

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

Black Voters Matter Capacity
Building Institute, Inc., *et al.*,

Plaintiffs,

Case No. 2022-ca-000666

v.

Cord Byrd, in his official capacity as
Florida's Secretary of State, *et. al.*,

Defendants.

EXHIBIT APPENDIX

Exhibit Letter	Exhibit Description	Reference to Factual Stipulation	Volume Number
A	J. Alex Kelly presentation to Florida House	Joint Factual Stipulation (2)(1): "Transcripts of legislative committee and floor proceedings" are "judicially noticeable"	1
B	J. Alex Kelly presentation to Florida Senate	Joint Factual Stipulation (2)(1): "Transcripts of legislative committee and floor proceedings" are "judicially noticeable"	1-2
C	VAP summary report, enacted map	Joint Factual Stipulation (1): "demographic information" "available on floridaredistricting.gov"	2
D	VAP summary report, benchmark map	Joint Factual Stipulation (1): "demographic information" "available	2

		on floridaredistricting.gov”	
E	Senate session, March 4, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	2
F	Senate session, April 20, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	2-3
G	House congressional redistricting subcommittee, February 18, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	3
H	House redistricting committee, February 25, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	3-4
I	House session, April 20, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	4
J	VAP summary report, 8019	Joint Factual Stipulation (1): “demographic information” “available on floridaredistricting.gov”	4
K	Benchmark north Florida districts, heat map & population density	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional	4

		elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	
L	Benchmark map packet	Joint Factual Stipulation (2)(5): redistricting committee meeting materials from the 2022 regular session	4
M	District compactness report, 8015	Joint Factual Stipulation (1): “demographic information” “available on floridaredistricting.gov”	4
N	Popper written legislative testimony	Joint Factual Stipulation (2)(5): redistricting committee meeting materials from the 2022 regular session	4
O	Benchmark districts, heat map, Duval County	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	4
P	Benchmark districts, heat map, Leon County	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	4

Exhibit A

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

TRANSCRIPTION OF VIDEO RECORDING
 HOUSE CONGRESSIONAL REDISTRICTING SUBCOMMITTEE
 APRIL 19, 2022

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

1 APRIL 19, 2022

2 CHAIRMAN SIROIS: The Congressional

3 Redistricting Subcommittee will come to order.

4 DJ, please call the roll.

5 THE CLERK: Chair Sirois.

6 CHAIRMAN SIROIS: Here.

7 THE CLERK: Vice Chair Tuck.

8 VICE CHAIR TUCK: Here.

9 THE CLERK: Ranking Member Skidmore.

10 DEMOCRATIC RANKING MEMBER SKIDMORE: Here.

11 THE CLERK: Representatives Benjamin.

12 REPRESENTATIVE BENJAMIN: Here.

13 THE CLERK: Brown.

14 REPRESENTATIVE BROWN: Here.

15 THE CLERK: Fabricio.

16 REPRESENTATIVE FABRICIO: Here.

17 THE CLERK: Fetterhoff.

18 REPRESENTATIVE FETTERHOFF: Here.

19 THE CLERK: Harding.

20 REPRESENTATIVE HARDING: Here.

21 THE CLERK: Hunschofsky.

22 REPRESENTATIVE HUNSCHOFSKY: Here.

23 THE CLERK: Joseph. Joseph.

24 Latvala.

25 REPRESENTATIVE LATVALA: Here.

1 THE CLERK: Maggard.
2 REPRESENTATIVE MAGGARD: Here.
3 THE CLERK: Massullo. Massullo.
4 McClure.
5 REPRESENTATIVE MCCLURE: I'm here.
6 THE CLERK: Morales.
7 REPRESENTATIVE MORALES: Present.
8 THE CLERK: Perez.
9 REPRESENTATIVE PEREZ: Here.
10 THE CLERK: Plakon.
11 REPRESENTATIVE PLAKON: Here.
12 THE CLERK: Silvers has been excused.
13 Trabulsy.
14 REPRESENTATIVE TRABULSY: Here.
15 THE CLERK: Truenow.
16 REPRESENTATIVE TRUENOW: Here.
17 THE CLERK: Williamson.
18 REPRESENTATIVE WILLIAMSON: Here.
19 THE CLERK: Ex Officio Driskell.
20 REPRESENTATIVE DRISKELL: Here.
21 THE CLERK: Ex Officio Leek.
22 REPRESENTATIVE LEEK: Here.
23 THE CLERK: Quorum is present, Mr. Chair.
24 CHAIRMAN SIROIS: Thank you very much, DJ.
25 Members, a few reminders before we begin.

1 Please silence all electronic devices, and if you're
2 here today to give public testimony, please take
3 time now to fill out an appearance form and turn it
4 into the Sergeant staff.

5 As a reminder for our members and speakers
6 today, please turn your microphone on when you are
7 speaking and off when you are finished.

8 Members, welcome back to special session.
9 We have a lot of work ahead of us today. So let's
10 jump right in.

11 For those of you who may be tuning in for
12 the first time and as a refresher for the rest of
13 it, I'd like to first take a moment to recap. We
14 began our redistricting process back in September of
15 2021. Since then, we've debuted a website, a map
16 drawing application, and held numerous committee
17 meetings.

18 On March 4th, the House and Senate both
19 passed Committee Substitute for Senate Bill 102.
20 Now, from there, unlike what happens in our state
21 legislative redistricting maps that receive Florida
22 Supreme Court review, our congressional
23 redistricting maps do not receive court review and
24 instead move like a normal bill, which means they
25 are sent to the Governor for approval or veto.

1 On March 29th, the bill was sent to the
2 Governor, who vetoed it the same day, citing
3 concerns with the United States Constitution. That
4 same day, he issued a proclamation, calling the
5 Legislature into special session to resolve these
6 concerns and established Florida's 28 congressional
7 districts to be used in the upcoming election cycle.

8 Chair Leek and I received a briefing from
9 the Governor's Office about their proposed map. It
10 is my understanding that the Senator received a
11 similar briefing. I'm glad to inform everyone that
12 the Governor's Office is joining us today to provide
13 that same briefing to all Committee members and the
14 public, as well as be available for questions about
15 the proposed map.

