

**Senate Session
January 19, 2022**

Transcript of excerpt of video recording available at:
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EXHIBIT

J94

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1 [00:57:25]

2 President Simpson: Show the bill passes. Read the next bill.

3 Secretary: Committee Substitute for Senate Bill 102, a bill to be entitled an act establishing
4 the congressional districts of the state.

5 President Simpson: Senator Farmer, I was going to make an announcement here that was
6 important, Senator Farmer. I ere was a question on whether we were going to do a transcript or a
7 spread this on the journal today and what I'm assuring senators of is we will have an official
8 transcript of what we're doing here, documenting what we're doing on the map. So just to be clear,
9 there will be an official transcript to be able to use as a public record to how people would see fit
10 to use that transcript. Senator of the 27th District, Senator Rodrigues, you are recognized to explain
11 the bill.

12 Ray Rodrigues: I ank you, Mr. President. I e Florida Legislature has a responsibility
13 every decade to go through the process of reapportionment and redistricting. It is our responsibility
14 to reapportion our congressional delegation because due to population growth, we have gained a
15 congressional seat. I is bill is the reapportionment bill for Florida's congressional delegation. And
16 that is the bill.

17 President Simpson: Are there any amendments?

18 Secretary: On the desk, Mr. President.

19 President Simpson: Read the first amendment.

20 Secretary: Late-filed amendment barcode 578304 by Senator Jones, delete lines 86 to 3211
21 and insert amendment.

22 President Simpson: Is there any objection to taking up the late-filed amendment? Seeing
23 none, show the amendment introduced. Senator Jones, you are recognized to explain your

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1 amendment.

2 Senator Jones: I thank you so much, Mr. President, and I do want to take this opportunity to
3 thank Senator Rodrigues for the work that he has done on this map. So I really appreciate that.
4 Members, this amendment seeks to do one thing and that is to keep the principal city in my district,
5 which is the largest Black municipality within the State of Florida, keeping that whole in one
6 congressional district. Additionally members, this map strengthens the Tier Two criteria that the
7 Congressional Reapportionment Committee set out to govern the process, which includes: districts
8 shall consist of contiguous territory; districts shall be as nearly equal in population as is practicable;
9 districts shall be compact; and district lines shall, where feasible, follow existing political and
10 geographic boundaries.

11 Members, we are all sent here to fight for the people we serve and in this instance, this
12 would be a huge move to, if we go in the direction that we're going right now in splitting this
13 district up. And so my ask is that you all help me keep representation to one congressional district
14 for the City of Miami Gardens. And that is the amendment, Mr. President.

15 President Simpson: I thank you. Are there any questions on the amendment? Any questions?
16 Is there any debate on the amendment? Senator Rodrigues, you're recognized in debate.

17 Ray Rodrigues: I thank you, Mr. President. And Senator Jones did come to both the staff
18 and speak with me as this amendment was crafted. It actually does improve the Tier Two criteria.
19 It meets all the criteria we laid out in staff and sent out – or laid out in committee I should say, and
20 sent out in memo form to each of the members for what to consider should you decide to propose
21 an amendment to either map. As such, I consider it a friendly amendment and an improvement on
22 the map.

23 President Simpson: Is there any additional debate? Senator Jones, you're recognized to

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1 close.

2 Senator Jones: Man, if Session's going like this, I am good.

3 President Simpson: All in favor of the Amendment say yea. All opposed, nay. Show the
4 amendment has been adopted. Read the next amendment.

5 Secretary: None on the desk, Mr. President.

6 President Simpson: Read the next amendment?

7 Secretary: None on the desk, Mr. President.

8 President Simpson: Are there any questions on the bill? Senator Torres, you're recognized
9 for a question.

10 Senator Torres: I thank you, Mr. President and Chairman Rodrigues, thank you for your
11 work on the committee, but I have a few questions. The population of the Hispanics in Florida
12 grew by 1.2 million from 2010 to 2020, a 39% total population increase. Was there any analysis
13 done to determine if the growth was located in a specific area of the state to justify the creation of
14 a new Hispanic opportunity congressional seat?

15 President Simpson: Senator Rodrigues, you're recognized.

16 Ray Rodrigues: I thank you, Mr. President. And the answer to that question would be yes.

17 President Simpson: Senator Torres, you're recognized.

18 Senator Torres: Did you look at the Hispanic population growth in Central Florida to see if
19 that justifies the creation of a new Hispanic opportunity congressional seat?

20 President Simpson: Senator Rodrigues, you're recognized.

21 Ray Rodrigues: I thank you, Mr. President. And the answer to that question is also yes and
22 if I could elaborate for just a brief moment. What we did was we took the data from the 2020
23 Census, and anyone could go into the software that we have and do this themselves, brought it up,

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1 and there's the ability to view population distribution by racial demographics. I e staff looked at
2 that as we were looking at crafting the maps. So yes, that step was taken.

3 President Simpson: Senator Torres, you're recognized.

4 Senator Torres: I ank you, Mr. President. I ese proposed maps included the same number
5 of African Americans and Hispanic opportunity congressional seats for the next decade that we
6 had in the past decade. Why are we not seeing the additional at least one new Hispanic opportunity
7 congressional district to represent the increase of percentage of Hispanic population growth over
8 the past decade?

