
23 district's population deviation from the ideal and is
24 also ex- -- expressed as a percentage.

25 It also shows the voting age population for, uh,

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1 BVAP, which is black voting age, and that includes
2 respondents who identified as being black, either
3 singly or in combination with some other race and or
4 ethnicity.

5 That includes Hispanic and Hispanic blacks or
6 blacks who responded that they were also Hispanic. The
7 HVAP is also there. That's the Hispanic Voting Age
8 population that includes respondents who identified as
9 Hispanic and being of any race or in combination of
10 races. That also includes black Hispanics as well.

11 So just a word of caution if you were to add
12 those two together, you would incidentally be, uh,
13 double counting the Hispanic blacks, but they're
14 reported separately so that each is included in their
15 totality and that's consistent with DOJ guidelines.

16 The reports also contain district area and square
17 miles, perimeter and miles, and the compactness scores
18 for each district, that's the Convex Hull, Polsby-
19 Popper and Reock report con- -- includes counts of
20 whole and partial counties and partial -- whole and
21 partial cities within each district.

22 Counts of counties and cities that have all their
23 population in only one district. And each district
24 boundaries coincidence with certain types of features
25 that have been identified by the US, uh, Census

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1 Bureau.

2 And those include the same kind of features that
3 were identified or recognized by the Florida Supreme
4 Court as being political and geographic boundaries.

5 So that's city boundaries, county boundaries,
6 primary and secondary roads, which include
7 interstates, US highways and state highways,
8 railroads, and then, uh, water features with a
9 contiguous area of greater than 10 acres.

10 The report also concludes a, uh, field that shows
11 the portion of each district's boundary that does not
12 coincide with these features, and that's labeled as
13 not -- not or non poly go.

14 So on the, uh, the next pages in the analysis,
15 the plan packets include the list of split counties
16 and split cities. And just one note, while we do
17 include the benchmark plan here for 2016, that has the
18 2020 population in geography.

19 Uh, note on the Congressional plan, uh, the
20 benchmark is specifically as it relates to cities.
21 When it was drawn, it was drawn to only split 13
22 cities, but without moving any district lines, the
23 benchmark plan now splits three times as many so that
24 -- that count rises to 39. And that's due to the
25 Impermanent and ever-changing nature of the municipal

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1 annexations.

2 The last few pages in a plan packet include the
3 functional analysis. So the summary pages, there's two
4 summary pages. The first, uh, all of the functional
5 analysis documents list only the districts for which
6 is necessary to evaluate whether or not a district
7 denies or bridges a racial or language minority
8 group's ability to participate in the political
9 process or diminishes their ability to elect
10 representatives of their choice.

11 We again, re -- report the BVAP and HVAP, uh,
12 population percentages. And then on the first summary
13 page, we have the 2020 general election voter
14 registration information for registration by party,
15 registration by race or ethnicity, registration by
16 race or ethnicity and party, and then registration by
17 party and race or ethnicity.

18 The second summary page, uh, includes an average
19 of voter turnout in 2012, 2014, 2016, 2018, and 2020
20 primary elections. And that includes turnout
21 percentages by party and by race or ethnicity. We also
22 include an average of voter turnout in the 2012, 2014,
23 2016, 2018, and 2020 general elections.

24 That's broken out, uh, for turnout by party,
25 turnout by party and race or ethnicity, and then

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1 turnout by race or ethnicity and party.

2 Finally, we have the general election for
3 performance in statewide elections for 2012 to 2020,
4 and this includes average performance, which is - is
5 vote share for the Democrat and Republican candidate
6 in that county -- in that district for those years,
7 includes a count of wins and statewide contests for
8 Democrat and Republican candidates.

9 And then we have, uh, a series of margins. So we
10 show the max -- maximum margin of victory in a
11 statewide contest for either the Democrat or
12 Republican candidate.

13 We show the minimum margin of victory in a
14 statewide contest for either the Democratic or
15 Republican candidate, and then the average margin of
16 victory in the statewide contest. Then the final, uh,
17 page of the -- the plan packet is the functional
18 analysis that shows the returns for elections.

19 So on the other pages we kind of summarize those
20 in by counts. This actually shows the percentage of
21 votes received by each candidate in the contest for
22 which there was a statewide primary election, which is
23 2012, 2014, 2016, and 2018. There was no statewide
24 primary contest in 2020.

25 And it also shows the percentage of the votes

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1 received by each candidate in contest for which there
2 was a statewide general election in 2012, 2014, 2016,
3 2018, and 2020.

4 So before we jump into the first plan, uh, Madam
5 Chair, you want to take any questions on the reports
6 and how those are laid out?

7 SEN. BRADLEY: Members have any questions about
8 what Mr. Ferrin just described? Senator Rouson?

9 SEN. ROUSON: Thank you very much, Madam Chair.
10 On slide four, you talk about large water bodies and
11 the role that they may have played in the calculation.
12 Is it fair to say -- to ask the question now about
13 CD14 and to what impact, if any, did old Tampa Bay or
14 that large body of water have to do with what was
15 drawn?

16 SEN. BRADLEY: Senator Rouson if -- I think that
17 if we could hold that until we get to that region, um,
18 and we can consider it kind of comprehensively at that
19 time. Is that okay with you? Okay.

20 SEN. ROUSON: Go ahead --

21 MR. FERRIN: All right. So the first plan is Plan
22 S000C8002, and pursuant to the directives given to
23 staff, this plan was drawn to be consistent with the
24 plain language of the Florida Constitution, Federal
25 law and existing judicial precedent balances the co-

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1 equal criteria outlined in the Tier-Two standards of
2 Article three, section 20 of the Florida Constitution,
3 except we're doing so conflicts with Tier-One
4 standards. Functional analysis of the minority
5 districts and the plan confirm that it does not
6 diminish the ability for racial and language
7 minorities to elect candidates of their choice.

8 When we were drawing these visually compact
9 districts, county boundaries were used where it was
10 feasible to do so. When a county was split, static
11 geographic features such as major roads, railroads,
12 and water bodies were used in a manner that sought to
13 keep cities whole where feasible.

14 In cases where a city was split, static
15 geographic features were used. Where none were
16 available, or in cases where it was possible to
17 illustrate the tradeoff between using political or
18 geographic features, a municipal boundary may have
19 been used.

20 The plan has an overall deviation of one person,
21 which is zero percent, has average compactness scores
22 of 0.80 Convex hull, 0.41 Polsby-Popper and 0.44
23 Reock.

24 The average use of non-political or geographic
25 boundaries is 11 percent, which means that 89 percent

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1 of the district boundaries fallen features identified
2 by the US census bureau's, geographic layers as either
3 city boundaries, county boundaries interstates, US
4 highways or state roads, contiguous water bodies of
5 greater than 10 acres or railroads.

6 This plan has 46 whole counties, five districts
7 wholly located within a county, 351 cities with all of
8 their population contained within a single district
9 and 362 cities -- excuse me, 351 cities with all their
10 boundaries contained within a single district and 362
11 that have all their population contained a single
12 district.

13 Like the benchmark plan, this plan has three
14 effective minority districts for African Americans,
15 and that's Congressional District five, 20, which is
16 majority minority, and 24.

17 There's one district that provides African
18 Americans with the opportunity to elect their
19 candidates of choice, and that's district 10. And
20 three minority majority Hispanic districts in South
21 Florida, and an opportunity district in central
22 Florida that has become a majority minority Hispanic
23 district, and that is Congressional District nine.

24 So on this slide we have the statewide plan, but
25 we can go ahead and jump into the first region. So in

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1 Plan 8002, in the Panhandle, districts one and two
2 split Walton County, the county boundary primarily
3 follows State Highway 83 North from the state line and
4 US Highway 331 between DeFuniak Springs and the Gulf
5 of Mexico.

6 It departs from these roads to keep DeFuniak
7 Springs whole in District two and uses part of the
8 boundary of the city of Freeport to keep the city
9 whole in district one. You want to go on to the next
10 one, or?