16 As the Speaker, as well as the Senate
17 President, have stated, our goal during special
18 session is to pass a new congressional map that will
19 both earn the Governor's signature and withstand
20 legal scrutiny, if challenged. This elected body is
21 responsible to the citizens of Florida to complete
22 our constitutional obligation to pass a
23 congressional map.

24 Now, let's talk about the flow and the
25 roadmap for today's meeting. We have one bill on

1 the agenda for consideration, House Bill 1-C by
2 Representative Leek. I want to assure members and
3 the public that I intend to allow for enough time
4 for members to ask questions, to hear public
5 testimony, and to allow for debate. I'll be
6 tracking our time closely this afternoon and will
7 keep the Committee informed as we move along.

8 Shortly, I will recognize Representative
9 Leek to explain his bill, which contains the
10 proposed congressional map, P-000C0109. As you may
11 be aware, 10 districts of this map are from our
12 previously passed legislative map, and 18 of the
13 districts are being newly proposed by the Governor's
14 Office.

15 Seeing as the House did not have a role in
16 drawing those districts proposed by the Governor, we
17 have invited their team to be present today to
18 explain the map and answer questions from members
19 afterwards. As is normal, we will move into public
20 testimony and member debate before taking a vote on
21 House Bill 1-C.

22 I'd like to take a moment to also address
23 decorum. There's been a lot of chatter,
24 speculation, and name calling over the last several
25 weeks in anticipation of this special session and

1 the new proposed map that we'll be considering
2 today. I want to be very clear. Today's meeting
3 with proceed with professionalism, civility, and the
4 decorum that Floridians expect of this legislative
5 body. Members of this Committee and the public
6 alike will keep their emotions and opinions
7 respectable and thoughtful and not engage in
8 personal or partisan attacks.

9 As we've talked about since last fall,
10 there is no single correct redistricting map. There
11 is no such thing as the best map. We are here to
12 consider the next map that will govern elections in
13 Florida for the next decade, and that is no small
14 feat.

15 The last housekeeping item before we
16 transition into our bill presentation is that,
17 members, in front of you is the data packet for map
18 P-000C0109. Similar to the packet produced for
19 previous maps we reviewed, this packet contains
20 information such as county and city splits,
21 compactness scores, and functional analysis data.
22 The bill text is also here in front of DJ in this
23 binder if you would like to review it.

24 Members, up for consideration today is
25 House Bill 1-C, establishing congressional districts

1 of the state. And as we've done for every other map
2 presentation, I will ask you to hold questions until
3 all districts have been explained to ensure we get
4 through a description of the entire state, and no
5 one region is rushed.

6 Representative Leek, you are now recognized
7 to present House Bill 1-C.

8 REPRESENTATIVE LEEK: Thank you,
9 Chair Sirois.

10 Before I dive into the map itself, I want
11 to echo Chair Sirois' comments from earlier. We as
12 legislators should feel a strong sense of
13 responsibility for passing redistricting maps out of
14 this body. A narrative has started to proliferate
15 that the Legislature has somehow ceded its map
16 drawing responsibility to the Governor. I find that
17 to be a false narrative and incorrect on its face.

18 We have not ceded any responsibility. In
19 fact, we have not -- we have done a responsibility
20 once by passing maps during the regular session, and
21 we will complete it again during this special
22 session. The Governor has also fulfilled his
23 responsibility and chose to veto our maps for
24 reasons I believe his team will elaborate on today.

25 Both branches of government have a role in

1 this process just like with any other bill. The
2 only abdication of responsibility would be if we
3 threw our hands up and sent an impasse to the
4 courts, allowing them or third parties, all of whom
5 are unelected, to draw our maps.

6 Instead, we have chosen to stay at the
7 table, continue the conversation, and hear out the
8 Governor and work together because that is not only
9 -- not only our responsibility but what Floridians
10 expect of us as their legislators.

11 Our goal for special session is to produce
12 a work product that is legislatively passed and
13 executively signed. It's through that lens that I
14 hope we will all move forward with today's meeting.

15 Now, on to the presentation. Today, we
16 will be presenting map P-000C0109. This is the map
17 reflected in the data packet in front of you, as
18 well as being posted on
19 www.FloridaRedistricting.gov.

20 As Chair Sirosis mentioned, 10 of the
21 districts in this map are exact copies of districts
22 that the Legislature passed during the regular
23 session. Those are Congressional Districts 1, 2,
24 20, 21, 22, 23, 24, 25, 27, and 28. You can see
25 those here on our screen.

1 The new proposed districts that will be
2 presented by the Governor's Office today consists of
3 Congressional Districts 3-19 and 26, as now seen on
4 the screen. Given the new proposed districts are
5 the focus of today's meeting, I would like to ask
6 Chair Sirois to recognize the Governor's Office to
7 explain these districts.

8 I'm more than happy to take questions on
9 the Legislature's districts after the presentation
10 but don't want to use our limited time redescribing
11 configurations we've all previously heard several
12 times.

13 CHAIRMAN SIROIS: Thank you very much,
14 Representative Leek.

15 Representative Skidmore?

16 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
17 you, Mr. Chair.

18 I'd like to move that the Governor's staff
19 be put under oath while testifying in the
20 Subcommittee today.

21 CHAIRMAN SIROIS: Representative Skidmore,
22 first of all, that procedure would be different from
23 any of the testimony that we received in our
24 Committee thus far, and as far as my length of
25 service in the Legislature, I think that that would

1 be an extraordinary step that I don't feel is
2 necessary and, frankly, I find absurd to seek to put
3 a member of another branch of our government under
4 oath.

5 So that is not well received by me, and as
6 Chair, I will choose to decline your request.

7 DEMOCRATIC RANKING MEMBER SKIDMORE:
8 Follow-up?

9 UNIDENTIFIED FEMALE: Mr. Chair, point of
10 --

11 CHAIRMAN SIROIS: Representative Skidmore.

12 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
13 you, Mr. Chair.