9 President Simpson: Senator Rodrigues, you're recognized.

10 Ray Rodrigues: I ank you, Mr. President. I e first point I would make is that we draw our
11 map based upon the data that we received from the U.S. Census. I e districts are drawn around
12 where the population resides. I at's what we've done with this map. I e second thing that I would
13 point out is that if you look at the benchmark congressional districts specific to the Hispanic
14 districts, there were three majority-minority districts and one opportunity district. Due to the
15 growth that occurred, there are still four seats, but the opportunity district is now majority-minority
16 district. I at is because that's where the population settled in the State of Florida as we grew.

17 President Simpson: Senator Torres, you're recognized. Oh, you're good. Are there any
18 additional questions on the bill? Senator Cruz, you're recognized.

19 Senator Cruz: I ank you, Mr. President, and I too want to thank you, Senator Rodrigues.
20 I is is a monumental task and you'll never make all the people happy all of the time, and I
21 understand that, but I want to expand upon what Senator Torres said, because and I don't have the
22 numbers that he has, but it's been my understanding that there's explosive growth in the Hispanic
23 community in the Orlando counties. Yet, this map chooses to push the new seat towards me,

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1 towards my coastline in the Lakeland area where I don't see quite as much growth as I do in
2 Orlando and I'm curious as to why that happened.

3 President Simpson: Senator Rodrigues, you're recognized.

4 Ray Rodrigues: I thank you, Mr. President, and thank you for the question. What I would
5 note is that the new seat was placed in Central Florida which is the I-4 corridor, which is where
6 the growth occurred. Placement of that seat is what pushes additional seats outward, which is why
7 you saw changes to the seat that you have in the county in which you reside.

8 President Simpson: Senator Cruz, you're recognized.

9 Senator Cruz: So could you tell me then, this seat that will be the new seat, can you tell me
10 where that seat is located now?

11 President Simpson: Senator Rodrigues, you're recognized.

12 Ray Rodrigues: I thank you, Mr. President. If you look on the map, that would be seat
13 number 28, which is located in Central Florida.

14 President Simpson: Senator Cruz, you're recognized.

15 Senator Cruz: I thank you, Mr. President. Moving onto the Tampa Bay area, I have a few
16 questions, and one is of which is: Previously, Congressional District 14 was located solely in
17 Hillsborough County. Under this map it now includes portions of Pinellas. I know because I live
18 in Hillsborough County that the growth is explosive there. So why was that district drawn that
19 way?

20 President Simpson: Senator Rodrigues, you're recognized.

21 Ray Rodrigues: I thank you, Mr. President, and as I alluded to earlier, once we placed the
22 new seat in the area of the state that had the greatest population growth, which was Central Florida,
23 that required adjustments to the surrounding districts. Those adjustments are what impacted the

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1 seat you're questioning.

2 President Simpson: Senator Cruz, you're recognized.

3 Senator Cruz: I thank you, Mr. President. I'm sorry. According to the 2020 Census, both
4 Congressional District 15 and Congressional District 16 were well over the target population for a
5 congressional district. But these districts share borders with Congressional District 14. Wouldn't
6 it have made more sense for Congressional District 14's eastern border to move further east?

7 President Simpson: Senator Rodrigues, you're recognized.

8 Ray Rodrigues: I thank you, Mr. President. We believe, following the directives that the staff
9 was given by the committee of what they should follow in drawing the map – and I'll go over those
10 directives so that we have them on the record from the floor as well as committee. We instructed
11 staff to follow the plain language of the Constitution, federal law, and related existing judicial
12 precedent. They were directed to confirm that districts comply with Tier One constitutional
13 standards and with federal law. Specifically, that districts are not drawn with the result of denying
14 or abridging the equal opportunity of racial or language minorities to participate in the political
15 process or diminish the abilities to elect representatives of their choice. This is accompanied by
16 conducting a functional analysis on relevant districts.

17 Staff was directed to draw districts without reviewing political data, other than where
18 review of political data was required to perform an appropriate functional analysis. Staff was
19 directed to draw districts without the use of any residential information of any sitting member of
20 the Florida Legislature or Congress, and to draw the districts without regard to the preservation of
21 existing district boundaries.

22 Staff was drawn to prepare – I will skip this part since we're talking about the congressional
23 map. Staff was drawn to prepare congressional plans with a population deviation of plus or minus

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1 one person of the ideal population of 769,221 people.

2 Staff was directed to comply with the Tier Two standards related to the compactness by
3 drawing districts that are visually and mathematically compact. Staff was drawn to comply with
4 Tier Two standards related to utilizing existing political boundaries by using county boundaries
5 where feasible; where feasible, drawing districts consisting of whole counties in less-populated
6 areas, and districts wholly within a county in more densely populated areas; and keeping cities
7 whole while also considering the impermanent and changing nature of municipal boundaries. And
8 finally, use static existing geographic boundaries where feasible, specifically railways, interstates,
9 federal and state highways, and large water bodies, such as those deemed to be easily recognizable
10 and readily ascertainable by Florida's Supreme Court.

11 Our staff followed those directives. I e simple fact is, in a state our size, to your question,
12 you could come up with an infinite number of possible maps that could have been drawn. But with
13 these standards, these are the maps – this is the map that we have brought to the body.

14 President Simpson: Senator Cruz, you're recognized.

15 Senator Cruz: I ank you, Mr. President. So based on what you just read to me, do you feel
16 that under this map the new congressional district that is Congressional District 15, which is most
17 of Eastern Hillsborough County, I'm curious why was the new district located here? I'm still not
18 understanding. Did this area see more growth overall than the Orlando area for example?