11 SEN. BRADLEY: Members I'll -- I'll look to you
12 to jump in if there's a question that arises.

13 MR. FERRIN: The next region to look at is the,
14 uh, North -- North of Central Florida, Northeast
15 Florida.

16 Here the shapes of District two, three, and four,
17 a result of the configuration of District five and of
18 comparatively low population growth rates in the
19 region. District five is an effective minority
20 district protected under Tier-One of Article three,
21 section 20 of the Florida Constitution from
22 diminishment.

23 While the BVAP decreases slightly from the
24 benchmark, a functional analysis confirms that the
25 district does not deny our bridge the opportunity for

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1 African Americans to participate in the political
2 process and does not diminish their ability to elect
3 candidates of their choice.

4 In Leon County, the boundary of District two and
5 five primarily follows capital circle, US Highway 27,
6 which is Appalachian Parkway, North Monroe Street,
7 Meridian Road, Bannerman Road, Bradfordville Road, and
8 Centerville Road and State Road 59. In Columbia
9 County, the boundary of districts two and five
10 primarily follows interstates 10 and 75, US Highway 90
11 and State Road 10A and State Road 100.

12 SEN. BEAN: Madam Chair. Matt, just to interrupt
13 real quick, and -- and Jay and it -- it may be just --
14 uh, may just be me. Is there any, uh, reason why the
15 coast is shaded, uh, on the maps there? Is that
16 anything or am I just seeing it or is that -- uh, what
17 is that, why is it shaded differently from other parts
18 of, uh, the map?

19 SEN. BRADLEY: You're speaking of district two?

20 SEN. BEAN: District two -- well, district two,
21 but it also runs into district one and the other
22 materials. I -- there may be no reason, maybe it's
23 aesthetics, maybe just look good, but there's a
24 definite twist in the color and I just wondered if is
25 it anything?

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1 MR. FERRIN: Thank you Madam Chair. That -- that
2 is the -- the water layer and -- and so in -- in
3 reviewing these, uh, putting these slides together, we
4 flipped on some of the, uh, relevant layers that would
5 show like rivers, lakes, things like that.

6 The -- the roads you see in the slide are -- are
7 major roadways. We didn't turn on city boundaries and
8 labels because that got a little too -- too busy.

9 And so it's kind of just the base map and then
10 the shading of the district color over that. Um, we
11 can look at maybe trying to do that a little bit
12 differently, but --

13 SEN. BEAN: Well, I'm okay. I just wanted to
14 understand.

15 MR. FERRIN: Okay. Got it.

16 SEN. BRADLEY: Very good. Anything else? All
17 right. Please continue.

18 MR. FERRIN: All right. Thank you Madam Chair. So
19 in -- in, uh, Duval County, the boundary between
20 districts four and five follows us Highway 17,
21 interstate 295, Beach Boulevard, University Boulevard,
22 Roosevelt Boulevard, and the Ortega River.

23 To equalize the population under this plan,
24 district two extends into Alachua County, that allows
25 for districts three and 11 to be the only districts in

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1 Marion County. In Alachua County, the boundary between
2 districts two and three follows major roadways that
3 include State Road 26, which is Newberry Road, State
4 Road 24, which is Archer Road, Interstate 75, and then
5 Williston Road.

6 While the city of Gainesville is split 99 percent
7 of the population of the city is in District three,
8 and that split was necessary to achieve the
9 equalization of the population down to plus or minus
10 one person.

11 In Marion County, the boundary of districts three
12 and 11 primarily follows state roads 235 and 240 and a
13 portion of Interstate 75. Where we needed to equalize
14 the population down to plus or minus one person, the
15 city of Ocala is split, although 99.4 percent of the
16 population of Ocala does fall within District three.

17 District six, which is kind of sort of leading
18 off the screen there consists of, uh, Southern St.
19 John's County, Flagler County, most of Volusia and the
20 Southern -- Northern portion of Lake.

21 The boundary between District four and six
22 utilizes State Road 16, 13 and Interstate 95. And
23 where the boundary does divide St. Augustine, it
24 follows a railroad keeping 82.9 percent of the
25 population of St. Augustine within District six.

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1 The next region in 8002 is the -- what we call --
2 we call the I-4 region, and this includes the southern
3 portion of District six, district seven, district
4 eight, district nine, district 10, district 11,
5 district 12, district 13, district 14, district 15,
6 and then the additional district, district 28.

7 The Southern boundary of District Six Borders
8 District seven in Volusia, primarily follows West High
9 Banks Road, Doyle Road and Osteen Maytown Road.

10 Parts from these geographic boundaries --
11 geographic features when necessary to equalize
12 population in -- in and around the city of Deltona
13 DeBerry. In Lake County, the boundary primarily
14 follows County Road 44A and the [inaudible] Mount Dora
15 City Boundaries -- uses and Mount Dora City
16 Boundaries.

17 District seven consists of all seminal county and
18 parts of Volusian Orange. Its shape is affected by the
19 configurations of District nine and 10, which are
20 minority opportunity districts protected from
21 diminishment under Tier-One of Article three, section
22 20 of the Florida Constitution.

23 In Orange County, the boundary between districts
24 seven and 10 follows I-4, the Seaboard Coast, Railroad
25 and State Road 50, which is East Colonial Drive, State

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1 Road 417 State Road 408, the East West Expressway
2 State Road 434, the Alafaya Trail, and the
3 Econlockhatchee River.

4 Departing from these geographic boundaries are
5 necessary to maintain the ability to elect in
6 neighboring Tier-One districts and to equalize
7 population. District eight contains all of Brevard
8 County in portions of Indian River and Orange County.

9 District nine is a Hispanic opportunity district
10 protected from diminishment under Tier-One. And due to
11 an increase in the Hispanic population of the area,
12 this district becomes majority minority.

13 A functional analysis confirms that the district
14 does not deny our bridge, the opportunity for
15 Hispanics to participate in the political process and
16 does not diminish their ability to elect candidates of
17 their choice.

18 District contains all of Osceola County and part
19 of Orange County. In Orange, the boundary falls is I-
20 4, Sand Lake Road, Conway Road, East Colonial Drive,
21 and the East West Expressway, along with the Alafaya
22 Trail and the Econlockhatchee River. Parts from these
23 boundaries when necessary to maintain the ability to
24 elect in it and -- and neighboring Tier-One protected
25 districts and to equalize population.

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1 District 10 is wholly located within the
2 remainder of Orange County. It's an African American
3 opportunity district protected from diminishment under
4 Tier-One.

5 BVAP slightly increases from the benchmark, but a
6 functional analysis confirms that the district does
7 not deny our bridge the opportunity for African-
8 Americans to participate in the political process and
9 does not diminish their ability to elect candidates of
10 their choice.

11 District 11 contains all of Citrus County and
12 shares a boundary with District three and Marion, and
13 District 28 and Sumter, and also shares a boundary
14 with District 28 and six in Lake.

15 While Sumter County split the boundary follows
16 State Road 50 and 99.8 percent of the population of
17 Sumter County is within District 11. In Lake County,
18 the boundary primarily follows State Road 50, State
19 Road 33, and State Road 565B.

20 Parts where necessary to -- uh, parts from these
21 geographic features when necessary to equalize
22 population.

23 District 12 contains all of Fernando and -- and
24 Pasco counties in a small portion of Pinellas where it
25 shares a boundary with district 13 and that was

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1 necessary to equalize population in the area.

2 District 13 is wholly contained within Pinellas
3 County. Boundary between District 13 and 14 in
4 Pinellas primarily follows US Highway 19, State Road
5 688, which is Ulmerton Road, State Road 686, which is
6 Roosevelt Boulevard and US Highway 92, which is Gandy.

7 District 14 contains the northeastern part of,
8 uh, Dallas and the Northwestern part of Hillsborough
9 County where it's adjacent to District 15. There the
10 boundary primarily follows Interstate 275, the CSX and
11 Amtrak Railroad and US Highway 441.

