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

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TRANSCRIPTION OF AUDIO RECORDING
SENATE COMMITTEE ON REAPPORTIONMENT
APRIL 19, 2022

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
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1 APRIL 19, 2022

2 CHAIRMAN RODRIGUES: Committee on

3 Reapportionment will now come to order.

4 Dana, please call the roll.

5 THE CLERK: Chair Rodriguez.

6 CHAIRMAN RODRIGUES: Here.

7 THE CLERK: Vice Chair Broxson.

8 Senator Bean.

9 SENATOR BEAN: Here.

10 THE CLERK: Senator Bracy.

11 SENATOR BRACY: Here.

12 THE CLERK: Senator Bradley.

13 Senator Brodeur.

14 SENATOR BRODEUR: Here.

15 THE CLERK: Senator Burgess.

16 SENATOR BURGESS: Here.

17 THE CLERK: Senator Gibson.

18 Senator Harrell.

19 SENATOR HARRELL: Here.

20 THE CLERK: Senator Rodriguez.

21 Senator Rouson.

22 SENATOR ROUSON: Here.

23 THE CLERK: Senator Stargel.

24 Senator Stewart.

25 SENATOR STEWART: Here.

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1 THE CLERK: A quorum is present, Mr. Chair.

2 CHAIRMAN RODRIGUES: Thank you. I'd like
3 to ask everyone to silence your electronic devices.
4 Anyone wishing to speak before the Committee should
5 complete an appearance form and hand it in to a
6 member of the Sergeant's Office. Should you select
7 to waive your speaking time, your position will be
8 included in the Committee meeting records.

9 Members, as you know, the Congressional
10 maps passed by the Legislature in our regular
11 session were vetoed. We have been called back into
12 special session to fulfill our constitutional
13 obligation to reapportion this state.

14 On Tuesday, April the 12th, I was briefed
15 by the Governor's Office on a map which has been
16 published as P000C0109. After a conversation with
17 our Senate counsel, I determined that this map
18 reflects standards that the Senate can support and
19 filed it as Senate Bill 2-C.

20 I've asked our general counsel, Mr. Dan
21 Nordby, to prepare a legal analysis of the
22 Governor's submission, and that legal analysis is
23 included in today's meeting materials for your
24 review. The letter that the Governor's Office sent,
25 along with their map and their analysis the

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1 accompanied the veto message, are also included in
2 today's materials.

3 At my request, the Governor's Office is
4 here today to provide members of this committee with
5 the same briefing that I received last week and to
6 answer questions about the map. Members earlier
7 today -- all interested Senators were invited to
8 attend this meeting.

9 Members of the Committee will be the first
10 to ask questions relating to the proposed map, after
11 which, if time permits, non-Committee members will
12 be allowed to ask questions. Questions should not
13 be framed in the form of debate. Debate is reserved
14 for members of the Committee at the appropriate
15 time.

16 We are scheduled to conclude this meeting
17 at 4:30. The Senate will reconvene at 5 o'clock, as
18 required by the earlier recess motion. In order to
19 keep with the special session schedule, the
20 President has indicated that he will not be open to
21 extending today's meeting.

22 If there are no questions about our process
23 for today, then we will proceed to today's agenda.

24 Seeing no questions, we will now move to
25 the agenda. Take up tab number 1, Senate Bill 2-C

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1 on establishing the Congressional districts of the
2 state.

3 Mr. Alex Kelly is here on behalf of the
4 Executive Office of the Governor to walk us through
5 the map.

6 Mr. Kelly, the floor is yours.

7 ALEX KELLY: Thank you, Chair and members.

8 Again, my name is Alex Kelly, and I
9 appreciate your time and this opportunity today to
10 present the map proposed by the Executive Office of
11 the Governor, the third map filed by our office, and
12 the proposed Congressional Reapportionment Plan and
13 to discuss our office's contribution to what is a
14 compromise plan.

15 And just for a background, I serve as at
16 the Deputy Chief of Staff for the Governor. A very
17 brief introduction before I get into the slides.
18 I'll frequently today refer to improvements in the
19 plan before you today. Senate Bill 2-C is followed
20 by the Chair Plan 0109.

21 Although when I refer to changes in this
22 map, as you may know, you know, my role in terms of
23 when I talk about my role in these changes, I'm only
24 really referring to 18 of the 28 districts in this
25 map. Ten of the districts are unchanged from Senate

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1 Bill 102 that you passed during session, so Primary
2 Plan 8019. So when I refer to changes and I refer
3 to my work on this map, I'm really just referring to
4 the 18 districts that I changed.

5 For my role in this process and my reason
6 for being here today, I am the map drawer of the 18
7 changed districts in this plan before you. As for
8 my experience, just to give a little context, a
9 decade ago I was the Redistricting Committee Staff
10 Director in the Florida House of Representatives.

11 Starting in January earlier this year, I
12 initially served for our office just in a role of
13 providing general guidance and oversight to our in-
14 house and contract counsel and also to a contract
15 map drawer, who we brought on to support this work,
16 and that contract map drawer supported our work in
17 the Governor's first map that was submitted back in,
18 I want to say, maybe late January, early February,
19 Plan 0079.

20 For reference, that contract map drawer of
21 Congressional Plan 0079, his name is Adam Foltz.
22 He's also previously drawn maps on behalf of the
23 Texas and Wisconsin Legislatures. He's currently
24 drawing maps right now on behalf of the Texas
25 Legislature.

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1 Adam and myself collaborated on our
2 office's second map, map 0094, which was submitted a
3 few weeks later. Much like your professional staff,
4 myself, and our contact map drawer, we've only ever
5 worked on maps for state government -- or I should
6 say much like your professional staff and your
7 Committee.

8 In this map before you today, I alone
9 authored the changes in this plan, 0109, with
10 respect to how this new plan compares to the map
11 that the Legislature passed, the Legislature's
12 primary plan. And generally speaking, today, I'll
13 refer to the Legislature's primary plan, except
14 where I might note otherwise, but generally, I'm
15 referring to Plan 8019.

16 I will also say at the outset some
17 important disclaimers. One, no one directed me to
18 favor or disfavor a political party or incumbent in
19 my work, and I did not draw with the intent to favor
20 or disfavor. Two, in drawing any of the districts
21 submitted by our office, I did not consider or even
22 look at political data, including party registration
23 and voting data. In other words, I do not know the
24 voting history or party registration numbers for any
25 of the districts that we've drawn as an office for

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1 any of the districts that we'll look at today.

2 The only time I did reference political
3 data was early in the process to determine a
4 question that you were having to address, to
5 determine whether or not it was possible to draw a
6 compact African-American performing district in
7 Northeast Florida, essentially a more compact
8 version of the benchmark District 5.

9 I did at that time reference political data
10 to determine if that was possible and determine if
11 there was a way to draw such a district that
12 complied with the U.S. Constitution, the Florida
13 Constitution, in particular the Florida Constitution
14 as interpreted by the Florida Supreme Court and
15 implemented by this Legislature. I ultimately
16 determined earlier in this process that it was not
17 possible to essentially check all those boxes.

18 Three, in drawing the plan before you today
19 -- in drawing and in really contributing to any of
20 our office's plans and in the totality of our
21 engagement in this process, I have not consulted
22 with any outside -- anyone outside the Executive
23 Office of the Governor, our contract counsel, our
24 contract map drawer, or the Legislature and the
25 Legislature staff and counsel.

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1 In other words, I can confirm I've had no
2 discussions with any political consultant, partisan
3 operative, or any political party official
4 concerning any plans presented by our office,
5 including the plan that you'll be considering today.
6 In effect, I have engaged in this process, including
7 authoring this proposed comprise plan, in a manner
8 that meets the same high standards that you set for
9 your professional staff.

10 And this proposed plan truly is -- Senate
11 Bill 2-C, Plan 0109, is indeed a compromise. It is
12 the project of -- a product of consultation and
13 collaboration between our office and the leadership
14 in the House and Senate, and it incorporates
15 portions of the plan passed by the Legislature. when
16 I noted earlier that 10 of the districts are
17 identical to what the Legislature passed.

18 It incorporates concepts from maps
19 previously discussed and presented by -- or
20 previously submitted to the Legislature by our
21 office, 0079 and 0094. It incorporates concepts
22 from the map that was referred out of the House's
23 Congressional Redistricting Subcommittee, Plan 8011,
24 and it aligns in several other ways that I'll
25 describe with the House and Senate's map drawing.

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1 I'll jump into the slides. Ten districts
2 in the compromised plan, as I noted, Districts 1, 2,
3 20-25, 27, and 28 are unchanged by the plan passed
4 by the Legislature. The remaining districts, 3-19
5 and 26, have been modified in various ways to
6 address the federal constitutional concerns raised
7 by the Governor and to improve various Tier 2
8 metrics.

9 In a few minutes, I will walk you through
10 visually the 18 districts that I changed in this
11 proposed plan. First though, I'll give you a
12 general overview on the next slide and then after
13 that some highlights of the improvements to the Tier
14 2 metrics.

15 First, in an effort to create a
16 collaborative product, I worked off the
17 Legislature's primary plan, 8019. So while I was
18 seeking to remedy the Governor's veto message and
19 make improvements throughout the map, I began my
20 work by downloading the Legislature's Plan 8019 and
21 subsequently making changes. And I should note that
22 I drew Plan 0109 entirely with the Legislature's
23 publicly available website and data.

24 Regarding the proposed plan, the plan
25 maintains the same number of performing

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1 minority/majority seats. It retains, as I noted
2 before, the Legislature's exact configuration for
3 congressional districts in the Florida Panhandle,
4 Districts 1-2, and Congressional Districts in the
5 southeastern region of the state, essentially St.
6 Lucie County down to Monroe County, just as in the
7 Legislature's primary plan.

8 For the reasons set forth in the detailed
9 memorandum that the Chair referenced and is in your
10 packets that was prepared by our office's general
11 counsel that accompanied the Governor's veto
12 message, the compromised proposal eliminates the
13 racially gerrymandered versions of Congressional
14 District 5, which were included in Senate Bill 102
15 in both -- in different ways, the primary plan and
16 the secondary plan. Again, members, that legal
17 memorandum is in your committee packets.

18 In summary, Congressional District 5, in
19 both the primary and secondary maps enacted by the
20 Legislature, violates the Equal Protection Clause of
21 the 14th Amendment of the United States Constitution
22 because it assigns voters primarily on the basis of
23 race but is not narrowly tailored to achieve a
24 compelling state interest.

25 That memorandum otherwise fully explains

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1 the Governor's legal objections to both versions of
2 the district as passed by the Legislature in the
3 primary and secondary maps. I should note, as a map
4 drawer, I'm not an attorney. So I'm not going to
5 play the role of an attorney here today. I'll keep
6 my comments focused on the map itself and do my best
7 to answer your questions, but I just want to note
8 that at the outset, that I'm not legal counsel to
9 the Governor.

10 Plan 109 creates in Northeast Florida two
11 new districts, Districts 4 and 5, in the area that
12 are consistent with the other maps previously
13 published by our office with some minor
14 improvements. These two districts are race neutral
15 and overall more compact than District's 4 and 5 in
16 the maps passed by the Legislature.

17 In addition to resolving federal -- the
18 federal constitutional objections raised by the
19 Governor, the compromised plan makes several overall
20 improvements with respect to Tier 2 metrics relative
21 to the maps passed by the Legislature by bringing
22 together some of the best concepts from the
23 Legislature's maps and of our office's maps.

24 Plan 109 adjusts the congressional
25 districts in the Tampa Bay area and the larger Gulf

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1 Coast region stretching from Citrus down to Lee
2 Counties and impacting some inland counties to
3 create sort of a hybrid, if you will, of some of the
4 Legislature's and our office's maps. These changes
5 improve overall visual compactness, have a net
6 affect of reducing a county split, and significantly
7 increase usage of other Tier 2 political and
8 geographic boundary lines.

9 In the Central Florida region, the plan
10 that you have before you today aligns more closely
11 with the map that was referred out of the House
12 Congressional Redistricting Subcommittee Plan 8011
13 with one distinction that I'll describe later that
14 aligns with Senate Plan 8060 as you passed out of
15 the Senate.

16 SENATOR GIBSON: Mister --

17 ALEX KELLY: With --

18 SENATOR GIBSON: Sorry.

19 CHAIRMAN RODRIGUES: (Indiscernible)

20 SENATOR GIBSON: Thank you, Mr. Chair. So
21 we're waiting until the entire packet is done to ask
22 any questions because I didn't hear the explanation
23 of the -- I think Mr. Kelly said of the Governor's
24 veto language. I don't see it in the packet. So
25 I'm just -- could he repeat? It was a rational for

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1 --

2 CHAIRMAN RODRIGUES: The veto language was
3 in the packet we provided.

4 SENATOR GIBSON: And is -- can I have
5 clarity if that is the language that Mr. Kelly is
6 talking about that's in this thing?

7 CHAIRMAN RODRIGUES: Do you understand the
8 question?

9 ALEX KELLY: Yes, Chair.

10 Yes, Senator. Yes. I gave a brief
11 synopsis of that veto message and the accompanying
12 message from our general counsel that went with the
13 veto message.

14 SENATOR GIBSON: I think that's the part I
15 didn't understand how you put it together. I just
16 want to make sure I hear it correctly. That's all
17 --

18 CHAIRMAN RODRIGUES: Okay.

19 SENATOR GIBSON: -- Chair. If he could
20 repeat it?

21 CHAIRMAN RODRIGUES: Would you repeat that
22 please?

23 ALEX KELLY: Thank you, Chair. Happy to.

24 SENATOR GIBSON: Thank you.

25 ALEX KELLY: In summary, Congressional

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1 District 5, in both the primary and secondary maps
2 enacted by the Legislature, violates the 14th
3 Amendment of the United States Constitution because
4 it assigns voters primarily based on race but is not
5 tailored to achieve a compelling state interest.

6 SENATOR GIBSON: Okay. Thank you.

7 CHAIRMAN RODRIGUES: Thank you. Please
8 proceed.

9 ALEX KELLY: Thank you.

10 So again, in the Central Florida region,
11 the plan that you're looking at today, Plan 0109,
12 aligns more closely with the map that was referred
13 out of the House Congressional Redistricting
14 Subcommittee Plan 8011 with one distinction that
15 aligns with Senate Plan 8060.

16 With respect to similarities with House
17 Plan 8011, specifically with respect to
18 Congressional District 10, we accept the position
19 articulated by the House's professional staff in
20 their subcommittee, that this district is not
21 subject to the Florida Constitution's non-
22 diminishment standard because the benchmark district
23 does not contain an African American population
24 sufficiently large enough to realiably elect a
25 candidate of their choice.

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1 We understand during the course of the
2 testimony between House and Senate there was a
3 disagreement on this point. However, because
4 districts cannot be drawn on the basis of race
5 unless there is a compelling reason to do so, in the
6 absence of an agreement between the House and Senate
7 on the need to treat District 10 as a minority
8 protected district under the state Constitution
9 indicates that a compelling basis for using race is
10 lacking.

11 Accordingly, the proposed plan defers to
12 the House's stated testimony and my changes to the
13 district in Central Florida in that region,
14 including District 10, are drawn on race-neutral
15 principles. Again, these changes in Central Florida
16 result in Tier 2 improvements in the Central Florida
17 region. And in combination, these changes in
18 Central Florida and in the Gulf Coast counties
19 result in some additional Tier 2 improvements for
20 other impacted districts like Districts 3, 6, and
21 11.

22 Lastly, in-between the submission of our
23 office's second map plan, 0094, and my drawing of
24 this plan, 0109, I received feedback from House and
25 Senate staff regarding our second maps overreliance

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1 on the use of census-designated place boundaries. I
2 was encouraged to follow the House and Senate's
3 preferred methodology for boundary usage to increase
4 our usage of major roadways, waterways, and railways
5 for Tier 2 compliance.

6 Our second map closely adhered to county
7 and city lines. So that was not a concern, although
8 less frequently so to other Tier 2 recognized
9 boundaries. Therefore, throughout the 18 districts
10 that are revised in this plan, I adopted the House
11 and Senate's preferred and clear articulation of
12 Tier 2 compliance. So even when I was trying to
13 articulate a concept from one of our office's plans,
14 I made such revisions using the Legislature's
15 preferred approach to Tier 2 compliance.

16 In the next few slides, I'll walk you
17 through some key points regarding those Tier 2
18 improvements. First, the proposed -- the proposed
19 plan before you today reduces by one the number of
20 county splits from 18 to 17 by keeping Citrus and
21 Sarasota Counties whole lieu of Polk, effectively a
22 two-for-one swap. Furthermore, where there are
23 county splits, the number -- the number of ways in
24 which those counties are split is reduced.

25 Probably the most visible example of that

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1 is -- at least in a larger county is the change in
2 Hillsborough County, where portions of Hillsborough
3 County are now only divided into three districts,
4 rather than four districts.

5 Second, the proposed plan reduces the
6 reliance on nongeographic and nonpolitical
7 boundaries from 12.5 percent to 1.5 -- to -- I'm
8 sorry -- 12.5 percent to 11.5 percent. In other
9 words, just a minute ago when I mentioned previously
10 that I adopted the House and Senate's preferred way
11 to articulate Tier 2 compliance by substituting
12 major roadways, waterways, and railways, along with
13 our map's already strong usage of county and city
14 lines, my Tier 2 usage of compliant boundaries
15 surpassed that of the maps passed by the
16 Legislature.

17 Third, although mean compactness scores are
18 largely equivalent when comparing my revisions to
19 plan -- or in Plan 0109 with the Legislature's
20 primary plan, the proposed plan improves the
21 compactness score of the least compact district in
22 the map. I believe this would actually be the first
23 map considered by the Legislature in which every
24 district has a Reock or Polsby-Popper score greater
25 than 0.2.

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1 Moreover, visually, as we go through the
2 map, we'll see in just a few moments many of the
3 districts are just plainly more circular, squared,
4 more visually compact shapes that are more easily
5 understandable.

6 Lastly, my changes in Plan 0109 stayed
7 equal to the Legislature's achievement of only
8 splitting 16 cities in its primary plan. There are
9 some differences about which cities are split when
10 comparing my revisions in this plan to the
11 Legislature's enacted plan. Specifically, Cape
12 Coral, Plant City, and Port Orange would be kept
13 whole in this plan, while splits would occur in
14 Lakeland, St. Petersburg, and Longboat Key.

15 What I did take care to do is ensure that
16 where those essentially trades in city splits
17 occurred to ensure that other Tier 2 metrics were
18 being met in the process. For example, as you know,
19 Longboat Key is one of four cities in Florida that
20 crosses county lines, and I only split Longboat Key
21 in the process of keeping Sarasota County whole. So
22 it seemed a reasonable and rational trade to keep a
23 county whole in lieu of a city that crossed county
24 lines.