19 President Simpson: Senator Rodrigues, you're recognized.

20 Ray Rodrigues: I ank you, Mr. President. And I'll go back to the answer that I've already
21 submitted. Once we made the decision to place the new seat in the center of the state, the I-4
22 corridor where the highest growth that occurred, that required adjustments to surrounding districts.
23 Your district is one of those surrounding districts that had to be adjusted.

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1 President Simpson: Cruz, you're recognized.

2 Senator Cruz: I thank you, Chair Rodrigues. Moving on. In general, can you tell me why
3 are Hillsborough and Pinellas County in one district? I live there and I think of them as separate
4 communities.

5 President Simpson: Chair Rodrigues, you're recognized.

6 Ray Rodrigues: I thank you, Mr. President. What I would submit is I would be willing to
7 wager that all of the counties in this state believe they're separate communities. The simple truth
8 is we had to cross boundaries and counties to draw these districts. This was just one of the
9 boundaries that had to be crossed.

10 President Simpson: Senator Cruz, you're recognized.

11 Senator Cruz: I thank you, Mr. President. I'm done.

12 President Simpson: Senator Taddeo, you're recognized for a question.

13 Senator Taddeo: I thank you, Mr. President. Senator, the current map keeps the islands
14 around Biscayne Bay together in Congressional District 27, but the new map uses MacArthur
15 Causeway as the dividing line, thus splitting this community. Why was this done?

16 President Simpson: Senator Rodrigues, you're recognized.

17 Ray Rodrigues: I thank you, Mr. President. Just so I'm clear on the question. The question
18 is why was MacArthur Causeway utilized as the boundary for that district?

19 President Simpson: Senator Day, you're recognized.

20 Senator Taddeo: I thank you, Mr. President. Why was MacArthur Causeway used as the
21 dividing line for Congressional District 27, which now splits the community. Versus before, it was
22 Biscayne Bay – I mean, it was the islands were kept together in Congressional District 27? Now
23 they're separate.

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1 President Simpson: Senator Rodrigues, you're recognized.

2 Ray Rodrigues: I thank you, Mr. President. I'm going to yield this question to the map
3 drawer since it's specific to a boundary that was utilized.

4 President Simpson: Mr. Ferrin, you're recognized.

5 Mr. Ferrin: I thank you, Mr. President. And Senator, so specifically you're talking about the
6 northeastern boundary of District 27. That was – as you're drawing up from the southern end of
7 the state, starting with District 26 – and keep in mind that you're drawing Tier One protected
8 Hispanic districts here – that's a main geographic boundary which results in actually a much more
9 compact configuration than is present in the benchmark.

10 President Simpson: Senator Taddeo, you're recognized.

11 Senator Taddeo: I thank you. The current map keeps the community of Fontainebleau whole,
12 but under the proposed map this community is split. Why was this community split?

13 President Simpson: Senator Rodrigues, you're recognized.

14 Ray Rodrigues: I thank you, Mr. President, and I would go back to the answer that the staff
15 director just gave. We started drawing from the bottom up there, keeping in mind this is a Tier One
16 protected district, so we had to ensure that the district, after it was drawn, would continue to
17 perform in a functional analysis. Due to the population distribution within the district, that
18 community was divided between those two congressional seats.

19 President Simpson: Senator Taddeo, you're recognized. Are you good? Are there any
20 additional questions? Any additional questions on the bill? Senator Farmer, you're recognized.

21 Senator Farmer: I thank you, Mr. President. Just a few questions, Chair Rodrigues. So we
22 know that it's been often discussed and cited, of our limitations in this process and how, in
23 particular, we cannot engage in political conduct in connection with the drawing of these maps,

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1 and you talked a lot about the safeguards that were put in place. And I just – one of the questions
2 I have is, what safeguards were put in place to ensure that staff is bound by the same standards that
3 bind us?

4 President Simpson: Senator Rodrigues, you're recognized.

5 Ray Rodrigues: I ank you, Mr. President, and thank you for the question. For the
6 edification of the body, I'll walk through what those safeguards were and why we needed those
7 safeguards. In the last redistricting cycle which occurred ten years ago, the court threw out both
8 the congressional map and the State Senate map. And the reason those maps were thrown out was
9 the court found that there was improper partisan intent that was utilized in drawing both of those
10 maps. Specifically, there was a shadow organization, which the court found occurred on both sides
11 of the political spectrum, to attempt to influence the drawing of the maps through astroturfing the
12 public hearings that were held around the state, through the submission of maps under assumed
13 names from folks who had not drawn the maps, and the maps were created by political operatives.

14 When President Simpson constituted this reapportionment committee, the charge that he
15 gave to the committee was that we not repeat the mistakes that had been made in the past.
16 Specifically, our charge was to draw a map that was constitutional, that complied with all federal
17 requirements, and that met all state statutory requirements. So to that end, we took a number of
18 steps to prevent what occurred in the last cycle from occurring again. First, on the appearance
19 forms, before anyone could appear before the committee, they had to disclose if they collaborated
20 with anyone or if they – on a map that they were bringing forth to comment on, and they had to
21 disclose if they were being compensated from anyone for their testimony or any written
22 submissions that they were making to the committee. On the website, which we did with the House,
23 which was the public portal for the public to submit maps and for the public to submit comments,

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1 there was also a form that would have to require the disclosure of who was collaborated with in
2 the drafting of the map and whether anyone was receiving compensation. We made the decision
3 that we would treat the redistricting amendments like we treat the amendment for any other bill in
4 that, if a member of the public submitted it, and a member wanted it considered, it would be the
5 member's responsibility to check with the person who submitted the map, confirm there was no
6 improper partisan intent or incumbent protection intent, and then serve as the sponsor for that
7 amendment to the bill.