12 SEN. ROUSON: Madam Chair.

13 SEN. BRADLEY: Senator Rouson, you're recognized.

14 SEN. ROUSON: Thank you very much. Why was it
15 necessary to split the city of Gulfport in district
16 13?

17 MR. FERRIN: Madam chair.

18 SEN. BRADLEY: Recognized.

19 MR. FERRIN: Uh, Senator I -- Golfport is in just
20 west of St. Pete at the -- the tip of the, um,
21 peninsula there -- that -- that is not -- not going to
22 be split in the Congressional plan.

23 SEN. ROUSON: Okay. I must have it confused with
24 the Senate plan.

25 MR. FERRIN: You may.

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1 SEN. ROUSON: Um, follow up.

2 SEN. BRADLEY: You can go back and forth.

3 SEN. ROUSON: So in 14 you come down into
4 Pinellas County, picking up Lake Tarpon and Feather
5 Sound, which is near Clearwater area, uh, which is
6 further into Pinellas than 14 has traditionally been.
7 Why was that necessary?

8 MR. FERRIN: So Senator Rouson, the configuration
9 of district 14 and it's -- it's, uh, going into
10 Pinellas County is a -- a factor of the use of county
11 boundaries throughout the region. So by keeping
12 Hernando and Pasco a whole, that district falls about
13 12,000, 13,000 people short of being a full district.

14 So that has to get that additional population
15 from somewhere. District 13 starts in Southern
16 Pinellas and grows North.

17 But if -- if District 13 were to stop, uh,
18 somewhere in the Clearwater Feather Sound area,
19 district 14 -- some -- some district would have to
20 take that additional population all the way -- it's
21 between 12 and 13 all the way out to the Gulf of
22 Mexico.

23 Uh, and I think putting that in District 14 would
24 look a little odd. Um, if you were to try to grow, uh,
25 fill that extra population with District 12, uh,

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1 that's coming down from the Northern Pinellas,
2 something would have to, uh, make up for that
3 additional 150,000, 160,000 people.

4 So somewhere District 12 would have to lose that
5 many -- uh, that much population. So District 14 would
6 potentially stop at the Hillsborough Pinellas line,
7 but go North into Pasco for -- to balance the
8 population between those three districts.

9 SEN. ROUSON: So -- I'm sorry, follow up.

10 MR. FERRIN: Mm-hmm.

11 SEN. BRADLEY: Follow up.

12 SEN. ROUSON: So either way, whether it goes
13 North or whether it goes South like you've drawn it --
14 it had to pick up additional population?

15 MR. FERRIN: That -- that's correct Senator, by
16 trying to draw 15 wholly within Hillsborough County
17 and keep that -- respect that county boundary, which
18 also enabled Polk to stay whole. That means that 14
19 has to -- to pick up that population from somewhere.

20 SEN. ROUSON: All right. What impact, if any, did
21 Tampa Bay that large body of water have on district
22 boundaries?

23 MR. FERRIN: So the boundary -- the Southern
24 boundary of District 14 is going to use Tampa Bay at
25 the end -- the tip of the -- the peninsula there in

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1 Tampa as a boundary. Otherwise, we -- we -- we do have
2 to assign all geography in the state.

3 We can't leave stuff unassigned even if it's
4 water. And so using that simply as a southern
5 boundary, it just worked out that way that -- that the
6 bay is contained there within District 14, old Tampa
7 Bay is.

8 SEN. ROUSON: All right. May I?

9 SEN. BRADLEY: Please continue.

10 SEN. ROUSON: And -- and just a general question
11 for the listening public, what is the difference
12 between a minority opportunity as opposed to a
13 minority seat? I think you said that districts five,
14 20 and 24 are minority seats, but districts nine and
15 10 are minority opportunity seats.

16 MR. FERRIN: So Senator Rouson, we, uh, generally
17 categorize, uh, those as -- you have several
18 categories, one of which is minority majority, and
19 that's where majority of the district's voting age
20 population, uh, is minority.

21 And so if the VAP is over 50, in that
22 circumstance, it's the majority more -- minority
23 district. We have effective minority districts in
24 which the VAP may fall below majority status, but the
25 -- the minority voting age population, the minority

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1 voters still, uh, control the primary within either
2 the Republican or democratic primaries.

3 And so by turning -- measuring the turnout there,
4 so if the, uh, black turnout in the Democratic
5 primaries over 50 percent, we can conclude that that's
6 probably an effective minority district if it does in
7 fact perform for Democrats in the general.

8 And so that's the effective minority district.
9 The opportunity is where the primary control is not
10 conclusive, where the minority voters that are turning
11 out in the primaries do not exceed -- do not make up a
12 majority, and therefore may still depend on, uh,
13 either crossover, uh, votes from, from white voters or
14 coalescing with other minority groups to nominate and
15 then elect their candidate of choice.

16 SEN. ROUSON: Thank you.

17 SEN. BRADLEY: Any additional questions? All
18 right. Keep moving forward.

19 MR. FERRIN: Thank you Madam Chair. I think we
20 left off on district 15, which is wholly contained
21 with -- in Northeastern Hillsborough County. It does
22 share the boundary with District 14 to the West and
23 District 16 to the South.

24 The boundary between districts 15 and 16
25 primarily follows the CSX and Amtrak Railroad, US

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1 Highway 301 and State Road 674. District 28, uh, does
2 contain all of Polk County and the Southern parts of
3 Sumter and Lake Counties where it shares a boundary
4 with District 11.

5 This slide depicts the southern half of the
6 state, District 16 contains the remaining portion of
7 Southern Hillsborough County, all of Manatee County
8 and part of Sarasota County in Sarasota, where the
9 district shares a boundary with District 17, a
10 boundary primarily follows I75 and the boundary of the
11 city of Northport to keep Northport holy within
12 District 17.

13 To equalize the population, the boundary follows
14 local road -- roadways in and around the city of
15 Venice. District 17 contains all of Charlotte, DeSoto,
16 Hardee, Highlands, Glades, and Okeechobee Counties. It
17 also contains a portion of Sarasota not in District 16
18 and a part of Lee County.

19 And Lee County, the boundary primarily follows
20 the Tamiami Trail, Seaboard Coast, Line Railroad, I75
21 and State Road 82. District 18 over on the East coast
22 contains all of St. Lucie, Martin County and parts of
23 Indian River and Palm Beach counties.

24 In Indian River County, the district shares a
25 boundary with District eight to the north and the

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1 boundary primary followers State Road 60 and other
2 local roads to equalize population. In Palm Beach
3 County, the district shares of boundary with District
4 20, which is a minority -- majority district protected
5 from diminishment under Tier-One.

6 Moving further South, District 19 contains parts
7 of Lee and Collier Counties. In Lee County, the
8 district shares of boundary with District 17 and in
9 Collier County the shape of the district is a result
10 of the configuration of District 25, which is a
11 Hispanic majority minority district protected from
12 diminishment under Tier-One.

13 Boundary between District 19 and 25 primarily
14 follows I75 and US Highway 41, which is the Tamiami
15 Trail, and departs from these geographic features when
16 necessary to equalize population. District 20 is a
17 majority minority -- excuse me, minority majority
18 district protected from diminishment under Tier-One.

19 The functional analysis confirms that the
20 district does not deny our bridge the opportunity for
21 African Americans to participate in the political
22 process, and it does not diminish their ability to
23 elect candidates of their choice.

24 District 20 contains parts of Palm Beach and
25 Broward County in Palm Beach. The district shares a

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1 boundary with District 18 to the North, Districts 21
2 and 22 to the South and East.

3 The boundary primarily follows State Road 710,
4 which is the B-Line Highway, Seminole Pratt and
5 Whitney Road, State Road 704, which is Okeechobee
6 Boulevard, Jog Road, the Florida Turnpike and State
7 Road 809, which is military trail.

8 Also uses portions of I -- I95, North Lake
9 Boulevard, US Highway One and the federal East Coast
10 Railroad, as well as, uh, US Highway 98 and State Road
11 80, which is Southern Boulevard. And then, uh, uses
12 the boundary of the Loxahatchee, now Wildlife --
13 National Wildlife Refuge in -- uh, there in Central
14 Palm Beach County.

