

Senate Session
January 20, 2022

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1 [START 00:03:16]

2 President Simpson: Take up the bills on third reading. Read the first bill.

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

5 President Simpson: Senator Rodrigues, 27th District, you are recognized to explain the
6 bill.

7 Ray Rodrigues: Thank you, Mr. President. This is the reapportionment bill that we
8 discussed yesterday that takes in the additional congressional district that Florida was awarded
9 based upon our population growth, then redistricts the remaining districts.

10 President Simpson: Are there any amendments?

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

12 President Simpson: Is there any debate on the bill? Any debate? Senator Stewart, you are
13 recognized in debate.

14 Linda Stewart: Thank you, Mr. President. I am rising because I feel that this process has
15 been open and fair and this is an attribute to the staff who has worked so diligently with Senator
16 Rodrigues. He has been attentive to every detail to all the maps that have been presented by the
17 public and by others. I do want to thank you for that open process and I want to thank you very
18 much for a wonderful product. I think we should all be supportive of it. It's just a great end of the
19 redistricting committee.

20 President Simpson: Thank you. Is there any additional debate? Senator Jones, you are
21 recognized in debate.

22 Shevrin Jones: Thank you so much, Mr. President. I do want to echo my colleague,
23 Senator Stewart. Chair Rodrigues and to the staff, thank you all so much for the process that you

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1 all laid forth and to President Simpson, you made it clear in the beginning what type of process
2 you wanted to operate. When it came to the maps, you held to that, and gave full autonomy to
3 Senator Rodrigues. I really wanted to thank you for the open door policy that you committed to
4 in your initial email that you sent to all of us and gave full leverage for us to ask any questions to
5 you and the staff. Even accepting the amendment yesterday to the entire body for my district. I
6 really appreciate you and congratulations to you, Senator.

7 President Simpson: Thank you. Senator Cruz, you're recognized in debate.

8 Janet Cruz: Thank you, Mr. President. Contrary to public belief, I have much respect and
9 very much like Senator Rodrigues and I appreciate the monumental task that is redistricting. I
10 personally have a difference of opinion when it comes to the congressional maps. I think the
11 Senate maps look really good. I think that they were done with much fairness, and considering
12 the explosive growth here in Florida, I am concerned relative to the congressional maps, whether
13 adequate analysis. And I don't mean that, I really do not mean that to disparage anyone, but
14 when I look at it and I see the importance, and you'll understand, more was done to determine if
15 the population growth in Central Florida over the past ten years supports a second Hispanic-
16 access seat in Central Florida. We talked forever about the explosive growth of the Hispanic
17 population in Central Florida, yet they won't be represented. We know that the Florida
18 Constitution directs us to consider as a Tier One standard the equal opportunity of racial or
19 language minorities to elect representatives of their choice. We also know that the federal Voting
20 Rights Act requires us to take into account similar considerations. A decade ago, Hispanics made
21 up one in six Floridians and now we are one in four. We are also the largest minority in this state.
22 This growth occurred across Florida, but was particularly explosive in Osceola County where
23 almost 75% of the new residents in the area were Hispanic. Given these numbers, I'm not

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1 confident that we did everything we could to ensure Hispanic representation and access. I know
2 that this map is headed to the House and that it could be back here in a few weeks for voting
3 again. If that's the case, I'm hopeful that we'll be able to take a closer look at the number and
4 carefully consider whether we can or should create another Hispanic-access seat in Central
5 Florida. Thank you.

6 President Simpson: Senator Torres, you're recognized in debate.

7 Victor Torres: Thank you, Mr. President. Also, thank you, Senator Rodrigues, for your
8 work in your committee. According to the 2020 Census, Hispanics comprise more than 25% of
9 the total state population. Unfortunately, under the proposed district map, there are only four
10 majority-Hispanic seats out of 28, which is the same number of seats we had in the prior decade,
11 despite the fact that the Hispanic population increased by nearly 40%. Without performing a
12 functional analysis, it is unclear if other districts will reliably perform for a Hispanic or Latino
13 candidate. I do not believe we took the concerns of the Hispanic community seriously while
14 drawing these proposed maps, even though many Hispanic groups and organizations requested
15 the inclusion of an additional Hispanic opportunity congressional seat. I also do not believe we
16 did everything we could to verify whether or not an additional Hispanic seat is warranted,
17 especially in Central Florida. As a result of these concerns, I believe these maps may not pass
18 muster under the Tier One standards required by the Florida Constitution, and could also be
19 challenged under protections of Florida by the federal Voting Rights Act. For these reasons, I am
20 not able to support this bill today. Thank you, Mr. President.