25 I should say in saying all this I don't

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1 ever mean to suggest with these slides that there is
2 a statistical line in the sand for what is Tier 2
3 compliant compactness or county splits or city
4 splits. But recognizing that we could be presenting
5 a plan to this Legislature and me author -- you
6 know, authoring a compromised plan, I recognized I
7 should come to you with a plan that recommends
8 improvements and builds on the work of the
9 Legislature and certainly in no way ask you to go
10 backwards, only ask you to consider improvements,
11 and that's exactly what I've done.

12 So with that, I'll proceed to a more
13 detailed visual presentation. The next two slides
14 are the same content just the second slide doesn't
15 have the district labels. The statewide view
16 definitely helps get a sense of some of the visual
17 compactness -- and we'll zoom in some -- the visual
18 compactness in this map and some of the
19 improvements. And this was really here for your
20 reference, as is the next slide, and you can begin
21 to really see the changes -- if I might just go to
22 that slide -- you can begin to really see the
23 changes when I've excluded the district labels.

24 Again, as much as it was important to
25 maintain statistical compactness for Tier 2

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1 purposes, I also wanted these changes to satisfy the
2 eyeball test and so offering up some square -- more
3 square, circular districts, greater usage of clear
4 and visible boundary lines helped that effect.

5 The next couple slides zoom in a little
6 closer just focusing on those districts that I
7 changed in this plan, so excluding the Panhandle and
8 excluding Southeast Florida. Again, the slide
9 without district labels might be a little easier to
10 see, if only to appreciate some of the Tier 2
11 improvements.

12 One of the other key facets of my work on
13 this proposed plan -- that I wanted to make sure
14 there was not essentially collateral unintended
15 consequences to my changes without making some sort
16 of equal or better Tier 2 change. For example, as
17 you see, I split Polk County as part of the swap for
18 keeping Citrus and Sarasota Counties whole, and I'll
19 explain in a little more detail later what exactly I
20 mean by that.

21 In doing so, I incorporated several Tier 2
22 related changes in Polk County to make sure that the
23 new lines and how those districts interact with
24 districts from neighboring counties, how those lines
25 are still very meaningful in a Tier 2 context.

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1 That said, the District 18 that you're
2 looking at, still two-thirds of the residents in the
3 proposed District 18 are from Polk County, remaining
4 residents coming from those rural counties. So Polk
5 County would still be the significant portion of
6 population in one of those districts.

7 SENATOR BRACY: Mr. Chair, I have a
8 question.

9 CHAIRMAN RODRIGUES: Senator Bracy, you are
10 recognized.

11 SENATOR BRACY: Thank you. All your
12 comments about -- are about Tier 2 compactness, but
13 I haven't heard once about Tier 1. Tier 1 obviously
14 is -- it trumps, no pun intended, but trumps Tier 2.
15 So why are you focusing on Tier 2 and not Tier 1,
16 when that clearly is the most important by federal
17 law?

18 CHAIRMAN RODRIGUES: Mr. Kelly, you are
19 recognized.

20 ALEX KELLY: Thank you, Mr. Chair.

21 And thank you for the question. So I did
22 note earlier in my presentation part of that Tier 1
23 analysis is not intentionally favoring or
24 disfavoring an incumbent or political party, and I
25 noted that in no way was I ever instructed to do

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1 that and in no way did I ever intend to do that. So
2 I addressed Tier 1 in that context. Additionally,
3 there is nowhere in the map where there's a
4 contiguity issue. So Tier 1 has been addressed in
5 that context as well.

6 In terms of the non-diminishment standard,
7 when I went through the benchmark District 5 and the
8 Governor's veto message, that really was at the
9 heart of probably the one sort of outstanding Tier 1
10 question, the division between the Legislature's
11 maps and the Governor's ultimate veto and objection
12 to the map because there's this tension between that
13 district -- that district, the way it was composed
14 in both the primary and secondary plan violate the
15 Federal Constitution.

16 So while there is the Tier 1 diminishment
17 requirement, that Tier 1 diminishment requirement
18 cannot be utilized to violate federal law, and so
19 that's what I was referring to as I was walking
20 through that.

21 SENATOR BRACY: How do we know that you
22 haven't talked to --

23 CHAIRMAN RODRIGUES: You are recognized for
24 a follow-up.

25 SENATOR BRACY: Thank you, Chair.

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1 You said you haven't spoken to anyone. You
2 haven't looked at any data regarding race. How do
3 we know that? I mean, it was -- that was said
4 before when we had the map drawing process in 2016.
5 It proved to be wrong. We're just -- why would you
6 even mention that if there's no way to prove that?

7 CHAIRMAN RODRIGUES: Senator Bracy, I'm not
8 going to forward that question on. I think he
9 opened in the preamble by laying out these were the
10 parameters that he worked from. If the question is
11 -- you can ask the question, why did he feel he
12 should lay those parameters out, but I don't think
13 it's a fair question to put out, how can you prove
14 something that you believe can't be proven. So I
15 will yield to Mr. Kelly --

16 SENATOR BRACY: Okay.

17 CHAIRMAN RODRIGUES: -- if he wants to
18 articulate why he led the preamble of these were the
19 things I drew from.

20 ALEX KELLY: Sure. Thank you, Chair, and
21 thank you for the question.

22 And really in due deference and respect to
23 your process, we know these are standards by which
24 you have to live too. And so we know that your
25 work, the work of your professional staff, you hold

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1 yourself to this high bar as well, and so I wanted
2 to make sure that you understood that from our
3 office's perspective, we were living up to that same
4 standard that you are.

5 SENATOR BRACY: Question. How do you --

6 CHAIRMAN RODRIGUES: You are recognized.

7 SENATOR BRACY: Thank you, Mr. Chair.

8 How do you feel that District 5, District
9 10 violates the 14th Amendment?

10 CHAIRMAN RODRIGUES: You are recognized.

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

12 And so I could probably -- I could probably
13 at this point probably defer a little bit to counsel
14 because I've probably given sort of my best summary
15 overview of the tension between the two. I will say
16 that the memo that has been provided to you details
17 this significantly and explains the Governor's veto
18 message.

19 And, of course, I also walked through
20 District 10. In District 10, we accept the House's
21 analysis that it's not actually a performing seat.
22 The House testified to that in committee. It was a
23 very rational and well-thought-out analysis, and so
24 we're adopting that analysis here. And in both
25 cases, if there's absent a compelling state

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1 interest, if there's a potential violation of
2 federal law, at that point, the State's not
3 obligated to draw those districts in a manner that
4 aligns with the state constitutional diminishment
5 standard.

6 CHAIRMAN RODRIGUES: Senator Bracy, did you
7 get a copy of the veto letter in the packet we
8 provided?

9 SENATOR BRACY: I didn't, but if the staff
10 can go through how this violates the 14th Amendment
11 I guess from the House analysis -- I mean, you're
12 here to defend this map. So if someone can explain
13 to me how District 5, District 10 are not protected
14 minority access seats when it was in our Senate
15 drawing -- Senate map drawing process. Now all of
16 the sudden, it's not. I understand that was the
17 House position. If it can be explained for this
18 committee so it's clear, I would appreciate that.

19 CHAIRMAN RODRIGUES: Why don't we do this?
20 Why don't we give you some time to read over the
21 veto letter, and then I'm going to go to Senator
22 Rouson for a question. And then we'll come back and
23 (indiscernible).

24 SENATOR ROUSON: Thank you very much,
25 Mr. Chairman.

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1 You indicated that your rationale for not
2 drawing Congressional District 5 the way it
3 currently is configured and for not drawing
4 Congressional District 10 the way it's currently
5 configured was because it violates the Equal
6 Protection Clause because it assigns voters based on
7 race but not narrowly tailored to meet a compelling
8 state interest; is that correct?

9 CHAIRMAN RODRIGUES: You are recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

11 And I don't know that I would -- I would
12 relate the analysis of both districts identically.
13 I did state regarding District 5 -- benchmark
14 District 5 and subsequent attempts to redraw that.
15 I did articulate that that's a violation of the
16 United States Constitution.

17 The issue with District 10 is just more
18 plainly -- and we accept the House's analysis of
19 this -- that the district is not a performing
20 minority seat, and that analysis was laid out in the
21 House record. And we have adopted that analysis
22 into our justification here.

23 And essentially what the House articulated
24 is that the minority community is not on its own --
25 it does not on its own have enough strength to elect

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1 a candidate of its choice.

2 SENATOR ROUSON: Thank you.

3 CHAIRMAN RODRIGUES: Do you have a follow-
4 up?

5 SENATOR ROUSON: Yes. Thank you --

6 CHAIRMAN RODRIGUES: You --

7 SENATOR ROUSON: -- Mr. Chair.

8 CHAIRMAN RODRIGUES: -- you are recognized.

9 SENATOR ROUSON: Do you believe that it's a
10 compelling state interest to reflect diversity in
11 representation?

12 CHAIRMAN RODRIGUES: You are recognized.

13 ALEX KELLY: Mr. Chair, I'm not sure -- I'm
14 not sure how to answer the question. It's -- it is
15 a -- it is a highly scrutinized process to draw a
16 district based on racial reasons, and to do so,
17 there must be a very narrowly tailored, compelling
18 interest to do so.

19 And so absent that, it's unlawful to do so.

20 SENATOR ROUSON: Well, I guess --
21 Mr. Chairman.

22 CHAIRMAN RODRIGUES: You are recognized.

23 SENATOR ROUSON: Therein lies my question.
24 Is it not a compelling interest to have
25 representation that reflects the diversity of the

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1 great state of Florida?

2 ALEX KELLY: Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

4 ALEX KELLY: I mean, Chair -- Senator
5 Rouson, redistricting standards as outlined in the
6 Florida Constitution and outlined just traditional
7 redistricting standards refer to things such as
8 compactness, keeping counties together, keeping
9 cities together, using clearly identifiable boundary
10 ways. These are ways to draw districts that have a
11 lack of political intent, a lack of racial intent, a
12 lack of any sort of manipulation. And so that is --
13 that is, generally speaking, the way to draw a
14 district. The Florida Constitution guides districts
15 to be drawn that way, and so that is the process
16 that we followed.

17 SENATOR ROUSON: Thank you.

18 CHAIRMAN RODRIGUES: Senator Stewart.

19 SENATOR STEWART: Thank you, Chair.

20 And you have outlined quite a few
21 concurrences with the criteria for 2, and, of
22 course, since it was brought up about Tier 1, it
23 seems to have much more need for compelling review.

24 One of the Tier 1 guidelines along the
25 federal law directs the lawmakers -- and we heard

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1 this in committee over and over and over again --
2 that districts shall not be drawn with the intent or
3 result of denying or abridging the equal opportunity
4 of racial or language minorities to participate in
5 the political process or to diminish their ability
6 to elect representatives of their choice.

7 Now, I have not heard yet from this map
8 that was drawn if that was also considered.

9 ALEX KELLY: Mr. Chair.

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: I think I've just answered
12 that same question a couple different ways. I'm not
13 sure I have any more to offer.

14 CHAIRMAN RODRIGUES: Senator Bracy, have
15 you had an opportunity to read the veto letter?

16 SENATOR BRACY: I perused the letter.

17 CHAIRMAN RODRIGUES: You are recognized for
18 a question.

19 SENATOR BRACY: So and you just said that
20 minorities cannot elect a candidate of its own. It
21 does not have enough, I guess, voting strength to do
22 that, and that is why you don't consider District 5
23 or District 10 a minority -- protected minority
24 access seat; is that correct?

25 CHAIRMAN RODRIGUES: You are recognized.

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1 ALEX KELLY: Just to -- just to clarify,
2 there are some points there where the analysis
3 regarding benchmark District 5 and benchmark
4 District 10 would be different. So the analysis
5 regarding benchmark District 5 is very plain sighted
6 in that regard. There is not sufficient voting
7 strength in the minority community to, by itself,
8 elect a candidate of its choice. So the analysis
9 for the two is not identical.

10 SENATOR BRACY: Got it. So --

11 CHAIRMAN RODRIGUES: You are recognized.

12 SENATOR BRACY: -- thank you, Mr. Chair.

13 So what is the benchmark where minorities
14 could elect the candidate of their choice? What
15 would be that percentage if you --

16 CHAIRMAN RODRIGUES: You are recognized.

17 ALEX KELLY: Mr. Chair, thank you.

18 That would require an analysis of the
19 political data for any district. I don't know that
20 there's one line in the sand, but generally, the
21 idea is that could that minority community -- on its
22 own voting strength without help, could that
23 minority community elect a candidate of its choice?
24 But that's going to be different in every single
25 district.

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1 SENATOR BRACY: So if you didn't --

2 Mr. Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

4 SENATOR BRACY: So if you didn't look at
5 any data to determine that this is a minority access
6 seat, how did you determine it? By eyeballing it?
7 How did you make that determination?

8 CHAIRMAN RODRIGUES: He said earlier that
9 he did use the political data on District 5 when he
10 was attempting to draw the district. So on that, I
11 believe he's already answered that question.

12 SENATOR BRACY: Okay. So you did use
13 political data, and you -- when you were looking at
14 the political data for District 5, what
15 determination did you -- how did you determine that
16 that was not a minority access seat since you did
17 look at the data for that? What did the data show
18 you that --

19 CHAIRMAN RODRIGUES: You --

20 SENATOR BRACY: -- told you?

21 CHAIRMAN RODRIGUES: You're recognized.

22 ALEX KELLY: Thank you, Mr. Chair.

23 So the look at District 5 -- benchmark
24 District 5 in different configurations the
25 Legislature considered wasn't a question so much of

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1 the political effectiveness of the community. It
2 was a question of multiple facets at the same time.
3 The district is clearly -- the benchmark is clearly
4 drawn from Duval to Gadsden Counties is clearly a
5 racial gerrymander. That's what the district is
6 plain sighted.

7 So the question becomes does it meet some
8 compelling state interest in doing so? And our
9 analysis, particularly early on as we were weighting
10 this question and I was personally weighing this
11 question was, was there a manner in which that
12 district could be drawn more compactly, more in line
13 with traditional redistricting criteria so that, in
14 effect, from a federal law perspective, state law
15 perspective, and sort of the traditional
16 redistricting criteria, could you, so to speak,
17 check all the boxes and find a way to have a sort of
18 compromise?

19 The reality through analysis of that
20 district, including just observing the Legislature's
21 process, there was not a way to draw a compact,
22 politically effective, minority district and check
23 all the boxes, so to speak, without violating some
24 manner of law.

25 CHAIRMAN RODRIGUES: Do you have a follow-

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1 up?

2 SENATOR BRACY: I do. I do.

3 CHAIRMAN RODRIGUES: You're recognized.

4 SENATOR BRACY: You mentioned that your
5 determination was basically, did it meet a state --
6 a compelling interest? But I want to go -- but I
7 feel like you haven't answered the question about
8 minority voting strength. You said it did not meet
9 the criteria because it did not have enough of a
10 minority voting strength to be a protected seat.
11 How did you determine -- I know you said it didn't
12 have state compelling interest.

13 But specifically to why you said it did not
14 have enough of a voting -- a minority voting
15 strength to make it a minority access seat, how did
16 you determine that specifically? Was there a
17 percentage that it did not meet that made you decide
18 it did not meet the threshold?

19 CHAIRMAN RODRIGUES: You're recognized.

20 ALEX KELLY: Thank you, Chair.

21 So and I apologize. I think we're having a
22 little bit of just confusion, which is certainly
23 understandable, between our district of benchmark
24 District 5 and benchmark District 10.

25 Benchmark District 10 in Orlando -- or

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1 Orange County, I should say, for that district, I
2 was specific in saying it does not have a
3 significant enough minority community to have the
4 electoral strength to elect a candidate of their
5 choice.

6 So that analysis was provided in public
7 testimony by the House's professional Redistricting
8 Committee's staff in their Congressional
9 Redistricting Subcommittee. It was -- the analysis
10 was a sound analysis, and we have adopted that. We
11 have essentially adopted their judgment in our
12 process, and we've agreed with their analysis.

13 So that's where the analysis for District
14 10 departs some from District 5. District 5 starts
15 with the question of the district is a racial
16 gerrymander. Is it done in such a way that is so
17 narrowly tailored to a compelling state interest?
18 And it ultimately fails a different test. It fails
19 a test of violating the U.S. Constitution.
20 Obviously, we can't take any element of our state
21 Constitution and use that against the U.S.
22 Constitution and violate that.

23 SENATOR BRACY: Okay. So just so that I
24 understand, you did not make your determination on
25 District 5 based on the minority voting strength.

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1 You made that determination on District 10; is that
2 correct?

3 CHAIRMAN RODRIGUES: You're recognized.

4 ALEX KELLY: Mr. Chair.

5 Yes. Correct.

6 SENATOR BRACY: Okay. Okay. So let's go
7 to District 10 then. How did you determine that
8 District 10 did not have enough of a minority voting
9 strength for it to be a minority access seat,
10 protected access seat?

11 CHAIRMAN RODRIGUES: I think he's answered
12 that, Senator Bracy. They adopted the House
13 analysis, which the testimony in the House Committee
14 was --

15 SENATOR BRACY: But with --

16 CHAIRMAN RODRIGUES: -- over time --

17 SENATOR BRACY: With all due respect
18 though, this is not the House's map. This is the
19 Governor's map. And so I'm asking how the
20 Governor's Office made this determination, not the
21 House.

22 CHAIRMAN RODRIGUES: Well, he answered that
23 question, Senator Bracy. He said they adopted the
24 House position. Do you have a follow-up question?

25 SENATOR BRACY: Okay. Can you clarify what

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1 the House's position is again?

2 CHAIRMAN RODRIGUES: Could you clarify that
3 again please?

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

5 The House's position -- the House staff
6 articulated in their committee meeting or
7 Congressional Redistricting Subcommittee meeting
8 that they looked at recent elections history, and
9 that when they looked at that recent elections
10 history, the black community in Orange County, in
11 Congressional District 10 was not sufficient enough
12 on its own to elect a candidate of its choice. They
13 did that analysis on their own. We didn't do that
14 analysis, but the logic that they articulated in
15 committee was sound logic and a sound analysis. And
16 so we adopted that.

17 SENATOR BRACY: Okay. I don't serve in the
18 House. I did not see that election data. So I
19 understand you took their position, but I guess I'm
20 asking for specifics on their data and how they made
21 that determination. And I don't know if our staff
22 can clarify how they came to that position. I
23 understand what their position was, but I'm trying
24 to understand how they came to that position.

25 CHAIRMAN RODRIGUES: Jay, do you have

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1 insight on that?

2 JAY FERRIN: Thank you, Mr. Chairman. If
3 I'm understanding the question correctly, I believe
4 the House reviewed the data for benchmark CD 10 and
5 determined that, over time, over the different
6 election cycles, the level of primary control for
7 African American voters in the Democratic Primary
8 was slipping below 50 percent and, therefore,
9 concluded that the voters in that benchmark district
10 did not outright control the Primary and, therefore,
11 made their determination based on that.

12 And that's my understanding of the House's
13 analysis on that district, and that's probably about
14 all I can speak to on that.

