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

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TRANSCRIPTION OF VIDEO RECORDING
SENATE SESSION
APRIL 20, 2022

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



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1 APRIL 20, 2022

2 UNIDENTIFIED FEMALE: All unauthorized
3 persons will please leave the chamber. All Senators
4 and guests in the gallery, please silence all
5 electronic devices.

6 All Senators, please indicate your
7 presence.

8 A quorum is present, Mr. President.

9 PRESIDENT SIMPSON: The Senate will be in
10 order. The Senators and guests in the gallery will
11 please rise for the opening prayer to be given by
12 the Senator of the 8th District, Senator Perry.

13 SENATOR PERRY: Good morning. If you would
14 bow your heads and pray with me.

15 Father God, we come before you today and
16 acknowledge your sovereignty and your goodness to
17 each of us and collectively to our state. We know
18 from scripture that you ordained the institutions of
19 the church, the family, and the government. We are
20 humbled that we have the opportunity to serve in the
21 government of this great state.

22 Thank you for the collective experience,
23 talent, and diversity represented by the men and
24 women serving here today. Each of us has a unique
25 story that has led us here and we are strengthened

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1 by the gifts that each legislator brings to this
2 body. We acknowledge that even with our individual
3 successes we have blind spots. We ask that in spite
4 of our biases, our backgrounds, and our politics
5 that you bless the work that we do here, that you
6 use each of us to bring about your purpose in our
7 state.

8 In Proverbs, it says that, "The king's
9 heart is a stream of water in the hand of the Lord;
10 he turns it wherever he will." We ask that you
11 direct our hearts that we can make decisions, that
12 we are wise, and that we truly serve the communities
13 of this state; that we represent and promote liberty
14 and justice for all and allow for all the citizens
15 of this state to have an opportunity to live lives
16 full of your blessings.

17 Grant us unity in spite of our diversity,
18 humility in spite of our successes, clarity in spite
19 of the many distractions, and wisdom in spite of our
20 humanity. I pray in the name of Jesus, all these
21 things. Amen.

22 PRESIDENT SIMPSON: Amen. Please remain
23 standing for the Pledge of Allegiance to be led
24 today by the Senator of the 33rd District, Senator
25 Osgood.

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1 SENATOR OSGOOD: Good morning.

2 (Pledge of Allegiance)

3 PRESIDENT SIMPSON: We will now continue
4 with the order of business. Are there reports of
5 committees?

6 THE SECRETARY: None on the desk,
7 Mr. President.

8 PRESIDENT SIMPSON: Are there motions
9 relating to committee reference?

10 THE SECRETARY: None on the desk,
11 Mr. President.

12 PRESIDENT SIMPSON: Are there messages from
13 the Governor or other executive communications?

14 THE SECRETARY: None on the desk,
15 Mr. President.

16 PRESIDENT SIMPSON: Are there messages from
17 the House of Representatives?

18 THE SECRETARY: None on the desk,
19 Mr. President.

20 PRESIDENT SIMPSON: Are there matters on
21 reconsideration?

22 THE SECRETARY: None on the desk,
23 Mr. President.

24 PRESIDENT SIMPSON: Take up the bills on
25 third reading. Read the first bill.

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1 THE SECRETARY: Senate Bill 2-C, A bill to
2 be entitled "An act establishing the congressional
3 districts of the state."

4 PRESIDENT SIMPSON: Senator Rodrigues, you
5 are recognized to explain the bill.

6 SENATOR RODRIGUES: This is the bill that
7 creates the congressional map that we discussed
8 yesterday.

9 PRESIDENT SIMPSON: Are there amendments?

10 THE SECRETARY: None on the desk,
11 Mr. President.

12 PRESIDENT SIMPSON: Is there debate on the
13 bill? Seeing none --

14 PRESIDENT SIMPSON: Senator Bracy, you're
15 recognized in debate.

16 SENATOR BRACY: Thank you, Mr. President.

17 Yesterday we had a committee, and we had
18 Mr. Kelly, the Governor's attorney, present the
19 maps. And I must say that his presentation was
20 comical at many times. He said that he had no idea
21 that he was drawing a map that gave Republicans the
22 largest advantage possible. He said that he had no
23 idea that he was putting a swath of black folks into
24 a district with The Villages to dilute their vote.
25 He just was drawing, had no idea, didn't look at any

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1 data. And I find it comical that he would even say
2 that.

3 And the fact that this chamber would agree
4 with that I find it disappointing, just --
5 especially when three weeks ago we basically said
6 that his map was unconstitutional. Now, we've
7 totally reversed course. I would rather us just say
8 the Governor holds all the cards, he's threatened a
9 primary opponent from your party, he's going to veto
10 projects in the budget. At least I could respect
11 that. But the fact that we all were here and agreed
12 to a map just three weeks ago, and now you all are
13 telling me that what we passed three weeks ago is
14 unconstitutional I think is ridiculous.

15 And I'll just say this, you know. He's a
16 bully. And bullies don't respect weakness; they
17 only respect power and strength. And if we continue
18 to do this, it's only going to get worse.

19 I remember in the 6th grade there was a
20 young man who bullied me. His name was Olleen
21 (phonetic). He was from a place -- I grew up in
22 Philadelphia, and he was from the worst part of
23 Philadelphia, north Philly. And he would always
24 threaten me to get all his older cousins and come
25 and jump me. And it scared me. He would call me

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1 after school, and it worked. I'd get to school.
2 Sometimes I'd hide in the bathroom because I thought
3 he'd have all of north Philly coming to beat me up.

4 And finally I said, you know what, bring
5 it. Bring it. You know what, if I get beat up, so
6 be it. And I told him that. And I never had any
7 problems with this kid again.

8 And I say that to say that this will
9 continue. It will get worse. He will continue to
10 threaten to primary endorse candidates from the
11 leadership of this chamber. If you think that he's
12 going to endorse anybody's candidacy because we're
13 doing his bidding, it's not going to happen. It's
14 going to be something else. Okay. Let's see how
15 you do in the next special session. Oh, well, let
16 me just wait and see until qualifying in June.
17 That's how they work.

18 And you're going to continue to play this
19 game with him. And before you know it, we're not
20 going to have --

21 PRESIDENT SIMPSON: Senator Bracy, please
22 stay on the content of the bill and not the
23 Governor. Thank you.

24 SENATOR BRACY: I think I made my point.
25 If we continue to go down this road, it will not be

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1 well for this chamber. And I say all of this out of
2 respect for everyone - for you, Senate President,
3 for every member of this chamber. I love this
4 chamber.

5 I came from the House, and when I came to
6 the Senate I was so proud to be here. I got a
7 chairmanship. I couldn't even get a bill heard over
8 there. In my first year I got a chairmanship, I got
9 onto props, vice chairman. I mean, I really
10 appreciate how we do business in this Senate. And
11 so I don't mean to call out my colleagues and my
12 friends, but I don't like how this process has been
13 going, and I wouldn't be myself and I didn't say it.
14 And so I say it out of love and respect for every
15 member. So with that, I will oppose this map.
16 Thank you.

17 PRESIDENT SIMPSON: Thank you. Is there
18 any additional debate? Leader Gibson, you're
19 recognized in debate.

20 LEADER GIBSON: Thank you, Mr. President.

21 In November 2010, as is printed in the
22 Florida redistricting 2022 information that we
23 received when we started this process, in November
24 2010 Florida voters added amendments to the State
25 Constitution in Article 3 Sections 20 and 21.

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1 These amendments prohibit line drawing that
2 intentionally favors or disfavors a political party
3 or an incumbent. The amendments also afford
4 protection of racial and language minorities.
5 Districts may not be drawn with the intent of
6 denying or abridging the equal opportunity of racial
7 or language minorities to participate in the
8 political process or to diminish their ability to
9 elect representatives of their choice.

10 The maps that we have -- I think it's 109 -
11 - are certainly counter to this information and the
12 Florida Constitution. Period. There's no question
13 about that. The secondary map that came to us from
14 the House before the end of session has a
15 configuration of District 5 that is very similar,
16 almost identical, to what the courts drew in 2016.
17 In the secondary map that we received, the black
18 voting age population is at 43 percent. Even in the
19 primary -- the secondary -- the primary map that we
20 received from the House has 35 percent BVAP.

21 And so when I look at the information that
22 we received and heard yesterday in the committee,
23 the BVAP in -- there are two districts now split
24 Jacksonville in half pretty much. Or maybe not half
25 because the percentages aren't really half. So in

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1 the District 5 -- in the District 4 configuration in
2 Duvall, the black voting age population is 30
3 percent. In the District 5 configuration of the map
4 that also includes Duvall, it's 12 percent. I call
5 that diminishment by any means.

6 And so the other situation with this map is
7 that an entire swath of this state, there will be no
8 African American -- no African American member of
9 Congress. And likely no African American member
10 could be elected, while thousands of African
11 Americans live in this entire swath of the state. I
12 call that taxation without representation. And that
13 should be a compelling interest of this state.
14 Thank you, Mr. President.