14 Pursuant to Rule 7.2, we have the ability
15 to move to have members or guests who are testifying
16 in Committee to be put under oath, and I feel that
17 it is a fair motion under the circumstances. And
18 I'd like us to move through that process with a --
19 if we could get a second and a vote on it.

20 UNIDENTIFIED FEMALE: I second.

21 CHAIRMAN SIROIS: Thank you.

22 Representative Skidmore, again, I'm going
23 to voice that I think that that is an extraordinary
24 and unnecessary step for us to take. But I will put
25 it to this Committee.

1 But as we move forward, I think it's a good
2 point to point out the tone for today's Committee
3 meeting. This is a state house, not a courthouse,
4 and that's how I intend to proceed with this
5 Committee today. So in the spirit of working with
6 you and moving our process forward, I will put that
7 to the vote of a Committee, and I will ask for a
8 voice vote.

9 Those in favor of putting the witness
10 providing testimony today under oath please indicate
11 so by saying aye.

12 (Multiple yeas).

13 And those opposed, please say no.

14 (Multiple nos)

15 CHAIRMAN SIROIS: In the judgment of the
16 Chair, the nos have it.

17 We'll now proceed.

18 Representative Driskell.

19 REPRESENTATIVE DRISKELL: (Indiscernible)

20 CHAIRMAN SIROIS: All right. On the motion
21 that we just voted on, seeing two hands on the
22 motion that we just had a voice vote on, DJ, I would
23 ask you to call the roll.

24 THE CLERK: Chair Sirois.

25 CHAIRMAN SIROIS: No.

1 THE CLERK: Representatives Benjamin.
2 REPRESENTATIVE BENJAMIN: Yes.
3 THE CLERK: Brown.
4 REPRESENTATIVE BROWN: Yes.
5 THE CLERK: Fabricio.
6 REPRESENTATIVE FABRICIO: No.
7 THE CLERK: Fetterhoff.
8 REPRESENTATIVE FETTERHOFF: No.
9 THE CLERK: Harding.
10 REPRESENTATIVE HARDING: No.
11 THE CLERK: Hunschofsky.
12 REPRESENTATIVE HUNSCHOFSKY: Yes.
13 THE CLERK: Joseph.
14 REPRESENTATIVE JOSEPH: Yes for
15 transparency.
16 THE CLERK: Latvala.
17 REPRESENTATIVE LATVALA: No.
18 THE CLERK: Maggard.
19 REPRESENTATIVE MAGGARD: No.
20 THE CLERK: Massullo.
21 REPRESENTATIVE MASSULLO: No.
22 THE CLERK: McClure.
23 REPRESENTATIVE MCCLURE: No.
24 THE CLERK: Morales. Morales.
25 UNIDENTIFIED FEMALE: Daisy, you have to

1 vote.

2 THE CLERK: Perez.

3 REPRESENTATIVE PEREZ: No.

4 THE CLERK: Plakon.

5 Silvers has been excused.

6 Skidmore.

7 DEMOCRATIC RANKING MEMBER SKIDMORE: Yes.

8 THE CLERK: Trabulsy.

9 REPRESENTATIVE TRABULSY: No.

10 THE CLERK: Truenow.

11 REPRESENTATIVE TRUENOW: No.

12 THE CLERK: Tuck.

13 VICE CHAIR TUCK: No.

14 THE CLERK: Williamson.

15 REPRESENTATIVE WILLIAMSON: No.

16 THE CLERK: Ex Officio Driskell.

17 REPRESENTATIVE DRISKELL: Yes.

18 THE CLERK: Ex Officio Leek.

19 REPRESENTATIVE LEEK: No.

20 THE CLERK: Six yeas, fifteen nays,

21 Mr. Chair.

22 CHAIRMAN SIROIS: Thank you, DJ.

23 Members, the motion fails.

24 The Governor's Office is recognized, and if

25 you would please identify yourself, sir, for the

1 Committee and the record that would be appreciated.

2 ALEX KELLY: Thank you, Mr. Chair.

3 I'm Alex Kelly with the Executive Office of
4 the Governor, and I'm a deputy chief of staff for
5 the Governor. And I should say apologies for the
6 PowerPoint. Obviously, I made the PowerPoint before
7 House Bill 1-C was filed. So obviously, I'll be
8 speaking to House Bill 1-C and I guess obviously the
9 identical content of Senate Bill 2-C today. But
10 that's it again. Thank --

11 CHAIRMAN SIROIS: Mr. Kelly, I'm sorry to
12 interrupt you. If you could pull that microphone a
13 little bit closer and just speak up a little bit.

14 ALEX KELLY: Thank you, my apology.

15 Again, thank you, member -- thank you --
16 thank you, Mr. Chair, members, and thank you for
17 this opportunity to present the views of the
18 Executive Office of the Governor on the -- the
19 proposed congressional reapportionment plan and to
20 discuss our work and our contributions to this
21 compromise plan.

22 Just to give you a very brief introduction,
23 you know. Frequently today, I'll refer to
24 improvements in the plan, and I think obviously the
25 Chair and the -- and the sponsor gave a great

1 introduction to the plan. I'll be really speaking
2 to just the 18 districts that are different,
3 although sometimes I'll very generically refer to
4 the plan as a whole. But I really am really
5 referring to our specific and my specific
6 contributions to those 18 districts.

7 And oftentimes throughout the presentation,
8 I will compare very specifically this plan, Plan
9 0109, to the primary plan the Legislature passed,
10 Plan 8019. Although there are some instances where
11 I'll refer to both, and I'll try to remember to
12 identify both when I'm making a comment that
13 definitely refers to both.

14 So for the purpose of my introduction, so I
15 am the map drawer of the 18 districts in this plan.
16 Obviously, I assumed that context would be helpful.
17 So I am the map drawer of these districts, and to
18 give you just a little bit of background of myself,
19 10 years ago, I was the staff director of the House
20 Redistricting Committee here in the Florida House of
21 Representatives.