15 SENATOR BRACY: Just a follow-up. So from
16 your understanding, the black voting age population
17 in that CD 10 had a voting strength of less than 50
18 percent in a primary, which in turn is how they and
19 the Governor determined that that is not a protected
20 seat. Is that the way you understand it?

21 CHAIRMAN RODRIGUES: Jay, you're
22 recognized.

23 JAY FERRIN: Mr. Chairman.

24 Yeah. Without trying to speak for the
25 House or the Governor, that is my understanding is

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1 that they reviewed elections over time and noticed a
2 trend in terms of primary control. It has nothing
3 to do with voting age population but in terms of
4 primary control for African American voters on the
5 Democratic Primary and based their conclusions on
6 that.

7 SENATOR BRACY: So they took an average of
8 elections, not just like the past 2020 elections.
9 They took an average of recent elections and put
10 that together and determined together that it went
11 less than 50 percent?

12 CHAIRMAN RODRIGUES: Jay.

13 JAY FERRIN: No. Senator Bracy, we did
14 look at the average in the Senate to try to control
15 for electoral trends. The House looked at the
16 trends. They looked at each individual -- each
17 election -- the primary control in each election
18 cycle individually and looked at that over time and
19 noticed that it was decreasing every two years.

20 SENATOR BRACY: Okay. So they are
21 anticipating, the way you understand it, that the
22 trend will be that it will go below 50 percent, but
23 maybe it's not there yet. But the trend is trending
24 toward below 50 percent; is that a correct analysis
25 of how you understand it?

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1 CHAIRMAN RODRIGUES: Jay, do you recall
2 what the percentage was?

3 JAY FERRIN: Unfortunately, I don't recall
4 the percentages offhand, and I can't always speak to
5 the House's analysis of that. But that's how I
6 understood it to work.

7 SENATOR BRACY: Okay. Well, I'll just say
8 I think it's troubling that the Governor's Office is
9 coming before us and touting an analysis that no one
10 really understands -- and he cannot speak to either
11 -- and this is how he's determined that District 10
12 is not a protected access seat. I think that's
13 important information.

14 So, you know, if you can't answer my
15 question, we can move on, but I just want to make
16 the point that we're here for this purpose of
17 learning more information. And no one can speak to
18 it. Thank you.

19 CHAIRMAN RODRIGUES: Senator Broxson, you
20 are recognized.

21 VICE CHAIR BROXSON: Thank you,
22 Mr. Chairman.

23 I'd like to kind of put this in perspective
24 of the predicate that you started on. When you
25 looked over the Senate -- State Senate and State

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1 House, you used more of a Florida standard of what
2 we were trying to accomplish. Now, you're looking
3 at the Congressional maps, which this probably will
4 be contested, and you believe that based on the U.S.
5 prototype that these conform with the intent of the
6 current law and gives you the position that you have
7 -- you've stated today. Is that kind of where we
8 are?

9 CHAIRMAN RODRIGUES: Alex, you are
10 recognized.

11 ALEX KELLY: And thank you for the
12 question. So essentially, yes. We've brought -- if
13 I understood correctly, we've brought forward a map
14 that we believe complies with the U.S. Constitution
15 and the State Constitution. So obviously, we have
16 an obligation to try to balance and comply with
17 both, of course, and so we believe we've brought
18 forward a map that complies with both and gives the
19 Legislature a work product that brings forward the
20 best of both.

21 CHAIRMAN RODRIGUES: Senator Gibson.

22 SENATOR GIBSON: Thank you, Mr. Chair.

23 In terms of the statement of, I guess,
24 apparently there was no way to meet the state's
25 interest in drawing minority access seats, in the

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1 best interest of the state to do what?

2 CHAIRMAN RODRIGUES: Senator Gibson, I'm
3 not sure I understand the question. Could you
4 restate it?

5 SENATOR GIBSON: The maps in the -- I guess
6 it's in the veto message or the way Mr. Kelly talked
7 about it, there was language that says they could
8 not draw maps that were in the best interest of the
9 state that would perform for minority communities.

10 CHAIRMAN RODRIGUES: Mr. Kelly.

11 ALEX KELLY: Sure. Thank you, Mr. Chair.
12 Thank you for the question. So --

13 SENATOR GIBSON: What is in the best
14 interest of the state?

15 ALEX KELLY: Thank you. And that's not
16 really a question I could answer. The compelling
17 interest is for the map drawer to define. I did not
18 draw benchmark District 5. I did not draw, you
19 know, any of the Legislature's attempts to redraw or
20 reconfigure benchmark District 5. So that
21 compelling interest is something that you, the
22 Legislature, would have to define.

23 SENATOR GIBSON: Follow-up?

24 CHAIRMAN RODRIGUES: You are recognized.

25 SENATOR GIBSON: And so when you said the

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1 statement about what's in the best interest of the
2 state in terms of the districts, that was not --
3 those were not your words. That is something that
4 was just written in the veto message. So you don't
5 necessarily have any explanation of what is in the
6 best interest of the state when it comes to creating
7 the districts, particularly for minority voters?

8 CHAIRMAN RODRIGUES: Were you referring to
9 the veto letter in that statement, Mr. Kelly?

10 ALEX KELLY: Thank you, Mr. Chair.

11 I was referring to the veto letter and also
12 the accompanying memorandum that our general counsel
13 wrote to further explain the veto letter. I was
14 just giving a short summary of it.

15 SENATOR GIBSON: Follow-up?

16 CHAIRMAN RODRIGUES: You are recognized.

17 SENATOR GIBSON: Thank you, Mr. Chair.

18 I see it now. It says but since this --
19 let me ask you this before I even ask you a
20 question. Since this is the Governor's language
21 where it says, "The bill contains a primary map and
22 a secondary map that included a racially
23 gerrymandered district, Congressional District 5,
24 that is not narrowly tailored to achieve a
25 compelling state interest." So since those are not

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1 your words, you cannot explain what the compelling
2 state interest is?

3 CHAIRMAN RODRIGUES: Mr. Kelly.

4 ALEX KELLY: Thank you, Mr. Chair.

5 That obligation would be on the part of the
6 map drawer. I did not draw the Legislature's
7 attempts to redraw benchmark District 5, and I
8 didn't redraw -- I didn't draw benchmark District 5.
9 So that would be a compelling interest that the
10 Legislature would have to put forward through your
11 process if you were attempting to redraw that and
12 narrowly tailor that to some state compelling
13 interest.

14 SENATOR GIBSON: Follow-up?

15 CHAIRMAN RODRIGUES: You're recognized.

16 SENATOR GIBSON: May I? Thank you, Mr.
17 Chair.

18 There's no functional analysis in the
19 packet that I see of the districts. Is there no
20 functional analysis because it is the -- is there
21 some understanding that if it's not going to be a
22 minority access seat, then there's no reason to have
23 a functional analysis?

24 CHAIRMAN RODRIGUES: Senator Gibson, I'm
25 going to refer to Staff Director Jay Ferrin on that

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1 question because we covered that very same topic in
2 our maps.

3 JAY FERRIN: Senator Gibson, you're
4 correct.

5 SENATOR GIBSON: There's no need to do a
6 functional analysis if there is no minority
7 district; is that what I said?

8 CHAIRMAN RODRIGUES: You are recognized.

9 SENATOR GIBSON: Yes. That's what I said.

10 JAY FERRIN: Mr. Chairman.

11 Yes, Senator. That's correct.

12 SENATOR GIBSON: All right.

13 JAY FERRIN: The purpose of the functional
14 analysis is to evaluate the performance of the
15 minority district.

16 SENATOR GIBSON: Thank you. And may I?

17 CHAIRMAN RODRIGUES: You are recognized.

18 SENATOR GIBSON: Thank you, Mr. Chair.

19 And so since I think what I heard was there
20 was no data looked at to come up with the, what is
21 that, Senate Bill 2 -- no. What's the Governor's
22 map number, 102?

23 CHAIRMAN RODRIGUES: 109.

24 SENATOR GIBSON: 109, sorry, 109, SB 2-C
25 Plan 0109. What information only just -- I don't

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1 understand the information in that was used to
2 determine that the Senate 8019, which I want to make
3 sure we're also clear that 8019 and the House's map
4 -- primary and secondary maps were all voted on
5 before special session. And those maps are not the
6 maps that the Governor or that you all drew at the
7 Governor's direction; is that correct?

8 CHAIRMAN RODRIGUES: You are recognized.

9 ALEX KELLY: Mr. Chair.

10 Yes. Primary plan 8019 and secondary plan
11 8015 are the two maps that you, the Legislature,
12 approved within the contents of Senate Bill 102, and
13 that's the bill that the Governor vetoed.

14 SENATOR GIBSON: Follow-up?

15 CHAIRMAN RODRIGUES: You are recognized.

16 SENATOR GIBSON: Thank you. Thank you,
17 Mr. Chair.

18 And I wanted to make sure that that was
19 clear because there is some confusion about which
20 came first, the chicken or the egg, whether it was
21 the House maps that came over that were passed out
22 and not the Governor's maps because we are now
23 addressing the Governor's proposed maps, correct?

24 CHAIRMAN RODRIGUES: I'll answer that. we
25 are taking up the Governor's map now.

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1 SENATOR GIBSON: Thank you. Follow-up,
2 Mr. Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

4 SENATOR GIBSON: I want to go back to -- so
5 CD 5, which was different before it became 5, I
6 think in the last redistricting, the last how many
7 years has an African American been elected in the
8 maps previously that represented -- that included
9 representation of what is currently shown as CD 5?

10 CHAIRMAN RODRIGUES: I think we're getting
11 beyond the contents of the lines he's drawn there,
12 but I'll give him a shot at it.

13 ALEX KELLY: To my knowledge, of course,
14 that district has only existed since the court
15 adopted it in late 2015 and it went into place for
16 the 2016 election cycle. Prior to that, the
17 district, instead of going from Jacksonville to
18 Gadsden County went from Jacksonville to Orlando,
19 and if I recall correctly, Congresswoman Brown had
20 that seat since somewhere in the early-to-mid '90s.
21 I don't remember the exact year.

22 SENATOR GIBSON: Follow-up?

23 CHAIRMAN RODRIGUES: You are recognized.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 And then the recent CD 5 that elected an

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1 African American, the drawing of the maps concluded
2 that that -- or the drawing of the Governor's maps
3 concluded that that map was not gerrymandered but
4 the previous adaptation of CD 5, which went east to
5 west, is gerrymandered?

6 CHAIRMAN RODRIGUES: Could you restate that
7 please?

8 SENATOR GIBSON: He shook his head. I
9 think he understood it.

10 ALEX KELLY: Thank you, Chair. I think I
11 got it.

12 Yeah. So yes. And this is articulated in
13 the memorandum too, but I can say unequivocally the
14 district currently today as drawn from Jacksonville
15 over to Gadsden County stretching about three and a
16 half hours is a racial gerrymander.

17 SENATOR GIBSON: I'm sorry. Mr. Chair?

18 CHAIRMAN RODRIGUES: Could you repeat that?

19 SENATOR GIBSON: The last -- you said
20 what's three and a half hours?

21 ALEX KELLY: The drive from Jacksonville to
22 Gadsden County, the length of the district.

23 SENATOR GIBSON: Thank -- Mr. Chair?

24 CHAIRMAN RODRIGUES: Okay. Members, we're
25 going to go back to the map.

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1 SENATOR GIBSON: Oh.

2 CHAIRMAN RODRIGUES: And there'll be more
3 time for questions at the end.

4 Pick up your presentation please.

5 ALEX KELLY: Thank you, Mr. Chair.

6 So shifting to the part of the region we're
7 talking about, shifting to Districts 4-5 on this
8 slide and the next, of course, obviously, we've
9 already had a lengthy discussion. So just some
10 other general points to give you some sense of the
11 final lines for the proposed map in front of you
12 here today.

13 And, again, as we noted through the
14 questioning, on the left, you see the plan -- the
15 primary plan as adopted by the Legislature; on the
16 right, the plan before you here today in Senate Bill
17 2-C.

18 The boundary between the two is mostly the
19 St. Johns River. As you know, Jacksonville is the
20 single lone city in the entire state that's actually
21 larger in population than a congressional district.
22 So the river, which nearly equally divides the city,
23 stands out as certainly a logical, recognizable Tier
24 2 boundary to divide Jacksonville if you're going to
25 have to divide it somewhere. And at the same time,

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1 the new configuration here still allowed us to
2 improve overall on compactness.

3 The southern boundaries of Districts 4 and
4 5 are still actually exactly as the Legislature
5 proposed them. So the boundary between Clay and
6 Putnam is as the Legislature proposed it, and the
7 split in St. Johns County is exactly what the
8 Legislature proposed. So we didn't change that.

9 The last point I just want to make in this
10 slide, just zooming in a little bit on these two
11 districts, is at some point, just for the sake of
12 equal population, District 4 does need to come
13 across the river just to equalize a couple thousand
14 residents if I recall correctly. And so at some
15 point the district does have to come across the
16 river.

17 The original iteration of this crossing
18 that we drew in one of our earlier maps was I would
19 say less deliberative. In this improved
20 configuration, I used the bridges of the Arlington
21 Expressway and Interstate 295 to literally allow a
22 resident of District 4 to not have to leave the
23 district in order to traverse the entire district.
24 So we just tried to use those boundary lines a
25 little more logically if we were going to have to

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1 cross the river and gain equal population.

2 SENATOR BRACY: Mr. Chair?

3 CHAIRMAN RODRIGUES: Yes?

4 SENATOR BRACY: I have a question on the
5 map. I'm looking at District 2. How far does
6 District 2 go from east to west?

7 CHAIRMAN RODRIGUES: Do you have that on a
8 slide, or do you want to answer that?

9 ALEX KELLY: Thank you, Mr. Chair.

10 And I don't, and I don't actually know. We
11 didn't draw District 2. The Legislature drew
12 District 2. And I will say in general in the maps
13 that we drew out of our office, I don't recall if we
14 ever made any changes to the Legislature's
15 configurations in Districts 1 or 2, but we
16 definitely did not change them for the purposes of
17 this map compared to what the Legislature passed.

18 CHAIRMAN RODRIGUES: Okay.

19 SENATOR BRACY: Well, the reason why I
20 bring it up is that you said that District 5 was a
21 racial gerrymander that spread 200 miles, but I'm
22 looking at District 2. It looks like it goes about
23 200 miles, maybe more.

24 So the fact that you singled out District 5
25 for it going east to west that far but you got other

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1 ones that do, you got a problem. It seems that --
2 anyway, I just wanted to explain how -- I would like
3 for you to explain how District 2 can go 200 miles,
4 but District 5 can't.

5 CHAIRMAN RODRIGUES: You are recognized.

6 ALEX KELLY: Thank you, Mr. Chair.

7 I think if you're looking at Northeast
8 Florida, where you have Nassau, Duval. You have
9 Clay. You have St. Johns Counties. Within those
10 four counties, you can fit more than two
11 congressional districts because a third district is
12 even started in southern St. Johns in the
13 configuration we're looking at today.

14 You're comparing that to rural Florida, the
15 Panhandle, where there's significantly less
16 population. Naturally, a district in the Panhandle
17 is going to comprise probably several entire rural
18 counties. The same is true if you look in the
19 southern central part of the state as well where you
20 have rural communities.

21 And that's just generally a reality of
22 drawing a district that perhaps is maybe based out
23 of a municipality or a larger city or a larger
24 county versus drawing a district that's centered
25 around a number of rural counties. So a compact

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1 district in rural communities might take on a very
2 aesthetically compact shape, but it's physically
3 likely to be larger than, of course, a compact
4 district in an urban community.

5 CHAIRMAN RODRIGUES: Thank you. Please
6 continue.

7 ALEX KELLY: Thank you.

8 So the next few slides, slides 14 through
9 21, visualize my changes to the Gulf Counties. As I
10 noted earlier in the opening from Citrus down to Lee
11 Counties and even how those districts in those
12 counties tie to inland counties to the east, north,
13 and south.

14 And I'm showing you this way to give you a
15 sense of how I actually thought about going through
16 the map and making those Tier 2 improvements. I
17 really want to take you through my thought process,
18 and essentially what you have in this region of the
19 state is a hybrid of the Legislature's maps and our
20 office's prior plans in this region. And in order
21 to really achieve worthwhile Tier 2 improvements to
22 this region, I had to revisit how the entire region
23 was drawn.

24 To give a sense of what I mean by that, as
25 this slide illustrates, the Legislature made a

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1 decision to keep Broward, Osceola, and Polk Counties
2 whole. This decision essentially places a little
3 bit of a limitation on the map drawer. And
4 obviously there's -- obviously, it's a good goal to
5 keep counties whole, but it places a little bit of
6 limitation on the map drawer. And that limitation
7 essentially then forces your hand as a map drawer in
8 the Tampa Bay region.

9 Keeping Broward, Osceola, and Polk whole
10 essentially creates a wall across three-quarters of
11 the state. So if, as we do in Plan 109, if we're
12 able to essentially break that wall in Polk County,
13 there are means to do that in meaningful, Tier 2,
14 metric-driven ways that make gains for the map
15 overall, and we can still, as we'll show later, make
16 meaningful Tier 2 decisions in Polk County as well.
17 And that really allows a number then of Gulf Coast
18 counties decisions that make a number of Tier 2
19 gains for this map.

20 I'll give some specific examples. So in
21 this example in slide 16, this became a means to
22 keep Collier -- sorry, not Collier -- Citrus County
23 whole in District 12, which you can see here, and
24 this district is a much more squared-up, linear
25 district. District 12 actually is still in this

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1 configuration a majority Pasco County seat yielding
2 about 141,000 of its residents in the southern part
3 of the county into District 15.

4 Just while we have it on the screen, the
5 boundaries there -- this is all of Citrus, all of
6 Hernando, and most of Pasco. The boundaries between
7 District 12 and 15 -- 15 is the pinkish district in
8 the south there -- the boundaries there, the city of
9 Zephyrhills is entirely in District 15. The cities
10 of St. Leo, San Antonio, and Dade City are entirely
11 in 12. And those lines, despite their curves,
12 they're predominantly state roads all throughout.

13 Moving on to slide 17, south of the Tampa
14 Bay region, we were also able to keep, through
15 changes made in the Polk County area, we're able to
16 also keep Sarasota County whole. As I opened it up,
17 essentially what I've done in this map is I've
18 articulated two whole counties in exchange for
19 splitting another county. So gaining that net whole
20 county in the map, keeping Citrus whole, keeping
21 Sarasota whole, splitting Polk.

22 In this particular configuration, keeping
23 Sarasota whole, aligning it with all of Charlotte
24 County and aligning it with some unincorporated
25 communities in Lee County to essentially equalize

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1 the population, and the boundaries in Lee County are
2 almost entirely either major roadways or city
3 boundaries.