15 PRESIDENT SIMPSON: Thank you. Senator
16 Stewart, you are recognized in debate.

17 SENATOR STEWART: Thank you, Mr. President.

18 I served on the reapportionment committee,
19 and I do want to say -- and I know I've said it over
20 and over again, Senator Rodrigues was an excellent
21 chairman. He listened to everybody. The audience
22 would come, he would listen. We made changes to the
23 Senate map based on input. Some were accepted, some
24 weren't. That's the process. And we had a nearly
25 perfect map when we brought this to you. I was very

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1 proud of that. I was very proud of the process.
2 And it just hurts me to see that we have
3 now come full around to a map that was not really
4 discussed in the public, and that the public has no
5 input. And then when we hear from the person who
6 did the map from the Governor's office, it was
7 explained to us that they worked really hard on Tier
8 2, which they did. It's compact, it's, you know,
9 all that. But they didn't even look at Tier 1. And
10 Tier 1 is to me the more important part of the
11 process. And since that wasn't even considered, and
12 they were using roadways to determine the lines, and
13 that they had -- very well they said they did not
14 want to look at Tier 1 because they didn't think it
15 applied. And I have to disagree. I think that that
16 number -- Tier 1 is the most important aspect of any
17 map that we draw. And that is why I can't support
18 this, because I don't think that they've looked at
19 everything. And I think that the constituents
20 probably are not going to be particularly happy with
21 the outcome of this map, and I'm sure we're going to
22 march ourselves off to court, and everybody here I
23 think agrees to that. But that's not what we --
24 that's not what our role should be is pass something
25 that goes to court. So I'm just not going to be in

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1 a position to support this, because I really think
2 we did a good job the first time. Thank you.

3 PRESIDENT SIMPSON: Senator Jones, you're
4 recognized in debate.

5 SENATOR JONES: Thank you, Mr. President.

6 Members, just three weeks ago this body --
7 we came together and we argued and we defended a map
8 that we said was constitutional. Yesterday my good
9 friend, Senator Rodrigues, made it clear that the
10 Governor's office said that this map was now
11 unconstitutional and it was gerrymandering. Do you
12 all know how many black members have ever served in
13 Congress since reconstruction in the State of
14 Florida? I'll tell you --11.

15 Now we have five black members of Congress.
16 And of those five black members of Congress in a
17 state with 22 million people, where black people
18 make up 16 million -- I mean 16 percent of this
19 state, we now run the risk of only having two black
20 members of Congress; that's Byron Donalds and
21 Frederica Wilson. Two.

22 After Governor DeSantis made the veto of
23 the maps, which we know -- which we knew he was
24 going to do because he tweeted about it during the
25 time when we were in session, this body, we said

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1 that it didn't matter and we were going to do the
2 right thing. We voted for it, we went home with the
3 understanding what the Governor was going to do.
4 But what I did not think was going to happen was
5 that we were going to acquiesce to the Governor and
6 allow him to hijack this process.

7 I think Senator Bracy made it clear a few
8 minutes ago that a lot of this stuff that I see now
9 in the Senate, we used to see in the House, to where
10 there was no say. It was a top-down approach on how
11 things are done. And when we came up to the Senate,
12 for those of us who served in the House together,
13 whether Democrat or Republican, we used to be happy
14 when bad bills came over to the Senate, because we
15 knew where bad bills came to die. Because we are an
16 independent body.

17 But in this instant I ask all of us in this
18 chambers, who are we? Are we the Senate, or are we
19 going to allow this process to be hijacked in the
20 way that it's being hijacked in -- right now? And
21 it's clear -- and I don't want to spend time talking
22 about the Governor, because I think we see that in
23 the news and all this other stuff. But I even think
24 that while we are here in this chamber and we know -
25 - we know -- that what we are doing right now is not

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1 right. We know it's going to court, because
2 yesterday we put an amendment in place that is a
3 total violation of the law as it pertains to
4 separation of powers. But yet still we moved on and
5 we did it anyway.

6 There's an old saying that when people show
7 you who they really are, believe them. Yesterday on
8 the steps of the old Capitol over 200 black leaders
9 from across this state came together to make it
10 clear that what we were doing in this chamber is
11 wrong. It's wrong. There's no need for me and the
12 other members to get up here and scream and yell and
13 all this other stuff.

14 But my dad used to always say we -- I hope
15 you get convicted by words. So it's my hope that
16 you recognize that when you begin to trample on
17 marginalized people in the manner that you're doing
18 when you know it's wrong, that's when you have to do
19 some self-reflection on whether or not we are doing
20 the right thing, which it's not.

21 And I'll end with this. If we are going to
22 go down this road and we're going to set this new
23 norm to where we allow the executive branch to play
24 the Legislature at the same time, there is no need
25 for all of us to show up. Let the executive branch

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1 do what they want to do. But when we know for a
2 fact that we are an independent body that every last
3 one of us have been elected by somebody -- or
4 people, excuse me -- to come up here and do the
5 right thing, I think we should do that. Thank you,
6 Mr. President.

7 PRESIDENT SIMPSON: Thank you. And I think
8 Leader Gibson had one more sentence she wanted to
9 add. And you are recognized.

10 LEADER GIBSON: Thank you, Mr. President.
11 It is a very important one. I didn't flip my page
12 up trying to be brief.

13 But I wanted everyone in this chamber to
14 know that I was the only Democrat before we left the
15 Senate that voted for the two maps that left this
16 chamber. And that has come up in the media. And it
17 was all about Jacksonville, because Jacksonville was
18 front and center. And so I just wanted for the
19 record to make sure this chamber knows that in
20 Jacksonville the totality of our people is bigger
21 than discriminatory maps. Thank you, Mr. President.

22 PRESIDENT SIMPSON: Thank you. Senator
23 Osgood, you're recognized in debate.

24 SENATOR OSGOOD: Thank you.

25 Good morning again. You know, as I looked

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1 at what you all did a couple of weeks ago, what the
2 House did, the maps went to the Governor, the
3 Governor vetoed the maps and declared that they were
4 unconstitutional, yesterday we were told that the
5 House maps, that some of the methods that they used
6 was then used again to create the Governor's maps.
7 We had long conversations and presentations about
8 the intent, the interests of the state.

9 And I just want to be clear today that
10 black people are in this state. They make up a
11 large portion or sector of the state, and they're
12 not going away. And right now the people that I
13 represent are hurting. They feel disrespected.
14 They feel that we're not even allowing the process
15 that works with the three branches of government to
16 be played out. They feel like we're just caving in,
17 we're just giving in.

18 And we can make our legal arguments, but at
19 the end of the day people matter. And for people of
20 color, a lot of times the law works against us. And
21 when we bring out maps in this way that clearly,
22 clearly targets people of color, clearly puts people
23 of color at a disadvantage, we're taking a step
24 back.

25 We've had many constitutional amendments.

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1 We've had amendments to the state constitution. And
2 as we look at this state as a whole, how do we build
3 consensus, even when we don't always agree, where
4 people at least feel like they have an equal
5 opportunity in this process. I came here to work,
6 to represent the people that elected me, regardless
7 of their race, their religious background, their
8 sexual orientation.

9 And when it's being displayed that we're
10 not doing our jobs, that we're giving in -- Senator
11 Bracy talked about bullying. And you know, I'll
12 just say in certain neighborhoods we just don't
13 tolerate that. We take a stand, and we're willing
14 to pay whatever consequence. I think that we all
15 have a moral obligation to be accountable to the
16 people that elect us and to be accountable to a
17 higher being.

18 And as we sit here today, if we lived in
19 District 5 or if we lived in District 10 and we were
20 people of color, how would feel about this major
21 injustice? How do we balance the love for this
22 great nation, this great state? All we're asking
23 for, as people of color, in the words of Aretha
24 Franklin, just a little respect.

25 When I go home to my district, I want the

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1 Senate to be respected. I don't want us to be seen
2 as a body that just kowtows and just rolls over.
3 And I can tell you as a person of color who believes
4 in democracy, who spent their career in formal
5 training in public administration, who has taken the
6 time to be theologically trained, this hurts. It
7 kind of puts all of my moral beings, all of my
8 theological perspectives -- it's a major dichotomy
9 now because government is for the people, by the
10 people. And we're supposed to take care and look
11 out and create opportunities for people, not take
12 them away.

13 So let's think about that real hard today.
14 And we don't have to be afraid of any person or
15 anything, because, ultimately, there is a higher
16 being that we, ultimately, have to give an
17 accountable to. And for me when it's a choice, I'm
18 going to always look to do what's going to put me in
19 the best light with that higher being.

20 So I ask you today to just imagine you were
21 in one of these districts, and these maps were being
22 pushed on you. How would that impact you, your
23 children, your grandchildren for the next 10 years?
24 Thank you.