22 Starting in January this year, I initially
23 served for our office in a role of just providing
24 guidance and oversight to our in-house counsel and
25 our contract counsel and also a contract map drawer

1 that we brought on board to help initially start our
2 engagement in this process.

3 For reference, that contract map drawer
4 that we brought on board -- his name is Adam Foltz
5 -- the initial map that we submitted on behalf of
6 our office, map 0079, was drawn by -- was authored
7 by Mr. Foltz. For just a little context for his
8 background, he has been a map drawer for state
9 Legislatures in Wisconsin and Texas, and actually
10 currently he's drawing maps for the state of Texas
11 at this present time.

12 Much like your professional staff, myself,
13 our map drawer who drew our original map, map 0079,
14 we've only drawn maps on behalf of state government.
15 Adam Foltz and I collaborated on our office's second
16 contribution, map 0094, and, again, I alone authored
17 the 18 changes -- the 18 districts that are changed
18 in the map before you today and as to how they
19 compare to map 8019.

20 Some additional notes I'll point out at the
21 outset that will be helpful for today, one, no one
22 directed me to favor or disfavor a political party
23 or incumbent throughout this process, and I did not
24 draw any districts or make any districts or make any
25 contributions with the intent of favoring or

1 disfavoring a political party or an incumbent.

2 Two, in drawing any of the districts
3 submitted by our office, I did not consider or even
4 look at political data, including party
5 registration, voter data. In other words, I do not
6 know the voting history or party registration
7 numbers for any of the districts that I have drawn.

8 With that said, the only time I did
9 reference political data in my work was early in the
10 process. I did -- I did reference political data
11 early in the process when we were observing the work
12 of the Legislature and we were identifying whether
13 or not it was possible to draw a compact African
14 American performing district in Northeast -- in
15 Northeast Florida to both try to comply with the
16 U.S. Constitution and the State Constitution and
17 apply -- comply with the State Constitution in the
18 way that the Florida Supreme Court has interpreted
19 it and the way this Legislature has implemented it.

20 So essentially, I took a look at whether or
21 not it was possible to sort of check all the boxes,
22 so to speak, with complying with the U.S.
23 Constitution and the State Constitution in drawing a
24 more compact minority performing district.
25 Ultimately, I determined it was not possible to do

1 so.

2 Three, in drawing the compromised plan that
3 you -- that you have before you here today in this
4 legislation and contributing to office's two prior
5 proposals and in the totality of our office's
6 engagement in this process, I have not in any way
7 consulted with anyone outside the Executive Office
8 of the Governor, our contract counsel, our contract
9 map drawer, the Legislature, and its counsel. So
10 I've only worked within the parties here in the
11 House, Senate, and our office and our contract
12 counsel.

13 In other words, I can confirm -- said
14 differently, I can confirm that I've had no
15 discussions with any political consultant, no
16 partisan operative, no political party official
17 concerning any plans proposed by our office and
18 plans considered by the Legislature. In effect, I
19 have engaged in this process, including authoring
20 this proposed compromise plan, in a manner that
21 meets the same high standards that you set forth for
22 your professional staff.

23 And this plan that you're considering today
24 in House Bill 1-C, Plan 0109, is indeed a
25 compromise. It is the product of consultation and

1 collaboration between our office and House and
2 Senate leadership, and it incorporates portions of
3 the plan passed by the Legislature.

4 As Chair Leek noted, Senate Bill 102,
5 Primary Plan 8019, concepts, of course, from 10
6 districts are included block for block in their
7 entirety in this map. This compromise plan also
8 includes concepts from our two prior office's
9 submissions, Plan 0079 and 0094.

10 It also includes concepts from the map that
11 was actually referred out of this Subcommittee, map
12 -- or Plan 8011 prior to -- or I guess out of this
13 Subcommittee on its way to the full committee and
14 aligns in several other ways that I'll describe with
15 plans considered and the style of the House and
16 Senate's map drawing.

17 As we noted -- in fact, I think, Chair
18 Leek, you did a great job of really summarizing this
19 slide. So I can probably just -- probably just skip
20 this. But, you know, again, in general, the main
21 crux of it is that I'm going to really focus my
22 comments today on the 18 districts that did change.

23 First, in an effort to create a
24 collaborative product, I worked off the
25 Legislature's primary plan 8019. So while I was

1 seeking to remedy the Governor's veto message and
2 make improvements throughout the map, I began my
3 work downloading Plan 8019 and subsequently making
4 changes.

5 Regarding the proposed plan before you
6 today, it maintains the same number of performing
7 majority-minority seats. It retains the
8 Legislature's exact configuration as was shown in
9 the map of the Panhandle districts and also
10 Southeast Florida, essentially St. Lucie through
11 Monroe Counties.

12 For reasons set forth in the detailed
13 memorandum that -- I think it may have been
14 distributed to the members prior to the meeting --
15 the detailed memorandum that our general counsel
16 wrote to accompany the Governor's veto message, the
17 compromise proposal eliminates the racially
18 gerrymandered versions of Congressional District 5,
19 which were included in Senate Bill 102, both the
20 primary plan and the secondary plan. Members, that
21 legal memorandum is included -- again, I think
22 hopefully it's been distributed. That legal
23 memorandum is available.

24 In summary, Congressional District 5 in
25 both the primary and secondary maps enacted by the

1 Legislature violates the Equal Protection Clause of
2 the United States Constitution because it assigns
3 voters primarily on the basis of race but is not
4 narrowly tailored to achieving -- to achieve a
5 compelling state interest.

6 Again, that memorandum otherwise fully
7 explains the Governor's legal objections to both
8 versions of that district in the primary and
9 secondary maps as it passed the Legislature.

10 I will say because I am the map drawer, I
11 am not legal counsel to the Governor. I'm going to
12 be careful to really focus my comments today on the
13 drawing of the map and not venture into that legal
14 world. It's a little beyond -- it's probably a
15 little beyond my training. So I'm really going to
16 -- going to focus on the map itself and those 18
17 districts.