21 President Simpson: Thank you. Is there any additional debate? Senator Rodrigues, you're
22 recognized to close.

23 Ray Rodrigues: Thank you, Mr. President. I'm going to touch briefly on the process and

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1 then I'm going to wrap up with some specific observations about the map we're about to vote on.
2 The process began when you appointed the Reapportionment Committee. You gave us a charge.
3 The charge was to not repeat the mistakes of the past and to make sure that we proposed and
4 passed a map that would be fully compliant with the Florida Constitution, all federal acts, and all
5 state statutory requirements.

6 To aid in that process, you appointed two standing select committees. A congressional
7 reapportionment standing select committee, chaired by Senator Bradley, and a legislative
8 redistricting select committee, chaired by Senator Burgess. The committee as a whole gave the
9 criteria to staff to use in the drawing of the districts. We then split and the subcommittees began
10 meeting. The heavy lifting was done by staff in the subcommittees as they went through the
11 various iterations of the map that staff brought to them.

12 The subcommittees narrowed the maps down and recommended two to be sent to the full
13 committee and working with staff and counsel, I chose the map that was presented to the full
14 committee where it was approved with a bipartisan vote. This map complies with all provisions
15 of the Fair Districts Amendment to the Florida Constitution. It complies with all federal
16 requirements and it complies with all state statutory requirements. The benchmark plan ordered
17 by the court provided one majority-minority district and two effective minority districts and one
18 opportunity district for African Americans.

19 This plan provides one majority-minority district, two effective minority districts, and one
20 opportunity district for African American voters. The benchmark plan provided three majority-
21 minority districts and one opportunity district for Hispanic voters. This plan provides four
22 majority-minority districts for Hispanic voters. A functional analysis for each of these districts
23 has been conducted and the data is available on the back of these maps for your review. For those

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1 who question about a functional analysis on other districts. The software that we provided gave
2 anyone the opportunity to choose any district then on the back end run that data and see what it
3 shows for themselves.

4 The Tier One metrics for compactness had been improved and the Convex Hull, Polsby-
5 Popper, and Reock ratio on this map is compared to the benchmark map, which was ordered by
6 the court, regardless of which metric you look at. When it comes to compactness, this map is
7 more compact than the map the court ordered the State of Florida to take on its congressional
8 districts previously. This map improves Tier Two metrics by keeping six more cities whole than
9 are currently whole under our benchmark map ordered by the court. 373 of 412 Florida cities are
10 wholly contained in a single congressional district. This map reduces the usage of non-political
11 or geographical boundaries from 15% in the benchmark map ordered by the court down to 8% in
12 the map in front of you that you will be voting on today. Staff drew maps that followed the
13 directives unanimously approved by the Reapportionment Committee.

14 I have been assured by counsel that they comply with all applicable state and federal law.
15 Let me be clear. I am not saying today that this is the only map that can be drawn to be
16 compliant. The courts themselves recognize that a skilled map drawer can always improve on a
17 given map on Tier Two metrics if given enough time. What I am saying is that the map before us
18 today fulfills the charge that the President gave the committee and delivered to the
19 Reapportionment Committee to deliver a map designed to be compliant with our Florida
20 Constitution, with all federal and state statutes. Based upon that compliance, I ask for your
21 favorable support.

22 President Simpson: Thank you, Chair Rodrigues. Before we open the board, I want to
23 thank you and the committee's work and Senator Bradley for her work on this particular map. I

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1 think you did a very good job and thank you for being professional and pulling this together as
2 you and your staff did in committee. So the secretary will unlock the board and senators will
3 proceed to vote. Lock the board and record the vote.