25 PRESIDENT SIMPSON: Thank you. Is there

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1 any additional debate? Yeah. Senator Berman,
2 you're recognized.

3 SENATOR BERMAN: Thank you, Mr. President.

4 So if we were truly doing a race-neutral
5 map, we'd start in the panhandle, and we'd have a
6 series of squares and it would go all the way down
7 the state. But we know we're not doing that. We're
8 doing a gerrymandered map based on the Governor's
9 directions. We all know that Florida is a state
10 where elections are decided by margins of three
11 percent or less. Yet we've created a congressional
12 map where there are probably 20 Republicans and 8
13 Democrats.

14 You know, I went to law school so I didn't
15 have to do math, along with Senator Burgess. But
16 that's clearly not a three percent differential. We
17 are creating a map which doesn't reflect the
18 electorate of Florida. And the changes to the map
19 are telling. We reduced the number of African
20 American majority minority seats from four to 2.
21 The Voting Rights Act was put in place to ensure
22 minority representation, and we are destroying it
23 with the action today.

24 In 2010 over 60 percent of Floridians
25 supported fair districts, which clearly provided for

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1 Tier 1 minority representation. There is no
2 justification for not following fair districts. We
3 have seats that go almost 200 miles in the present
4 map, so that's clearly not a justification for
5 eliminating minority representation. We also have
6 seats that cross the Everglades to assure
7 minority/majority Hispanic representation, so that's
8 not a basis for eliminating it -- African American
9 districts. There really is none, other than the
10 fact that, that is our Governor's direction.

11 I want to talk a little bit about the
12 timing of this also. We are one of only three
13 states in the country that do not have a
14 congressional map as of this date. This could and
15 should have been done a long time ago, and I
16 understand that the Governor's veto resulted in
17 where we are today. But I'm worried that we haven't
18 given the courts enough time. We know that there
19 are people who want to challenge this map.

20 And what's probably going to happen,
21 because we have qualifying in June, is that we are
22 going to be stuck with a map that hasn't been
23 adjudicated. And I believe that it's very likely
24 that the court system would put a new map in place,
25 just as they did in the previous maps that we put in

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1 place. And in that situation we had the same thing,
2 where we had a map for several years that was
3 unconstitutional. And I really feel that this is --
4 I worry that we're not going to have enough time
5 before the November election to have it be reviewed
6 before we have this map put into place.

7 Some of the amendments that we put on the
8 bill yesterday were really troubling. The issue of
9 where you can bring a lawsuit is not one that we
10 should be deciding here in this Legislature. And
11 then the money for legal fees, we have seen so many
12 times that this Legislature has passed bills that
13 the courts have deemed unconstitutional. And yet
14 we're spending our taxpayer dollars to go and defend
15 those actions, and we're doing the same thing here
16 with this map. And I really find it unfair to our
17 citizens, and I'm outraged that this is another case
18 where we would have to do this.

19 You know, as I was coming here yesterday in
20 the airport, a gentleman stopped me as I was coming
21 through in Miami. And he could see that I was
22 heading toward the plane from Tallahassee.

23 And he said to me, "Are you going to
24 Tallahassee?" And I said, "Yes." And he said, "Can
25 I ask you a favor?" And I said, "Sure."

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1 And he said, "Can you make sure that my
2 vote and my voice is heard in Tallahassee?" And I
3 turned to him and I said, "I absolutely will."

4 And I want you to know that this was just
5 an employee working in the airport who understood
6 what was going on here in this state. So I want you
7 to know that people are watching. People are aware.
8 So make sure when you vote today that you remember
9 that the people in the state of Florida are
10 watching. We were put here to do fair maps. This
11 is our responsibility once every 10 years. And I
12 don't believe we're doing it with this map, and I
13 ask you to vote it down today. Thank you.

14 PRESIDENT SIMPSON: Thank you. Is there
15 any additional debate? Senator Cruz, you're
16 recognized.

17 SENATOR CRUZ: Thank you, Mr. President.

18 Of course I oppose this map, because on its
19 face I believe it violates the fair district
20 amendments in the Florida Constitution. Instead of
21 keeping the south portion of Pinellas County whole
22 it splits this community, taking the eastern portion
23 and jumping the bridge -- is what we call it -- and
24 putting it in Tampa and other sections of
25 Hillsborough County. Looking at this map, one

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1 cannot even say that it works to respect
2 geographical boundaries. Section of the Pinellas
3 portion of the map appear to cut neighborhoods in
4 half, and in one instance even appears to cut a
5 building in half.

6 Publicly available performance data
7 suggests that these changes were made to create a
8 South Pinellas seat that significantly favors a
9 Republican. Because of these gerrymanders in the
10 obvious partisan favoritism in this map, it's really
11 very unconstitutional. And Senators, ignoring fair
12 districts -- which oh, by the way, is an amendment
13 to the Florida Constitution, which oh, by the way,
14 happened because the people had to go around this
15 body and put an amendment to our Constitution in an
16 effort to force fair districts -- totally, in my
17 opinion, being ignored.

18 What I'm really worried about is this
19 persistent abuse of power and a total and complete
20 disregard for the laws. You know what this is?
21 This is a stage 4 malignancy, and this will be the
22 death of democracy. Thank you.

23 PRESIDENT SIMPSON: We are in debate. We
24 are in debate. let's go to the Senator of the 3rd,
25 Senator Ausley, followed by the Senator of the 38th,

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1 Senator Pizzo. Senator Ausley, you are recognized
2 in debate.

3 SENATOR AUSLEY: Thank you, Mr. President.

4 And I want to start out by echoing my --
5 the sentiments of my colleagues. Senator Rodrigues,
6 I have nothing but respect for you. Since I moved
7 to this side of the floor I've been able to see you
8 up close and personal, and I've watched you
9 patiently and stoically answer our questions. And
10 we were proud, most of us, to support your work on
11 the House and the Senate maps. But I for one did
12 not support the congressional map because I believed
13 it violated fair districts and drawing a Duvall only
14 seat that clearly disfavored Congressman Al Lawson,
15 the current incumbent in House District 5.

16 Now, in the Governor's veto message he
17 describes District 5 and secondary map as this
18 sprawling district that stretches approximately 200
19 miles from east to west and cuts across 8 counties
20 to connect a minority population in Jacksonville
21 with a separate and distinct minority population in
22 Leon and Gaston Counties, suggesting that House
23 District 5 is only about connecting Jacksonville and
24 Tallahassee. And members, that is not true.

25 I am very familiar with these counties

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1 across north Florida. I've lived here my entire
2 life. The current House District 5 includes all or
3 part of eight counties. My Senate district shares
4 five of these counties. On average these counties
5 or the part of the counties that make up House
6 District -- current Congressional District 5 have an
7 average African American population of 25 percent or
8 more, making up a cohesive community of urban and
9 rural voters, many of whom have lived in these
10 communities since the 1800's.

11 While this body has not provided us with
12 partisan performance data, the publicly available
13 data shows that in the current version of the 5th
14 District this cohesive community of black urban and
15 rural voters makes up a Democratic primary that is
16 70 percent black. In fact, all of the counties in
17 this district but one are majority black in the
18 Democratic primary, allowing the historic African
19 American community of north Florida to elect the
20 candidate of their choice.

21 As I said, I voted against our
22 congressional map because I believed it violated the
23 fair districts, but this map goes even farther than
24 that. This map shows us that it's not about
25 compactness. This is about limiting minority

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1 access. To be clear, under this map north Florida
2 black voters will not have a district that
3 represents them, not in Duvall, not in Tallahassee,
4 not in any points in between.

5 This map is unconstitutional on its face,
6 and it violates the Voting Rights Act. And for
7 these reasons I will be voting no, and I urge you to
8 do the same.

9 PRESIDENT SIMPSON: Thank you, Senator
10 Ausley. We have on the lineup Senator Pizzo,
11 Torres, Stargel. The Senator Ann Burgess will be
12 added to that list. Senator Powell will be added to
13 that list. The Senator of the 38th, Senator Pizzo,
14 you are recognized in debate.

15 SENATOR PIZZO: Thank you, Mr. President.

16 So I was pretty good at math, even though I
17 got a law degree. None of my math books I don't
18 think indoctrinated me. They just taught me the
19 right answer, because math only has one right
20 answer. So here's from math. The Florida Senate is
21 the closest representation on count for constituent
22 numbers as Congress. If you take 21,800,000 people,
23 you divide it by 28 seats, 778,000 constituents.
24 Take 21,800,000 Floridians, divide it by 40 Senate
25 districts. It's 545,000. Closer in number, a large

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1 number, than any other representation throughout
2 Florida in 11-plus municipalities and 67 counties.
3 Miami-Dade County, the most populous county with 2.8
4 million people or there around; roughly 212,000
5 constituents per district holder of 13
6 commissioners. We are the closest thing to
7 congressional.