18 Plan 0109 creates two new districts,
19 Districts 4 and 5, in Northeast Florida consistent
20 with maps previously proposed by our office with
21 some minor improvements. These two districts are
22 race neutral and overall more compacts than
23 Districts 4 or 5 in the maps passed by the
24 Legislature.

25 In addition to resolving federal

1 constitutional objections raised by the Governor,
2 the proposed compromise plan makes overall
3 improvements with respect to Tier 2 redistricting
4 criteria relative to the maps passed by the
5 Legislature by bringing together some of the best
6 concepts from the Legislature's prior maps and our
7 office's maps.

8 Plan 0109 adjusts the congressional
9 districts in Tampa, for example, the Tampa Bay area
10 and the larger Gulf Region, stretching from Citrus
11 down to Lee Counties and impacting some inland
12 counties to create a hybrid compromise of the
13 Legislature's and our office's maps.

14 These changes improve overall visual
15 compactness, have a net effect of reducing a county
16 split, and significantly increase the usage of Tier
17 2 political and geographical boundary lines.

18 In the Central Florida region, Plan 0109
19 aligns more closely with the map that was referred
20 out of this Subcommittee, Plan 8011, with one
21 distinction that aligns with Senate Plan 8060 as it
22 passed the Senate.

23 With respect to the similarities with the
24 House's Plan 8011, specifically with respect to
25 Congressional District 10, we accept the position

1 articulated by the House's professional staff in
2 this Subcommittee in that meeting, that this
3 district is not subject to the Florida
4 Constitution's non-diminishment standard because the
5 benchmark district does not contain an African
6 American population sufficient enough, large enough
7 to reliably elect a candidate of their choice.

8 We understand that the House and Senate
9 disagree on this point. However, because districts
10 cannot be drawn on the basis of race unless there is
11 a compelling reason to do so, the absence of
12 agreement between the House and Senate on the need
13 to treat District 10 as a minority protected
14 district under the State Constitution indicates that
15 a compelling basis for using race is lacking.
16 Essentially, the disagreement between the two
17 chambers, as articulated in the testimony, is a
18 reason for a lack of evidence.

19 Accordingly, the proposed plan defers to
20 the House's stated testimony in that Committee
21 meeting or Subcommittee meeting, and my changes to
22 the districts in Central Florida region, including
23 District 10, are drawn on race -- on race neutral
24 principles.

25 Again, these changes in Central Florida

1 result in Tier 2 improvements for the Central
2 Florida region. And the combination of these
3 changes in Central Florida and the Gulf Coast
4 counties result in some additional Tier 2
5 improvements for other impacted districts like
6 Districts 3, 6, and 11.

7 Lastly, in-between the submission of our
8 office's second map, Plan 0094, and my drawing of
9 this plan, 0109, I received feedback from House and
10 Senate staff regarding our second maps overreliance
11 on the boundaries of census-designated places. I
12 was encouraged to follow the House and Senate's
13 preferred methodology of boundary usage to increase
14 our usage of major roadways, waterways, and railways
15 for Tier 2 compliance.

16 Our second map closely adhered to county
17 and city lines. So that was not a concern, although
18 less frequently to the other Tier 2 recognized
19 boundaries. Therefore, throughout these 18 revised
20 districts, I adopted the Legislature's -- the House
21 and Senate's preferred and clear articulation of
22 Tier 2 compliance. So even where I was trying to
23 articulate a general concept from one of our
24 office's prior maps, I made such revisions using the
25 Legislature's preferred approach to Tier 2

1 compliance.

2 In the next few slides, I'll just walk you
3 through some key points regarding those Tier 2
4 improvements. First, the proposed plan reduces by
5 one the number of county splits from 18 to 17 by
6 keeping Citrus and Sarasota Counties whole in lieu
7 of Polk, effectively a two-for-one swap.

8 Furthermore, where there are county splits,
9 the number of ways in which those counties are split
10 is reduced. For example, probably the most visible
11 of those changes in a larger county is reducing the
12 number of districts within a portion of Hillsborough
13 County from four to three.

14 Second, the proposed plan reduced reliance
15 on nongeographic and nonpolitical boundaries from
16 12.5 percent to 11.5 percent, not a significant
17 difference but nonetheless showing that effort to
18 again utilize more frequently, well-recognized
19 political and geographical boundary lines in that
20 Tier 2 manner. In other words, when I mentioned
21 previously that I adopted the House and Senate's
22 preferred way to articulate compliance, this is the
23 result of that.

24 Third, although the mean compactness scores
25 are largely equivalent to each other when comparing

1 my efforts in map 0109 and Plan 8019 as passed by
2 the Legislature, the proposed plan improves the
3 compactness score of the least compact district such
4 that Plan 0109 would be, I believe, the first map
5 considered by the Legislature where every district
6 has a Reock and Polsby-Popper score greater than
7 0.2.

8 I should say, moreover, visually we'll see
9 in a few moments many of the districts are plainly
10 just more circular, squared, more visually compact
11 shapes that are more easily understandable.

12 Lastly, my changes to Plan 0109 stayed
13 equal to the Legislature's achievement of only
14 splitting 16 cities in primary plan 8019. There are
15 some differences about which cities are split when
16 comparing my revisions to the map passed by the
17 Legislature, specifically I keep Cape Coral, Plant
18 City, and Port Orange whole, whereas the Legislature
19 kept Lakeland, St. Pete, and Longboat Key whole.

20 What I did take care to do in each of those
21 cases was first to make sure that if there was a
22 city split in that sort of three cities for three
23 cities swap, to make sure that those cities
24 nonetheless were still only contained within two
25 districts, as the way the Legislature did, as the

1 way you did.

2 And additional -- and additionally, I tried
3 to make sure that those city splits still made
4 meaningful use of other Tier 2 metrics. For
5 example, as you know, Longboat Key is one of four
6 cities in the state that is itself split across two
7 different county lines. When I made the effort to
8 keep Sarasota County whole, that resulted in
9 splitting Longboat Key because both Manatee and
10 Sarasota were kept whole but kept whole in two
11 different districts, although certainly that was an
12 exchange of Tier 2 compliance that was well worth it
13 in order to keep an entire county whole.