8 When it came to the staff directives, our staff was directed to communicate with no one in
9 the drafting of the maps with the exception of the general counsel, whom we retained as a body to
10 guide us through this process. Our staff was insulated from external communications and the only
11 people staff communicated with were members and our general counsel. We believe we have put
12 in safeguards that have prevented the influencing of these maps for any illegal intent or illegal
13 purposes. And we believe we've done that through every possible means.

14 President Simpson: Senator Farmer, you're recognized.

15 Senator Farmer: I thank you, Mr. President. I thank you, Chair Rodrigues, for that response.
16 I think it was well known and publicized that release of the final census data was delayed largely
17 because of COVID. I think we blame just about everything on COVID. But in this case, it did
18 impact finalization of the census data. Would it be fair to assume that the initial first drafting of the
19 maps took place using 2010 benchmarks and that then the initial drafts were revised once the final
20 census data was obtained?

21 President Simpson: Could everybody please silence their phones? Senator Farmer, you're
22 recognized. Were you finished with the question? Senator Rodrigues, you're recognized.

23 Ray Rodrigues: I thank you, Mr. President, and thank you for the question, and I'll repeat

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1 the question in case anyone missed it. The question was: because the census data was delayed, is
2 it fair to assume the initial drafts of the maps were done with 2010 Census data and then later
3 updated? And the answer to that question would be no. It is correct that the census data was
4 delayed. We did not receive the raw unformatted data from the U.S. Census Bureau until August.
5 We did not receive the formatted data until September. In any other redistricting year, we would
6 have gotten that data the same time and we would have received it in April. The staff did not begin
7 drawing maps until after they had received the direction from the committee on what the criteria
8 would be to draw the maps. That is the criteria that I offered earlier in response to Senator Cruz.
9 We did not offer that criteria until our October meeting. By the time the staff received that criteria
10 in the direction to begin drawing the maps, we had the census data, the census data had been loaded
11 into our software and had been verified. So all the maps that have been produced, whether they're
12 congressional maps or Senate maps, by our committee and by our staff, were produced with 2020
13 Census data.

14 President Simpson: Senator Farmer, you're recognized.

15 Senator Farmer: I thank you, Mr. President, and thank you for that answer, Chair Rodrigues.
16 In September of last year, I wrote to President Simpson, yourself, Chair Bradley, and Chair Burgess
17 requesting under Senate Rule 1.47 access to information, including any One Drive folders in or
18 files, and any cloud-based documents used by or accessible to members and/or staff for the
19 reappointment committee and its select committees, any non-cloud based files that are used by or
20 accessible to members and/or staff of the reapportionment committee or select committees in
21 relation the committee's business, any emails sent or received by committee members and/or staff,
22 any calendars used by or accessible to committee members and/or staff related to the committee's
23 reapportionment business, software used by or accessible to members and/or staff in connection

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1 with reapportionment, and scanned copies of any digital information promulgated by, maintained
2 by, or available to members and/or staff of the reapportionment committee or select committees.

3 On September 22, I received a response from President Simpson indicating that we would
4 have access those materials under Rule 1.47, but also noting that my request made assumptions
5 that the Senate was further along in the redistricting process than I had assumed you were, and that
6 delays in census data necessary for map drawing had caused delays in your process, and that when
7 the process was complete the joint redistricting website would be launched. Since September of
8 2021, have you been part of any endeavors to update responses to this request and if so, could you
9 tell us what that was?

10 President Simpson: Senator Rodrigues, you're recognized.

11 Ray Rodrigues: I ank you, Mr. President. I will begin by saying I believe the response that
12 you received from the President was accurate. In September, we had not begun drawing any
13 districts yet. Staff did not begin that work until October. So, if you were asking for any data related
14 to the drawing of districts, there would not have been anything to provide to answer that. I have
15 not received or acted upon any additional information related to your request since that answer
16 from the President in September.

17 President Simpson: Senator Farmer, you're recognized for a question.

18 Senator Farmer: I ank you, Mr. President. I think this is my last one. And in that request,
19 I did include the request for emails or communications or correspondence that was relevant to,
20 mentioned, or pertained to the redistricting process. And of course, the response mentioned the
21 creation of the joint redistricting website, which is now up. But there is no correspondence that is
22 in the joint redistricting website. Are we to assume that there was no email communication or
23 correspondence by and between yourself, staff, or other members of this body relative to the

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1 redistricting process?

2 President Simpson: Senator Rodrigues, you're recognized.

3 Ray Rodrigues: I thank you, Mr. President. As you can imagine, I've received multiple
4 public record requests on the emails and communications that I've engaged into this process. We
5 have a standing order with my staff to turn over all of those documents upon their request. What I
6 would say is there have been communications and I turned those communications over upon all
7 public records requests. What I would also add to that is the communications I've had with staff, I
8 would submit every member has seen, because not long after that communication, the memo
9 comes out where I update the members of the Senate on where we are in the process, which is
10 typically the subject of the communications that I'm having with staff.