8 Here's what's really interesting about the
9 math. There are 6 black members of the Florida
10 Senate. That's 15 percent of the body. There are
11 21 black members of the house. That's 17 and a half
12 percent. The blended average of those two is
13 roughly 16 and a half percent, which is exactly the
14 black population in the State of Florida. That's
15 math; it has one right answer.

16 In Florida we're about to go from four to
17 two. Maybe even less, because I've gotten six phone
18 calls to run for Congress where I live because two
19 black members have filed, will poach each other's
20 vote, and I can win. I'm running for the Florida
21 Senate. Because I think this place is not one of
22 435, it's one of 40. We have the ratio of members
23 to constituents, the greatest power influence and
24 ability potential to do good and bad. Remember
25 those numbers - 21 black members in the House, 6

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1 here; 16 and a half percent blended average,
2 reflective almost exactly to the black population of
3 the State of Florida.

4 These maps do not. CD proposed 10 did not
5 have to split a minority district. I keep hearing
6 compactness as an argument, which is always
7 secondary to minority protection in Tier 1. Alex
8 Kelly is not a lawyer, and if he was, he wouldn't be
9 a good one.

10 Here is what everyone was trying to say,
11 but I realize the utility of my position, folks, is
12 to lay a record. And I hate being right about these
13 things. Some of the amendments that we've had over
14 some of these bills that we've discussed, the
15 million dollar cap on legal fees, that's called bath
16 faith. That means that you are entering into a
17 contract, a negotiation, or an agreement knowing
18 it's likely to fail, be challenged, or be infirm.
19 That's what you're doing. You're doing it for your
20 political futures, and I understand it.

21 But I don't know if that's what you want me
22 to continue to tell my constituents about why things
23 are so crazy up here. Because you were told to do
24 it. But that's what I'm telling them. If there's
25 something else you would like me to tell my kid's

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1 baseball coach, my next door neighbors, my wife, let
2 me know. Because I have been given no reason other
3 than some very smart people -- what do we have?
4 One, two, three, four -- what do we have, nine
5 lawyers in here? Some very smart people are walking
6 into things they know will be struck down, rejected.
7 So you tell me after we leave here what you would
8 like me to tell intelligent, engaged and informed
9 constituents about why you continue to do things
10 that you know either make sense, don't save kids in
11 my district's lives or yours, don't improve streets,
12 roadways or infrastructure. You tell me what you
13 want me to tell them.

14 PRESIDENT SIMPSON: Senators, we're in
15 debate. On the lineup is Torres, Stargel, Powell
16 and Burgess. From the 15th, Senator Torres, you're
17 recognized in debate.

18 SENATOR TORRES: Thank you, Mr. President.
19 Mr. President, I rise in opposition to these maps.
20 Under the Florida Constitution the Legislature is
21 charged with the responsibility of drawing
22 congressional district maps based upon population
23 changes after each decade of census counting. But
24 today we're allowing the Governor to draw and
25 propose these maps instead of drawing them ourselves

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1 through normal staff and committee process. This
2 Legislature is a core equal branch of the government
3 with the Governor, but we have given him authority
4 over this issue which is clearly our responsibility.

5 The recent census data showed increased
6 population growth in Florida, which is why we added
7 one new Congressional seat. The largest population
8 growth in Florida was in the Hispanic community.
9 There was also a growth in the African American
10 community as well, but the proposed map eliminates
11 two current African American seats and does not
12 increase the number of Hispanic access seats, even
13 though those two communities are larger today than
14 they were a decade ago.

15 Mr. President, establishment of minority
16 access district has been affirmed by the courts for
17 several decades to be constitutionally compliant and
18 ensures opportunities for minority communities to
19 elect Congressional candidates that will represent
20 their interests. Why should we deviate from the
21 longstanding tradition by passing maps that
22 decrease, not increase, minority access
23 Congressional seats?

24 I object to both subsets of this
25 congressional map's districts and the process that

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1 brought us here to address the issue. For these
2 reasons I cannot support the maps on -- that are
3 before us today, based upon the reduced access of
4 representation of minority communities. I fully
5 expect that the courts will have the ultimate settle
6 -- ultimate settle this issue, just as they did when
7 this body approved unlawful maps last decade. Thank
8 you, Mr. President.

9 PRESIDENT SIMPSON: Thank you, Senator
10 Torres. We're in debate. You're in debate.
11 Senators on deck: Stargel, Powell, Burgess, Rouson.
12 Let's go to the District of the 22nd. It's Senator
13 Stargel is recognized in debate.

14 SENATOR STARGEL: Thank you, Mr. President.

15 And I will start this debate by saying I
16 liked our Senate maps. I will submit that. We
17 voted on the Senate maps. I like it when everyone
18 does things my way. That's typically the way I am.
19 But unfortunately we all have to work together in
20 this process. And if there was only one right way
21 to draw a map, that would be something that could be
22 discussed. But there is not. There are multiple
23 ways to draw these maps. There are multiple ways to
24 draw these maps constitutionally.

25 If each of us were to -- I would submit

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1 that many of the drafts of maps that we've seen were
2 probably constitutional. But we all have to agree
3 we've done a lot of legislation over the years. And
4 again, I like it when we do legislation my way, but
5 we have to work with the house and we have to work
6 with the Governor.

7 And before we even passed our maps there
8 were lawsuits filed, because the truth of the matter
9 is that the other side wants the courts to draw our
10 maps. They don't want us to draw the maps. They
11 want to take away our constitutional responsibility
12 to draw maps. They want to take it away and give it
13 to the courts. So before we were even done with our
14 maps in March, they filed a lawsuit against our
15 maps.

16 Now, I've heard a lot of discussion today
17 about the minority districts. And so I asked our
18 staff to poll with regards to our Senate and the
19 math that Senator Pizzo said, and I don't like math
20 or work so I'm not a lawyer or a mathematician. And
21 of our Senators -- and we're doing a representation
22 -- Gibson, Bracy, Rouson, Powell and Jones were all
23 elected not by majority minority districts. And yet
24 they're still here sitting in this chamber, and
25 they're still representing the Florida Senate.

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1 Senator Osgood was the only one who was elected by a
2 majority minority district.

3 So to say that these maps as they're drawn
4 today are hurting minorities I believe is not
5 accurate. It depends on who decides to run for
6 those districts. And if that minority is a good
7 candidate -- minority member is a good candidate,
8 then they'll get elected.

9 So as I stand here before you today, I
10 believe these maps are constitutional. I wouldn't
11 vote for them if I didn't. And the funds we put in
12 the budget is because we know they're going to be
13 challenged because of the precedent of the last
14 maps, which many have said they liked in this
15 chamber, were challenged before we even got done.
16 So we know they're going to challenge, because the
17 reality is they want the courts to draw the maps.

18 These are constitutional maps. I think
19 they're very thoughtful. I don't think any of us
20 who vote for them today are racist or following the
21 direct will of the Governor. We're doing our
22 constitutional requirement of drawing maps,
23 submitting maps, discussing maps, working together
24 with our branches of government and making sure we
25 have a constitutional map. And I'd ask for you to

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1 please vote for them today.

2 PRESIDENT SIMPSON: In debate: Powell,
3 Burgess, Rouson. The Senator -- Senator Powell of
4 the 30th, you're recognized in debate.

5 SENATOR POWELL: Thank you, Mr. President.

6 The question I have is -- Senator Pizzo
7 said it earlier, approximately nine attorneys in
8 this body of 40 people; 39 when we end at session.
9 How did we end up with compromised maps with all of
10 these attorneys? And I battled that over and over
11 again.

12 I woke up this morning, woke up this
13 morning. I had like the same thought that I had
14 several weeks ago. There's a lion and a gazelle
15 that wake up every morning running. One is running
16 to get food; one is running not to be food. And I
17 wake up knowing in this process that we have to
18 continue to fight. And sometimes you get tired,
19 right? Tired of the book bans, tired of the don't
20 say gay, tired of the maps being changed, tired of
21 the CRT, tired of the race. Tired of wondering when
22 I wake up in the morning am I black today, am I
23 colored, am I a negro? What is my battle today?

24 In a state with 21.5 million people, when
25 we're talking about congressional maps and we talk

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1 about the census, Senator Jones said earlier that in
2 this state there has only been a limited number of
3 people who've been black who've been elected to
4 Congress. So you all remember recently, right in
5 the seat that Senator Bracy sits in now, that -- in
6 that chair but in the District 33, we had a former
7 member who ran for Congress and is not here. Why
8 did all of those people run for Congress? And my
9 name was tossed around in that same sentence in
10 terms of potentially running.