4 Secretary: 31 yeas, 4 nays, Mr. President.

5 President Simpson: Show that the bill passes. Read the next bill.

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

8 President Simpson: Senator of the 27th District, Senator Rodrigues, you're recognized to
9 explain the bill.

10 Ray Rodrigues: Thank you, Mr. President. This is the redistricting bill for the State
11 Senate that we went over yesterday.

12 President Simpson: Are there any amendments?

13 Secretary: Not on the desk, Mr. President.

14 President Simpson: Is there any debate on the bill? Any debate? Leader Gibson, you're
15 recognized in debate.

16 Audrey Gibson: Thank you, Mr. President. First of all, I want to thank you for the way
17 you set up the committees for our task here in the Senate. I think I may be the only member of
18 the Senate – I looked around, I called my staff to make sure that I was going to be accurate – the
19 only Senator here that served on the Reapportionment Committee in 2010. Not that that makes
20 me special, but it's a process I've been through once before. You guys were, in 2010? In the
21 Senate.

22 President Simpson: For the record – one second Leader Gibson – the rest of you were in
23 the lower chamber. Leader Gibson, please continue with your comments.

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1 Audrey Gibson: It was really 2011ish, but yeah. I was here. I don't know where you guys
2 were, but okay. Thank you, Mr. President. The structure, I really appreciated it. It was a little
3 different and it helped us, I think, to work well together and have better conversations about the
4 process itself. I also want to thank the chair, Chair Rodrigues, for your very steady, your
5 personality and demeanor never changes and I appreciate that. I also appreciate you keeping in
6 touch and laying the foundation and answering questions about how we were going to proceed
7 and then checking whether, you know, lotto balls would be better than, I don't know what that
8 process that President Bean did. I also want to thank the staff, in particular Jay knows me very
9 well from the last reapportionment cycle. He is ready, willing, and able to take the information
10 that individuals wanted to look at different versions of the map. I'm very much appreciative of he
11 and all the staff that worked with the maps.

12 As you may have determined by now, I'm not enamored with the Senate map,
13 particularly as it relates to District 6. I think pretty much covered most of that, well it is now
14 District 5. Let me make sure I get that correct. I think that when we have an opportunity to keep
15 with the Constitution but also create a map that is constitutional. Certainly, the numbers match
16 the 42% from the previous map and the 42%, which was in BVAP, which was contained in the
17 map that I talked about yesterday. Certainly file an amendment in the committee we should do
18 that. It's not on our behalf, but on behalf of the people who have to live within the district for the
19 next ten years. As time changes and much of the district didn't really, this is the funny thing
20 though. Much of the district that I, yes today I'm going to call it a duck again, is in the same
21 place. There's not much progression in terms of movement towards the 42%, which we had 42%
22 in the last decade map as well. I think that it's something that we could have taken a little more
23 time to look at.

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1 The other incidental factor is in the congressional district map, it looks very similar to the
2 map that I presented yesterday and that congressional district incorporates Senate District 5,
3 which is 6 today, and so it just makes sense to connect those dots. I just think that particular
4 district is a little flawed. If we have one area of a map that can be better drawn to certainly give
5 people an opportunity that's drawn constitutionally that can give people an opportunity to live
6 better, to have economic growth opportunity, not create a poverty district, and not reduce the
7 percentage to 41% when it can be 42%, I think we could have taken more time and done that
8 because the numbers do bear that out. With that, thank you very much again, Mr. President.