15 In Broward County, the boundary primarily follows
16 the Sawgrass Expressway, the Pompano Canal, State Road
17 814, which is Atlantic Boulevard, the Florida
18 Turnpike, the Seaboard Coast Railroad, State Road 811,
19 which is Dixie Highway, the Florida East Coast
20 Railroad, interstate 95, and the city boundary of
21 Wilton Manors and as well as Interstate 75.

22 The boundary of District 20 does depart from
23 these features when necessary to equalize population
24 and to maintain the ability to elect in this Tier-One
25 protected district. The shapes of districts 21 and 22

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1 are a result of the configuration of District 20,
2 which is, as we just discussed, the minority majority
3 district. In this plan, the districts are configured
4 vertically.

5 This configuration allows District 22 to utilize
6 political and geographic boundaries at a high rate,
7 which is only 9 percent non-political or geo.

8 And although District 21 scores relatively low on
9 -- on the boundary usage, it's largely due to the fact
10 that -- that National Wildlife Refuge doesn't actually
11 count as a geographic boundary under our definitions.

12 And while the Reock scores for the districts are
13 -- are relatively low, the Convex Hull scores are
14 reasonably high given the district's proximity, two
15 and interaction with the Tier-One Protected District
16 20.

17 District 21 and 22 contain parts of Palm Beach
18 and Broward Counties. District 21 shares a boundary
19 with District 20 to the North, West and south. And in
20 Palm Beach County, the Eastern boundary of District 21
21 is shared with District 22.

22 There primarily follows State Road 809, which is
23 military trail, the Florida Turnpike and part of the
24 county line. District 23 is wholly contained within
25 Broward County where it shares boundaries with

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1 districts 20, 22 and 24. Boundary primarily follows
2 I75 and the Western boundary of the cities of Sunrise,
3 Westin, Southwest ranches, Pembroke Pines, and
4 Miramar.

5 In Sunrise and Plantation, boundary departs from
6 geographic features when necessary to maintain the
7 ability to act and the neighboring Tier-One protected
8 district and to equalize the population.

9 Where the district shares a boundary with
10 District 22, boundary primarily follows I95, 595 --
11 excuse me, Interstate 9 -- 595, US Highway one and the
12 40 East Coast Railroad. Where District 23 shares a
13 boundary with District 24, which is an effective
14 minority district protected from diminishment under
15 Tier-One.

16 The boundary primarily follows State Road 824,
17 which is Pembroke Road. District 24, as I just
18 mentioned, is an effective African American minority
19 district protected from diminishment under Tier-One.

20 When compared to the benchmark, District 24 has a
21 very similar black voting age population and the
22 functional analysis confirms that the district does
23 not deny or bridge the opportunity for African
24 Americans to participate in the political process and
25 does not diminish their ability to elect candidates of

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1 their choice.

2 District 24 contains a small part of Broward and
3 parts of Miami-Dade County. In Broward County, the
4 boundary primarily follows State Road 824, which is
5 Pembroke Road. And then Miami-Dade County boundary
6 primarily follows State Road 817, which is Northwest
7 27th Avenue I95 -- excuse me, Interstate 195 and
8 Interstate 395 in the MacArthur Causeway.

9 Boundary does depart from these geographic
10 features when necessary to equalize population and to
11 maintain the ability to elect in this district as well
12 as in the two neighboring Hispanic majority minority
13 districts.

14 And all of the districts remaining in Miami-Dade
15 County are in fact Hispanic majority minority
16 districts that are protected from diminishment under
17 Tier-One. The functional analysis of each of these
18 does confirm that they do not deny or bridge the
19 opportunity for Hispanics to participate in the
20 political protest besides political process and do not
21 diminish their ability to elect candidates of their
22 choice.

23 District 25 contains all of Henry County in parts
24 of Collier and Miami-Dade counties. In Collier County,
25 the district shares a boundary with District 19.

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1 In Miami-Dade County, the district shares
2 boundaries with District 24 and District 26 and 27.
3 District 25 shares a boundary with District 26, the
4 boundary primarily follows US Highway 41, which is the
5 Tamiami Trail and State Road 836, which is the Dolphin
6 Expressway.

7 Where District 25 shares a boundary with District
8 27, primarily follows the Dolphin Expressway and the
9 Tamiami Canal, C4 Canal. Boundary departs from these
10 geographic features when necessary to equalize
11 population and to maintain the ability to elect in
12 this and enabling Tier-One districts.

13 SEN. BRADLEY: I believe we have a question if we
14 could. Hold right there. Uh, Senator Stewart you're
15 recognized.

16 SEN. STEWART: Yeah. It's, um, primarily on the
17 25 and I don't know if 20 -- could you tell me where
18 the Everglades is located on this map?

19 MR. FERRIN: Uh, Senator Stewart, it's going to
20 be kind of in the middle. It's -

21 SEN. STEWART: [Cross talk].

22 MR. FERRIN: -- uh, so -- so the -- I would say
23 that the Everglades, depending on some -- your
24 definition of them is going to start South of Lake
25 Okeechobee and fall all the way through the peninsula

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1 down to, uh, the tip of -- of Monroe County, which you
2 can't actually see here.

3 But by and large the Everglades is going to be --
4 so you see where the map says Miami Dade on the
5 screen, can you read that perhaps.

6 To the -- to the west of that, that's all
7 Everglades. And then I would say generally North --
8 uh, South of the -- uh, that's I75, which is the
9 middle red line that crosses there -- that crosses
10 from Collier to Broward.

11 That's kind of the heart of it right there. So
12 everything is South and then as you get up further
13 North into Hendry and Southwestern Palm Beach, that's
14 -- that's where the Everglades, you start to kind of
15 end. And -- and that's where some of the farming
16 communities in the state, uh, sort of begin.

17 SEN. STEWART: So primarily the bulk of it is in
18 25? No? Yes?

19 MR. FERRIN: I -- I -- I would suggest that the
20 districts 20, 25 and 26 are going to have a lot of
21 Everglades in them.

22 SEN. BRADLEY: Anything further? Any additional
23 questions? All right.

24 MR. FERRIN: And we just left off on District 25,
25 I believe. So District 26, uh, does contain all of

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1 Monroe County and part of Miami-Dade, Miami-Dade. The
2 boundary follows the Tamiami Trail and the boundaries
3 of the city of Sweetwater and the Florida Turnpike.
4 Parts from these geographic features when necessary to
5 equalize population.

6 And District 27 finally is contained wholly
7 within Miami-Dade County. They're -- the boundary
8 primarily follows the Florida Turnpike, the Dolphin
9 Expressway, Interstate 395, and the MacArthur
10 Causeway. Departs from these geographic boundaries,
11 uh, when necessary to equalize population and maintain
12 the ability to elect in this in neighboring Tier-One
13 protective districts.

14 SEN. BRADLEY: All right. Well, thank you for
15 that. That was a, um, comprehensive overview of MAP
16 8002. Um, and as discussed earlier, 8004, 8006 and
17 8008, uh, share a lot of similarities, but they differ
18 in particular respect.

19 So as we go forward, we will focus on those
20 distinctions, uh, and not step through, uh, the
21 entirety of what, uh, Mr. Ferrin just -- just
22 described for us. So are there any questions? Yes,
23 Senator Harrell.

24 SEN. HERRELL: Thank you. One, two question. When
25 we have the, uh, North-south districts of 21 and 22,

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1 can you tell me, uh, approximately how many cities are
2 split? Because I know you have, in that area in
3 particular, everything is just about incorporated. So
4 how many cities are split in 21 and 22?

5 MR. FERRIN: So, Senator Harrell, um, on the
6 census and boundary statistics page about the -- not
7 the 12th column or so over, you have the counts of
8 cities that are -

9 SEN. BRADLEY: I think you could hold that. Is
10 everybody -- um, does everybody have that page? That -
11 - uh, it's page -- it's the second page of 8002 of the
12 statistics for that so we can follow along. I'm sorry.
13 Go ahead.

14 MR. FERRIN: Sorry. Yep. So -- so that column
15 displays the number of cities that are kept whole
16 within the district, and then parts, parts is going to
17 be a little bit more of an aggregate count.