11 But prior to 1992 in the statehood of
12 Florida, prior to 1992 there were zero -- well,
13 after reconstruction there was one - Josiah T.
14 Wells. But prior to 1992 there were zero black
15 people in Congress. And then in 1992 we got Corrine
16 Brown, Alcee Hastings, who represented where I
17 lived, and then down in south Florida, Carrie Meek.
18 You all remember Carrie; she recently passed away.
19 She was replaced by Kendrick, who then was replaced
20 by Frederica Wilson.

21 In Jacksonville you had Corrine Brown, who
22 has been replaced by Al Lawson and Val Demings,
23 because that became two different seats. Palm Beach
24 County we recently had an election where all of
25 these people ran for that one Congress seat. Why

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1 would all of those people run for one Congress seat?
2 To be one of the 10 black people to ever be elected
3 to Congress here in the State of Florida, where
4 we're going to have 28 congressional seats. And
5 maybe 2 or 3 after we completely pass this map will
6 represent black people.

7 And I tell my daughter every day that you
8 can be anything you want to be, right, because
9 that's what my mother told me. But I wake up every
10 day knowing that I'm going to have to fight. And
11 Senator Bracy said earlier that he had to deal with
12 a bully, right. And I have to remind myself every
13 day -- I listen to all kinds of music -- gospel,
14 rap, country. I have to remind myself that Bone
15 Crusher said it best, "I ain't never scared." Which
16 means sometimes we're going to have to stand in the
17 way, and we're going to get knocked on our backs.
18 Celeste Brown said if you can fight and you knocked
19 on your -- knocked down, try to land on your back,
20 because if you can look up, you can get up.

21 And this process becomes more and more
22 difficult. Because when I got here, boy, there were
23 some fighters up in here. Latvala, he didn't always
24 agree with the Democrats or the Republicans. Boy,
25 but he was a fighter, right. You never knew where

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1 he was coming from. Today is a little bit
2 different. A lot of us have lost our fight. A
3 couple people stand up and fight for what they
4 believe in. It doesn't necessarily have to be
5 Democratic, and it doesn't necessarily have to be
6 Republican.

7 But in this world that I live in, this map
8 that we're proposing tells people we don't want to
9 say the words "black lives matter," but you show me
10 this and subconsciously, like the wall I told you
11 all about, you understand what the map says. Is it
12 because 40 members of this body who are
13 professionals pass maps and now we say they're
14 compromised? Is it because we're within 30,000
15 votes of bringing it home? Is that what we're
16 scared of? I wake up every morning knowing that I
17 have to fight.

18 And I know I came from West Palm Beach
19 reluctantly, reluctantly, because I'd rather be home
20 with my wife and daughter. Love, Senator Bracy, is
21 an action. Love is a strong word. I dated a lot of
22 girls -- women -- people, whatever.

23 (Laughter)

24 Not people, but women. At least you all
25 know I dated people, not animals.

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1 But it's a lot to love. It's a lot. When
2 you say, "I love you," that's strong, and I don't
3 take it lightly. When you say, "I love," love is an
4 action. I knew my mom loved me, not just because
5 she said it but because of what she did. I know my
6 father loves me, not because of what he says -- and
7 sometimes he don't say it -- but because of what he
8 does. My father and mother were born in 1947. My
9 mother died in 2001 and she couldn't fight for me
10 any longer. So I'm here and I'm ready. And I know
11 I've got to fight.

12 Lauren, you and I talked about what Chris
13 Smith said about rain. I understand. Trevor, you
14 talked about Maya Angelou said, and I'll finish you
15 all with this. Maya Angelou did say that when
16 people show you who are -- who tell you who they
17 are, you believe them the first time. But she also
18 said that, "You may write me down in history with
19 your bitter, twisted lies, banning me out of books.
20 You may trod me in the very dirt, but still, like
21 dust I'll rise."

22 We will continue. We'll battle. We're
23 here today. These will be our words. But we will
24 continue to rise. We'll rise above the pit of
25 mediocrity in which we've tried to be buried. We

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1 will rise above any feelings that we may think are
2 racist or negative. We will rise above the times
3 when we were colored to when we were black. We will
4 rise in a chamber, regardless of the banning of
5 books. We will rise, we will continue to rise, and
6 we will rise. But when it comes to this legislation
7 and this map, I will be down. And I would ask you
8 to do the same.

9 Thank you, Mr. President.

10 PRESIDENT SIMPSON: Thank you, Senator
11 Powell. Up next: Burgess, Rouson, Farmer. Senator
12 of the 20th, Senator Burgess, you're recognized in
13 debate.

14 SENATOR BURGESS: Thank you very much,
15 Mr. President. I'll be brief.

16 This is only the second cycle since the
17 Florida constitutional amendment was put in for the
18 fair districts. Unless this is resolved, we're
19 going to be dealing with these types of legal
20 questions every single decade. And the way I view
21 this, as is with many constitutional amendments,
22 however noble their initiative and their passage
23 there are a lot of legal questions that remain
24 unresolved because a constitutional amendment does
25 not contemplate the full left and right limits of

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1 the law.

2 And so what we have here and what has been
3 identified by the Supreme Court are two remaining
4 legal questions that have not been thoroughly vetted
5 within these last two cycles, or by the court, or
6 contemplated in our law. And those two questions
7 are the interplay between the Tier 1 standards in
8 our constitution and the equal protection clause, as
9 well as the extent to which the non-diminishment
10 standard of Article 3, Section 21(a) compels map
11 drawers to create districts that conflict with the
12 Tier 2 standards in Article 3 Section B has yet to
13 be clearly interpreted by state or federal courts.
14 So these two legal questions remain unresolved.

15 If the concern is truly legal, then this is
16 an opportunity to resolve these legal questions once
17 and for all. The venue provision from yesterday is
18 a completely normal, completely standard, and
19 completely consistent approach that we have in
20 Florida law, and it's no different here.

21 Florida has led the way, in my opinion,
22 with an incredibly transparent process. And this
23 process is not just the Senate, it's not just the
24 house, it's not just any branch. It takes three to
25 tango. And this map before us does incorporate

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1 input from all branches of government here. And
2 because of that and because of what we heard
3 yesterday, with there being the citation of legal
4 precedent and this being a novel legal argument, a
5 case of first impression in which a legal issue that
6 has never been decided is before a governing
7 jurisdiction, I feel very comfortable supporting
8 what is before us.

9 This has been a transparent process.
10 Florida has led the way. If you don't believe me,
11 look at some other states. New York, a special
12 magistrate is now drawing their maps. In New
13 Hampshire the Supreme Court is now taking over.
14 Maryland is on round two. You don't even want to
15 know what's going on in Wisconsin, among other
16 states.

17 So I am very proud of what we've been able
18 to do in the State of Florida. I think that we do
19 have a legal question before us that will be
20 addressed clearly. And that is something we should
21 welcome, because for future redistrictors (sic) this
22 will hopefully resolve this question and make this
23 process more clear for all of us.

24 PRESIDENT SIMPSON: We are in debate.
25 Lineup: Rouson, Farmer, Hutson, Book. Senator of

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1 the 19th, Senator Rouson, you're recognized in
2 debate.

3 SENATOR ROUSON: Thank you very much,
4 Mr. President.

5 "A crust of bread and a corner to sleep in,
6 a minute to smile and an hour to weep in. A pint of
7 joy to a peck of trouble, never a laugh and the
8 moans come double. And that is life." See, you can
9 dissect what we've done. You could intersect it,
10 cross-sect it, you could sect it any way you want.
11 I'm not a mathematician.

12 But I'll never forget December 10, 1980,
13 when the late, great Judge James B. Sanderlin, asked
14 me to raise my right hand and accept the oath to
15 become an attorney. He said, "Rouson, your role,
16 your job as a lawyer is to make the law make sense
17 to common people."

18 I can hear the moans of black people in
19 this state because of this map. I hear the moans
20 when I lay my head on my pillow at night and realize
21 that we're removing two African American seats for
22 Congress. I hear the moans. And it's difficult for
23 me to make it make sense.

24 And I'm just going to say it. I don't
25 believe the Governor is a racist. Why would a

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1 racist appoint Shawn Hamilton at DEP, or John Davis
2 at the lottery, or Shevaun Harris at DCF, or Simone
3 Marstiller at AHCA? I will never judge a man's
4 heart.

5 But in the political process it is fair
6 game to talk about the impact of policy. And that's
7 what the debates today are about, the impact of
8 policy on a people, on citizens who you can tell all
9 the mathematics to, who you can talk about all of
10 the legal ramification and parameters and boundaries
11 and foundations upon which action was taken. But to
12 them looking at this, there is no explanation.

13 And frankly some have suggested, why do we
14 need to show up up here when it's a fait accompli?
15 Well, like you I showed up because I wanted to be
16 counted. And even if I didn't debate it, I wanted
17 my vote to speak volumes to the people that I
18 represent.

19 I liked the maps that the Senate drew. It
20 was a thoughtful, deliberate process. But we're not
21 voting on what we drew. And Chairman Rodrigues, you
22 did a great job shepherding this through. And I
23 love the Senate. I respect every Senator in here,
24 even the ones I disagree with on policy, because
25 this is the place where great debate should take

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1 place.