14 I should say just as a disclaimer in saying
15 all of this, I don't mean to ever suggest -- and I
16 think, Chair Sirois, you got at this point -- I
17 don't ever mean to suggest there is a statistical
18 line in the sand for what Tier 2 -- Tier 2 compliant
19 compactness or county splits or city splits looks
20 like.

21 But at the same time, in authoring a
22 compromise plan, I recognized that I should author a
23 plan that recommends improvements and builds upon
24 the work of the Legislature, at the very least give
25 you a plan that never goes backwards and at least

1 improves upon the work the Legislature has done,
2 even though it's not necessarily, as you said,
3 Chair, it's not a competition of statistics. And
4 that is exactly what I've done.

5 So with that, I'm just going to proceed
6 then to a more detailed visual explanation of the
7 proposed compromise plan.

 Statewide, the next two
8 slides -- really, the next four slides -- give you
9 that view statewide. I don't think I need to cover
10 these as much because you -- Chair, you covered
11 these very much or Chairs, I should say, covered
12 these very much in your opening.

13 But this is the statewide view, and then if
14 you just scroll to pulling back the district labels,
15 it was important for me, not just -- obviously we
16 talked about statistics, not just to improve upon
17 statistical goals in the map, like statistical
18 compactness, but I also wanted these changes just to
19 satisfy the eyeball test and offer some squaring up,
20 circling up of the districts and greater usage of
21 clear and visible boundary lines. And so the look
22 and feel of the map mattered just as much as the
23 statistics.

24 As you zoom in on just the districts that
25 changed, I'll just skip a little bit again because

1 you just looked at something similar. One of the
2 key facets of my work in the proposed plan was to
3 make sure that there was no collateral, unintended
4 consequences to my changes without making some sort
5 of equal or better Tier 2 change.

6 So as I changed one part of the map -- for
7 example, as you see, I split Polk County as part of
8 the swap for keeping Citrus and Sarasota Counties
9 whole. I get a little more in-depth as to exactly
10 how that worked in a little bit. In doing so, I
11 incorporated several Tier 2 changes to Polk County
12 to make sure the new lines were still very
13 meaningful.

14 And in saying that, two-thirds of the
15 residents in proposed District 18 on the right are
16 still coming from Polk County. Clearly, the
17 Legislature was articulating options that centered a
18 district largely around Polk County. And so even
19 though I've split the county in order to pick up
20 Sarasota and Citrus kept whole, I've done so in a
21 way where Polk County is still the predominant two-
22 thirds of the population of a district.

23 Shifting to Districts 4 and 5 on these next
24 couple slides, I already provided some context
25 previously about the newly proposed composition of

1 these two districts. Just some other general points
2 that I didn't say earlier. The boundary lines
3 between the two are mostly the St. Johns River.

4 As you know, Jacksonville is the one city
5 in the state that is larger than a congressional
6 district. So you must split it, and the river,
7 which nearly equally divides the city, stands out as
8 a logical, recognizable Tier 2 boundary. If you
9 have to split the city somewhere, it stands out as
10 maybe the most recognizable boundary to do so.

11 And in doing so, the maps on the right in
12 Plan 0109 were overall the combined -- when you
13 compare the compactness of the Districts 4 and 5
14 there compared to Districts 4 and 5 on the left,
15 combined, they still improve the overall compactness
16 of the two, even making the split through the river.

17 The southern boundaries of District 4 and 5
18 -- I should -- let me go back. The southern
19 boundaries of Districts 4 and 5 are still exactly as
20 the Legislature proposed them. So the use of the
21 Clay-Putnam line is the same as the Legislature
22 proposed it, and where the split occurs in St. Johns
23 County is exactly as the Legislature proposed it.
24 So we didn't change the southern boundary. I didn't
25 change the southern boundary of Districts 4 and 5.

1 The last point about these two districts I
2 want to make sure and show you, make sure you see,
3 is that District 4 does need to cross the river at
4 some point for the purposes of equal population, and
5 that population difference was about 1500, 2000
6 residents. So knowing the district has to cross at
7 some point, cross the St. Johns River, I tried to
8 make that a meaningful crossing of the river.

9 Our original iteration of this crossing, I
10 think, was less deliberate. In this improvement
11 configuration, I used the bridges of the Arlington
12 Expressway and Interstate 295 to literally allow a
13 resident to not have to leave District 4 in order to
14 traverse District 4. So again, just trying to use,
15 even in the zero population work on a district,
16 trying to use those boundaries in some kind of
17 meaningful way.

18 The next few slides, slides 14 through 21,
19 visualize my changes to the Gulf Counties from
20 Citrus down to Lee and how those districts impact
21 the counties inland to the east, north, and south.
22 And I'm showing this in a way that I thought about
23 it, trying to make Tier 2 improvements, how I
24 thought and went through the map to make those
25 changes. And essentially this is again a hybrid of

1 the Legislature's maps and our office's prior plans
2 in this region.

3 In order to achieve worthwhile Tier 2
4 improvements to this region, I did have to revisit
5 how the entire region was drawn. Slide 15, as this
6 slide illustrates, the Legislature's decision to
7 keep Broward, Osceola, and Polk Counties whole --
8 nothing wrong with that decision. Obviously keeping
9 counties whole is a great decision -- but the
10 Legislature's decision to keep Broward, Osceola, and
11 counties (sic) whole places limitations on what
12 could be done in the Tampa Bay region and the
13 counties to the north and south of Tampa Bay.

14 Keeping Broward -- I'm sorry -- Broward,
15 Osceola, and Polk Counties whole creates effect --
16 in effect -- I'm sorry. Go ahead -- in effect,
17 creates a wall across three-quarters of the state.
18 Breaking that wall in Polk County essentially gives
19 the map drawer more flexibility in considering
20 different options for drawing more compact districts
21 and more adherence to political and geographical
22 boundary lines in those Western Gulf Counties in the
23 state of Florida.