9 President Simpson: Is there any additional debate? Senator Torres, you're recognized.

10 Victor Torres: Thank you, Mr. President. As you all know, the Hispanic population of
11 Florida has grown by nearly 40% in the past decade. Hispanics are now the largest minority
12 community in the state. This growth was particularly notable in the Central Florida area,
13 including Orange and Osceola Counties. As I reviewed these proposed Senate maps, I was
14 disappointed to see we were maintaining the status quo when it came to Hispanic opportunity
15 seats in Central Florida. I have concerns that we do not do enough to satisfy the Constitution's
16 Tier One standards for racial and minority language representation. It appears that we do not
17 make increasing Hispanic representation in Central Florida a priority. Central Florida had the
18 largest, let me say it again, Central Florida has the largest population increase and the third
19 largest growth in the nation. I'm also concerned that when I review the proposed State House
20 legislative maps, they were able to create two new Hispanic seats in this area while the Senate
21 has no increase for Hispanic representation seats. Due to this failure to address increase minority
22 and particularly Hispanic representation in Central Florida, again, I cannot vote in favor of this
23 proposal today. Thank you, Mr. President.

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1 President Simpson: Is there any additional debate? Leader Farmer, you're recognized in
2 debate.

3 Gary Farmer: Thank you, Mr. President. Very, very brief. We can disagree on issues
4 without being disagreeable and not attacking the person, we've heard – I think a lot of of us are
5 trying to re-emphasize that. Chair Rodrigues has been extremely balanced in this process. We
6 appreciate the way you've handled it. I can't help but note that we're here to vote on these new
7 maps and we're missing two of the senators that represent minority districts. Senator Thurston's
8 district has no representation right now. Senator Rouson is out due to the COVID issue. So I
9 guess I wish we were doing this at a different time. The vacancy in the Thurston district certainly
10 isn't Chair Rodrigues' fault or your fault, Mr. President. But it kind of emphasizes, I think, the
11 importance of representation. The reason that we have minority access districts in the first place
12 and my friend, Senator Torres, highlighted some of the numbers with a 38%, almost 39%
13 increase in Hispanic population and an increase in African American population. I just would
14 have liked to have seen a few more minority access seats here. That coupled with the loss of a
15 seat in South Florida, the most compact populated area in the state, I think sort of devalues the
16 representation for those in South Florida. But I want to thank you all for the openness of the
17 process for the most part. I brought up yesterday the fact that we have no communication,
18 emails, correspondence, anything that's been posted on the website. I think we know there had to
19 have been communication, but again Chair Rodrigues is not operating that website, so certainly
20 no fault of yours. For those reasons, I won't be supporting this map. Thank you, Mr. President.

21 President Simpson: Any additional debate? Any additional debate? Senator Rodrigues,
22 you're recognized to close.

23 Ray Rodrigues: Thank you, Mr. President. I want to just briefly talk on the process and

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1 then close with the map on this as well. Similar process, which I covered earlier. I want to thank
2 Senator Burgess and the work that his subcommittee did in winnowing down the maps and
3 sending us two good options to choose from.

4 We all understand that the court tossed the last State Senate map that was done through
5 redistricting. Even before, it was tossed because it was found that there was a shadow
6 organization led by partisans to influence it. The court had expressed concern and invalidated
7 parts of the Senate map at the very beginning. That helped guide the decisions we made as we
8 put this map together. What the court found in the first apportionment case when they looked at
9 the process between the House and the Senate, they said the Senate offered a singular map that
10 was put together after soliciting input from members of the Senate on their preferences for
11 district configurations. The court concluded that the initial Senate plan was rife with objective
12 indicators of improper intent, which when considered in isolation did not necessarily amount to
13 improper intent, the court opined, when viewed cumulatively, demonstrated a clear pattern. The
14 Senate plan numbered districts in a manner to benefit incumbents. They did not use a random
15 selection process the first time around. The Senate plan did not have incumbents paired against
16 each other at any point.

17 The majority, it had 70% here, of underpopulated districts in the original Senate plan were
18 Republican performing districts. The court ruled that unlike the House, the Senate did not use a
19 mathematical measurement of compactness. Nor did the Senate use a consistent definition of
20 political and geographical boundaries. It noted that in some districts, the Senate constantly
21 switched between different types of boundaries, often within the span of a few miles. The court
22 concluded that the Senate's plan using a "pick and choose" method where boundary utilization
23 was not balanced with the remaining Tier Two requirements and was not applied in a consistent

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1 manner. The court further opined that the use of expansive definitions for the Tier Two standards,
2 particularly with the definition of geographic boundaries and the failure to follow a consistent
3 approach in the application of the standards, undermined the purpose of Article III, Section 21 of
4 the Florida Constitution.