2 Like Senator Jones said, marginalized
3 people understand marginalization, they understand
4 diminishment, they understand retrogression. And
5 like Senator Gibson reminded me, to add insult to
6 injury, when this does get appealed and challenged,
7 we put an amendment on that directs the forum where
8 it can be challenged.

9 So I'm down on this today. I'm down on it
10 because I hear the moans of a people who you can
11 cross-sect anyway you want, but they believe what
12 they see. Thank you, Mr. President.

13 PRESIDENT SIMPSON: Thank you, Senator
14 Rouson. We had intended to go to Farmer. Let's go
15 to the Senator of the 7th, Senator Hutson. You are
16 recognized in debate.

17 SENATOR HUTSON: Thank you, Mr. President.

18 And I'll be brief, but I will say that
19 first off I know this is an emotional time. Special
20 Session always is. I've been a part of it with
21 bills before, and I just want to say I appreciate
22 all my colleagues for being cordial and collegial
23 and respectful getting through this process. The
24 Florida Senate is always that as a body, and
25 appreciate you guys for that.

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1 I wanted to talk about kind of a history
2 lesson. I think someone yesterday talked about
3 civics 101 and kind of where we are today. And I
4 brought this up when I was in the Senate probably
5 before you all were here, because I -- most of you
6 were here, because I was in a special session. But
7 I want to bring up how we are today -- how we got
8 here today with the previous maps. The civics
9 lesson that I always kind of say is you have to --
10 in order to pass a law you have to go through both
11 sides of the legislative branch, survive the veto
12 pen from the Governor, and then go get challenged in
13 court and pass that challenge.

14 The maps previously that were drawn were
15 drawn by the Supreme Court. The maps are actually
16 laws, they're laws on the books. The Supreme Court
17 drew those and we chose not to challenge that. So
18 it's the first time in -- and anybody can fact check
19 me because I'd love to be humbled on this if I'm
20 wrong, but it's the first time that I know of in
21 history that a Supreme Court actually passed a law
22 that did not go through the legislative and judicial
23 branch -- I'm sorry, the legislative and the
24 executive branch. The judicial branch passed a law.
25 So when we come here today and talk about

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1 this, we are going through the actual legislative
2 process to put these maps on the books for a law.
3 So when the Governor had talked about some of the
4 things in the past were unconstitutional, I kind of
5 agree with him because I don't think a judicial
6 branch should pass a law. I just don't believe
7 that's the case. I don't think we should ever do
8 that. But those are the maps that were before us
9 that became a law in past history.

10 So we're doing the right thing today in
11 terms of going through the process. And I'm -- I
12 want to bring that up because somebody mentioned a
13 civics lesson in the past. And I know there's nine
14 lawyers in the room, so I want to make sure that
15 that's on the record that this is going through this
16 process like we should be doing. And hopefully a
17 future Supreme Court doesn't just draw the maps and
18 pass a law.

19 So I want to start there, Mr. President,
20 and make sure that that's on the record for
21 everybody, because in the past that was a little
22 different in how it was done. And I thank you for
23 this. And I think, Senator Rodrigues, I know this
24 has not been easy working through this. Working
25 through this in the legislative session but also the

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1 special session you've had a lot to do, and you have
2 been a champion in this issue. And proud to support
3 you in your efforts. Thank you, Mr. President.

4 PRESIDENT SIMPSON: Thank you. Additional
5 Senators in Debate? Senator Rodrigues, you're
6 recognized to close on the bill. Senator Rodrigues,
7 will you yield to Leader Book? Leader Book from the
8 32nd, you are recognized in debate.

9 SENATOR BOOK: Thank you so much,
10 Mr. President. And you know, we talk a lot about
11 how we're always so proud to be in the Florida
12 Senate, and you know, the debate today has obviously
13 shown why I'm so proud to be a part of this body.

14 Like my colleagues I oppose this map.
15 Three months ago we began this process in an open,
16 transparent manner, and I was happy at that time to
17 support a map that respected the Constitution and
18 the Voting Rights Act and appeared to have -- we've
19 drawn -- and that map had been drawn in good faith.
20 Now this Legislature is allowing our constitutional
21 duty, our power, to be hijacked by partisan interest
22 in another branch of government. These reasons
23 alone would be enough for me to vote against this
24 map.

25 As my colleagues have highlighted, this map

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1 is rife with problems and likely will not pass legal
2 muster. I vote no today because I refuse to do away
3 with the interests of minority voters and because I
4 insist on following the Constitution. And while
5 we've sat here today and listened to a lot of the
6 debate, Senator Powell, Senator Rouson, Senator
7 Bracy, Senator Osgood, Senator Jones, I've been
8 thinking about something that I actually came across
9 a TikTok video about taking the lid off your jar.
10 And I realize this map puts the top back on that
11 jar.

12 So interesting fact, fleas -- if you have
13 dogs, maybe you know a little bit about fleas --
14 have the highest vertical leap based on their size.
15 They can jump 36 inches vertically; that's pretty
16 high. So if you caught a flea, you put it in a jar
17 that flea could still jump 36 vertical inches but it
18 would hit its head when it hit the top of that jar.
19 But that flea could still jump that 36 inches.

20 What we're doing is putting the lid on the
21 dreams of people, of minorities. Let them jump as
22 high. Let us go. We've broken the ceiling. We
23 should not be diminishing minority votes, minority
24 voters, and voices across our state. Thank you,
25 Mr. President.

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1 PRESIDENT SIMPSON: In debate, from the
2 34th, Leader Farmer in debate. You're recognized.

3 LEADER FARMER: Thank you, Mr. President.

4 It's with a heavy heart that I rise in
5 debate against this map. The act of redistricting
6 is one of the most important actions that we take as
7 a legislative body and as a republic form of
8 government.

9 But this year we find ourselves in a very
10 unique situation, an historic situation for all the
11 wrong reasons. For the first time ever in our
12 history, our Governor has chosen to insert himself
13 into the legislative process by filing his own map,
14 not once, as he did in regular session, but twice,
15 as we are dealing with today. And we as a
16 legislative body, collectively with the House of
17 Representatives, did not file our own maps. This is
18 unprecedented, and it's unprecedently (sic)
19 dangerous.

20 We have separation of powers for a reason.
21 I hold this document up often. I first got these
22 pocket Constitutions when I participated in the
23 Supreme Court's justice teaching program where you
24 go into classrooms and you teach kids about the
25 importance of the Constitution, particularly the

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1 Bill of Rights. The beauty of this document is its
2 fluid nature. The brilliance of our founding
3 fathers is laid to bear in this concept of
4 separation of powers.

5 You see, we didn't want a king. We didn't
6 want a despot to rule us. We had been there, done
7 that, and it didn't work out too well. This was at
8 a time where the individual rights of man -- and
9 yes, sadly it was only men, and only white men --
10 but the individual rights were being debated. The
11 concept of a Bill of Rights was foreign to the
12 entire world. We didn't get it until the Second
13 Constitutional Convention when the colonists and the
14 people said, "Wait a minute. It's great you set up
15 this form of government. What about our rights? Go
16 back and do some more."

17 So we have been there, and we knew that we
18 did not want consolidation of all power vested in
19 one person. But that's where we are here today.
20 And the issue of the Governor's insertion into this
21 process and his openly brazen admission of his goal
22 to eliminate a minority access seat is terrifying.
23 It should be terrifying to everyone who cares about
24 this form of government.

25 And you know, in the history of mankind and

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1 the history of civilized society, we as Americans
2 are still in a nascent state. It's only been 260
3 years since we formed this great country. That is a
4 blip in the history of this planet and of civilized
5 societies. It's a grain of sand in the big picture.
6 This is still an experiment in democracy.

7 In the 1860s the validity of our form of
8 government was still being discussed and openly
9 debated. And one commentator wrote, "It is the
10 democratic principal of equal rights, general
11 suffrage, and government by a majority capable of
12 being carried into practical operation, and that,
13 too, over a large extent of the country."

14 There was an English historian named Paul
15 Johnson who wrote a book called "The History of the
16 American People." And he wrote, "The creation of
17 the United States of America is the greatest of all
18 human adventures. No other national story holds
19 such tremendous lessons, for the American people
20 themselves and for the rest of mankind. The great
21 American republican experiment is still the first
22 best hope for the human race." And he hoped that it
23 will not disappoint an expectant humanity.

24 It's often noted that outside observers of
25 this American experiment tend to express a more

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1 profound appreciation for the remarkable
2 achievements of our forefathers and the founders of
3 this country, more so than most of us or most
4 Americans. Burke and Telluron (phonetic), Gladstone
5 and Tocqueville, Thatcher and Maruschen (phonetic)
6 have all marveled at the truth of a proposition
7 that, before the exceptional birth of freedom here
8 in America, this concept had been considered at best
9 problematic. The simple concept that people have
10 the right and the capacity to govern themselves.