4 On slide 18, taking this approach north and
5 south of Tampa Bay then allowed us to go -- or
6 allowed me to go work in the Tampa Bay area because
7 overall just comparing the map that we had
8 previously worked on, comparing that to the
9 Legislature's map, the population distribution was
10 just simply different.

11 So again, as I noted earlier, really had to
12 lift the whole region out and look at options to
13 reconfigure it. Taking this approach north and
14 south of Tampa Bay and gave me a better chance to
15 draw more visually compact districts in Tampa Bay
16 and make improved usage of Tier 2 political and
17 geographical boundary lines.

18 Zooming just a little bit further on
19 Pinellas County and the bay, it seemed from the
20 Legislature's process that there was a goal to have
21 a seat wholly in Pinellas County, and so this map
22 still accomplishes this goal. I literally started
23 in this region working from west to east. Doing so,
24 essentially, I was able to create a very squared-up,
25 compact district.

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1 In the northern part of District 13 where
2 it connects to District 14, that's just your
3 Pinellas-Hillsborough line. The southern part of
4 the seat just follows state road in-between Pinellas
5 -- or actually through the city of St. Pete, I
6 should say, follows a state road, and a just nice
7 clean line splits District 13 and District 14.

8 And then I continued just to work my way
9 east as I build District 14, again, seeking to
10 utilize as clean, clear, distinguishable lines --
11 municipal boundary lines, really leaning heavily on
12 Tier 2 standards. I essentially then built District
13 16 north at the same time and built District 16
14 north with the same goal in line of having those
15 boundaries match, again, clearly distinguishable
16 roadways. And I should say too District 16 still
17 keeps all of Manatee County whole.

18 CHAIRMAN RODRIGUES: Senator Rouson, you
19 are recognized for a question.

20 SENATOR ROUSON: Thank you very much,
21 Mr. Chairman.

22 The way you have drawn CD 14 and CD 13, 13
23 being St. Pete and Pinellas, 14 being Tampa and
24 Hillsborough, you have packed black voters of
25 Midtown, South St. Pete with black voters in East

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1 Tampa. Current configuration of the district is
2 different from what you've suggested. Can you
3 explain the difference?

4 CHAIRMAN RODRIGUES: You are recognized.

5 ALEX KELLY: Mr. Chair, thank you.

6 To be frank, I actually am unaware of the
7 black voting age population of District 14. This
8 was not even drawn with any type of racial intent at
9 all. This was not drawn with any type of even
10 looking at any racial data for this district. There
11 was not to my knowledge any reason to do so. So I
12 was just drawing a district based on nice, clean,
13 compact lines, lines that adhered to major roadways,
14 major recognizable roadways, and try to split as few
15 cities as possible in this area.

16 I do trade a split of St. Pete for -- my
17 apology --

18 SENATOR ROUSON: You traded --

19 ALEX KELLY: -- one other city, my apology,
20 but I do -- there is a city split trade in this
21 area. But so the overall city splits are equal to
22 what the Legislature adopted, but I just utilized
23 the major roadways and worked my way east and worked
24 my way north.

25 CHAIRMAN RODRIGUES: Senator Rouson, do you

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1 have a follow-up?

2 SENATOR ROUSON: No.

3 SENATOR BRACY: Mr. Chairman, I do have a
4 question.

5 CHAIRMAN RODRIGUES: We'll go to Senator
6 Bracy and then Senator Gibson.

7 SENATOR BRACY: Thank you.

8 Is Mr. Alex Kelly under oath for this
9 committee?

10 CHAIRMAN RODRIGUES: No. He's not.

11 SENATOR BRACY: I know we do it in certain
12 circumstances, certain secretaries. Could we make
13 that happen in this committee?

14 CHAIRMAN RODRIGUES: The time to have done
15 that would have been before we began the
16 presentations. So at this point, I would rule that
17 out of order.

18 Senator Gibson, did you have a question?

19 SENATOR GIBSON: Thank you, Mr. Chair.

20 In terms of the -- I think I heard the
21 primary elections showed some data that CD 5
22 couldn't on its own elect a candidate of their
23 choice, some historical image and something about
24 historical, and that's, I guess, in any other
25 district that should be a minority access district,

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1 you mentioned that the primary elections showed that
2 they couldn't -- is that correct -- by themselves --

3 CHAIRMAN RODRIGUES: Mr. Kelly?

4 SENATOR GIBSON: -- elect someone?

5 ALEX KELLY: Thank you, Mr. Chair.

6 I think the question you're asking about
7 pertained somewhat to my comments about
8 Congressional District 10, not Congressional
9 District 5. But I'm not totally sure. There might
10 have been some blurring of the line there between
11 the two in the question.

12 SENATOR GIBSON: Follow-up, Mr. Chair?

13 CHAIRMAN RODRIGUES: You are recognized.

14 SENATOR GIBSON: It may be blurring because
15 they impact the same ethnic people perhaps, but it
16 was said that data had shown -- that was in context
17 of 5 and 10, that the primary data showed that the
18 CD 5 couldn't elect a minority member of Congress on
19 their own, which is why we weren't following any
20 Tier 1 because all we're talking about today is Tier
21 2. And that's the reason for it's not diminished;
22 is that what you said about the primary data --

23 CHAIRMAN RODRIGUES: Mr. Kelly.

24 SENATOR GIBSON: -- primary election data?

25 ALEX KELLY: Thank you, Mr. Chair.

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1 I think your question or at least what
2 you're referencing from my testimony refers to my
3 comments about Congressional District 10, and I was
4 reflecting on the House professional staff's, their
5 analysis of Congressional District 10. We didn't
6 look at the political data for Congressional
7 District 10. I didn't look at the political data
8 for Congressional District 10.

9 The House, in their subcommittee,
10 referenced their analysis of Congressional District
11 10 and that based on their analysis of past years
12 primary electoral data, that their analysis showed
13 that the black community in Orange County, in
14 Congressional District 10, could not on their own
15 elect a candidate of their choice.

16 Congressional District 5, I don't think
17 I've heard anyone question that the district has an
18 ability to elect. Their issues are similar, but the
19 issues are not identical. The question in
20 Congressional District 5 is it is a gerrymandered
21 district drawn predominantly based on one criteria,
22 a strong -- predominantly based on race and was it
23 drawn in a way that meets a compelling state
24 interest, which is a question that would have to be
25 asked of the map drawer to justify the district.

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1 SENATOR GIBSON: So --

2 CHAIRMAN RODRIGUES: You are recognized.

3 SENATOR GIBSON: Thank you, Mr. Chair.

4 And so the map drawer only looked at an
5 analysis that didn't include a functional analysis
6 in any configuration, correct?

7 CHAIRMAN RODRIGUES: You are recognized.

8 ALEX KELLY: My apology. I'm not sure I
9 understood the question.

10 SENATOR GIBSON: So -- I'm sorry.

11 CHAIRMAN RODRIGUES: Restate.

12 SENATOR GIBSON: Thank you, Mr. Chair.

13 In the purported gerrymandered district
14 based on race, the -- and now in the map that we're
15 dealing with today, there was -- a functional
16 analysis was not reviewed to recognize communities
17 of interest, not gerrymandered based on race,
18 because it's all race neutral; is that correct?

19 CHAIRMAN RODRIGUES: Do you understand it
20 now?

21 ALEX KELLY: I think so. Yes. Thank you,
22 Mr. Chair and thank you.

23 So I'm going to break that down. So our
24 office has not done a functional analysis on any of
25 the districts. We have not -- I have not drawn

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1 districts based on communities of interest. What
2 you did say at the end, we drew districts -- is
3 correct. We drew districts in a race neutral way.

4 SENATOR GIBSON: Mr. Chair?

5 CHAIRMAN RODRIGUES: Follow-up?

6 SENATOR GIBSON: I keep trying to
7 understand the -- is there a definition for race
8 neutral drawing?

9 CHAIRMAN RODRIGUES: You're recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

11 I mean, I'll give you a non-attorney
12 definition. Essentially, for me, race was not a
13 driving factor of how I drew the district. It was
14 definitely not a predominant factor, and as I noted
15 when we talked earlier about District 14, I couldn't
16 even tell you -- and I still can't tell you -- what
17 the actual black voting age population of the
18 district is.

19 I drew that district, District 13, 14, all
20 the districts around it solely based on trying to
21 draw districts that are compact, aesthetically
22 compact, statistically compact, that follow clearly
23 definable political and geographical boundary lines
24 that meet that Tier 2 test. So I didn't draw a
25 single district in this map based on race.

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1 SENATOR GIBSON: Follow-up?

2 CHAIRMAN RODRIGUES: You are recognized.

3 SENATOR GIBSON: Thank you, Mr. Chair.

4 And so the Tier 1 never came into play in
5 terms of keeping communities of interest together,
6 that it doesn't have to be a majority, but certainly
7 their ability to elect the representative of their
8 choice, that was never a factor. It's just strictly
9 where the lines are and let people fall where they
10 may; is that kind of how it --

11 CHAIRMAN RODRIGUES: You are recognized.

12 SENATOR GIBSON: -- it is?

13 ALEX KELLY: Thank you, Mr. Chair.

14 Again, I drew districts based on drawing
15 compact districts that followed aesthetic
16 compactness, statistical compactness, followed
17 clearly identifiable, recognizable, political and
18 geographical boundary lines. I did not use
19 communities of interest as a standard, and I did not
20 draw race-based districts.

21 SENATOR GIBSON: Thank you, Mr. Kelly.

22 CHAIRMAN RODRIGUES: Senator Stewart, did
23 you have a question?

24 SENATOR STEWART: Thank you, Chair.

25 A little bit toward where Senator Gibson

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1 was going, but what I'm gathering from the
2 discussion thus far is that Tier 1 guidelines that
3 was the federal law was not considered in this map
4 and primarily you went by roadways and to make sure
5 that the Tier 2 was done correctly?

6 CHAIRMAN RODRIGUES: You are recognized.

7 ALEX KELLY: Thank you, Mr. Chair.

8 Senator, the Tier 1 guidelines are part of
9 state law, not federal law.

10 CHAIRMAN RODRIGUES: Do you have a follow-
11 up, Senator Stewart?

12 SENATOR STEWART: That's news to me. Thank
13 you.

14 CHAIRMAN RODRIGUES: Senator Bracy.

15 SENATOR BRACY: Thank you. Thank you,
16 Mr. Chairman.

17 Senator Rouson talked about the black
18 people in Pinellas, and now they're moved to a
19 district over that will now have them most likely
20 representing -- having a Republican representative.
21 And you're saying you are not aware of that at all
22 whatsoever, did not have any impact on your
23 decision-making.

24 CHAIRMAN RODRIGUES: You are recognized.

25 ALEX KELLY: Thank you, Mr. Chair.

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1 Race and political partisan data in no way
2 related at all to my drawing of Districts 13, 14,
3 15, 16, or any of the districts on the map. Really
4 leaned in heavily to Tier 2 standards of compactness
5 and use of Tier 2 boundaries in these districts.
6 Again, I made a split in northern -- the northern
7 part of District 13 along the Pinellas-Hillsborough
8 County line, in the southern part of District 13 and
9 14 right along U.S. 19 as a southern divider.
10 There's a little bit of equal population work done
11 just north of St. Pete in the unincorporated Feather
12 Sound area as --

13 SENATOR BRACY: I got it. Thank you. I
14 understand. So District 5 -- excuse me -- District
15 10 --

16 CHAIRMAN RODRIGUES: You are recognized for
17 a follow-up.

18 SENATOR BRACY: Thank you, Mr. Chairman.

19 So in District 10, the district that I
20 represent now, in West Orange County, all of the
21 black people in West Orange County have now been
22 moved to a district that will be represented mostly
23 by Lake County.

24 So you have an area that has elected Val
25 Demings, who was a potential Vice President

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1 Democratic nominee for President, who will now be
2 electing possibly Representative Anthony Sabatini,
3 who is known for blackface.

4 And I mean no district, but I'm trying to
5 make a point that you're telling me that this group
6 of people who have elected someone completely
7 different now will be electing someone like that.
8 And you're saying you had no idea. This is the
9 first time that you're ever considering that point.

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

12 My reading of the state Constitution, it
13 would have violated the law on several -- Tier 1 law
14 in several ways for me to even go anywhere near an
15 analysis like that. So I have no consideration for
16 anything like that. I think to put something into
17 context here too that is important.

18 And I can -- Mr. Chair, if it's okay, I can
19 skip to District 10 if that might help.

20 CHAIRMAN RODRIGUES: Let's do that.

21 ALEX KELLY: So this is Congressional
22 District 10. Well, this is the region. This is how
23 it compares to the map that the Legislature passed,
24 which is not dissimilar from the benchmark and then
25 Congressional District 10 in the map before you

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1 today.

2 That Congressional District 10 is a very,
3 very Tier 2-adherent district, very compact. All of
4 those lines are used to define either major roadways
5 or municipal boundaries, and to put this into
6 context, the benchmark Congressional District 10, to
7 my knowledge, has a black voting age population
8 somewhere just under 27 percent, somewhere in the
9 high 26 percent range.

10 The district that you're looking at there
11 today has like a 25.98, 25.96, a very close
12 percentage to 26. So it's not even a 1 percent.
13 It's maybe a 7/10 or 8/10 of a percent point drop in
14 its black voting age population.

15 So just drawing a compact seat -- and I can
16 walk through the different city and roadway
17 boundaries. Just drawing a compact seat that lines
18 up with -- you can see that's the Seminole-Orange
19 County line. You can see some major roadways. That
20 piece of District 9 that goes up into District 10,
21 that's the cities of Belle Isle and Edgewood. So
22 it's keeping some municipalities whole. Maitland,
23 Winter Park are kept whole in 10. You've got Winter
24 Garden, Ocoee, Apopka are kept whole in 11.

25 So just following all those principles, we

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1 were able to draw a very compact District 10 that's
2 not even a percentage point difference in its black
3 voting age population. So we really adhered to the
4 principles in Florida law and drew a very compact
5 district, and that's something that was similar to
6 what the House had drawn and articulated good
7 reasons for drawing it. And so when I worked on
8 this map, that is the seat that I drew, and it
9 really is a very compact and very lawfully compliant
10 seat.

11 SENATOR BRACY: Mr. Chairman?

12 CHAIRMAN RODRIGUES: You're recognized.

13 SENATOR BRACY: Thank you.

14 You mentioned before that you had no idea
15 on percentages. You did not use that for any
16 outcomes, yet you just quoted the black voting age
17 population, how much it changed. So help me
18 understand.

19 CHAIRMAN RODRIGUES: You want to provide
20 some clarity there?

21 ALEX KELLY: Thank you, Mr. Chair.

22 I noted that comment specific to District
23 14. District 10, we recognized that there was a
24 tension between the testimony in the House and
25 Senate. And so it was important to understand the

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1 black voting age population, as well as the Hispanic
2 voting age population of that district, that
3 benchmark district, again, somewhere, you know,
4 around, give or take, close to 26-something percent.
5 I forget the exact number, but 26-something percent
6 black voting age population in the benchmark. And I
7 think the Hispanic voting age population is actually
8 larger, around 28 percent Hispanic voting age
9 population.

10 So this was a district where we did have to
11 look at -- I had to look at the data for the black
12 voting age population, the Hispanic voting age
13 population, try to come to an understanding of that
14 tension between the House and Senate testimony, and
15 figure out an appropriate resolution.

16 SENATOR BRACY: Okay. So you were aware of
17 --

18 CHAIRMAN RODRIGUES: You are recognized.

19 SENATOR BRACY: Thank you, Mr. Chair.

20 So you were aware of the black voting age
21 population, Hispanic voting age population when
22 making the changes that you were -- that you made in
23 District 10; that is correct?

24 CHAIRMAN RODRIGUES: You are recognized.

25 ALEX KELLY: Yes.

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1 SENATOR BRACY: Okay. All right. Just
2 looking at the Federal Voting Rights Act, and it
3 protects against retrogression. And it defines that
4 as the ability of racial and language minorities to
5 elect representatives of their choice. So any
6 effect to that would be considered retrogression.

7 So what I'm saying is to move the people
8 from West Orange County, who have elected Val
9 Demings as their Congresswoman, to now move them in
10 a district in Lake County with the villages and
11 others where now they won't be able to elect the
12 representative of their choice, from this
13 definition, it clearly goes against the Voting
14 Rights Act. It clearly is retrogression.

15 How do you explain that group of black
16 people having the choice to vote for one, but now
17 they will not be able to elect the candidate of
18 their choice?

19 CHAIRMAN RODRIGUES: Mr. Kelly, you are
20 recognized.

21 ALEX KELLY: Thank you, Mr. Chair.

22 And I won't claim to be an expert on every
23 facet of the Voting Rights Act, but in general, I
24 don't know of any way in which a Voting Rights Act
25 challenge could be brought to a district that's 26

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1 percent of the black -- or 26 percent of it's the
2 black community, 28 percent of it's the Hispanic
3 community. I don't know that there's any connection
4 at all to the Voting Rights Act for a district like
5 that.

6 Generally, that type of challenge is, to my
7 knowledge -- and counsel could probably clarify --
8 but to my knowledge is applicable to a district
9 where a majority of the district is a particular
10 minority community, so a district, in other words,
11 where it has a 50 percent-plus black voting age
12 population.

13 There's further analysis required, more
14 than just that, but in general, this district and
15 the Voting Rights Act wouldn't have anything to do
16 with each other.

17 CHAIRMAN RODRIGUES: Senator Bracy?

18 SENATOR BRACY: But you said before you
19 don't even know the percentages the House used to
20 determine if this is even a minority seat or not.
21 So --

22 CHAIRMAN RODRIGUES: Well, he did say he
23 looked at District 10.

24 SENATOR BRACY: He looked at the black
25 voting age population, but to determine if it is a

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1 minority seat -- you know what. We're going in
2 circles. What I would ask, Chairman, is that we've
3 got a lot of people here, and I think there's
4 honestly only three, four districts that are really
5 what people are paying attention to.

6 So I appreciate the presentation from the
7 Governor's Office, but just so that we have time for
8 debate and that people have a chance to speak, I
9 would ask that we could conclude the presentation or
10 really expedite it and then allow for people to
11 speak.

12 CHAIRMAN RODRIGUES: Senator Gibson.

13 SENATOR GIBSON: Thank you, Mr. Chair.

14 And I certainly will save time for public
15 testimony. I appreciate those who have come today.
16 On the -- I'm unclear as to which -- when there was
17 data reviewed, when there wasn't data reviewed.

18 But just in the House primary map -- I
19 believe that was one that you all utilized, I think,
20 a little bit or tweaked it a little bit -- the black
21 voting age population according to this full
22 analysis was around 35 percent, a little over 35
23 percent. In the data for the race neutral maps,
24 that goes down to 12 percent.

25 And so it's your testimony today that

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1 because -- that there's no diminishment because that
2 population couldn't elect a candidate of their
3 choice in a primary?