5 In contrast, the court found in *Apportionment I* that the House put forth multiple maps at
6 committee, publicly workshopped those maps, advanced specific maps, and improved Tier Two
7 metrics as the maps moved through the process. The House paired both Democrats and
8 Republican incumbents against each other. The court ruled that the House plan complied with
9 Tier Two standards, made improper intent less likely because of its compliance with those Tier
10 Two standards, and indicated that the purpose of the Tier Two standards, equal population,
11 compactness, and utilizing political and geographical boundaries, is to prohibit political
12 favoritism by placing constraints around legislative discretion. The House explained that in
13 considering the appropriate balance of equal population, compactness, and adherence to the
14 existing boundaries, it emphasized county integrity while adhering to other Tier Two standards.
15 The House consistently considered municipal boundaries and geographical features where it
16 couldn't use county lines. The court ruled that the House approached the minority voting
17 protection provision by properly undertaking a functional analysis of voting strength in minority
18 districts, something the Senate did not do the first time around.

19 The decisions we made as we went through this process were framed by what the court
20 blessed in the previous process and avoiding what the court found issue with. In this process, we
21 followed what the court blessed. We used an iterative process with subcommittees that publicly
22 workshopped maps. Each of those maps were improved at the next committee stop, they arrived
23 at our final product. The boundaries were drawn using – after we had complied with Tier One

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1 requirements – consistently using the Tier Two metrics that had been blessed by the court that the
2 House utilized: county boundaries, geographical boundaries, and municipal boundaries.

3 We performed a functional analysis to make sure that there was no retrogression. Every
4 step we've taken has been a step guided by the decision of the court to present a map to you
5 today that will withstand a court challenge. It is my belief that this map will withstand a court
6 challenge. We have drawn a map with pure intent that has followed the directives of the court.
7 We've also improved our compactness measures. We've reduced the number of cities that are
8 split, and we've improved the uses of political and geographical boundaries compared to the
9 benchmark map that was ordered by the court.

10 If you look at minority districts in the benchmark plan, we had one majority district and
11 four effective minority districts for African Americans and we had four majority districts and one
12 opportunity district for Hispanics. In this map, we have one majority district and four effective
13 minority districts for African American voters and we have five majority-minority districts for
14 Hispanic voters. The metrics all show that this map is an improvement over the one that we have
15 today. Senators, I ask that you favorably support this map and submit to you that it is fully
16 compliant with everything that the President charged the committee to deliver. Thank you.

17 President Simpson: Thank you. Again, Chair Rodrigues, I really want to thank you and
18 the committee and Chair Burgess, you're recognized again, Chair Rodrigues.

19 Ray Rodrigues: Thank you, Mr. President. I can't put the mic down without making this
20 observation. I said this in committee but everyone needs to know this. The work that our staff
21 did, staff director Jay Ferrin, our counsel, staff counsel Jason Rojas and our general counsel Dan
22 Nordby, should not be overlooked. In any other districting year, they would have gotten their
23 data in April and had six months to crunch that data, analyze it, and put out a first series set of

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1 maps. Because of the delays from the U.S. Census Bureau, our early session, and our aggressive
2 timeline, they did in 60 days what had previously been done in six months. They did that by
3 working seven days a week, twelve hours a day. Thank you for your work and I want to make
4 sure everyone recognizes that. Thank you, Mr. President.

5 President Simpson: Thank you. With that close, Senator Rodrigues, I want to thank you
6 and Chair Burgess for the great work you all did with your staff and with the committees and I
7 think you had a lot of integrity and continually a great product that we're going to vote here for
8 today. I will reiterate that we really are thankful for staff, for all the work we've done so far and
9 work yet to come. The secretary will unlock the board and senators will proceed to vote. Lock
10 the board and record the vote.

11 Secretary: 34 yeas, 3 nays, Mr. President.

12 President Simpson: Show the bill passes.

13 [00:34:09]



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Date: 12th November 2024

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