11 So we have brought into being not just an
12 independent territory that sprung from the colonies,
13 we have brought into being a great experiment, one
14 that George Washington called ordered liberty. An
15 experiment in which men and women would enjoy
16 equality of rights and opportunities in the pursuit
17 of happiness and in service to the common good.

18 Now, this is not the first time the concept
19 of self-governance and the disagreement over how to
20 proceed has vexed this country. We all know about -
21 - and studied and how precariously close things came
22 to falling apart in our Civil War. In the mid-1800s
23 we decided as a country that we were going to deal
24 as a nation with the concept of slavery. The
25 concept that had, heretofore had been enshrined in

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1 our governing documents, that a person with black
2 skin was only three-fifths of a person. Three-
3 fifths of a person.

4 We somehow survived this Civil War where
5 Americans killed other Americans, his incredible
6 threat to our republic. And it hearkens to the
7 warnings that our founders provided us. You know,
8 in the aftermath of the insurrection last year, many
9 United States Senators and other legislators
10 reminded us that "we have a republic if we can keep
11 it." The source of this quotation is a journal kept
12 by James McHenry, who is a Maryland delegate to the
13 Constitutional Convention. On the page where
14 McHenry records the events of the last day of the
15 convention, September 18, 1787, he wrote, "A lady
16 asked Dr. Franklin, 'Well, Doctor, what have we got?
17 A republic or a monarchy?' And Franklin famously
18 replied, 'A republic, ma'am, if you can keep it.'"

19 Dr. Franklin was prescient. He knew times
20 like this would come. He knew times like the Civil
21 War would come. He knew that this was an experiment
22 which was going to rely on the collective will of
23 the American people to forge ahead with the
24 principles that are the foundation of this great
25 country - freedom, justice, equality. And nowhere

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1 are those qualities more important than in the most
2 fundamental right of all, the right to vote.

3 It's been suggested here that the fact that
4 African Americans have been elected to seats that
5 are not minority access seats is proof that we don't
6 need minority access seats. This hearkens me back
7 to a recent comment that racism doesn't exist
8 anymore because we elected Barack Obama President.
9 Ladies and gentlemen, I'm sad to say racism still
10 exists in Florida and elsewhere. It's invidious,
11 it's hateful. It's based on hate.

12 And guess what? Six years ago a rock was
13 kicked over, and hate spread like ants running out
14 from under that rock. It was okay to hate again.
15 We must protect this cherished right to vote. We
16 cannot succumb to the notions that it's not needed
17 anymore, that minority access is not -- protection
18 is not needed anymore. And we survived that
19 challenge that was the Civil War. But we were able
20 to do so because the nation maintained one key
21 aspect, a respect for the rule of law.

22 That's why this point in time is so scary
23 to me, because I don't feel that respect for the
24 rule of law. I don't see it evinced in the policies
25 and the actions of our highest leaders, and that

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1 includes our Governor. And racial intent behind the
2 drawings of these maps is an absolute factor that
3 will be considered when the constitutionality of
4 these maps is determined by the court system. So
5 talking about the Governor's intent is absolutely
6 relevant to this bill.

7 You know, these are dangerous and --
8 dangerous times, yet we keep hearing about freedom,
9 the free state of Florida, the freest state in the
10 country. Well, I don't think that some people have
11 a true understanding or appreciation for what
12 freedom means. For a reminder I turn to the late,
13 great John Lewis who said, "Freedom is not a state,
14 it is an act. It's not some enchanted garden
15 perched high in a distant plateau where we can
16 finally sit down and rest. Freedom is a continuous
17 action we must all take, and each generation must do
18 its part to create an even more fair, more just
19 society."

20 So in passing maps where the open-stated
21 intent is the removal of minority access districts,
22 we are not acting as a more fair, more just society.
23 We are not free. Lewis also said that his greatest
24 fear was that "one day we may wake up and our
25 democracy is gone." I will never rest in my fight

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1 and quest to ensure that that day never happens.

2 Individual rights are not subject to a
3 public vote. The majority has no right to vote away
4 the rights of the minority. The political function
5 of rights is precisely to protect minorities from
6 oppression by majorities. And the smallest minority
7 on the earth is the individual, the individual right
8 to vote, to protect and grow and foster this great
9 experiment which we continue to live. This map does
10 none of that. It's an open oppression on minority
11 right to vote. I cannot support it. I urge you to
12 vote no. Thank you, Mr. President.

13 PRESIDENT SIMPSON: The Senator of the
14 29th, Senator Polsky, is recognized in debate.

15 SENATOR POLSKY: Thank you, Mr. President.

16 I'll be very brief, and I can actually
17 touch on something that has not been discussed yet
18 today. There are a little over five million
19 registered Republicans in this state. There's over
20 five million but a little bit fewer registered
21 Democrats in this state. There are four -- more
22 than four million voters who are NPA or with a minor
23 party.

24 So what is happening with this map? This
25 map will favor Republicans in 70 percent of the

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1 districts, adding at least 2 seats to what we
2 currently have in the breakdown right now between
3 Democrats and Republicans. But Republicans make up
4 36 percent of the registered voters in this state.
5 So we are going to have an incredible imbalance in
6 this state, and that is exactly what gerrymandering
7 is, where the state does not represent its
8 constituents.

9 So I want you all to think about that - 70
10 percent of the seats will favor Republicans, and you
11 all make up 36 percent of the registered voters. I
12 think that speaks volumes about the intent of the
13 bill and why we should vote against it. Thank you.

14 PRESIDENT SIMPSON: Thank you, Senator
15 Polsky. Let's go to the Senator of the 27th, the
16 bill sponsor, Chairman Rodrigues. You're recognized
17 to close on SB 2-C.

18 CHAIRMAN RODRIGUES: Thank you,
19 Mr. President.

20 And I'll begin by saying it is an honor to
21 serve in this Senate with each of you as my
22 colleagues. And this has been a very long road. We
23 had our first reapportionment hearing in the first
24 week of session back in September, and we've been
25 working all the way through until today. Which begs

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1 the question, how did we get here today? We passed
2 a map, we sent it to the Governor, and that map was
3 vetoed.

4 So we're back in special session to come up
5 with a map that we can send to the Governor that
6 will be signed. And my friend and colleague from
7 the 7th District is absolutely correct. All of us
8 were elected to the Senate in a district that was
9 drawn by the court. Because in the last
10 redistricting cycle the court tossed the Senate map
11 and the congressional map, and the court drew those
12 districts.

13 As a Legislature we have one responsibility
14 in 9 out of 10 sessions, and two responsibilities in
15 the 10th. Nine out of 10 it's to pass a balanced
16 budget. That is the only thing we do. We have
17 fulfilled our constitutional obligation. Every 10
18 years it's our responsibility to pass a balanced
19 budget and to pass a reapportionment plan for the
20 Senate, the House, and the U.S. Congress. Those are
21 our duties.

22 And so the choice before us is: do we pass
23 a map that fulfills our constitutional
24 responsibility, or do we declare an impasse and
25 leave it up to the courts for them to draw our map

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1 again? Well, in this case it would be they would
2 draw our congressional map again. I think we should
3 fulfill our duty and pass a map.

4 Now, I've heard a number of things through
5 debate, and I listened to each of the debaters. And
6 I'm going to hit or touch on a number of the points
7 because I think the record should be clear. I've
8 heard a number of objections that have said the
9 Legislature is abdicating its responsibility by
10 allowing the Governor to have this role in
11 redistricting. I disagree with that. We would
12 abdicate our responsibility if we failed to pass a
13 map and allowed the courts to do it.

14 The Governor has always had a role in
15 redistricting, not just Governor DeSantis, but every
16 Governor of the State of Florida. Because no
17 reapportionment plan is complete -- or a
18 congressional map -- until the Governor has signed
19 it. Which means if a Governor does not sign that
20 map, it does not take effect.

21 Now, this Governor has been more active
22 than some which begs the question, what is unique
23 here? And what I would submit is this. This
24 Governor actually has people on staff who have
25 experience in drawing maps. The person that drew

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1 the map that is before us -- which is a compromise
2 map, including districts that we drew, that our
3 staff drew, districts that were drawn in the House,
4 and districts that they drew themselves -- is Alex
5 Kelly, who is the Deputy Chief of Staff. That's on
6 the record.

7 But what hasn't been elaborated on is that
8 Alex Kelly has experience in drawing maps. He was a
9 former staff director for the Florida House of
10 Representatives during the last redistricting cycle.
11 He has the ability to draw maps because the House
12 map that he drew was the only map that survived
13 judicial review during the last redistricting cycle,
14 and the only map that was implemented as it was
15 passed by the Legislature. And then finally, he's
16 qualified.