18 So if District 21 contained -- uh, contains seven
19 parts of cities, that doesn't necessarily mean that
20 seven cities are -- are -- are split. It -- it means
21 that it has unique combinations of district and city.
22 There are seven of those. So you can look at that and
23 say, well, district 21 keeps four cities whole and
24 District 22 has 19 wholly within it.

25 SEN. HERRELL: Mm-hmm. Follow up. So when you say

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1 this -- there are seven, uh, parts -

2 MR. FERRIN: Mm-hmm.

3 SEN. HERRELL: -- and then 14 parts. If they're
4 19 kept whole and 14 have parts. Are those 14 specific
5 sections, or are those 14 cities?

6 MR. FERRIN: It's going to be specific sections
7 of those cities. So -- so if you look - look into the
8 next page, perhaps we can look down the list and see
9 that as you move down, Coconut Creek is -- is split
10 between districts 20 and 21.

11 SEN. HERRELL: Mm-hmm.

12 MR. FERRIN: So there's -

13 SEN. HERRELL: Is overlap.

14 MR. FERRIN: -- that part of a city. So that
15 seven -- that -- that row that says Coconut Creek 21 -
16 - district 21, that counts as part of a city that's in
17 District 21. And that's -- but that's split between
18 districts 20 and 21.

19 And so if you're asking just between 20 and 22,
20 we would run down this list and see that, uh, Delray
21 Beach is split between districts 21 and 22. Although
22 we have zero population from Delray Beach and District
23 21, it's all in district 22.

24 There's just a geographic split where Delray
25 Beach may have annexed something on the far side of

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1 the road that -- that we chose to stick on the road.

2 SEN. HERRELL: Okay. Thank you.

3 SEN. BRADLEY: Anything additional? All right.

4 Yes, Senator Rouson.

5 SEN. ROUSON: Thank you. Uh, speaking of cities
6 being split, does this map also split the city of
7 Tampa?

8 MR. FERRIN: Senator Rouson, I believe the city
9 of Tampa is -- ends up getting split in all plans
10 between districts 14 and 15.

11 And that's -- the city of Tampa does extend from
12 the -- I believe it extends all the way from the Polk
13 -- uh, or excuse me, the Pasco, uh, Hillsborough
14 County line all the way down to Tampa Bay.

15 And so it's a very large, kind of sprawling city,
16 and it is split in -- it's going to be split in -- in
17 -- in all the plans that we're looking at today.

18 SEN. ROUSON: And the -- the reason for that, the
19 -- the Tier-Two standard that would apply.

20 MR. FERRIN: Uh, the reason for that would be
21 that the population in the area kind of compels that,
22 uh, combined with the geographic features and the use
23 of county boundaries, keeping the city of Tampa whole
24 would -- would likely result in some, um, less
25 visually appealing to say the least, uh, districts

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1 around it.

2 SEN. BRADLEY: All right.

3 MR. FERRIN: So if we're ready to move to plan
4 8004.

5 SEN. BRADLEY: All right.

6 MR. FERRIN: So in the same manner pursuant to
7 the directives that were given to staff, we drew this
8 plan to be consistent with the plain language of the
9 Florida Constitution with federal law and with
10 existing ju -- judicial precedent.

11 It also balances the co-equal criteria outlined
12 in Tier-Two standards of Article three, section 20,
13 except where doing so conflicts with the Tier-One
14 standards. The functional analysis of each of the
15 minority districts in the plan does confirm that it
16 does not diminish the ability for racial and language
17 minorities to elect candidates of their choice.

18 And when we were drawing these districts, we did
19 so, uh, to be visually compact and to use county
20 boundaries where it was feasible to do so.

21 When a county was split static geographic
22 features such as major roads, railroads, and water
23 bodies were used in a manner that sought to keep the
24 city is whole where feasible.

25 In cases where a city was split, static

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1 geographic features were used where none were
2 available, or in cases where it was possible to
3 illustrate the tradeoff between using political or
4 geographic features, a municipal boundary may have
5 been used. This plan has, again, an overall deviation
6 of one, average compactness scores of 0.80 for Convex
7 Hull 0.42 for Polsby-Popper, 0.45 for Reock.

8 The average use of nonpolitical or geographic
9 boundaries matches that of the predecessor, which was
10 11 percent, and means that 89 percent of the -- the
11 district boundaries fall on features identified by the
12 US census bureau geographic layers as city boundaries,
13 county boundaries interstates, US highways, state
14 roads, contiguous water bodies larger than 10 acres or
15 railroads.

16 This plan keeps 47 counties whole, keeps six
17 districts wholly within a county, 352 cities with all
18 of their boundaries contained within a single district
19 and 362 with all of their population contained within
20 a single district.

21 Like the benchmark plan, this plan has three
22 effective minority districts for African Americans.
23 That's, again, five, 20 and 24.

24 One district that provides African Americans with
25 the opportunity to elect their candidate of choice in

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1 District ten, three minority majority Hispanic
2 districts in South Florida and the Opportunity
3 District in central Florida, that has become a, uh,
4 majority minority Hispanic district. In the Panhandle,
5 Walton County is against split by districts one and
6 two.

7 However, the boundary between the two districts
8 more strictly adheres to the static geographic
9 features that are State Highway 83 North, and US
10 Highway 331 South. Departure from these features is
11 minimal and is required to equalize population.

12 The tradeoff between this configuration and the
13 one in Plan 8002 is that this splits the cities of
14 DeFuniak springs in Freeport, but better adheres to
15 the political and geographic boundaries.

16 In the North Florida region of Plan 8004,
17 Districts four, five, and six are the same as in the
18 previous plan. District two and three are configured
19 to keep a lateral county whole by having district two
20 get its additional population from Marion County,
21 which is also split by districts three and 11.

22 This configuration demonstrates the way keeping a
23 county whole can result in a split in another county.
24 And in this particular circumstance, consolidating the
25 splits in Marion County also results in a more

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1 visually in mathematically compact District three.

2 And this configuration boundary between districts
3 two and three in Marion County primarily follows US
4 Highway 27 and State Road 200. The boundary between
5 districts three and 11 is similar to the boundaries in
6 8002, but in this plan, the City of Ocala is actually
7 kept whole.

8 This plan is similar to Plan 8002, and that the
9 district configurations in the I-4 corridor are the
10 same, and it's similar to 8002 in that the district
11 configurations in South Florida are the same, except
12 the district's 21 and 22 have a horizontal
13 configuration rather than vertical.

14 It's a little easier to see in this slide, but
15 the horizontal configuration of these two districts
16 allows district 21 to be kept wholly within Palm Beach
17 County. The visual compactness in some of the
18 mathematical compactness scores are improved.

19 And on the whole, the scores for the use of
20 political and geographic boundaries improve --
21 improves slightly and generally becomes more balanced
22 between these two districts.

23 In Palm Beach County, the boundary between
24 District 21 and 22 now follows State Road 808, which
25 is Glades Road, the 40 East Code -- East Coast

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1 Railroad, and US Highway One and State Road 800. That
2 would be the changes in 8004.

3 SEN. BRADLEY: Members, any question on the
4 changes just described in MAP 8004? Anybody need to
5 take a second to digest, uh, some of the explanation?
6 Everybody?

7 SEN. HERRELL: Follow up on -

8 SEN. BRADLEY: Yes. Senator Harrell.

9 SEN. HERRELL: Follow up on my question on the
10 cities that are split in those two districts. Uh, when
11 you're going now, uh, you know, more horizontal as
12 opposed to vertical, uh, we're -- what is the split on
13 the cities?

14 And I noticed before West Palm Beach was split
15 into three sections, whereas what -- you know, how is
16 West Palm split now?

17 MR. FERRIN: So Senator Harrell in -- in district
18 -- in plan 8004, district 21 keeps 15 cities whole and
19 has nine parts. District 22 has eight whole and has 10
20 parts.

21 SEN. HERRELL: Okay. [That's just one. ?]

22 MR. FERRIN: A -- a lot of those are probably
23 going to be split between district 20 and either 21 or
24 22.

25 SEN. BRADLEY: And I -- if -- if I could jump, I

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1 have a question, um, with regard to the number of
2 cities split as we're focusing on the -- just sort of
3 the overall, uh, statistics of MAP 8004, you have 352
4 cities that are wholly within one district, 362 with
5 all the population in one district.