24 So in effect, Polk County -- freeing Polk
25 County up then allowed additional considerations.

1 Otherwise, if it's kept whole, it limits what the
2 map drawer can do in along Tampa Bay and north and
3 south of Tampa Bay.

4 Slide 16, for example, this Congressional
5 District 12 now includes all of Citrus County. In
6 the Legislature's configuration, Citrus County was
7 split. So now, Citrus County is kept whole in this
8 district. Of course, obviously, now District 12
9 takes a much more squared-up, linear shape.

10 Just a few details about the district and
11 the district just to the south of it, that pink
12 district, District 15, District 12 is actually still
13 a majority Pasco County seat, yielding about 141,000
14 Pasco County residents to District 15. The
15 boundaries between 12 and 15 are almost entirely
16 defined by state roads and municipal boundary lines.
17 Zephyrhills is entirely included in District 15.
18 Saint Leo, San Antonio, and Dade City are entirely
19 included in District 12.

20 Taking a look then south of the Tampa Bay
21 region, going down to Sarasota County, the changes I
22 began in Polk also allowed keeping Sarasota County
23 whole in District 17, which, like District 12, now
24 includes two whole counties and portions of a third
25 to get equal population.

1 The southern portions of District 17 that
2 extend into Lee County only take unincorporated
3 communities, leaving all municipalities from Lee
4 County whole in District 19. This is how I was able
5 to keep Cape Coral whole in District 19. And the
6 boundaries are almost entirely city lines or
7 significant roadways, again, leaning on these Tier 2
8 principles.

9 Taking this approach to the north and south
10 of Tampa Bay then gave me a better chance to draw
11 visually compact districts in Tampa Bay and make
12 improved usage of Tier 2 political and geographical
13 boundaries.

14 Zooming in a little further on Pinellas
15 County in the bay, it's seen from the Legislature's
16 process that having a seat wholly in Pinellas County
17 was an important goal. So I quite literally worked
18 my way west to east, starting with District 13,
19 while I also built my way south to north with
20 District 16, coming from Manatee County, which is
21 still kept whole in this plan.

22 Really leaning in heavily on Tier 2
23 standards of compactness and use of Tier 2
24 boundaries, I split Districts 13 and 14 in the north
25 with the use of the Pinellas-Hillsborough County

1 line, as the Legislature did, and I largely utilized
2 U.S. 19 as the southern divider. I get my equal
3 population in that middle section of District 13, in
4 the unincorporated Feather Sound area just north of
5 St. Pete.

6 So while I split St. Pete, I'm doing so
7 making a clear use of Tier 2 boundaries. As -- and
8 as I built District 14 eastward and northward in
9 Tampa Bay, again, I sought to ensure that the
10 boundaries of the district were defined by clear,
11 recognizable, Tier 2 boundaries like major roadways
12 and as I was trying to maintain something of a
13 square or rectangular shape to District 14 to keep
14 it compact.

15 You'll see in these next few slides where
16 some of the linkage along predominantly roadways
17 occurs between these districts, in this particular
18 case, between the northern portion of Districts 14
19 and 15 and even District 12 in Pasco County. That's
20 largely the Suncoast Parkway -- that's -- I'm sorry.
21 It's largely the Suncoast Parkway squared off at a
22 county road, as it essentially takes Suncoast
23 Parkway south.

24 You meet up with a county road, and then
25 make a -- I guess if you were traveling south, you

1 make a left at Busch Boulevard, over to the
2 municipality of Temple Terrace. And I have Temple
3 Terrace highlighted on the map. The Legislature had
4 a very similar configuration around Temple Terrace
5 to accommodate the municipal boundaries wholly in a
6 district.

7 And you'll see that I continued on the
8 Suncoast Parkway into Pasco County, so if you take
9 Suncoast Parkway north into Pasco County and then
10 turn on State Road 54, which is a little curvy but
11 nonetheless a state road to divide Districts 12 and
12 13.

13 What you see here in the unincorporated
14 Brandon area is also a point of emphasis that I
15 achieved a few times when three districts would meet
16 at a point. I essentially tried to make use of a
17 clear -- of clearly recognizable roadways in a Tier
18 2 manner to be distinguishable dividers between
19 districts. So in this case, that juncture of U.S.
20 301 North and South and State Road 60 East and West
21 makes a clear boundary when these three districts
22 meet.

23 And as I was drawing District 16 from
24 Manatee County north into Hillsborough County, I
25 really wanted to hold State Road 60 as a clear

1 divider that could later be utilized in Polk County,
2 where Districts 15 and 18 would eventually meet.
3 The resulting District 15 also keeps Plant City
4 whole, and despite going into Pasco and Polk
5 Counties, is still approximately two-thirds
6 populated by Hillsborough County residents.

7 The next five slides visualize my changes
8 to the Central Florida region, again, largely
9 returning to the concepts that this Subcommittee
10 passed in Plan 8011 with one exception.

11 That one exception -- we'll start there.
12 That one exception being that I followed more
13 closely to the Senate's concept for Congressional
14 District 8 in that rather than taking the district
15 into southern Volusia to get the last bit of equal
16 population necessary, I turned the district into
17 eastern Orange. That means this proposed plan only
18 splits Volusia County two ways rather than into
19 three different districts, bringing District 7 down
20 to the Volusia-Broward County line without
21 increasing the number of districts in Orange County.

22 Essentially, there as a turning of the
23 wheel, if you will, as to where these districts'
24 boundaries were to square them up, make them more
25 compact, but not actually have any negative impact

1 on the boundary usage of Orange County but have a
2 positive on the boundary usage in Volusia County.

3 Again, as I mentioned in my opening, I
4 authored District 10 in the House's plan to look
5 more -- I'm sorry -- this plan to look more like the
6 House's plan, Plan 8011, as it passed the
7 Subcommittee, very compactly keeping several cities
8 whole in either Districts 9, 10, or 11.