4 CHAIRMAN RODRIGUES: You are recognized.

5 ALEX KELLY: Thank you, Mr. Chair.

6 I apologize. I don't have the benefit of
7 the data that you're looking at. So I'm not sure
8 what you're looking at.

9 CHAIRMAN RODRIGUES: Do you have a follow-
10 up?

11 SENATOR GIBSON: Mr. Chair? Yes.

12 So I have the packet with the map that
13 we're discussing, which district by district,
14 includes percentages for the various districts based
15 on the map that we received.

16 CHAIRMAN RODRIGUES: Senator Gibson, our
17 staff --

18 SENATOR GIBSON: So this is the staff data.

19 CHAIRMAN RODRIGUES: Our staff prepared --

20 SENATOR GIBSON: Okay.

21 CHAIRMAN RODRIGUES: -- that data.

22 SENATOR GIBSON: Well, Mr. Chair, may I?

23 CHAIRMAN RODRIGUES: Yes.

24 SENATOR GIBSON: Regardless of the
25 preparation -- and I trust what our staff does --

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1 those are the percentages. And that is not
2 diminishment because CD 5 is no longer considered to
3 have need for a minority access district? Would
4 that be the premise?

5 CHAIRMAN RODRIGUES: Mr. Kelly.

6 ALEX KELLY: I have to apologize. I'm not
7 sure. Are we talking about District 5 or District
8 10?

9 SENATOR GIBSON: I said -- I'm sorry.

10 ALEX KELLY: And I'm still not really sure
11 what data -- I don't know if we're referencing data
12 regarding racial and language minorities. I don't
13 know if we're referencing elections data. I'm
14 struggling to follow the question?

15 SENATOR GIBSON: May I?

16 CHAIRMAN RODRIGUES: He's at a disadvantage
17 not having the packet.

18 SENATOR GIBSON: May I explain it?

19 CHAIRMAN RODRIGUES: Sure.

20 SENATOR GIBSON: Thank you, Mr. Chair.

21 So we have something called a voter age
22 voting data, right, or the voting age population in
23 each of the congressional districts that were drawn
24 in Plan 109, and the projection for the CD 5 in 109
25 of black voting age population in CD 5 is now 12

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1 percent, which was previously in the map I believe
2 you referenced that the Senate passed -- you chose
3 this one -- 8019, was 35 percent.

4 And so my question -- but you don't --
5 because you don't have the -- because you don't have
6 the data, can you not answer the question based on
7 the percentages that I gave?

8 CHAIRMAN RODRIGUES: Mr. Kelly.

9 ALEX KELLY: Sure. Okay. And thank you.
10 And thank you for the clarification. I think I'm
11 starting to understand what you're asking. So
12 you're referring to District 5 in map 8019, and
13 District 5's black voting age population in map 8019
14 is 35.32 percent.

15 I wouldn't say that District 5 in map 0109
16 is the comparable district. Neither district really
17 resembles it, but I wouldn't say that it's the
18 comparable district. District 4 in that map, in map
19 0109, has a black voting age population of 31.66
20 percent, and that achieved that 31.66 percent
21 without attempting in any way to draw it with race
22 as a consideration.

23 SENATOR GIBSON: District 4 has the 30
24 percent.

25 CHAIRMAN RODRIGUES: That's what he said.

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1 SENATOR GIBSON: Okay. And District 5 is
2 12 percent.

3 CHAIRMAN RODRIGUES: He'll have to take
4 your word for that. He doesn't have the data.

5 SENATOR GIBSON: And thank you, Mr. Chair.

6 And so collectively in previous maps, those
7 -- it's the split between the districts that then
8 create a difference in the numbers and also go to a
9 different area, correct?

10 CHAIRMAN RODRIGUES: you are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

12 You know, Senator, I think this visual
13 helps articulate based on the district -- or the
14 districts that the Legislature drew in its primary
15 plan and the districts that I've drawn in this plan
16 before you today.

17 When you look to the left, District 5 that
18 the Legislature drew, and you tried to compare the
19 geography, therefore, the population to District 4
20 that I drew, really most of the Legislature's
21 District 5 -- most of it but obviously not all of it
22 -- most of it population wise is in that District 4
23 that I drew.

24 You can see there's a little portion of
25 kind of -- not fully southwest Jacksonville but

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1 getting into Southwest Jacksonville in the
2 Legislature's District 5 that for the map that I
3 drew is in a different district. That would explain
4 the changes in the numbers because the populations
5 don't match perfectly.

6 SENATOR GIBSON: Well --

7 CHAIRMAN RODRIGUES: You are recognized.

8 SENATOR GIBSON: Thank you. Thank you,
9 Mr. Chair.

10 And it's still diminishment; is that
11 correct? In each of the districts, it's not 35
12 percent any longer --

13 CHAIRMAN RODRIGUES: You are recognized.

14 SENATOR GIBSON: -- correct?

15 ALEX KELLY: Thank you, Mr. Chair.

16 As I noted in my opening, the district as
17 drawn in the different configurations by the
18 Legislature violates the Equal Protection Clause of
19 the 14th Amendment of the United States
20 Constitution. So in effect, the plain language way
21 of looking at that is there was no benchmark
22 district to be redrawn. So, therefore, there is no
23 diminishment to be considered.

24 SENATOR GIBSON: Last question?

25 CHAIRMAN RODRIGUES: Last question.

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1 SENATOR GIBSON: Thank you, Mr. Chair.

2 And, well, I'll put it in kind of a
3 compound question. So in terms of compactness, are
4 the two districts in Jacksonville area equal in
5 compactness, and is there another configuration that
6 can be drawn that keeps more of the African American
7 community of interest together and have the same
8 compactness and did you try?

9 Thank you, Mr. Chair.

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

12 And in terms of compactness, the plan 109 -
13 - 0109 on the right compared to the plan -- the
14 primary plan the Legislature adopted, Plan 0109, is
15 -- those two districts combined is statistically
16 more compact than the primary plan the Legislature
17 drew. The main reason being is that District 4, as
18 the Legislature drew it, is very noncompact. So it
19 brings down your overall compactness of those two
20 districts combined. So Plan 0109 is an improvement
21 upon compactness.

22 CHAIRMAN RODRIGUES: Are there any other
23 members of the committee that have a question?

24 SENATOR BRACY: Mr. Chairman? Sorry.

25 CHAIRMAN RODRIGUES: Mr. Bracy?

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1 SENATOR BRACY: Yeah.

2 CHAIRMAN RODRIGUES: Senator Bracy.

3 SENATOR BRACY: Thank you, Senator Gibson.
4 I get your point.

5 Last two questions. Mr. Kelly, how do you
6 justify splitting the minority population in Orlando
7 into two separate districts when it had been
8 contained in CD 10 in the benchmark?

9 CHAIRMAN RODRIGUES: You are recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

11 As I noted before, there was no obligation
12 in any way to redraw District 10, the benchmark
13 district. There's no lawful obligation to redraw
14 that seat that way. What I did was I drew a
15 District 10, which, again, for reference, is nearly
16 equal, maybe a 7/10 or 8/10 of a percentage point
17 different in terms of its black voting age
18 population.

19 I drew a District 10 in an area that
20 includes Winter Park, Maitland, is more centrally
21 located in Orange County, a very compact seat, and
22 drawing of that district actually allowed for some
23 Tier 2 compliance in several other ways around the
24 seat as well, essentially helping with District 9,
25 District 11.

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1 So I followed the outline of Florida law to
2 draw those seats, draw those seats compactly,
3 utilize political and geographical boundary lines,
4 and I didn't consider race in any way in the drawing
5 of the seat.

6 SENATOR BRACY: Thank you, Mr. Chairman.

7 Last question. But aren't you -- in doing
8 it that way, aren't you putting Tier 2 requirements
9 above Tier 1?

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

12 And as I noted in my opening, you know,
13 part of Tier 1 is contiguity obviously, which I
14 followed that, and then part of Tier 1 is not
15 intentionally favoring or disfavoring an incumbent
16 or political party. And as I noted in my opening, I
17 did not do that, and I did not intend to do that.
18 And I did not in any way take any feedback from
19 anyone to try to do something like that.

20 So I didn't violate that Tier 1 standard,
21 and there was no diminishment obligation for that
22 district. So I complied with Tier 1, moved to Tier
23 2, and drew very compact districts that follow
24 political and geographical boundary lines.

25 CHAIRMAN RODRIGUES: Okay. Are there any

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1 other questions from members of the committee?

2 Seeing none, we have a new member to the
3 Senate who's not on the committee who has joined us.
4 If you would like, please introduce yourself to the
5 crowd, and you may ask your question.

6 SENATOR OSGOOD: Thank you, Mr. Chair.

7 I am Senator Rosalind Osgood, newly elected
8 for District 33, and thank you so much.

9 Just trying to understand in listening at
10 the responses to Senator Bracy, where it's keep
11 being said that we didn't use race, but then we've
12 determined that one district is racial
13 gerrymandering. And you just said that, when you
14 were asked about Tier 1 and Tier 2, that when you
15 looked at CD 5, that there was no attempt to -- you
16 said you didn't discuss with anyone about favoring a
17 political party. You didn't have a conversation.
18 But if that is the outcome of what has been done,
19 then how do we address that, you know?

20 You clearly said you didn't -- it was not
21 your intent. And sometimes we can work and do
22 things, especially when we're just using maps and
23 highways, and the result ends up being something
24 other than what we intended. Because when we look
25 at what's going on with 5, 10, and the overall

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1 schemes of these maps, it does appear to be
2 politically motivated. And it also appears to not
3 take the hardworking black citizens of this state
4 serious.

5 And I'm sorry if I don't know all the
6 correct languages. I'm just asking my question so
7 that I would be able to respond to the people that
8 elected me to represent them.

9 CHAIRMAN RODRIGUES: Could you restate your
10 question please?

11 SENATOR OSGOOD: So in the conversation and
12 questions back and forth with the Senators here, Mr.
13 Kelly has expressed the process he took and his
14 intent. That's not my question, okay. But the
15 results means that we're eliminating two seats that
16 gave minority access, where one political party is
17 being diminished in numbers and another one is
18 gaining.

19 So that clearly to me, when I look at Tier
20 1, violates when it talks about favoring a political
21 party. So I'll stop there first. So I'm just
22 trying to understand because we, you know, we talk
23 about race neutral, and then we talk about racial
24 gerrymander. We're either using race or we're not.

25 CHAIRMAN RODRIGUES: I'm sorry. Could you

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1 restate the question again?

2 SENATOR OSGOOD: Okay. I'll start with the
3 first question.

4 CHAIRMAN RODRIGUES: It sounds like we're
5 getting into debate, and I just want to make sure
6 we're asking --

7 SENATOR OSGOOD: No. I'll start --

8 CHAIRMAN RODRIGUES: -- a question.

9 SENATOR OSGOOD: Okay. I'll start with the
10 first question.

11 Okay. Mr. Kelly has stated that it was not
12 -- that he didn't have any conversations with
13 anybody to favor a political party. When we look at
14 the results we got, Tier 1 says clearly that we
15 cannot favor a political party, and we haven't
16 talked a lot about Tier 1. It's been mentioned a
17 couple of times. So how do we substantiate what
18 you've given us does not violate Tier 1? Let me --

19 CHAIRMAN RODRIGUES: All right.

20 SENATOR OSGOOD: -- ask him that.

21 CHAIRMAN RODRIGUES: Thank you.

22 Mr. Kelly?

23 ALEX KELLY: Thank you, Mr. Chair.

24 And thank you, Senator. And as I noted in
25 my opening -- and the Tier 1 standard's intent and I

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1 noted in my opening that I've never had any
2 conversations that would compromise that intent.
3 I've never had anyone push or encourage any type of
4 intent such as that, that would either favor or
5 disfavor an incumbent or political party, and that's
6 not what I intended to do. So I've not violated the
7 Tier 1 standard of intent. Speaking of the results
8 of the map, I don't know what the results are. So I
9 couldn't even begin to provide an answer to that
10 question.

11 CHAIRMAN RODRIGUES: Do you have a follow-
12 up?

13 SENATOR OSGOOD: Mr. Chair, I have one
14 follow-up.

15 Okay. Let me go back to District 5. I'm
16 trying to understand with District 5. I understood
17 your comments about the 14th Amendment and about the
18 racial gerrymandering, but it appears to me to
19 violate the Voting Rights Act. So can you tell me
20 how what you're recommending to eliminate District 5
21 does not violate the Voting Rights Act?

22 CHAIRMAN RODRIGUES: You are recognized.

23 ALEX KELLY: Thank you, Chair.

24 So Senator, generally, as I was -- one of
25 the questions earlier was similar when we were

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1 talking about District 10, my general understanding
2 of the Voting Rights Act is it's not implicated --
3 it's not a potential Voting Rights Act question
4 unless a majority of the district's population -- a
5 majority of the voting age population, I should say,
6 of the district is of the same minority community.

7 So if a majority of the district -- that's
8 not the only question as to whether or not there
9 could be a Voting Rights Act implication, but that
10 benchmark district, Congressional District 5, a
11 majority of that district is not represented by any
12 particular minority community. So the Voting Rights
13 Act should not be implicated in any way.

14 SENATOR OSGOOD: In District 5, not 10, 5.

15 CHAIRMAN RODRIGUES: You are recognized.

16 ALEX KELLY: Thank you, Mr. Chair.

17 My statement there would actually apply to
18 both 5 and 10.

19 SENATOR OSGOOD: Okay. Thank you, Mr.
20 Chair. And thank you for allowing me to ask the
21 question.

22 CHAIRMAN RODRIGUES: Yes, ma'am.

23 That concludes questions, and it concludes
24 the presentation. Thank you, Mr. Kelly.

25 Next, we do have an amendment from Senator

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1 Rouson.

2 Let's take up amendment barcode 917356.

3 Senator Rouson, you are recognized to
4 explain your amendment.

5 SENATOR ROUSON: Thank you very much,
6 Mr. Chair.

7 And there are a lot of things to say in a
8 short period of time, and I do want to give respect
9 to those who traveled here and want to speak in
10 public comment. So I'll keep my description of the
11 amendment fairly brief.

12 First, this amendment restores District 5
13 in Northern Florida as a minority access seat as it
14 has been. Secondly, it restores the 10th District
15 in Orlando area as a minority seat, as it has been.
16 It also keeps the city of Tampa entirely within
17 District 14 and keeps the city of St. Petersburg
18 whole in District 13.

19 The intent of this amendment is to protect
20 minority access districts from retrogression as the
21 black communities in those areas have had access for
22 decades, and it continues the legacy of minority
23 representation. And that's the amendment.

24 CHAIRMAN RODRIGUES: Are there questions on
25 the amendment?

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1 Senator Broxson, you are recognized.

2 SENATOR BROXSON: Senator, and you are an
3 attorney, but in your opinion, would this violate
4 the federal intent of how we draw congressional
5 maps?

6 CHAIRMAN RODRIGUES: Senator Rouson, you
7 are recognized.

8 SENATOR ROUSON: No.

9 CHAIRMAN RODRIGUES: Are there any other
10 questions?

11 Seeing no questions, we do not have
12 appearance forms for the amendment.

13 So now, we'll move to debate. Is there
14 debate on the amendment?

15 Hearing no debate, Senator Rouson, you are
16 recognized to close on the amendment.

17 SENATOR ROUSON: Thank you very much,
18 Mr. Chairman.

19 Diversity and diversity in representation
20 matters. Like the late, great Charles Rangel,
21 Congressman from Harlem, said, full participation in
22 government and society has been a basic right of
23 this country and this state, symbolizing the full
24 citizenship and equal protection of all.

25 The amendment seeks to not allow

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1 retrogression, which reduces in the main bill the
2 opportunity of minorities to elect a person of their
3 choice. The underlying bill screams of diminishment
4 because it eliminates two minority districts.

5 As divisions both real and imagined deepen
6 in our political, social, economic, in our health
7 and justice worlds, even our education world, it
8 becomes increasingly important, even critical, that
9 everyone have a seat at the table where decisions
10 are being made. This amendment goes a long way
11 towards ensuring that. And with that, I close and
12 ask for your favorable support.

13 CHAIRMAN RODRIGUES: All those in favor of
14 the amendment say yea.

15 (Multiple yeas)

16 CHAIRMAN RODRIGUES: All opposed, say nay.

17 (Multiple nays)

18 CHAIRMAN RODRIGUES: The amendment fails.

19 There is another amendment, which I had
20 filed, barcode 644248.

21 Without objection, show that amendment has
22 been withdrawn.

23 We're now going to move to appearance forms
24 for the bill, and we have quite a few. Okay. I'm
25 going to start with those who are waiving against

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1 the bill so that we have their statements on the
2 record.

3 We have Reverend Dr. Joe Parramore, who is
4 waiving against the bill.

5 We have Deborah Baker-Rian from Niceville,
6 Florida, who is waiving against the bill.

7 We have Jean Simbaneller (phonetic) from
8 Milton, Florida, who is waiving against the bill.

9 We have Matt Dailey from Tallahassee, who
10 is waiving against the bill.

11 We have Lisa Perry from St. Petersburg,
12 Florida, who is waiving against the bill.

13 Next, we're going to move to individuals
14 from Jacksonville, Florida, who are also waiving
15 against the bill.

16 We have Robert Buchanan (phonetic) waiving
17 against the bill.

18 We have Joy Burgess from Jacksonville,
19 Florida, waiving against the bill.

20 We have Jonathan Burgess from Jacksonville,
21 Florida waiving against the bill.

22 Okay. Next, we're going to continue with
23 Jacksonville individuals who are waiving against the
24 bill.

25 We have Gwendolyn Colman from Jacksonville

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1 waiving against the bill.

2 We have -- it looks like -- and I'm having
3 difficulty reading the handwriting, but it looks
4 like Haraska Lavashal (phonetic) from Jacksonville,
5 Florida, waiving against the bill.

6 Samille Davis (phonetic) from Jacksonville,
7 Florida, waiving against the bill.

8 Sheila Singleton from Jacksonville,
9 Florida, waiving against the bill.

10 Joanne Brooks from Jacksonville, Florida,
11 waiving against the bill.

12 Next, we have additional people from
13 Orlando who are waiving against the bill.

14 It looks like Rylan Wagner (phonetic) from
15 Orlando waiving against the bill.

16 Lore Cordova (phonetic) from Orlando
17 waiving against the bill.

18 John Kemper from Orlando waiving against
19 the bill.

20 Anastasia Jackson from Orlando waiving
21 against the bill.

22 Allison Clark from Maitland, Florida,
23 waiving against the bill.

24 Mecca Godwin (phonetic) from Orlando
25 waiving against the bill.

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1 Jasmine Fernandez from Orlando waiving
2 against the bill.

3 Anyone else?

4 Now, we're into our list of speakers.
5 We're going to begin with speakers from Orlando, who
6 have filled out the appearance card and are not
7 being compensated for their appearance. We're going
8 to get the non-compensated forms up first, and then
9 as time permits, move through those who have been
10 compensated for their testimony.