6 So there's 10 -- 10 cities that were split, but
7 as a -- the result of the split did not put population
8 in two different districts. So -- so there's 60 cities
9 split, but really only 50 of them, uh, resulted in
10 population of a -- of an individual city being divided
11 between two districts. Is that correct?

12 MR. FERRIN: That's correct. Madame Chair. And --
13 and that's something that as we were drawing maps, we
14 were kind of looking at where in particular a city may
15 have annexed a parcel that's sometimes on the other
16 side of an interstate or, uh, you know, another major
17 geographic feature. What's the more prudent approach?

18 Is it to follow the -- the municipal boundary
19 there just for the sake of keeping the geographic
20 boundaries of the city within a district?

21 Or does it make more sense to stay on the, uh,
22 easily ascertainable and commonly understood boundary
23 that would be the interstate or other major roadway or
24 other geographic feature, be it a railroad or -- or
25 other, uh, uh, qualifying feature under the Supreme

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1 Court's definition.

2 And so we've tried to, uh, take that approach.

3 You know, as with any of these kind of projects, the

4 more you look at it, the more you notice things. And

5 so there may be some areas where we can go back

6 through and kind of review and make sure we were doing

7 all that consistently.

8 But in general, that was, the thought process was

9 don't necessarily follow a municipal boundary that's

10 likely and possibly may have already changed since

11 these were locked in place in, uh, January 1st, 2020.

12 Um, because as we've learned since 2016, we --

13 we've seen a number of -- of city splits added to the

14 benchmark plan that -- you know, without even moving

15 the district lines.

16 SEN. BRADLEY: Right. Thank you. So -- so a city

17 split doesn't necessarily mean that the population was

18 split? Just something to keep in mind as we -- as we

19 look at a city split, to -- to refer to, uh, the --

20 the data that follows the map to look and see what the

21 result of that split was.

22 And you'll see in certain circumstances where,

23 uh, the total population zeros out, and that would be

24 one of the examples that you just described. Any

25 additional questions? Senator Rouson? You're good.

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1 All right. Is everybody ready to move forward to
2 Map 8006? And hold on. Everybody found their maps and
3 their spot? All right.

4 MR. FERRIN: Thank you, Madam Chair. So
5 consistent with the directions that were given to
6 staff, we drew this plan to be consistent with the
7 plain language of the Florida Constitution, Federal
8 law and existing judicial precedent balances the co-
9 equal criteria outlined in the Tier-Two standards of
10 Article three, section 20 in the Florida Constitution,
11 except we're doing so conflicts with the Tier-One
12 standards.

13 Functional analysis of the minority districts in
14 the plan confirm that it does not diminish the ability
15 for racial language minorities to elect candidates of
16 their choice. When drawing visually compact districts,
17 county boundaries were used where it was feasible to
18 do so.

19 When a county was split, static geographic
20 features such as major roads, railroads, and water
21 bodies were used in a manner that sought to keep
22 cities whole where feasible. In cases where a city was
23 split, static geographic features were used.

24 Where none were available, or in cases where it
25 was possible to illustrate the tradeoff between using

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1 political or geographic features, a municipal boundary
2 may have been used. Plan 8006 has an overall deviation
3 of one person, average compactness scores of 0.80
4 Convex Hull, 0.42 Polsby-Popper and 0.45 Reock.

5 The average use of non-political or geographic
6 boundaries in this plan is 10 percent, and that means
7 that 90 percent of the district boundaries fall on
8 features identified by the US census bureau's
9 geographic layers is either city boundaries, county
10 boundaries, interstates, US highways or state roads.

11 And also includes contiguous water bodies larger
12 than 10 acres in railroads. This plan has 46 whole
13 counties, six districts wholly located -- wholly
14 contained within a county, 350 cities with all their
15 boundaries contained in a single district and 360
16 cities with all their population contained in a single
17 district.

18 Like the benchmark plan, this plan also has three
19 effective minority districts for African Americans,
20 Congressional District five, Congressional District 20
21 and Congressional District 24.

22 Here's one district that provides African
23 Americans with the opportunity to elect a candidate of
24 choice, and that's District 10, three minority
25 majority Hispanic districts in South Florida, and an

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1 opportunity district in central Florida that has
2 become a majority minority Hispanic district in
3 Congressional District nine.

4 8006 is similar to Plan 8002, and that the
5 districts in the Panhandle are the same. It's similar
6 to Plan 8002 again, and then all of the districts in
7 North Florida are the same. And so this one has the,
8 uh, Alachua and Marion split -- displayed there. In
9 this plan, we have different, uh, configuration in the
10 Orlando area.

11 This configuration slightly reduces the black
12 voting age population and Hispanic voting age
13 population in districts 10 and nine respectively. It
14 also increases some of the city splits in the area,
15 but it does in -- increase overall compactness in
16 political and geographic boundary usage between
17 District seven, nine, and 10.

18 The functional analysis was conducted to confirm
19 that both of the Tier-One protected districts in this
20 region are not diminished, and the Hispanic and
21 African American populations retain their opportunity
22 to elect the candidates of their choice.

23 In Orange County, district seven s boundary
24 primarily follows I-4, US Highway 17, State Road 50,
25 State Road 408, and State Road 552. District Nine

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1 remains a Hispanic opportunity district protected from
2 diminishment under Tier-One, and is as in the previous
3 version, becomes a majority minority District.

4 Functional analysis confirms that Hispanics have
5 the ability to participate in the political process,
6 and that the district does not diminish their ability
7 to elect candidates of their choice. In Orange County
8 District nine's boundary follows portions of
9 Interstate four, State Road 528, and State Road 15.

10 District 10 is also wholly contained within the
11 remainder of Orange County. It's the African American
12 Opportunity District, it's protected from diminishment
13 under Tier-One.

14 The BVAP increases slightly from the benchmark,
15 and the functional analysis confirms that the district
16 does not deny or bridge the opportunity for American -
17 - African Americans to participate in the political
18 process, and it does not diminish their ability to
19 elect candidates of their choice.

20 In South Florida, uh, Plan 8006 is very similar
21 to -- to 8004, and that the -- the South Florida
22 region is the same with the, uh, horizontal
23 configuration there at District 21 and 22.

24 SEN. BRADLEY: Alright. Members, are there any
25 questions on 8006? The changes made in 8,006? No. All

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1 right. Continue along with -

2 MR. FERRIN: Thank you, Madam Chair. Uh, plan
3 8008 was also drawn pursuant to the directives given
4 to staff. It was consistent with the plain language of
5 the Florida Constitution. Federal law and existing
6 judicial precedent balances the co-equal criteria
7 outlined in Tier-Two standards of Article three,
8 section 20, except for doing so, conflicts with Tier-
9 One standards.

10 Functional analysis of the minority district in
11 this plan confirms that they do not diminish the
12 ability for racial and language minority districts to
13 elect the candidates of their choice. When drawing
14 visually compact districts, we used -- again, used
15 county boundaries where it was feasible to do so.

16 And when the county was split, static geographic
17 features such as major roads, railroads, and water
18 bodies were used in a manner that sought to keep city
19 is whole. In cases where a city was split, the static
20 geographic features were used where none were
21 available.

22 In cases where it was possible to illustrate the
23 tradeoff between using a political or geographic
24 features, municipal boundary may have been used.

25 This plan, again, has a deviation of one average

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1 compactness scores of 0.80 Convex Hull, 0.42 Polsby-
2 Popper and 0.44 Reock.

3 The average use of non-political or geographic
4 boundaries is 10 percent, and that means that 90
5 percent of the district boundaries fall on features
6 identified by the US Census bureau's geographic layers
7 as city boundaries, county boundaries interstates, US
8 highways or state roads. Also includes contiguous
9 water bodies larger than 10 acres and railroads.