11 President Simpson: Senator Farmer, you're recognized.

12 Senator Farmer: I thank you, Mr. President. Just one follow-up on that. And I can imagine
13 yes, I'm aware of some of the public records request, and why – you're doing so much responding.
14 It's a noble undertaking you've done for us as a body, but can you tell us why those sorts of
15 communication haven't been uploaded to that website for the general public to see?

16 President Simpson: Senator Rodrigues, you're recognized.

17 Ray Rodrigues: I thank you, Mr. President. My understanding is that if the general public
18 wants to see those specific communications, they can request them just like any other public record
19 and they'll be turned over to them just like many of the requests that I perceived have been.

20 President Simpson: Are there any additional questions? Any additional – seeing no
21 questions, by agreement of the Democrat and Republican leaders, Leader Book, you don't hear
22 what I'm saying? I'm just joking. Is there any further comments by the sponsor? Pursuant to Rule
23 4.19, the bill is placed on the calendar of the bills on third reading. Before we move to the next

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1 bill, Senator Polsky, you are recognized for recognition.

2 Senator Polsky: I ank you Mr. President and thank you all up in the east gallery for being
3 so patient. We have over fifty students from Broward County here. I was lucky enough to meet
4 with that great group over there. And we have board members, Patricia – Rosalind Osgood, Ann
5 Murray, Debra Hixon, Lori Alhadeff – yes, future Senator Osgood. Did I say – Vickie Cartwright,
6 Superintendent, Nora Rupert. I’m sorry. I hope I caught everyone. And welcome to the Florida
7 Senate.

8 President Simpson: Senator Berman? You don’t? Okay, thank you. Read the next bill.

9 Secretary: Committee Substitute for Senate Joint Resolution 100, a joint resolution of
10 apportionment.

11 President Simpson: Senator of the 27th District, Senator Rodrigues, you are recognized to
12 explain the bill.

13 Ray Rodrigues: I ank you, Mr. President. I is is the second portion of the responsibility
14 we have as a Legislature to redistrict every ten years. I is joint resolution is the redistricting map
15 for the Florida State Senate that we submit for your consideration.

16 President Simpson: Are there any amendments?

17 Secretary: On the desk, Mr. President.

18 President Simpson: Read the first amendment.

19 Secretary: Amendment barcode 603792 by Senator Gibson. Delete line 74 to 3116 and
20 insert amendment.

21 President Simpson: Senator Gibson, you are recognized on your amendment.

22 Audrey Gibson: I ank you, Mr. President. I is amendment is one that I filed in committee
23 and it is certainly drawn in a constitutional manner. It is so nice I thought I’d do it twice, Mr.

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1 President, to bring it at least to the full Senate. I call it the Duck in the River as opposed to a
2 constitutional drawn map that is negligible difference in the compactness and the spread of the
3 population that adds several minority communities, African American communities, to the district
4 who are not included in the configuration in the map before us for consideration today. I ose
5 communities could and should be included in the newly drawn district, which again, and I repeat,
6 is constitutional. I ey are communities of interest that should be included in the drawing, which
7 functions appropriately and also actually raises the Black voting-age population a little higher from
8 41% to 42%. Let's understand that just a Black voting-age population is not, it has to be relevantly
9 considered when you talk about turnout as well. So when the population is constitutionally okay,
10 and it's higher without packing, which is a term I'm sure many of you are familiar with, it's
11 constitutional and it should be considered better for those communities that would come out of the
12 river and we would no longer have a duck in the river, Mr. President. I ere is, on each side of the
13 map that we're considering outside of my amendment, north, south, east, and west, are
14 communities of color and communities of interest that would very well fit into a constitutionally
15 drawn district that also promotes – and while not constitutional, I do not mean it's not
16 constitutional. While it's not one of the constitutional considerations, the economic growth
17 opportunity as well as economic development within a constitutionally drawn district would help
18 those citizens who live in the district. I is is in Jacksonville, where I've lived almost all of my
19 entire life except for my 17 years in Southern California. I've represented the area since 2002, so
20 I know it very well. I know that we could use my amendment to ensure the economic health and
21 the physical health and well-being of those who are left out of the current district, in the new map,
22 I believe is District 5. I can tell where this is going to go. I think it's important on behalf of the
23 people in Jacksonville and the people who live just on the outside perimeters where there has been

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1 growth but not overgrowth so that changing the district lines does not denigrate compactness.
2 Because the constitution doesn't say, it has to be as compact as possible. It says compact. Compact.
3 My amendment keeps that compactness. I will ask questions on the map once we're done. I will
4 withdraw my amendment today. I ank you very much for the opportunity to present a map on
5 behalf of the people in Jacksonville.

6 President Simpson: Senator Gibson, I show the amendment withdrawn without objection.
7 Read the next amendment.

8 Secretary: None on the desk, Mr. President.

9 President Simpson: Are there any questions on the Bill? Any questions on the Bill? Senator
10 Gibson, you are recognized for a question.

11 Audrey Gibson: I ank you, Mr. President. Someone asked after our last committee meeting
12 that Democrats get together on voting and questions or did anyone give me questions? I wrote a
13 note on my paper when I got home over the weekend and said its dated 1/14/2022 at 6:20 pm, Mr.
14 Chair, and under that it says, at home. I did my work totally by myself. I have a question as it
15 relates to the demographic info – first of all, how many individuals were added to the – both what
16 – should I refer to the map now with the new numbers on it? Or the previous numbers? New?