11 We're going to begin with Reverend Dr.
12 Martin M. Spoony (sic) from Orlando. Thank you,
13 sir. And you are recognized for two minutes, sir.

14 REVEREND DR. ROBERT M. SPOONY: Thank you.
15 Good morning -- good afternoon, and that's Reverend
16 Dr. Robert M. Spoony from Orlando, Florida.

17 CHAIRMAN RODRIGUES: Thank you.

18 REVEREND DR. ROBERT M. SPOONY: But I'll
19 take Martin.

20 To the committee Chair and his committee
21 members, again, my name is the Reverend Dr. Robert
22 M. Spoony. I'm pastor of Mt. Zion Missionary
23 Baptist Church in Orlando, Florida, which is in
24 Congressional District 10. I also live in
25 Congressional District 10. I'm not a politician,

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1 but I consider myself a public servant. Some people
2 also may consider me a subject matter expert on
3 servant leadership.

4 And I'm here today because the church is
5 called to be engaged. The church is called to lead.
6 The church is called to lend voice, moral authority,
7 resources in an effort to resist evil and -- and to
8 bring reorder to the common life of -- of those who
9 are most vulnerable, those who need to be protected.

10 We're servants to our congregations, and as
11 servant leaders, one of the things I do understand
12 is that servant leadership consists of ethicalness
13 and moral -- you're either -- you're ethical and
14 moral. Leadership can be taught, but ethics is tied
15 to your character.

16 And so what I'm here to talk about in only
17 these two short minutes is the fact that morally is
18 this the right thing to do to eliminate two
19 congressional districts, which will, in turn,
20 marginalize many, many people?

21 I've heard all the statistics spouted this
22 afternoon, and many of them, I -- I know for a fact
23 that they're just not necessarily true. I wonder
24 where -- what -- what you looked at for -- to
25 determine that the amount of African Americans and

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1 Latinos who live in the district because I live in
2 the 10th District, and I know that the numbers are
3 not the same as I just heard today.

4 And so my -- my point is, will you morally
5 be able to live with yourself if you really make
6 this decision to just push a whole group of people
7 out of the way and -- and allow them not to
8 participate in the American system?

9 This is your decision. You've already
10 vetted your process. You came up with your answers.
11 You came up with a map, and now it's been vetoed and
12 turned around. Will you stand up and do the right
13 thing? Or will you bow down and be bullied?

14 That's the question that I just -- that's
15 just resonating in my mind. We've elected you to do
16 the right thing, and I just ask that you do the
17 right thing. Remember, we are one. Our cause is
18 one, and if we're ever to be successful in this
19 world, we ought to help one another. Help other
20 people get a chance to vote. Thank you.

21 CHAIRMAN RODRIGUES: Thank you for your
22 comments.

23 Carla Jones, and on deck, we'll have
24 LaShonda Holloway.

25 Ms. Jones --

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1 CARLA JONES: Good afternoon.

2 CHAIRMAN RODRIGUES: -- you are recognized
3 for two minutes.

4 CARLA JONES: Thank you. My name is Carla
5 Jones. I am from Orlando, Florida, and I'm the
6 candidate running for Chief Financial Officer of the
7 State of Florida. I'm not an attorney, but I wake
8 up with one every morning.

9 And I'm here to, as you know, let you all
10 know that I am against the redistricting planned,
11 and I am -- because I know the representative from
12 the Governor's Office, he stood here, and he said
13 that race did not play a role in the redistricting
14 process. I'm here to tell you that I don't believe
15 it.

16 I think that it is the main factor that we
17 are looking at, and it's unfortunate. Because
18 minorities, they vote. They pay taxes. They own
19 property. They have rights, and a lot of that --
20 it's been looked over. And I'm highly disappointed
21 in the redistricting.

22 I'm the mother of six children, and they
23 are all of voting age. And a couple of them have
24 came -- have approached me about this redistricting,
25 and so I'm here today to stand up and say it's

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1 wrong. I think race plays a big, big factor in the
2 decisions that's being made. And unfortunately we
3 aren't -- we -- we're -- we're one, but we're not
4 living as one. United, we stand. Divided, we fall.

5 So I would like to ask everyone, everyone
6 standing within the -- within -- if you can hear me
7 today, please reconsider this bill, please. It is
8 racist in my opinion. I don't know how much that
9 means, but it is racist. And I need to take some
10 true answers back to my children. I don't want to --
11 -- I don't want them to be --

12 CHAIRMAN RODRIGUES: You need to --

13 CARLA JONES: -- lied to.

14 CHAIRMAN RODRIGUES: -- bring it in for a
15 close.

16 CARLA JONES: Okay. I don't want them to
17 be lied to. So please reconsider. Please
18 reconsider this bill. It is racist, and I thank you
19 for listening to me.

20 CHAIRMAN RODRIGUES: Thank you for your
21 comments today.

22 We have LaShonda Holloway. On deck, Dr.
23 Evie Welch (phonetic).

24 You are recognized for two minutes.

25 LASHONDA HOLLOWAY: Good afternoon. My

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1 name is LaShonda L.J. Holloway, and I am the
2 candidate to represent the people of the 5th
3 Congressional District. But, moreover, I am a
4 fourth generation Jacksonvillian and Floridian.

5 It is -- it is an abomination that we are
6 wasting taxpayer dollars regarding this
7 reapportionment and regarding redistricting when we
8 elect citizens -- I'm sorry -- we elect you, the
9 legislators, to come here and make laws and to draw
10 the lines.

11 However, notwithstanding your willingness
12 to stand up and -- stand up to the Governor, I am
13 here to say that this map denies equal access to the
14 political process, and it discriminates on the basis
15 of not only the African American race but black and
16 brown people and also language minorities in the
17 vein of Hispanics.

18 Furthermore, Mr. Kelly stated that he used
19 the Tier 2 standard. I believe -- not I believe --
20 the law states, one, that all persons -- all persons
21 in the State of Florida, the fair district laws, the
22 law that the citizens stated that they wanted fair
23 districts.

24 Look, 20 seats is not fair. Twenty
25 Republican seats versus eight Democratic seats is

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1 not fair. So not only does it violate the will of
2 the people, under the equal protection of the law,
3 the equal protection argument, in particular,
4 Section 2 of the Voting Rights Act of 1965, it
5 specifically prohibits voting practices or
6 procedures that discriminate on the basis of race,
7 color, or membership in one language minority group.

8 We must protect minority access districts
9 from retrogression. I'll repeat that. We must
10 protect minority access districts from
11 retrogression. The --

12 CHAIRMAN RODRIGUES: Please bring it in for
13 a landing.

14 LASHONDA HOLLOWAY: I'll bring it in for
15 the landing. Last, I will say that representation
16 of all citizens is indeed a compelling state
17 interest. Minority representation matters. We
18 deserve representation, and this outright attempt by
19 Governor DeSantis to dilute the voice of minorities,
20 it is an abomination. And all voices deserve to be
21 heard. Protect our democracy and -- and --

22 CHAIRMAN RODRIGUES: Thank you for your
23 comments.

24 LASHONDA HOLLOWAY: -- maintain the maps.
25 Thank you.

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1 CHAIRMAN RODRIGUES: Dr. Evie Welch. On
2 deck is Gail Frances Gardner.

3 Dr. Welch, you are recognized for two
4 minutes.

5 DR. EVIE WELCH: My name is Evie.

6 CHAIRMAN RODRIGUES: I'm sorry. Dr. Evie
7 Welch.

8 DR. EVIE WELCH: Adams Welch.

9 CHAIRMAN RODRIGUES: I apologize.

10 DR. EVIE WELCH: I vote in District 5. I
11 am the committeewoman for Voting District 713 in
12 Jacksonville, Florida. You're looking at one of the
13 warriors of the boots on the ground.

14 Before I give my disappointment, I must
15 commend Senator Rouson for giving me a ray of hope.
16 Before I came here, it appeared to me that you
17 weren't in keeping with any of the laws that really
18 looks at the minority people who are marginalized.
19 I couldn't believe my ears, and so I'm here today.
20 At least there is a glimmer of hope.

21 We must contain the ideas of the
22 Constitution, Amendment 14, Section 2. We must go
23 back and read what the people voted for in the
24 revision of the Constitution. They -- the people of
25 Florida, not the Governor himself, said that we must

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1 look at the federal statutes, and we must consider
2 what the Voting Rights Act of 1965 really made us to
3 look at making this a more perfect union.

4 And as a person who spent most of her life
5 professionally and academically working very hard to
6 make sure that Amendment 19 was always remembered,
7 do consider what you are doing to the State of
8 Florida. You are dividing us. We don't want to go
9 back, and we will not go back. Thank you for
10 listening to me.

11 CHAIRMAN RODRIGUES: Thank you for your
12 comments.

13 We have Gail Frances Gardner. David
14 Rucker, you're on deck.

15 GAIL FRANCES GARDNER: Good afternoon.

16 CHAIRMAN RODRIGUES: You have two minutes,
17 ma'am.

18 GAIL FRANCES GARDNER: In the '60s, my
19 ancestors, who live in the north where I was born
20 and grew up, would board a charter bus and head
21 south, where they are born and grew up. Well, now,
22 I too boarded a charter bus today for the same
23 reason my ancestors did. I too want to defend
24 theirs, mine, and generations to come voting rights.

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1 map not just to draw the lines but hold the line and
2 make this legislative body accountable and not allow
3 the persuasive executive decision by the Governor to
4 be a force to diminish the black vote, of which
5 those of you who benefited from the Fair Districts
6 Amendments of 5 and 6, that profit politicians from
7 drawing districts to favor themselves and their
8 parties and to ensure that minorities will have the
9 opportunity to elect representatives of their
10 choice. Let's not allow history to repeat itself.
11 Thank you.

12 CHAIRMAN RODRIGUES: Thank you for your
13 comments.

14 David Rucker. And on deck is Odwan
15 Whitfield (phonetic).

16 Mr. Rucker, you have two minutes. Thank
17 you.

18 DAVID RUCKER: Good afternoon, Chair and
19 members, representatives.

20 My name is David Rucker. I'm from Orlando,
21 Florida. I also lived in District 10. I am highly
22 disappointed on the way things are being done right
23 now. For 57, almost 58 years, we're still fighting
24 about minorities voting.

25 Currently, the Governor wanted to cut two

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1 seats when we already have four. I don't understand
2 that. All right. You're demising the vote for
3 minorities, and I want to say black folks first.
4 Then we can trickle down to the rest, the Latinos
5 and other people, but it's unfair the way that you
6 had a map going.

7 You decided not to use your map and use
8 what the Governor wants to do, all right. I think
9 it's a bigger disappointment for the people that you
10 represent and the people that you don't represent
11 but are voters. I am a super voter. I have been
12 voting here since 1965. I haven't missed but one
13 vote in my whole life doing this, all right.

14 So some things has to change, and some
15 things don't. But what you need to do is make a
16 conscious decision on what you're going to do about
17 drawing these maps. Let us have our own voice and
18 do what we need to do for us and not include us with
19 everyone else. But that would be fair to do, and I
20 don't know if you all know how to be fair sometimes.

21 So I think you need to look at this and
22 really make a concentration on getting -- keeping
23 the four that we have now instead of cutting it down
24 like the Governor want to do with two. Thank you.

25 CHAIRMAN RODRIGUES: Thank you for your

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1 comments.

2 We have Mr. Whitfield followed by Dr.
3 Carolynn Zonia.

4 Mr. Whitfield, you are recognized for two
5 minutes.

6 ODWAN WHITFIELD: Thank you. My name is
7 Odwan Whitfield. I am a taxpayer in District 5, in
8 Congressional District 5, and I'm here today because
9 this is a serious matter. I have this Senator here,
10 who has been looking at her laptop the whole time.
11 I have two Senators back there that have been
12 looking at their laptops. I've been watching them.

13 This is a serious matter. There's lives at
14 stake here. There are lives at stake here. The --
15 the representative from the Governor's Office said
16 that Tier 1 is only intent and that he didn't
17 converse or he didn't talk to anybody that -- that
18 helped him to decide these maps. Yet, he looked at
19 public testimony on video or he read the record. So
20 technically, he looked at everybody's opinion on
21 these maps before he drew them. How is that not --
22 disregard that. Disregard that.

23 Even if the -- the Governor's Office said
24 you know what. I think it's -- it's better for this
25 environment, for this government, for this -- for

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1 this state that 1 percent of everybody needs to be
2 killed. He came up here, gave those statistics to
3 you all in a nice manner. It is still left up to
4 you all to make that decision.

5 This is people's livelihoods. I am a
6 United States Army veteran, served in Iraq and
7 Kuwait. Some of you would say so did my son. So
8 did my daughter. So did my father. So did my
9 sister. None of them have to come back to this
10 United States and do what I am doing here today.
11 They don't have that. They have a luxury. They
12 have a benefit.

13 I'm standing here today fighting for my
14 livelihood after I fought in Desert Storm, after I
15 fought in Iraq, in -- in other countries, only to
16 come back here to fight for my right to vote, for my
17 right to representation.

18 Senators, do your jobs. This is not right,
19 and this is not fair. I don't care what statistics
20 say. You know it in your hearts. You know it. Do
21 the right things.

22 CHAIRMAN RODRIGUES: Thank you for your
23 comments and thank you for your service.

24 Dr. Zonia.

25 ODWAN WHITFIELD: Don't thank me for my

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1 service. Give me my representation.

2 CHAIRMAN RODRIGUES: And ZsaZsa Ingram-
3 Fitzpatrick, you're on deck.

4 DR. CAROLYNN ZONIA: Thank you, Mr.
5 Chairman. And, Senators, thank you for the
6 opportunity to speak.

7 I really can't say it any better than the
8 previous speaker, but I'm asking you to follow
9 Florida's Constitution and remind you of your
10 promise to support, protect, and defend the
11 Constitution of the United States and Florida.

12 I'm also here as a physician working on the
13 front lines to speak for families who are struggling
14 to keep up. Essential workers cannot find or afford
15 a place for their families to live. Homeowners can
16 no longer find or afford property insurance. Folks
17 are working hard but cannot afford the basic
18 necessities like utilities, and the looming prospect
19 of many losing healthcare in the next few months
20 adds to the pain that many are feeling.

21 By the Governor's own proclamation,
22 legislative business this week may be transacted if
23 introduced by consent of two-thirds of the
24 membership of both houses of Legislature.

25 So on behalf of Florida families, I'm

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1 asking you to please follow the Constitution on
2 redistricting and vote no on the Governor's map and
3 to use this special session to also address the real
4 emergencies that are crushing your constituents.
5 Thank you.

6 CHAIRMAN RODRIGUES: Thank you for your
7 comments.

8 We have ZsaZsa Ingram-Fitzpatrick with Dr.
9 Nancy Staats on deck.

10 Is Ms. Ingram-Fitzpatrick here?

11 Dr. Staats. And then we'll have Judy
12 Sheckland on deck.

13 DR. NANCY STAATS: Good afternoon,
14 everyone. My name is Dr. Nancy Staats.

15 CHAIRMAN RODRIGUES: Staats, thank you.

16 DR. NANCY STAATS: Thank you.

17 CHAIRMAN RODRIGUES: I apologize for --

18 DR. NANCY STAATS: No worries.

19 CHAIRMAN RODRIGUES: -- butchering that.
20 You are recognized for two minutes.

21 DR. NANCY STAATS: Okay. Thank you. I'm a
22 board certified medical doctor, but you don't need
23 an advanced degree to see what's happening here. We
24 know this is the blatant disenfranchisement of
25 African American communities and their

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1 representatives. It's unfortunate that some of you
2 can't even look at me.

3 Just two months ago, you all worked very
4 hard making maps that adhered to Florida statutes,
5 and then the Governor proposed his own maps, which
6 you rightfully said, no, Gov, this is too far. But
7 then he vetoed yours, came back with his, and now
8 suddenly, you folded like a cheap suit.

9 I'm wondering what happened in those two
10 months. Were there backroom talks maybe working out
11 the budget details? I don't know. Arm twisting?
12 I'm not sure. Your arms all look fine, but maybe we
13 need to think about what you are here for, which is
14 to, as people have said, represent your
15 constituents.

16 It's painfully clear to me, to everyone in
17 this room, and everyone outside this room that this
18 special session is a farce. There is not even
19 another map being considered, and you won't consider
20 amendments. And it also has been mentioned this
21 Harvard-educated Governor of ours must be well aware
22 that his maps violate both the Fair Districts
23 Amendment and the Voting Rights Act, but perhaps, he
24 wants the attention. Perhaps he wants to go to a
25 Supreme Court case. That may be exactly what he

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1 wants.

2 At any rate, you're making it easy for him,
3 but he must know that he's necessitating more
4 lawsuits, which more appeals after that, all of this
5 at the expense of all of Florida's citizens, like
6 these special sessions.

7 As we all learned in early grade history --
8 American history, our government was formed in
9 response to an authoritarian ruler, King George.
10 Remember that? Our Founding Fathers created a
11 system of three distinct, autonomous branches of
12 government, yet here we are today seeing complete
13 complicity to a new king.

14 As a physician, I pledged to uphold the
15 Hippocratic Oath. You too, all of you, took an oath
16 too to uphold --

17 CHAIRMAN RODRIGUES: Please --

18 DR. NANCY STAATS: -- your state's
19 constitution, which demands, mandates that you form
20 these maps, and you have not done so.

21 CHAIRMAN RODRIGUES: Please bring it in for
22 a landing.

23 DR. NANCY STAATS: Please, please remember
24 the oath you took, which you seem to have forgotten.
25 We will not forget. Thank you.

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1 CHAIRMAN RODRIGUES: Thank you for our
2 comments. Judy Sheklin. And Trish Brown will be on
3 deck.

4 JUDY SHEKLIN: My name is Judy Sheklin.
5 I'm from Jacksonville, Florida. I too am opposed to
6 the Governor's proposed maps. It is the
7 responsibility of the legislators, the Legislature,
8 to create congressional maps during redistricting
9 according to Article III of the Florida
10 Constitution.

11 The House and Senate did that, created
12 approved maps and that they were satisfied with, and
13 as we now know -- we've heard this all day -- were
14 then vetoed and redrawn by the Governor. This is
15 unprecedented in Legislatures all over the country.
16 This hasn't been done.

17 You, as legislators, quickly acquiesced to
18 the Governor, creating a dramatic imbalance of power
19 in our state government. This is very troubling.
20 The Governor's maps are a radical departure, and
21 they aren't in compliance with state and federal
22 law. These maps, as we've heard again here today,
23 reduce the likelihood of minorities to elect
24 congressional members of their choice, eliminating
25 two minority districts and violating the Voting

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1 Rights Act.

2 In 2010, Florida passed the Fair Districts
3 Amendment, and the citizens of this state
4 overwhelmingly spoke. They deserve and expect
5 fairness in redistricting decisions. The Governor's
6 plan creates 20 Republican-majority districts and 8
7 Democratic-majority districts. This blatantly
8 demonstrates partisan gerrymandering. Please stand
9 up for all Floridians and oppose these unfair maps.
10 Thank you.