10 This plan has 47 whole counties, five districts
11 wholly contained within a county, 351 cities with all
12 of their boundaries contained within a single district
13 and 362 cities within all of their population
14 contained within a single district.

15 Like the Benchmark Plan, this plan has three
16 effective minority districts for African Americans.
17 One district that provide -- provides African
18 Americans with the opportunity to elect candidates of
19 their choice.

20 Three minority majority Hispanic districts in
21 South Florida, and an opportunity district in central
22 Florida that has become a majority minority District.
23 Plan. 8008 is similar to Plan 8004, and that the
24 Panhandle region is the same. This is the one that --
25 that splits the cities of DeFuniak Springs and

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1 Freeport.

2 It's similar to 8004 in the North Central region
3 of the state. So this is the one where the split is
4 moved to Marion County from Alachua. It's similar to
5 Plan 8006 in the I-4 and Orlando regions.

6 And it's similar to Plan 8002 in South Florida.
7 And that the -- uh, that region is the same with the,
8 uh, vertically oriented districts 21 and 22. And Madam
9 Chair, those would be the maps.

10 SEN. BRADLEY: Very good. Very good. Thank you
11 for that. Um, excellent, uh, description of where we
12 are with those maps. Senator Stewart, did -- did you
13 have a question?

14 SEN. STEWART: No, no. I have a - - -

15 SEN. BRADLEY: Yeah. Discussion?

16 SEN. STEWART: Well, I -- it's just a comment.

17 SEN. BRADLEY: Okay.

18 SEN. STEWART: I just _ I just wanted to say, um,
19 I just think you've done a terrific job in, um,
20 compiling four different opportunities for review. Um,
21 it's been out in the public for seven or eight days
22 now. I have heard, uh, no, um, negative feedback on
23 any of these, uh, to date.

24 Uh, we may hear some as, uh, more people have an
25 opportunity to look at it, because today was real

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1 important for you to, uh, identify the changes and the
2 differences between the maps.

3 And I think the public that are listening will
4 now have a better chance of, uh, making such comments.
5 But I think, uh, at least from where I stand right
6 now, uh, it -- it's really a good, um, plan on almost
7 all of them.

8 I'm sure there's these little differences, but we
9 could come up with, uh, the best one to move forward
10 just based on what you've done here, which is a great
11 job.

12 And I know that we'll be listening to some of the
13 public's comment on it, and I'm anxious to hear maybe
14 what they might have to say, but I'm very happy with
15 the product.

16 SEN. BRADLEY: Thank you, Senator Stewart. And
17 Senator Harrell.

18 SEN. HERRELL: Thank you very much Madam Chair.
19 And I would like to thank you and our staff,
20 especially for the wonderful, outstanding job they
21 have ha- -- they have done here. And I very much look
22 forward to hearing what -- uh, what our constituents
23 have to say about this. I hope that they will take the
24 time to look at them in detail, and especially in my
25 area in the Treasure Coast, in Palm Beach County, I'm

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1 very much looking forward to their input.

2 And in fact, I am going to hold a public hearing,
3 uh, or a -- a Zoom hearing for my constituents in that
4 area to really present, to look in detail at this and
5 give everyone the opportunity who would like to
6 participate in that Zoom meeting following the -- the
7 exact instructions.

8 And thank you for the form and the instruct exact
9 instructions as to what they have to say when they --
10 they appear so we know who they're representing. And,
11 uh, really look before we make final decisions on
12 which of these maps or tweaks to these maps, because
13 we may have new ideas coming out of our constituents
14 to hear what they have to say.

15 So I would encourage other members to do likewise
16 so that we have that transparency with our
17 constituents, and they have the opportunity to express
18 to us individually as well as through the wonderful
19 opportunity they have online to do so, to really
20 become participants in this very important process.

21 And I thank you -- I thank you so much, Madam
22 Chair and our staff for this amazing job they have
23 done.

24 SEN. BRADLEY: Thank you. Chair Harrell -- uh, I
25 mean, thank you, uh, Senator Harrell.

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1 And, uh, it can't be said enough the job that the
2 staff has done, um, after getting guidance from the
3 full committee, uh, they -- they went and they
4 prepared these maps in consultation with only counsel,
5 um, followed by our guidance and our constitutional
6 and federal standards.

7 And I think these maps are impressive, but again,
8 um, to -- to reiterate, these are the beginning. This
9 is an iterative process, we are going to move through,
10 we're going to continue to make adjustments. We're
11 going to continue to make them better. We're going to
12 continue to get public input.

13 Um, so with that, let's, um, turn to our public
14 comment. We have with us today, Cecile Scoon with the
15 League of Women Voters of Florida. Welcome. Thank you
16 for being here, and you're recognized.

17 MS. SCOON: Good afternoon. I want to say first,
18 um, like, my name is Cecile Scoon. I'm the president
19 of League of Women Voters of Florida. And I want to
20 say, um, thank you for getting the maps out early.

21 Um, that was an unexpected benefit that we
22 appreciate. Um, some of the things that I feel like we
23 are still needing is more of the data analysis on the
24 precinct level so that we can look at all the minority
25 access, uh, districts and the majority minority

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1 districts.

2 Another concern that we have is, um, I think it
3 was stated several times, and I've looked over some of
4 the, um, committee hearing tapes just to make sure,
5 um, that the functional analysis was essentially done
6 only on the benchmark in the past districts, which I
7 think is a good start.

8 But given the flow of population throughout the
9 state and the bulging that we know has occurred in
10 different places on the state, we can just look and
11 see.

12 Um, limiting the functional analysis only to the
13 benchmarks does not take into account the change in
14 the population, because of course, the benchmark -- I
15 mean, the functional analysis is to protect Tier-One,
16 which are mandatory.

17 So when you go in with the process of initially
18 focusing on Tier-Two, you know, let's make sure what
19 we'd like to get.

20 And you go -- you went in focusing on Tier-Two,
21 you're almost obligated to make every district to do a
22 functional analysis on the things that are mandatory
23 because you went in on the things that we would like
24 to have; population, close, compactness, uh, follow
25 geography, follow jurisdiction, and that makes sense.

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1 But to really be logical, because there's flow
2 with the population, you really need to do the
3 functional analysis on all of the districts because
4 you are going in on the Tier-Two, which are lower.

5 So if that makes sense, again, but to -- to
6 comply with the -- with our fair district, uh,
7 constitution requires you to know there has been no
8 diminishment of the voting rights of racial minorities
9 or language minorities.

10 You're almost obligated to do a functional
11 analysis on all of the districts because you went in
12 on the level two, that was your starting point, your
13 goal.

14 So you have to test the level two against the
15 mandatory, which of course, our fair district's mirror
16 the Voting Rights Act. So if you -- if you follow
17 pretty much our Tier-One we're -- it has a close
18 correlation with the Voting Rights Act.

19 So I would ask you to do that functional analysis
20 on all of the districts because of the flow and the
21 change. In other words, if you're looking only at the
22 benchmarks, the benchmarks were created with census
23 data from 2010.

24 So if you're looking only to do your functional
25 analysis on information that was based in 2010, well,

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1 we know there's been a big change in 10 years, and so
2 you're going to miss, so I would ask you that you
3 consider that.

4 And we would also like to get the precinct level
5 data so that we can test ourselves what's going on --
6 on the precinct level. And I believe that's the
7 information that was contained in the FSU, uh, report
8 that was done for the Senate and the representatives.

9 And I thank you very much for this opportunity.

10 SEN. BRADLEY: Great. Thank you. Thank you for
11 being here. Next is -- Yes.

12 SEN. ROUSON: We are in, uh, public comments, but
13 I think Ms. Scoon raises a point, and I'd like to know
14 if staff could address that.

15 SEN. BRADLEY: Which -- which portion of the
16 comment, uh, are you looking for clarification.

17 SEN. ROUSON: About personal analysis being done
18 on all of the district as opposed to -

19 SEN. BRADLEY: Okay, ho -- hold on. Uh, let me --
20 we'll -

21 MR. FERRIN: Senator Rouson, um, in -- in drawing
22 the minority districts in the plans, it -- it's not a
23 question of just drawing them where they used to be.