17 President Simpson: Mm-hm. I e new is fine.

18 Audrey Gibson: Okay. How many voters were added to what is now 4 and 5? Let me
19 establish it this way. Were both 4 and 5, previously 4 and 6, underpopulated? Let me lay the
20 foundation first.

21 President Simpson: Senator Rodrigues, you're recognized.

22 Ray Rodrigues: I ank you, Mr. President. On the benchmark map, which was the map that
23 we're operating under now that was ordered by the court, District 4 was overpopulated by 20,662

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1 people, and District 6 was underpopulated by 11,653 people.

2 President Simpson: Senator Gibson, you're recognized.

3 Audrey Gibson: I thank you, Mr. President. The overpopulation in District 4 was moved
4 where?

5 President Simpson: Senator Rodrigues, you're recognized.

6 Ray Rodrigues: I thank you, Mr. President. The population would have been balanced
7 among the surrounding districts so that we could get to a population deviation of less than 2%.
8 What I would also add to that, though, is because one of these districts is a Tier One protected
9 district, a functional analysis was performed, which would have been provided in committee and
10 is provided on the back of the maps that were distributed to each of the members today to show
11 that even with the population rebalancing, it remains a district in which racial and language
12 minorities may continue to participate and elect candidates of their choice.

13 President Simpson: Leader Gibson, you're recognized.

14 Audrey Gibson: I thank you, Mr. President. I'm not sure I understood what that number is.
15 Do we know based on the benchmark, which wasn't underpopulated when it was drawn but is over
16 time only one of the districts became underpopulated and the other became overpopulated? Is that
17 what you expressed, Mr. Chair?

18 President Simpson: Senator Rodrigues, you're recognized.

19 Ray Rodrigues: I thank you, Mr. President. Yes, that's correct.

20 President Simpson: Leader Gibson, you're recognized.

21 Audrey Gibson: I thank you, Mr. President. In District now 4, oh, no it was 4 before, was
22 there more than just Nassau and Duval in the district?

23 President Simpson: Senator Rodrigues, you are recognized.

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1 Ray Rodrigues: I thank you, Mr. President. I see the counties that were in the district before
2 remain in the district now. I think that did not change.

3 President Simpson: Senator Gibson, you're recognized.

4 Audrey Gibson: I thank you, Mr. President. I think I asked this question before. I wasn't
5 sure of the answer. I see the overpopulated District 4 shifted their overpopulation to District formerly
6 6, now 5? Where did the overpopulation go to?

7 President Simpson: Chair Rodrigues, you are recognized.

8 Ray Rodrigues: I thank you, Mr. President. I think that's correct. I see the overpopulation shifted to the
9 neighboring district in between the two counties. I see the population was balanced to get to the
10 variation of less than 2%.

11 President Simpson: Leader Gibson, you are recognized.

12 Audrey Gibson: I thank you, Mr. President. I see the overpopulation number was how much in
13 District 4?

14 President Simpson: Senator Rodrigues, you are recognized.

15 Ray Rodrigues: I thank you, Mr. President. In District 4, the overpopulation was 20,662 and
16 in District 6 the under population was 11,653.

17 President Simpson: Leader Gibson, you are recognized.

18 Audrey Gibson: I'm sorry. I see the overpopulation in District 4 was 20,000 and the under
19 population in District 6 was 11,000?

20 President Simpson: Chair Rodrigues, you are recognized.

21 Ray Rodrigues: I thank you, Mr. President. Just to use the precise figures, the overpopulation
22 was 20,662 in District 4. I see the underpopulation in District 6 was 11,653.

23 President Simpson: Leader Gibson, you are recognized.

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1 Audrey Gibson: I ank you, Mr. President. Maybe I don't get the math because I asked
2 where did the 11,653 additional, were there more than 11,653 voters or people added to district 6
3 or now 5?

4 President Simpson: Senator Rodrigues, you are recognized.

5 Ray Rodrigues: I ank you, Mr. President. District 6 grew by about 15,000, which resulted
6 in both districts being overpopulated by about 4,500 each, which puts them within the less than
7 2% threshold.

8 President Simpson: Senator Gibson, you are recognized.

9 Audrey Gibson: I ank you, Mr. President. What is the demographic of the voters that were
10 added? Or the individuals that were added to District now 5?

11 President Simpson: Senator Rodrigues, you are recognized.

12 Ray Rodrigues: I ank you, Mr. President. What I would do is I would refer you to the map
13 that we distributed and refer you to the functional analysis. I at's where I feel we can provide the
14 most accurate data, because we performed a functional analysis on each of our protected districts.
15 If you look at Tab 5 under the functional analysis, you can see the population. We could go back,
16 pull the base map, and compare that to the base map. For our purposes to ensure that the map is
17 constitutional, our requirement is to ensure that all Tier One districts are protected and that the
18 racial and language minorities do not have their opportunity to participate or elect candidates of
19 their choice diminished. We feel this map does that.

20 President Simpson: Leader Gibson, you are recognized.

21 Audrey Gibson: I ank you. I ank you, Mr. President. I'm trying to understand the
22 demographic change in the maps, largely between, well I guess that wasn't done for the previous
23 map that I mentioned. I'd still like to get an answer for what the demographic is for the voters that

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1 were added to the district, even in its constitutionally aligned mode.