17 So what I would say is this. It's not like
18 the Governor put -- or had his staff put a map of
19 Florida on the board and just randomly put districts
20 together. He is a qualified staffer who has been
21 through this process post-fair districts amendment,
22 and drawn a map that has survived judicial review.
23 And the Governor gave instructions that he felt our
24 map did not resolve a conflict between the Florida
25 Constitution and fair districts and the U.S.

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1 Constitution on the equal rights -- equal protection
2 clause of the 14th Amendment. And he directed his
3 staff to go draw a map that reconciled that
4 difference, and that's what we have here before us.

5 I've also heard objections to the amendment
6 we did yesterday. It's important to note that
7 nothing in the amendment -- and I want to thank my
8 friend and colleague -- my good friend and colleague
9 from the 20th District for the debate he offered and
10 jumping in and answering questions on that
11 yesterday, where he quoted from the Florida Supreme
12 Court two decisions, one in the '40s, one in the
13 '70s, that has said it is judicial doctrine for
14 challenges to state agencies or government actions
15 to be made here where the cause of action was
16 created by the state agency or the state government.
17 That is what the Florida Supreme Court says is
18 right. That is the current judicial practice.

19 Now, we put that amendment in there to make
20 it clear that the state is not giving consent at all
21 for any challenges to state law to be heard in
22 federal court. That can only be done if the state
23 consents. And with this amendment we're making it
24 clear that we are not giving that consent. What
25 this does is nothing to prevent any individual who

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1 believes this map violates their civil rights from
2 going into a federal court and having that case
3 adjudicated in federal court. Nothing prohibits
4 that. All we've done is codify current judicial
5 doctrine.

6 I've heard objections that say the current
7 map ignores Tier 1 and it only focuses on Tier 2. I
8 don't believe that's correct. You go back and you
9 look at Tier 1, the criteria of Tier 1 is that
10 districts have to be contiguous. These districts
11 are contiguous. That you cannot favor an incumbent.
12 Nobody has alleged that this map favors an
13 incumbent. In fact, the incumbents are often drawn
14 out of their districts as it currently resides -- as
15 they currently reside. And it cannot favor a
16 political party. The testimony from the map drawer,
17 who was deposed during the last round of litigation
18 after having drawn the House map, is that he did not
19 draw this map with any political data or political
20 intent. That was his experience in the past. That
21 is what he has testified that he has done this time
22 as well.

23 So what is the question when it comes to
24 Tier 1? The current -- the question is this. And
25 this is also a statement that was made that I need

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1 to correct. One of the statements was we have taken
2 away two minority majority districts. That is
3 factually incorrect. The current map that was given
4 to us by the court has five minority majority
5 districts, the current -- the map that we're
6 operating under today. This map before us today
7 that we're going to vote on also has five majority
8 minority districts.

9 Now, CD 5 and CD 10 will no longer have the
10 protection that they had, but neither one of those
11 were minority majority districts. One was a
12 minority effective district, CD 5; and one was a
13 minority opportunity district, CD 10. Regarding
14 Congressional District 5, the Governor's office
15 noted that in order to be in compliance with Section
16 2 of the Voting Rights Act it must satisfy the first
17 Gingles precondition. Gingles is a U.S. Supreme
18 Court case specific to the Voting Rights Act. That
19 precondition is that it must have a minority
20 population sufficiently large enough to constitute a
21 majority of the voting age population in a
22 reasonably compact geographic area. That's what the
23 law says, the U.S. law, federal law.

24 The position of the Governor's office is
25 that because CD 5 cannot be drawn as a majority

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1 minority district with a black voting age population
2 of greater than 50 percent in any configuration, let
3 alone one that is reasonably compact, that race
4 therefore cannot be used to justify the
5 configuration of the district. It was also their
6 position that it never should have been drawn that
7 way in the first place by the previous court. And
8 so therefore there is no obligation to redraw it in
9 the current manner that it exists.

10 That is a question where there is a tension
11 between what is in the Florida Constitution and how
12 the U.S. Supreme Court has interpreted the Voting
13 Rights Act. That conflict is going to have to be
14 resolved by a court. We're not the ones that can
15 resolve that conflict. The Governor can't resolve
16 that conflict, and the Attorney General can't
17 resolve that conflict. That is going to have to be
18 adjudicated.

19 When it comes to CD 5 -- I'm sorry, CD 10 -
20 - we're going to the second district. This was the
21 minority opportunity district. In the map drawn by
22 the Governor's office, CD 10 was not considered to
23 be a district protected from diminishment for a
24 different reason. In this case they adopted the
25 House position that based on the functional analysis

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1 of the benchmark CD 10, black voters' share of the
2 Democratic primary turnout had fallen below 50
3 percent over the course of the decade since the
4 district had been implemented.

5 And as we discussed yesterday, it went from
6 53.78 percent in 2012 down to 42.53 percent in 2020.
7 In determining whether or not a district performs
8 for a minority voters' candidate of choice, the
9 level of primary control based on voter turnout is
10 evaluated. The House took a different position on
11 this than we did. The House determined because of
12 the downward trend of black voters' control of the
13 Democratic primary, CD 10 was not subject to the
14 non-diminishment requirement.

15 We in the Senate took a different view.
16 Our view was that to the extent that any opportunity
17 did exist in a benchmark district, we would attempt
18 to recreate it at a similar level. That was what
19 was in the maps that we did.

20 Yesterday the Governor's office articulated
21 in committee that because the House and Senate did
22 not agree on the status of the district, that there
23 was no clear and compelling state interest to redraw
24 it that way so that it would perform for the
25 minority candidates -- candidate of choice. The

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1 minority voters' -- I'm sorry -- candidate of
2 choice.

3 Once again, that is a question that will
4 ultimately be resolved in litigation. But what I
5 would say is if you look at this, this map checks
6 off all the Tier 1 boxes where there is no conflict
7 alleged between the Florida Constitution and the
8 U.S. Constitution. And what this map does do is it
9 improves the Tier 2 metrics.

10 Now, I touched on this yesterday, but it's
11 important to ensure that this is indeed on the
12 record. This current map improves the convex hull
13 to .81. In the map that we did in the Senate, our
14 convex hull was .80. It retains the same Polsby-
15 Popper score of .43 and it improves the Reock ratio
16 from .46, which is what we drew, to .47. The number
17 of counties kept whole moves from our original 48 to
18 50. The number of cities kept whole moves from 368
19 in our original map that the Senate did to 396, a
20 substantial increase. By all of the Tier 2 metrics
21 this map is as good as or better than the map that I
22 was so proud to present to you the first week of
23 September that we had come up with.

24 And the one thing I'll make clear, because
25 it needs to be made clear, is that the map we came

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1 up with, which isn't statistically as good as this
2 map in front of us today, was a significant
3 improvement over the map that the court imposed in
4 the last redistricting cycle. So we took that which
5 the court did, which was given to them by the
6 plaintiffs who overturned the maps that the
7 Legislature did, and we improved upon it.

8 And now before us today is a map drawn by
9 the Governor's Deputy Chief of Staff incorporating
10 concepts from us and from the House that even
11 improves upon that. I believe that this is indeed a
12 constitutional map by looking at the metrics.

13 I'm going to read a quote here that I saw
14 way back in the beginning during committee weeks
15 that I filed away for an appropriate time. And the
16 quote comes from a University of Florida political
17 science professor. You may have heard of him. His
18 name is Michael McDonald. He was one of the expert
19 witnesses used by the plaintiffs to get the maps
20 tossed during the last redistricting cycle. He
21 said, and I quote, "As I like to say, and people
22 don't realize this, there are more redistricting
23 plans for a state like Florida than there are courts
24 in the universe." This is one of those plans.

25 If you go back and look at the litigation,

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1 the Florida Supreme Court said, when they were
2 tossing the maps, that the duty is to pass a
3 constitutional map. Nothing more, and nothing less.
4 And that is what we are doing here today. And so
5 with that I would ask for your favorable support.
6 Thank you.

7 PRESIDENT SIMPSON: Thank you. The
8 Secretary will unlock the Board, and Senators will
9 proceed to vote. Lock the board and record the
10 vote.

11 THE SECRETARY: 24 yeas, 15 nays,
12 Mr. President.

13 PRESIDENT SIMPSON: Show the bill passes.
14 Read the next bill.

15 THE SECRETARY: Senate Bill 4-C, a bill to
16 be entitled An act relating to independent special
17 districts.

18 PRESIDENT SIMPSON: Senator Bradley, you
19 are recognized to explain your bill.

20 SENATOR BRADLEY: Thank you, Mr. President.
21 This is the independent special district
22 bill that we discussed yesterday.

23 PRESIDENT SIMPSON: Are there amendments?

24 THE SECRETARY: None on the desk,
25 Mr. President.

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1 CERTIFICATE OF TRANSCRIPTIONIST

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

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

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Julie Thompson, CET-1036

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