24 So we look at the -- the population growth across
25 the state, and we look at the areas, we can view those

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1 areas based on the density of minority populations and
2 review those to determine where we ought to be looking
3 at drawing either minority opportunity, minority --
4 uh, effective minority districts or majority minority
5 districts based on the density of the population and
6 the geography.

7 So I'm -- I'm not real sure that running a
8 functional analysis on the whole plan is required to
9 do that. We'll have to think about that and maybe talk
10 about it a little bit, but I -- I don't necessarily
11 know that the population growth across the state
12 compels us to do that.

13 SEN. STEWART: Uh, and -- and I'd like to know,
14 are we allowed to go to precinct level? Is that
15 allowed?

16 MR. FERRIN: Uh, Senator Stewart, the precinct
17 level data is not -- um, once we -- the precinct level
18 data is affiliated with the census blocks.

19 So once the elections data is in the census block
20 form, there's no real purpose to go back to the
21 precinct level that I'm aware of. We're drawing on
22 census blocks, not precincts.

23 SEN. STEWART: So is it legal or not legal to
24 look at the precincts?

25 MR. FERRIN: I'm not sure the legality of whether

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1 or not it's -- it's to look at the precincts. It's,
2 we're -- we're constructing districts.

3 So we've got the census block geography, census
4 geography that we use to build districts. The precinct
5 level information is correlated directly to -- to --
6 to elections. And so we're not using precincts to
7 build our data -- our -- our maps.

8 SEN. BRADLEY: Uh, you good?

9 SEN. STEWART: I _ I guess. I _ I have it again
10 later.

11 SEN. BRADLEY: Okay. All right. Next up is
12 Nicholas Warren.

13 MR. WARREN: Thank you, Senator Bradley. Good
14 afternoon, senators. I _ um, I want to echo the
15 comments that have already been made, uh, and applaud
16 Dr. Ferrin for his work. I think the maps speak for
17 themselves, um, that they were drawn in compliance
18 with the constitutional criteria.

19 Um, I do, um, have a few comments. First of all,
20 I want to mention just because, um, it's something I
21 know, uh, the conversation about splitting cities, but
22 a portion of that city not having any population in
23 the district.

24 The Supreme Court actually commented on that in
25 its last, uh, redistricting decision in footnote 14,

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1 uh, and said that you can ignore splits that don't
2 include any population. So it's already something you
3 all are doing, but it has the Supreme Court's stamp of
4 approval too.

5 Um, and I also wanted to mention that I've -- uh,
6 I've submitted, um, four Congressional Maps portions
7 of, uh, of maps that riff off of the drafts release
8 last week. Unfortunately, I don't think they've been
9 posted to the website yet, but hopefully will be soon.
10 Uh, and you can take a look at those.

11 They -- um, each kind of focus on a different
12 area and seek to, um, come into further compliance
13 with Tier-Two requirements. So principally, uh, for
14 example, the first -- uh, the first draft, I do have,
15 um, printouts, if you all are interested in looking.
16 I'm not going to, uh, force you to -- to rifle through
17 them now.

18 But, um, the first draft, uh, looks at
19 Congressional District two, which is what I live in,
20 um, from Tallahassee and seeks to kind of snap the
21 Eastern boundary -- boundary to county lines, um, and
22 keeps, thereby, keeps Alachua and Marion, uh, make
23 sure that city too doesn't have a portion of either of
24 those counties in -- in that draft.

25 It also results in a -- um, a more compact,

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1 smooth line in St. John's County between four and six,
2 uh, which is a little bit irregular now. Um, and also
3 seeks to keep Sumter County whole, I know there's only
4 about 300 people that are in, uh, CD 28 in the drafts.

5 Um, but I think the -- the Sumter County
6 supervisor might appreciate not having to, uh, re-
7 precinct and deal with having, uh, uh, that few people
8 in -- in a different Congressional district, um, as
9 well as a few other changes that, uh, keep cities
10 together, uh, follows boundaries.

11 Um, that's the first draft. The second draft, and
12 I promise I'll be quick, um, starts with that, those
13 changes in North Central Florida and additionally
14 tries to keep Volusia County whole, um, and snap the
15 southern boundary of CD six to the St. Johns River and
16 Lake Monroe, which is not only a county boundary, but
17 also a major geographic feature, of course, uh, the
18 longest river in the state.

19 Um, and as a result, that pushes CD nine into
20 Polk County a little bit in the -- the area where the
21 - the county lines are just straight lines that
22 subdivide subdivisions and, uh, no one probably really
23 knows where the county line is.

24 Um, and that results in a - uh, and also an
25 improvement in compactness between the -- the CD 11

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1 and 28 boundaries in Lake County.

2 Um, the third map focuses solely on CD 20 in Palm
3 Beach County, which, uh, of course, in -- in all the
4 drafts has this long appendage that runs down Boynton
5 beach, uh, splitting several cities, obviously that
6 was, uh, drawn to, uh, preserve Black ability to elect
7 in CD 20, which is, of course, a Tier-One requirement.

8 Um, I believe that, uh, a draft that I've drawn,
9 uh, um, accommodates both the Tier-One requirements
10 and, uh, eliminates that appendage, uh, which results
11 in maybe eight -- eight or nine different cities being
12 kept whole, um, and improves compactness in that
13 region.

14 Uh, and then finally, um, my last, uh,
15 submission, uh, takes a look at South Florida.
16 Actually, it's funny that Senator Stewart mentioned
17 that Everglades, um, because that's, uh -- no, no,
18 regardless of where it is, I think it's a pretty big
19 geographic boundary that also, uh, con -- kind of cons
20 -- coincides with county lines.

21 Um, and, uh, actually the -- the second judicial
22 circuit and the Senate in the 2015 remedial process
23 took the opportunity to eliminate a kind of cross
24 Peninsula district that crossed the Everglades, uh,
25 and the Senate drafts all maintain that line. So it's

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1 a pretty significant boundary.

2 Um, and that last draft, uh, that last map that I
3 submitted, um, seeks to recognize that boundary and
4 proves compactness in the region, make CD 25 compact,
5 make CD 19 compact, where it has that tail going down
6 to Naples and Marco Island now.

7 Um, and -- uh, and yeah, those are -- those are
8 my submissions. Um, I -- I hope you can take a look at
9 them once they're posted to the -- uh, the site, and
10 I'd be happy to answer any questions, now are offline.

11 My -- um, my phone number is definitely in the --
12 the submission forms, also the detailed explanation of
13 all these changes and kind of a defense, uh, of them
14 are included in the submission form that I submitted
15 with each plan. So.

16 SEN. BRADLEY: Any questions? No? Thank you for
17 your engagement and, uh, we'll look at the maps. Thank
18 you.

19 MR. WARREN: Thank you.

20 SEN. BRADLEY: All right. Those are the only
21 appearance forms we have. Uh, any additional comments
22 from -- from senators before we -- before we adjourn?
23 Senator Rouson?

24 SEN. ROUSON: Yes, thank you. I just wanted to
25 join the bandwagon and thank staff for the work that

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1 they've done, and also thank you, uh, for meeting with
2 my staff ahead of time with answers to questions that
3 we had. Thank you.

4 SEN. BRADLEY: Very good. Members, we have come
5 extraordinarily far in what has been an extremely
6 condensed amount of time. I believe we are on the
7 right track for success.

8 We have two weeks until our next meeting, and I
9 would propose that we have staff consider the feedback
10 and guidance we have given them here today and ask
11 them to consider it through the lens of the overall
12 directive, as well as all applicable federal and state
13 legal standards.

14 I would also propose that staff spend time
15 looking for improvements and consistency in the
16 application of the various trade-offs presented in the
17 maps. No other business before the committee.

18 Senator Harrell moves we adjourn. No objection?
19 We are adjourned.

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1 I, Chris Naaden, a transcriber, hereby declare
2 under penalty of perjury that to the best of my
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7 I further declare that I have no interest in the
8 event of the action.

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March 9, 2023

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Chris Naaden

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22 (Florida Senate Select Subcommittee on Congressional
23 Reapportionment, 11-16-21)

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