11 CHAIRMAN RODRIGUES: Thank you for your
12 comments.

13 Trish Brown. And we have Rodney Long on
14 deck.

15 Trish Brown?

16 Rodney Long.

17 For the record, Trish Brown is against the
18 bill.

19 Mr. Long, you are recognized for two
20 minutes.

21 RODNEY LONG: Thank you, Mr. Chairman.

22 I'm Rodney Long. I don't live in
23 Congressional District 5 or 10. I'm from Alachua
24 County, Gainesville, Florida.

25 Because I am a concerned resident of this

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1 state, I drove here today to speak to you in
2 opposition to the proposed plan, SB 2-C Plan 019
3 (sic) for three reasons. First, because if you
4 approve this map, it will reduce the minority
5 representation in the State of Florida by 50
6 percent. Second is there's no doubt in my mind that
7 these maps, if you approve them, will lead to
8 retrogression, which violates the Voting Rights Act.

9 Thirdly, I'm a person who believes in
10 process. I've served in local government for 17
11 years. I was president of the Florida Association
12 of Counties, served two terms. I understand how
13 government works very well, but what I do not
14 understand is this. We have a process that we
15 follow, and we all are sworn to oaths. And we
16 follow those oaths.

17 What I do not understand as a person who
18 understands process is how do you acquiesce the
19 authority given to you as a legislative body to draw
20 district lines under reapportionment? I'm a person
21 who believes in process. I can accept the fact --
22 if you approved the maps and I don't like the maps
23 but you approved the maps, I could live with that.

24 What I cannot live with is that you're just
25 not going to approve any maps. That is a

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1 dereliction of your oath and your duties. Do the
2 right thing. I could live with whatever maps you
3 all approve, but what I cannot live with is you
4 abdicating your responsibility to do your job.

5 CHAIRMAN RODRIGUES: Thank you for --

6 RODNEY LONG: Do the right thing.

7 CHAIRMAN RODRIGUES: -- your comments.

8 Next, we have Matt Van Wormer with Whitney
9 Wogen (phonetic) on deck.

10 You are recognized for two minutes.

11 MATT VAN WORMER: Okay. Thank you.

12 I was just going to waive, but I'm going to
13 say a couple words because I'm on the other side of
14 this bet and will be the first to speak to that.

15 The map looks very square to me. It looks
16 very logical. Now, I don't -- I don't live in
17 Orlando. I moved in here recently, and so I don't
18 understand what some -- much of the politics are
19 here that have gone before. But I don't see weird
20 little lines going in here and there to try to
21 protect or do weird things. It seems very logical.
22 So I'm favor of what plan to -- Senate Plan 2-C 109.
23 So thank you.

24 CHAIRMAN RODRIGUES: Thank you for your
25 comments.

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1 We have Whitney Wogen with Bridget Smith
2 (phonetic) on deck.

3 Ms. Wogen, you have two minutes.

4 WHITNEY WOGEN: Thank you. My name is
5 Whitney Wogen. I just wanted to voice my support
6 for SB 2-C Plan 109. Thank you.

7 CHAIRMAN RODRIGUES: Thank you for your
8 comments.

9 Bridget Smith. And we have Carmen Soto on
10 deck.

11 BRIDGET SMITH: Bridget Smith, I'm from
12 Marion County, Florida. A lot of PhDs here, a lot
13 of physicians here. I'm a nurse. So I don't have a
14 redistricting degree. It is a science in all of
15 itself. I was here for the House and Senate debates
16 during session, and it is a lot. I commend you all
17 for even understanding all this. It's a lot.

18 But me, as a lay person to this,
19 redistricting to me is to equalize populations among
20 electoral districts after publication of the census,
21 but it seems today it's been all about race issues
22 and color.

23 From what I understand, the Fair District
24 Act, it's -- it was to state that a minority group
25 would not be prohibited from voting in their

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1 candidate. But looking at the maps currently with
2 the contiguousness of them, which is what we're
3 supposed to do, and not make it about race,
4 according to everything we've talked about today, it
5 has become about race. And it's very confusing to
6 all of us.

7 I support this bill. The 2017 Supreme
8 Court decision, this is different. The Supreme
9 Court decision, a North Carolina case brought up the
10 fact that the gerrymandering had too many blacks in
11 that district. So they threw that map out because
12 it was gerrymandered. Now, based on that decision,
13 District 5 is considered gerrymandered, the previous
14 District 5. So that's my interpretation of it. I
15 do support the bill. Thank you very much.

16 CHAIRMAN RODRIGUES: Thank you or your
17 comments.

18 We have Carmen Soto, and Robert Schmidt
19 (phonetic) is on deck.

20 CARMEN SOTO: Hi. My name is Carmen Soto,
21 and I'm waiving in favor of the bill.

22 CHAIRMAN RODRIGUES: Thank you for your
23 comment.

24 CARMEN SOTO: Thank you.

25 CHAIRMAN RODRIGUES: Robert Schmidt. And

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1 then we've got John Berry (phonetic) on deck.

2 ROBERT SCHMIDT: Good afternoon. I'm
3 speaking in support of SB 2-C Plan 109, 0109. While
4 this plan was drawn for common sense districting,
5 today's discussions have devolved into political
6 accusations.

7 Not one voice has been silenced today by
8 this map. Everyone still has a voice. I am happy
9 this Governor has shown backbone. We hear people
10 discuss the unprecedented nature of this map. I
11 might remind those that look to other states such as
12 New York to see what real gerrymandering looks like
13 for political gains.

14 This map represents common sense and allows
15 for the seismic shifts that are happening in Florida
16 today. Thank you.

17 CHAIRMAN RODRIGUES: Thank you for your
18 comments.

19 John Berry.

20 I don't see John. Lauren -- John is in
21 support of the map.

22 Lauren Dickenson (phonetic).

23 LAUREN DICKENSON: I waive in support of
24 the map.

25 CHAIRMAN RODRIGUES: Waives in support,

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1 thank you.

2 Okay. That concludes testimony from the
3 non-compensated.

4 We're going to move to the compensated.
5 We've got about 40 minutes, and I believe the
6 members are going to want to debate. So we're going
7 to do one minute testimony.

8 We'll start with Marsha Davis, and on deck
9 will be Cristian Cardona.

10 Marsha Davis? Thank you, ma'am.

11 MARSHA DAVIS: I waive against Governor
12 DeSantis' legislative map. Floridians, and I was
13 one of them, voted the Fair District Act Amendment
14 into the state Constitution to protect minority
15 voters and to prevent legislators from doing what it
16 appears has been done, making sure that you protect
17 your party. It's not right.

18 Minority growth alone, by the last census,
19 indicates that there should probably be more
20 minority representation in the Legislature, but the
21 Governor plans to cut our representation in half.
22 That's not right. The plan is unfair, and I believe
23 that it is unconstitutional. Thank you.

24 CHAIRMAN RODRIGUES: Thank you for your
25 comments.

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1 Cristian Cardona. And we have Stacy
2 Williams (phonetic) on deck.

3 CRISTIAN CARDONA: Thank you. My name is
4 Cristian Cardona. I am worker and leader with the
5 Fight for \$15 and the union from Orlando, Florida.
6 Different movements are gathered here today because
7 Florida's Republican leadership is trying to silence
8 black and brown communities by passing voter
9 suppression laws.

10 By eliminating protections that Fair
11 Districts Amendment provides, this map is a direct
12 attack on black representation and our democracy,
13 and that ain't right. By proposing a congressional
14 map that reduces Florida's black and brown
15 representation by 50 percent, the Governor is trying
16 to advance his political career at the expense of
17 black and brown voters.

18 Let me tell you about my experience as a
19 voter and why this issue is important to me. I
20 moved to Orlando, Florida, with my family in 2009.
21 I gained citizenship just in time to vote for
22 Amendment 2. Amendment 2 brought us one step closer
23 to a living wage, which is something I have been
24 organizing and speaking up about for years.

25 This amendment has a direct impact on the

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1 community around me, my family, my friends, and my
2 neighbors. It felt powerful to organize and
3 campaign to raise the standard of living for
4 millions of Floridians. The day I got to vote yes
5 on Amendment 2 --

6 CHAIRMAN RODRIGUES: Please bring it in for
7 a close.

8 CRISTIAN CARDONA: All right. This --
9 after months of campaigning and yelling it out to
10 the world, I finally had the chance to cast my vote
11 with my community. This is why it's important that
12 workers have a strong voice and a vote.

13 I want to thank everyone for showing up and
14 taking time out of their day because I know workers
15 have never been --

16 CHAIRMAN RODRIGUES: Thank you for your
17 comments.

18 CRISTIAN CARDONA: -- given rights.

19 CHAIRMAN RODRIGUES: I appreciate it.

20 Stacy Williams. And Larry Coleton
21 (phonetic) on deck.

22 LARRY COLETON: Good afternoon --

23 CHAIRMAN RODRIGUES: Thank you.

24 LARRY COLETON: -- Mr. Chairman.

25 CHAIRMAN RODRIGUES: You are recognized for

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1 a minute.

2 LARRY COLETON: Ms. Williams is not here.

3 I'm Larry Coleton.

4 CHAIRMAN RODRIGUES: Okay.

5 LARRY COLETON: The writer James Baldwin
6 said, not everything that is faced can be changed,
7 but nothing can be changed until it is faced. The
8 columnist Leonard Pitts wrote that one party in
9 America is steering the ship of this state towards
10 jagged rocks, and that's where we find ourselves.

11 I like what the former and late President
12 John Kennedy asked. He wrote a book called Profiles
13 in Courage. In these next few days, we're going to
14 see one of two things, either profiles in courage or
15 profiles in cowardice.

16 We have a bully as a Governor, and
17 unfortunately, we have members of this body,
18 Mr. Chairman, that have essentially capitulated your
19 constitutionally required responsibilities.

20 CHAIRMAN RODRIGUES: Please bring it in for
21 a close.

22 LARRY COLETON: It's up to you. It's
23 either going to be courage or cowardice, and
24 unfortunately, the fear is it will be cowardice.

25 CHAIRMAN RODRIGUES: Thank you for your

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1 comments.

2 We have Hedder Pierre-Joseph with Gail
3 Presley on deck.

4 HEDDER PIERRE-JOSEPH: Good afternoon to
5 the committee and committee members. My name is
6 Hedder Pierre-Joseph. I am a member of
7 Congressional District 10 for the last 19 years.

8 Redistricting is the process by which new
9 congressional and state legislative districts are
10 drawn. Federal law stipulates that districts must
11 have nearly equal protection, equal population, and
12 must not discriminate on the basis of race or
13 ethnicity.

14 The current redistricting map, which
15 eliminates Congressional House representation for
16 black people is based on fear, fear that black
17 people are voting. As black people who are
18 descendants of the enslaved Africans, we know our
19 history, and we know -- and we have seen this devil
20 before.

21 I implore you not to continue down the path
22 of your ancestors and deny black people their
23 constitutional right of representation. I remind
24 all of you to remember the Boston Tea Party of 1773.
25 Finally, I ask you to look around or to remember the

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1 presence of the people that were in this room, and
2 for me, I see the promise of the enslaved African.
3 We are on the side of justice, and with the God of
4 Abraham, Isaac, and Jacob and our ancestors --

5 CHAIRMAN RODRIGUES: Bring it in for a
6 landing please.

7 HEDDER PIERRE-JOSEPH: -- we shall always
8 overcome. Remember this, we win with God and time.
9 Thank you for your consideration.

10 CHAIRMAN RODRIGUES: Thank you for your
11 comments.

12 Gail Presley with Cheryl Jones on deck.
13 Ms. Presley, you are recognized for a
14 minute.

15 GAIL PRESLEY: Thank you. Good afternoon
16 to each and every one of you, Chairman, and also to
17 Mr. Randolph Bracy. Thank you so very much. It is
18 indeed my pleasure to be here today but in an awe of
19 disbelief.

20 I am very heartbroken as a resident of
21 Congressional District 10, long life resident. I
22 come from a family that marched those march in 1960.
23 I come from a family who knows about how it feels
24 when it comes to voter's right and standing up for
25 the injustice that are done to the people who are

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1 black and brown. I come from a family who was very
2 proud to know that it is your -- your vote and your
3 voice that matters.

4 And today I come to you very disappointed.
5 I oppose C-0109 (sic) because I feel that it is a
6 disparity on the black and brown people, and I come
7 from a congressional district where I want to see --

8 CHAIRMAN RODRIGUES: Please bring it --

9 GAIL PRESLEY: -- someone --

10 CHAIRMAN RODRIGUES: -- in for a close.

11 GAIL PRESLEY: -- who looks like me and
12 represent and know how we feel. So with that being
13 said, it is your right. You took the oath. You
14 said that you would serve us, and we're looking here
15 now and listening to statistics. And I don't
16 understand where those statistics are coming from
17 because I am a proud resident of Orange County,
18 Florida.

19 CHAIRMAN RODRIGUES: Thank you for your
20 comments.

21 GAIL PRESLEY: And I thank you for this
22 time, Chairman, and you all have a wonderful day.

23 CHAIRMAN RODRIGUES: Thank you.

24 Cheryl Jones with Pastor Marcus McCoy on
25 deck.

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1 I do not see Cheryl. She is against the
2 bill.

3 We have Pastor McCoy on the way. After
4 Pastor McCoy, we'll have Barney Roberts on deck.

5 You are recognized for a minute.

6 PASTOR MARCUS MCCOY: Thank you. Blessings
7 to all with special recognition to my own Senator,
8 Senator Bracy. My name is Marcus McCoy, Junior. I
9 serve as the senior pastor of the Historic Greater
10 Refuge Memorial Church, which sits in Congressional
11 District 10, exiting now over 150 years.

12 I stand on behalf of my community to
13 strongly urge this committee to vote no on the
14 proposed map C-0109 by Governor -- by our Governor
15 that removes black representation in Congress.

16 Currently, Florida has four black access
17 seats of twenty-seven. If the map were to be
18 approved, that number would reduce to 50 and would
19 leave Florida with less than 10 percent of the
20 congressional districts represented by members in
21 black access seats. It is disheartening to see that
22 with already such low representation, this Governor
23 wants to dilute representation even more.

24 And while I and those that I represent do
25 not fully agree with the decision made to offer a

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1 two-map solution during this year's legislative
2 session, at least it was the decision of this
3 Legislature. The map being --

4 CHAIRMAN RODRIGUES: Please bring it in for
5 a close.

6 PASTOR MARCUS MCCOY: -- considered today
7 is not your own. I stand here urging you to reject
8 political games and partisanship in drawing
9 Florida's new congressional districts. Thank you.

10 CHAIRMAN RODRIGUES: Thank you for your
11 comments.

12 Barney Roberts. And on deck will be
13 Rosemary McCoy.

14 Mr. Roberts, you are recognized for a
15 minute.

16 BARNEY ROBERTS: Hi. I'm Barney Roberts.
17 I -- I stand opposing the Governor's bill. I think
18 that it is another disheartening thing to consider
19 in Florida.

20 In -- in 2010, the Florida voters added
21 amendments to the state Constitution in the Article
22 III, Sections 20 and 21. These amendments
23 prohibited line drawing that intentionally favors or
24 disfavors a political party or an incumbent. The
25 amendment also afforded protection to racial and

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1 language minorities.

2 Districts may not draw -- districts may not
3 be drawn with the intent or resulting in denying or
4 abridging the equal opportunity of racial or
5 language minorities to participate in the political
6 process or to diminish their ability to elect
7 representatives of their choice.

8 Finally, unless it would conflict with the
9 standards described above, amendments require that
10 district populations be as neatly equal as
11 practicable and that districts be compact, where
12 feasible, follow existing political, geographical
13 boundaries.

14 Ladies and gentlemen --

15 CHAIRMAN RODRIGUES: Please bring it in for
16 a close.

17 BARNEY ROBERTS: -- I would beg and ask if
18 you'll consider that the things we do today, our
19 children are going to have to live with it. And for
20 me, as a veteran and a man in the U.S., I love it
21 when kids see us, and they're proud about what we
22 do. We should make our kids proud, and we should
23 bring them together, not divide them on all facets.
24 Thank you.

25 CHAIRMAN RODRIGUES: Thank you for your

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1 comments and thank you for your service.

2 Rosemary McCoy. And on deck is Troy
3 Squire.

4 ROSEMARY MCCOY: Thank you so much --

5 CHAIRMAN RODRIGUES: You are recognized for
6 a minute.

7 ROSEMARY MCCOY: -- Chair and thank you so
8 much for, Senator Audrey Gibson, for allowing us to
9 be here, and I respect all of you. But I want to
10 prick your hearts. This is not about just signing
11 off because of your party. This is about real-life
12 situations.

13 There's a war going on, Ukrainians and
14 Russians. We do not want that here in the United
15 States, nor do we want it in the state of Florida.
16 But if we keep on -- and it starts from you, all
17 right. Everything trickles down. From your
18 leadership, it comes down. And if we have a war
19 here among you all against your people, we have
20 Ukranian (sic) and Russia. I don't want that.

21 So I'm asking you to check your own hearts
22 out. I'm asking you to just look at it. If it's
23 fair, then go with it. But if you check your hearts
24 out and you find out that it isn't fair, then I'm
25 asking you to vote no.

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1 See this? It's blue. But you know what
2 they have? Pink. Act like this is pink. And if
3 you fail to vote correctly, you need a pink slip.
4 Do your job. That's all we asking you to do. You
5 want me to do my job. So I can pay taxes.

6 CHAIRMAN RODRIGUES: Please bring it in for
7 a close.

8 ROSEMARY MCCOY: Guess what? The people
9 want you to do your job. That's all we ask. I
10 think that's fair. Do you think it's fair? I do.
11 Do your job.

12 CHAIRMAN RODRIGUES: thank you for your
13 comments.

14 Troy Squire. And we'll have Tameka Hobbs
15 on deck.

16 I don't see Mr. Squire. He is against the
17 map.

18 Tameka Hobbs.

19 I don't see Tameka. She is against the
20 map.

21 Ebony Hardy-Allen, also against the map.

22 Hazel Gillis. And on deck will be Myrtle
23 Lucas (phonetic).

24 Thank you, Ms. Gillis. You have a minute.

25 HAZEL GILLIS: Thank you. Good afternoon.

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1 My name is Hazel Gillis. I am a member of the James
2 Weldon Johnson Branch of the ASALH, Association for
3 the Study of African American Life and History, and
4 I live in Congressional District 5 in Jacksonville,
5 Florida.

6 Governor Ron DeSantis' rejection of the
7 Florida Legislature's drawn political map is a
8 direct attack on black representation and our
9 democracy. By proposing a congressional map that
10 reduces Florida's black representation in Congress
11 by 50 percent, the Governor is attempting to silence
12 the voices of hundreds of thousands of black voters.
13 We oppose any map that has been drawn by Governor
14 Ron DeSantis.