2 President Simpson: Senator Rodrigues, you are recognized.

3 Ray Rodrigues: I thank you, Mr. President. Pulling the benchmark map, the BVAP under
4 that map for District 6 was 43.06%. The BVAP for the new District 5 is 41.2%.

5 President Simpson: Leader Gibson, you are recognized.

6 Audrey Gibson: I thank you, Mr. President. What is diminishment?

7 President Simpson: Senator Rodrigues, you are recognized.

8 Ray Rodrigues: I thank you, Mr. President. The court has held that diminishment isn't the
9 raw number of voters. Diminishment is whether the minority voters have the opportunity to
10 participate in the political process and elect the candidates of their choice. In this case, a functional
11 analysis shows that they would still be able to elect the candidate of their choice, even with the
12 diminishment of 1% in total voters.

13 President Simpson: Senator Gibson, you are recognized.

14 Audrey Gibson: I thank you, Mr. President. Which way were the lines drawn to capture the,
15 I think you said it was only 4,000 more voters. If that's wrong, if you can correct me on that. Which
16 way were the lines drawn to capture those additional people in the District now 5?

17 President Simpson: Senator Rodrigues, you are recognized.

18 Ray Rodrigues: I thank you, Mr. President. In the drawing of the map, we started with a
19 blank map, pulled in the demographics and then drew until we had a Tier One protected district.
20 In order to answer your question, they would have to go run the data from the prior benchmark
21 map, and then overlay it, which we do not have here on the floor with us at this time.

22 President Simpson: Senator Gibson, you are recognized.

23 Audrey Gibson: I thank you, Mr. President. There's a blank map and it starts to draw the line

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1 from the middle? I don't understand. I e benchmark map had lines north, south, east, and west,
2 but we use a blank map to draw lines for the new district? Where does it start at?

3 President Simpson: Senator Rodrigues, you are recognized.

4 Ray Rodrigues: I ank you, Mr. President. I e benchmark map identifies what the existing
5 Tier One districts are. I ose are the districts that we cannot diminish. So once we've identified the
6 Tier One districts, we then start with a blank map, highlight the data we've received from the U.S.
7 Census Bureau by race, and then the staff began drawing around the population distribution in
8 order to ensure we had not diminished the opportunity for minorities to participate or elect a voter
9 of their choice. I e base map just gave us the starting point.

10 President Simpson: Senator Gibson, you are recognized.

11 Audrey Gibson: I ank you, Mr. President. I think my question is, are you starting at some
12 middle point and just drawing in a circle? Do you go north, south, east, and west? How do we end
13 up with this picture?

14 President Simpson: Senator Rodrigues, you are recognized.

15 Ray Rodrigues: I ank you, Mr. President. Once you've identified the population
16 distribution, you encircle it and continue to grow until you have the metrics that are required to
17 protect the Tier One district.

18 President Simpson: Senator Gibson, you are recognized.

19 Audrey Gibson: I ank you, Mr. President. I guess my question is in terms of how the lines
20 are drawn and who's captured and who's not captured in a minority access district that could be
21 constitutionally drawn more than one way. Where in this configuration, and I call it a duck, where
22 was this started and how was it decided which way to take the lines? For example, why wasn't it
23 decided to take the line closer to the county line? I e broken line that's on the map?

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1 President Simpson: Senator Rodrigues, you are recognized.

2 Ray Rodrigues: I thank you, Mr. President. I'll go back to the statement I made earlier,
3 because it's still applicable here. Once we highlighted the racial population, we began drawing
4 from there. If you'll go back and look at the previous maps, you could follow the population
5 multiple ways. In the amendment that you offered, it was followed to the east. In the configuration
6 that we chose to go with, I believe went north. The reason we went with the configuration we went
7 with, is we followed political and geographical boundaries that the court has recognized are
8 indicators of following Tier Two constitutional criteria. Once we had assured that we were Tier
9 One compliant, which trumps all the other Tier Two metrics, then the question was which map is
10 the most Tier Two compliant among the Tier One choices. The one we put forth is the most Tier
11 Two compliant of the multiple Tier One choices that we had.

12 President Simpson: Leader Gibson, you are recognized.

13 Audrey Gibson: I thank you, Mr. President. I'm still not exactly sure which way you started
14 or you went north or south. I'm not sure about that part. In terms of the adjoining district, do you
15 know what the African American population is just, do you know where the African American
16 population is within the District 4?

17 President Simpson: Senator Rodrigues, you are recognized.

18 Ray Rodrigues: I thank you, Mr. President. The population in District 4 would be 13.54%.

19 President Simpson: Senator Gibson, you are recognized.

20 Audrey Gibson: I thank you, Mr. President. I think maybe I misstated my question. Do you
21 know, or were you able to look at the line just, I guess you would call it, north of the dotted line
22 between, in the yellow in 4 and 5? Are you familiar if there is an African American population
23 west and north of the current District 5?

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1 President Simpson: Senator Rodrigues, you are recognized.

2 Ray Rodrigues: I thank you, Mr. President. I'm unaware of that. I've not looked at that data.

3 President Simpson: Senator Gibson, you are recognized.

4 Audrey Gibson: I thank you, Mr. President. I'll write it down. I'm sorry, is that data part of
5 the map for District 4?

6 President Simpson: Senator Rodrigues, you are recognized.

7 Ray Rodrigues: I thank you, Mr. President. We would not have conducted a functional
8 analysis on District 4 because District 4 is not a Tier One protected seat. The demographics are
9 available, which is one of your earlier questions that we were able to offer. That is the data that we
10 have running the report.

11 President Simpson: Leader Gibson, you are recognized.

12 Audrey Gibson: I'm getting there, Mr. President.

13 President Simpson: Are there any additional questions? Senator Gibson? You are
14 recognized.

15 Audrey Gibson: I thank you, Mr. President. If I look at the demographic data of, well, I can
16 look at the demographic data of District 4 but it won't tell me the location or how close an African
17 American community or a community of color and a community of interest is to the borderline of
18 District 5. Is that correct?

19 President Simpson: Senator Rodrigues, you are recognized.

20 Ray Rodrigues: I thank you, Mr. President. Yes, I believe that is correct.

21 President Simpson: Senator Gibson, you are recognized.

22 Audrey Gibson: I thank you, Mr. President. I just need to write this down because I keep
23 losing that number of the population number that was overpopulated in District 4 and where did

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1 that population go to? If you could give me that number one more time, Mr. Chair, I would greatly
2 appreciate it. I e overpopulated number for District 4, which is still District 4, was?

3 President Simpson: Senator Rodrigues, you are recognized.

4 Ray Rodrigues: I ank you, Mr. President. I e overpopulation for District 4 was 20,662.
5 I e under population for District 6 was 11,653.

6 President Simpson: Leader Gibson, you are recognized.

7 Audrey Gibson: Finally, Mr. President, what is the number population that was added to
8 District 5?

9 President Simpson: Senator Rodrigues, you are recognized.

10 Ray Rodrigues: I ank you, Mr. President. I e district that was overpopulated would have
11 had their numbers moved into the district that was underpopulated. I en the remaining population
12 would have been evenly split between the two districts. I believe in an earlier answer we said the
13 even split was 15,000 after we took care of the underpopulation and that 15,000 was distributed
14 between the two districts.

15 President Simpson: Leader Gibson, you are recognized.

16 Audrey Gibson: I ank you, Mr. President.

17 President Simpson: You're welcome.

18 Audrey Gibson: I ank you, Mr. Chair.

19 President Simpson: Are there any additional questions? Any additional questions? Senator
20 Farmer, you're recognized for a question.

21 Gary Farmer: I ank you, Mr. President. I'll get through this quickly. You won't need
22 another bottle of water there. Just sort of housekeeping here, for the record. I e questions I asked
23 you on the congressional map, if I were to ask those same questions with regard to the state

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1 legislative maps, I'm assuming your answers would be the same?

2 President Simpson: Senator Rodrigues, you are recognized.

3 Ray Rodrigues: I thank you, Mr. President. Yes, they would.

4 President Simpson: Leader Farmer, you are recognized.

5 Gary Farmer: I thank you, Mr. President. You have talked throughout the process, spoken I
6 should say, throughout the process about retrogression and avoiding retrogression. We know
7 through the census numbers that we saw a dramatic increase in Hispanic population here in the
8 State of Florida. It looks like it's a little over 1.2 million in growth, almost 39% change in Hispanic
9 population for the State of Florida. Can you talk about how you accounted for this growth in
10 Hispanic population? Sort of related to the questions Senator Torres asked earlier, doesn't that
11 show for a need for more Hispanic-represented districts in the state legislative maps?

12 President Simpson: Senator Rodrigues, you are recognized.

13 Ray Rodrigues: I thank you, Mr. President. The first thing I would point out is that the maps
14 that we drew follow the population. We get our data from the U.S. Census. We do not manipulate
15 that data once we receive it from the U.S. Census. When you follow the population distribution. The
16 second point I would make is if you look at the benchmark map for Senate districts, there were
17 four majority-minority districts and one opportunity district for Hispanic voters due to the
18 population distribution with the data we have from the U.S. Census. All five of those seats are now
19 majority-minority districts. I would submit that the upgrade from an opportunity district to a
20 majority-minority district is reflective of the growth, and it's reflective of that growth because that
21 is where the population settled.

22 President Simpson: Leader Farmer, you are recognized.

23 Gary Farmer: I thank you, Mr. President. Just to follow up to that question, Chair, which are

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1 the districts that we reflect that upgrade or upgrowth that you just reflected? Particularly as to those
2 Hispanic districts and as it relates to growth in the African American population, which I think was
3 just north of 300,000?

4 President Simpson: Senator Rodrigues, you are recognized.

5 Ray Rodrigues: I thank you, Mr. President. We'll start with the Hispanic districts first. I use
6 would be District 25, District 39, District 36, District 38, and District 40. For the African
7 Americans, those districts would be 5, 15, 16, 32, and 34.

8 President Simpson: Leader Farmer, you are recognized.

9 Gary Farmer: I thank you, Mr. President. That's all I had. I thank you.

10 President Simpson: Perfect. Are there any additional questions? Any additional questions
11 on the bill? Leader Rodrigues, would you like to make any further comments?

12 Ray Rodrigues: Not at this time.

13 President Simpson: Pursuant to Rule 4.19, the bill is placed on the calendar of bills on third
14 reading. Read the next bill.

15 [02:01:14]



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