15 In 2010, Florida passed the Fair Districts
16 Amendments 5 and 6 that prohibits politicians from
17 drawing districts to favor themselves and their
18 parties and to ensure minority voters have equal
19 opportunity to participate in the political process
20 and have a fair opportunity to elect representatives
21 of their choice, their party. We must end this
22 manipulation at all costs to protect our democracy
23 and black vote. Thank you so much. Thank you, Your
24 Honor.

25 CHAIRMAN RODRIGUES: Thank you for your

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1 comments.

2 Hazel Gillis. Oh, that was you. Thank
3 you.

4 Myrtle Lucas. And then on deck is Ingrid
5 Montgomery.

6 MYRTLE LUCAS: Good evening. My name is
7 Myrtle Lucas. I'm -- I am a member of the James
8 Weldon Johnson Branch of the ASALH, the Association
9 for the Study of African American Life and History.

10 I oppose any map that has been drawn by
11 Governor Ron DeSantis, and let's see. We vote to --
12 let me see. I'm sorry. We vote for -- to draw maps
13 from fair districts, and we want them to do their
14 job and not for Governor Ron DeSantis to be a
15 dictator and a bully. That's it.

16 CHAIRMAN RODRIGUES: Thank you for your
17 comments.

18 Ingrid Montgomery with Walter Smith, Junior
19 on board.

20 Ms. Montgomery, you are recognized for a
21 minute.

22 INGRID MONTGOMERY: Good afternoon. My
23 name is Ingrid Montgomery, and I live in Duval
24 County. I'm here today to voice my condemnation of
25 this redistricting plan for Northern Florida. This

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1 plan splits black communities across three different
2 congressional districts, which personally impacts me
3 because it results in the loss of my congressional
4 district, CD 5, which has been the "black
5 opportunity district" linking Jacksonville and
6 Tallahassee.

7 SB 2-C, also C-0109, is intentionally and
8 unconstitutionally designed to make it ever more
9 challenging for us black voters to elect black
10 Democratic members of Congress. You elected took
11 the oath to stand up for equal ground. "If we merge
12 mercy with might and might with right, then love
13 becomes our legacy and change our children's
14 birthright." Amanda Gorman, The Hill We Climb. Do
15 the right thing. Thank you.

16 CHAIRMAN RODRIGUES: Thank you for your
17 comments.

18 Walter Smith, Junior. And on deck is Lee
19 Harris.

20 Are you Mr. Smith?

21 WALTER SMITH, JR.: Yes. Good --

22 CHAIRMAN RODRIGUES: You are --

23 WALTER SMITH, JR.: -- afternoon.

24 CHAIRMAN RODRIGUES: -- you are recognized
25 for a minute. Thank you.

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1 WALTER SMITH, JR.: Good afternoon again.

2 I am Commander Sergeant Major Walter Smith, Junior,
3 retired U.S. Army, 30 years of military service for
4 this country. I oppose this proposal by the
5 Governor. This proposal reminds me of what took
6 place after Reconstruction. Thank you.

7 CHAIRMAN RODRIGUES: Thank you for your
8 comments.

9 I've been told that Lee Harris is not here.
10 We'll have the record show that he is against the
11 bill.

12 Next up, Jonathan Webber with Florida
13 Conservation Voters.

14 Mr. Webber, you are recognized for a
15 minute.

16 JONATHAN WEBBER: Thank you so much. My
17 name is Jonathan Webber. I'm the deputy director of
18 Florida Conservation Voters, and just for the
19 record, I am a resident of CD 5, Al Lawson's
20 district, here in Tallahassee, just south of
21 Apalachee.

22 We at Florida Conservation Voters, we
23 strongly believe that the health of our environment
24 is directly tied to the health of our republic. And
25 just as we monitor our water for pollution, we

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1 monitor our government for signs of sickness. Fair
2 representation is one of the best metrics we have to
3 measure the health of our government. The census
4 and ensuing redistricting process is the test.

5 Today, we are asking ourselves questions
6 like was this map drawn with complete transparency?
7 Does it respect the rules set forth in the Voting
8 Rights Act and in the State and Federal
9 Constitutions? Were the people of Florida given
10 ample opportunity to participate and comment on this
11 map? And most importantly, considering the profound
12 legacy of state-sponsored oppression in Florida,
13 does it protect or diminish the right of black
14 Floridians to elect leaders of their choice?

15 You all know the answers to these
16 questions, and while fair representation is vital,
17 fear of doing the right thing is the ultimate
18 terminal sickness in democracy. Our republic is
19 only as strong as the right of minority groups to
20 participate. I love this country not so much for
21 its history but for its promise.

22 CHAIRMAN RODRIGUES: Please bring it in for
23 a close.

24 JONATHAN WEBBER: That promise must be
25 guaranteed to everyone, not just the powerful, the

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1 monied, or the ruling class. We stand in solidarity
2 with our friends and allies across the state in
3 opposition to these maps. Thank you and thank you
4 to everyone who showed up today.

5 CHAIRMAN RODRIGUES: Thank you for your
6 comments.

7 Cecile Scoon with the League of Women
8 Voters of Florida.

9 CECILE SCOON: Good afternoon. My name is
10 Cecile Scoon with the League of Women Voters, and
11 I've been here a few times. I am very disappointed,
12 as many people are, that we are in this position.
13 When this whole thing started, there was many
14 promises made to adhere to all of the laws, and it
15 was interesting that Mr. Kelly did not mention that
16 the Tier 1, which is the citizens initiative of the
17 Fair Districts, not only has an intent provision, it
18 has an impact provision.

19 So it doesn't matter if he came here and
20 drew the maps, and he did not intend anything.
21 That's irrelevant to the other half, which says, if
22 you have this impact that harms the ability to
23 select the representative of your choosing if you
24 are a racial or language minority, that's a problem
25 under our law. And so what they have done is

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1 completely violated Tier 1 of our Constitution,
2 which was found lawful and correct by our Florida
3 Supreme Court.

4 So that is the status of the law as we
5 stand, and anything that comes now that rebukes that
6 or does anything like that is looking for a new
7 court to make a different decision. But the law
8 right now says --

9 CHAIRMAN RODRIGUES: Please bring it in --

10 CECILE SCOON: -- that is illegal.

11 CHAIRMAN RODRIGUES: -- for a close.

12 CECILE SCOON: And we would ask you to
13 adhere to the law as we all know it, Fair Districts
14 and the Voting Rights Act. Thank you.

15 CHAIRMAN RODRIGUES: Thank you for your --

16 SENATOR GIBSON: Chair --

17 CHAIRMAN RODRIGUES: -- comments.

18 SENATOR GIBSON: May I ask a question?

19 CHAIRMAN RODRIGUES: We still have another
20 --

21 SENATOR GIBSON: Quickly.

22 CHAIRMAN RODRIGUES: -- speaker. And we --

23 SENATOR GIBSON: It's just --

24 CHAIRMAN RODRIGUES: -- are doing a hard
25 stop at 4:30.

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1 SENATOR GIBSON: It's a 30-second answer.

2 CHAIRMAN RODRIGUES: I'm not going to
3 recognize it at this time.

4 Matthew Isabel (phonetic).

5 SENATOR GIBSON: Well, may I ask you a
6 question, Mr. Chair?

7 CHAIRMAN RODRIGUES: What's that?

8 SENATOR GIBSON: May I ask the question of
9 you? Maybe our staff may know the answer.

10 CHAIRMAN RODRIGUES: Yes.

11 SENATOR GIBSON: Thank you. I'm just
12 wondering if we know how many hundreds of thousands
13 of votes across this state did the Fair Districts
14 Amendment pass by.

15 CHAIRMAN RODRIGUES: I don't know. We'll
16 have staff look into that and get back to you.

17 SENATOR GIBSON: Thank you, Mr. Chair.

18 CHAIRMAN RODRIGUES: Mr. Isabel, you are
19 recognized for a minute.

20 MATTHEW ISABEL: Members of this
21 committee, for months, a vast majority of you
22 pledged your support to preserving districts that
23 gave African Americans the ability to elect a
24 candidate of their choice. You defended seats that
25 were in some form or fashion drawn three decades ago

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1 to correct centuries of injustice. The laws and
2 cases from the late 20th century saw an explosion of
3 minority representation. Since the passage of the
4 1982 Voting Rights Act, the number of African
5 American Congresspeople has gone from 18 to 60.
6 Florida is part of this very tradition.

7 Redistricting in Florida began with such
8 promise. Draft maps from both chambers had anywhere
9 from three to four seats designed to give African
10 Americans a chance to elect a candidate of their
11 choice. Efforts for alt-right Twitter activists to
12 dismantle districts like CD 5 and 10 were ignored by
13 you lawmakers for the longest time, but now with the
14 Governor's intervention, you have backtracked on all
15 of these principles in the name of party unity.

16 And for what reason? To appease a Governor
17 who sees his path to the Presidency by acting like a
18 modern-day George Wallace. We see the private
19 grumblings that many of you have fed to the press,
20 expressing your off-the-record concern. Most of you
21 openly admitted in private to being afraid of the
22 Governor. He's threatened primaries to you, to your
23 colleagues, and he's threatened to black -- to veto
24 --

25 CHAIRMAN RODRIGUES: Please bring it in for

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1 a close.

2 MATTHEW ISABEL: -- budget items. He's --
3 I'm closing. Why don't you just come out and say
4 he's blackmailing you? Instead of coming up with
5 fake legal justifications, why don't you at least
6 admit that you're afraid of him, and you want him to
7 like you? Why don't you just admit that you're
8 cowards.

9 CHAIRMAN RODRIGUES: Thank you for your
10 comments.

11 SENATOR STARGEL: Mr. Chair?

12 CHAIRMAN RODRIGUES: That concludes public
13 testimony.

14 Is there debate?

15 SENATOR STARGEL: Mr. Chair?

16 CHAIRMAN RODRIGUES: Senator Stargel, you
17 are recognized.

18 SENATOR STARGEL: Mr. Chair, I move that we
19 -- this committee vote in SB 2-C on or before 4:27.

20 CHAIRMAN RODRIGUES: That motion is made.
21 Show it adopted without objection.

22 We're now in debate.

23 Senator Gibson.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 First, I want to start with the whole idea

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1 that the state of Florida's Constitution doesn't
2 cover Tier 1, and it absolutely does, which is why I
3 was trying to determine approximately the hundreds
4 of thousands of votes that -- from our constituents
5 that supported the Fair Districts Amendment to the
6 -- to our state Constitution, which is also a part
7 of our first packet that we got on the Florida
8 Redistricting packet, which I, of course, thank the
9 staff again for. I have papers all over the place.

10 And so -- in that, in the Fair Districts
11 Amendment to the Constitution -- and I wrote a note
12 that I don't believe that the Constitutional
13 Revision Commission in 2018 made any changes or
14 changed at all the Fair Districts Amendment, which
15 speaks to the fact that districts may not be drawn
16 with the intent or result of denying or abridging
17 the equal opportunity of racial or language
18 minorities to participate in the political process
19 or diminish their ability to elect representatives
20 of their choice.

21 And there are other parts of this, but I
22 want to hasten so that others get to debate. And I
23 don't lose some other important points that I wanted
24 to make. One of those is if you've never been
25 denied anything, then you have no context as to why

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1 representation is important. And so -- and why it
2 is important that the representative understands the
3 community that they're representing in totality.

4 And so what's on the line? First of all,
5 CD 5 came about as a large representing minority
6 population because of a lawsuit years ago, and that
7 is why that congressional district existed as a
8 minority access district in Jacksonville. The suit
9 was filed by our previous member of Congress -- I
10 don't know. It was 19--whatever it was -- '70, '60s,
11 in order for there to be representation to include
12 representation of people of color.

13 And so in a conversation I had the other
14 day, when, you know, when people try to figure out,
15 oh, it's about race. Well, it's more than about
16 race. It's also about need. And so in order for
17 those folks with health -- more health disparities
18 than -- or health disparities -- I don't know how
19 you can have any more -- neighborhoods that have
20 been crumbling historically, infrastructure needs,
21 cleaning of Brownsville and communities of color
22 that weren't anywhere else, who represents those
23 communities matter?

24 Yes. There's growth in -- in upward
25 mobility as well, but there are still healthcare

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1 disparities. There's still holes in things that
2 need to happen. And so when a member doesn't
3 understand in totality that population, the funding
4 requests that have been put forward over the years
5 disappear. The blend of everyone takes the focus
6 off of some of those who are the neediest of
7 particularly healthcare and improvement in their
8 neighborhoods, education, those kinds of things.

9 While it's getting better, it's been behind
10 for so many years that catching up becomes difficult
11 without a representative that doesn't understand
12 exactly all of the people they are representing.
13 And I think every individual in any district is just
14 as important as the -- as the neighbor next door or
15 across the street. Everyone is, and that's the way
16 I've always done my job. But unfortunately the maps
17 in front of us, CD 5 is one of them, where there's
18 such a split unnecessarily, cut the community right
19 down the middle, the community of color.

20 And so without having to do that and making
21 sure that all resources are delivered to all parts
22 of the community, it would be great if we all lived
23 in health disparity districts, and then we'd all get
24 the same attention. But we don't. It would be
25 great if we all lived in low income communities, but

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1 we don't. And so those who do need representation
2 to speak to that issue.

3 And so I just think that the purpose of the
4 maps was to make two Republican forming -- it has
5 nothing to do with race -- there are black
6 Republicans, Hispanic Republicans -- but has
7 everything to do with party as well. So there's a
8 double whammy in Duval. We have a separation of
9 culture, and then we also have two seats that no --
10 that will perform for Republican members of
11 Congress.

12 And I don't -- I don't know if -- I don't
13 know if we can even sit here and -- and call that
14 the right thing to do. And also in CD 10 as well.
15 So what seems to be -- what -- what wants to be put
16 forward to us as innocence is -- is not there, and I
17 hope that people will remember that this is not for
18 tomorrow or next week. It's not -- it doesn't
19 change for 10 more years.

20 And I refuse to believe that the people of
21 color population in Duval shrunk in the past census,
22 or if it didn't shrink, people are now living all on
23 top of each other. That is definitely not the case.
24 And so I -- I'm done, Mr. Chair. Thank you.

25 CHAIRMAN RODRIGUES: Senator Bracy.

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1 SENATOR BRACY: Thank you, Mr. Chairman.
2 You know, this clearly violates Fair
3 Districts. It clearly violates the federal law, the
4 federal Voting Rights Act, and I don't even think
5 it's worth debating. I mean, I think that's clear,
6 and the fact that Alex Kelly would get in front of
7 us and say he had no idea that he was taking a swath
8 of black folks and putting -- putting them in the
9 same district with -- with the villages and not --
10 and saying he didn't know that it would affect their
11 ability to elect the candidate of their choice is a
12 joke. It's a joke, and it's insulting. So I'm not
13 going to even go there.

14 What I will say to you, members, is that
15 what the Governor is doing in bullying you all, in
16 dictating what you're going to do, you are
17 essentially losing the power and the independence of
18 the Senate. And you are making the Governor the de
19 facto President from now on, because with a bully,
20 once you give in, it doesn't stop. He's going to
21 continue this, and you will not be able to defy him
22 again.

23 He's threatened to -- he's threatened to
24 primary you all. He's threatened to primary
25 endorsed candidates from the President, and he's not

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1 going to stop. And you laying down, you are setting
2 the stage for this to happen over and over again.
3 And if that's what you want, you want him to be the
4 House Speaker, the Senate President, and the
5 Governor, so be it.

6 But I just want to lay out what we're
7 actually doing today, and I love you all. I've
8 served with you. You all are friends, and so I'm
9 speaking to you genuinely. And this is how I feel,
10 and if this is what we're going to do, so be it.
11 But I at least want to be on record to say I don't
12 think it's right.

13 And I don't think this is in tradition of
14 what the Senate stands for. We have been an
15 independent body, and we made a decision before.
16 And now we are caving. We are folding, and I think
17 we're better than that.

18 CHAIRMAN RODRIGUES: Senator Stewart for
19 two minutes.

20 SENATOR STEWART: Thank you, Chair.

21 Frankly, I never thought we'd be here
22 today. I know that when we had months and months of
23 meetings and we came up with a map that was
24 extremely fair and we gave that map to the Governor,
25 we didn't expect to have any consequences. But

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1 today we see that I was really, really wrong, and
2 that we sit here today.

3 This map that was produced -- and we were
4 able to see it a few days ago, and, you know, I
5 didn't like it. I don't like being here because I
6 think we did a really good job when we had the
7 opportunity to do it. But this map has no
8 connection to Tier 1, and everything stated by the
9 Governor's map drawer and perhaps some of the
10 attorneys that helped him, all the paperwork is on
11 Tier 2. Well, Tier 2 is not nearly as important as
12 Tier 1.

13 And so when you've got them totally
14 ignoring Tier 1, for whatever their reasons were
15 stated, I think we might as well just leave here and
16 go straight out that door and get our attorneys
17 because we're going to be going to court anyway.

18 So I just think this is the wrong approach
19 to what we have signed on to do, and we did a really
20 good job. And I want to thank everybody here, how
21 hard they worked, and I -- I don't -- I'm just not
22 in favor of overturning the nearly perfect map that
23 we put together. Thank you.

24 CHAIRMAN RODRIGUES: It's now 4:27, time
25 certain.

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1 Dana, please call the roll on Senate Bill
2 2-C.
3 THE CLERK: Senator Bean.
4 SENATOR BEAN: Yes.
5 THE CLERK: Senator Bracy.
6 SENATOR BRACY: No.
7 THE CLERK: Senator Bradley.
8 Senator Brodeur.
9 SENATOR BRODEUR: Yes.
10 THE CLERK: Senator Burgess.
11 SENATOR BURGESS: Yes.
12 THE CLERK: Senator Gibson.
13 SENATOR GIBSON: No.
14 THE CLERK: Senator Harrell.
15 SENATOR HARRELL: Yes.
16 THE CLERK: Senator Rodriguez.
17 SENATOR RODRIGUEZ: Yes.
18 THE CLERK: Senator Rouson.
19 SENATOR ROUSON: No.
20 THE CLERK: Senator Stargel.
21 SENATOR STARGEL: Yes.
22 THE CLERK: Senator Stewart.
23 SENATOR STEWART: No.
24 THE CLERK: Vice Chair Broxson.
25 VICE CHAIR BROXSON: Yes.

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1 THE CLERK: Chair Rodrigues.

2 CHAIRMAN RODRIGUES: Yes.

3 By your vote, Senate Bill 2-C is reported
4 favorably.

5 Is there any other business before the
6 committee?

7 Seeing none, Senator Rouson moves we
8 adjourn.

9 Show the motion adopted.

10 (END OF AUDIO RECORDING)

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1 CERTIFICATE OF TRANSCRIPTIONIST

2 I certify that the foregoing is a true and
3 accurate transcript of the digital recording
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5 I do further certify that I am neither a
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7 parties to this action, and that I am not
8 financially interested in the action.

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Julie Thompson, CET-1036