9 And as you zoom in, I highlighted the
10 municipality -- as you zoom in, I highlighted the
11 municipality of Edgewood, and right next to that is
12 Belle Isle, and both are kept whole in District 9.
13 That explains how District 9 extends upward just
14 slightly, again, utilizing predominantly major
15 roadways, but it's to accommodate these two
16 municipalities and either put them wholly in one
17 district or the other. In this case, puts them
18 wholly in District 9. Winter Park and Maitland are
19 kept whole in District 10, and Ocoee, Apopka, and
20 Winter Garden are kept whole in District 11.

21 The boundaries between these districts are
22 almost -- are also very much defined by Tier 2,
23 either keeping the aforementioned cities whole,
24 utilizing county boundaries -- like you look at
25 District 10. That boundary is the Orange-Seminole

1 boundary line -- or utilizing major, well-recognized
2 roadways and waterways, except where necessary to
3 get equal population.

4 That western boundary, for example, between
5 Districts 10 and 11 is largely the Apopka-Vineland
6 Road, except where the road briefly discontinues
7 about halfway down the western border of the
8 district.

9 And then the southwestern border of
10 District 10 is another clear -- really clear usage
11 of significant roadways to separate Districts 9, 10,
12 and 11 using Interstate 4 and State Road 528, where
13 they all come together. Again, that achieves really
14 giving those districts a clearly recognizable
15 boundary.

16 The combination of moving District 10 back
17 very compactly towards the middle of Orange County
18 along with keeping Citrus County whole in District
19 12 creates a visually improved, more compact
20 District 11, again, essentially turning the wheel,
21 if you will, of District 11, shifting from the
22 angled shape in Plan 8019 to a more circular shape
23 in Plan 0109 and still includes all of Sumpter
24 County.

25 The combination of reshaping District 7,

1 10, 11, and 12 then allowed me to reduce the number
2 of districts in Marion County from three to two.
3 The result is that both Districts 3 and 6's
4 boundaries follow State Road 301 north to south,
5 similar to the way the Legislature defined the
6 boundaries just a little further east -- the
7 Legislature just used different roadways -- 301
8 north to south, loop around the boundaries of Ocala,
9 and then -- which is wholly in District 3, and then
10 continue down Interstate 75, so again just using
11 very clear, Tier 2 boundaries.

12 The borders between Districts 6 and 11,
13 just for your reference, in the Lake County area is
14 mostly defined by city boundaries and waterways with
15 Lady Lake, Eustis, and Mount Dora entirely in
16 District 6, while Fruitland Park, Leesburg, and
17 Tavares are entirely in District 11.

18 The work to get equal population -- I
19 referenced that little piece that's in Lake County
20 of that eastern, northeastern piece of District 11
21 that's in Lake County, the work to get equal
22 population is largely done tracking right there
23 along State Road 46 as it exits Lake County, and
24 that work is largely in the unincorporated Sorrento
25 area.

1 The totality of this and other changes that
2 brought, for example, District 7 down to Volusia and
3 Broward, resulted in District 6 taking a more
4 compact, overall circular shape. When you pull back
5 on the map, it has a much more circular shape.

6 Of course, several of these changes had
7 impacts on Polk County, and I wanted to make this --
8 those impacts beneficial in a -- in a Tier 2
9 context. So I factored in how Districts 9, 11, and
10 15 share boundaries with District 18, which, again,
11 District 18 is actually about two-thirds of the
12 residents are from Polk County, one-third from six
13 whole rural counties.

14 First, regarding District 9, I did a couple
15 things that were both helpful in filling out and
16 smoothing this visual and statistical compactness as
17 well for District 9, including also picking up a
18 portion of incorporated Poinciana and the lake that
19 essentially represents that piece of Polk County
20 that otherwise sticks into Osceola County. I also
21 extended District 9 out slightly at the northwest
22 Osceola border, utilizing Highway 27 and the Ronald
23 Reagan Parkway.

24 So the overall idea here was threefold. It
25 creates -- as you pull back from the map, it creates

1 a visual smoothing of the line, about as smooth as
2 the Polk County-Osceola border will give you a
3 chance to do, but it creates a visual smoothing of
4 the line, which does help with statistical and
5 visual compactness. It eliminates the visual and
6 noncompact effects of that inlet between Polk and
7 Osceola, which, again, contributes to the overall
8 compactness.

9 And I was trying to get the population just
10 right in Districts 9 and 18 so that District 11
11 could have that essentially sort of nearly flat,
12 very roadway-bounded eastern wall abutting up to
13 District 10 in Orange County. So the visual effect
14 of what was achieved in Orange County and how the
15 Districts 9 and 18 interacted in Polk County all had
16 a -- all had a significant effect on each other, and
17 there was a lot of give and take to make that effect
18 work.

19 As I referenced the boundaries between
20 Districts 11 and 15 -- I'm sorry -- 11 and 18,
21 generally speaking, those boundaries focus around
22 Interstate 4. However, you do see some extensions
23 on either side of Interstate 4 between Districts 11
24 and 18.

25 Polk City is entirely included in District

1 11, but there are a couple of pieces of Polk City
2 that go across Interstate 4. Auburndale is included
3 entirely in District 18, but there are a couple
4 pieces of the city that go across the Interstate.
5 And I mentioned earlier, while Lakeland is split in
6 this map, I wanted to make sure it wasn't split in
7 more than two districts.

8 So as you get close to District 15 there,
9 where you see, again, another jumping across I-4,
10 those are just boundaries of the city of Lakeland
11 and then some of the zero-population work that I did
12 as well.

13 And then when you look at the boundaries of
14 District 11, 15, then back down to 18, U.S. Highway
15 98 is largely the vast majority of that boundary,
16 really extending out of Pasco County into Polk
17 County through Lakeland, utilizing U.S. Highway 98
18 for most of that.

19 The southern boundary, which I made
20 reference to before when looking at the Hillsborough
21 region, is State Road 60. As I mentioned
22 previously, I wanted to hold that boundary line in
23 Hillsborough County with 15 north of that boundary,
24 16 south of it, taking that boundary out -- boundary
25 out of the county so that that southern connection

1 between 15 and 18 would still utilize State Road 60.
2 And then zero population work there was done just
3 north of the city boundaries of Mulberry in Polk
4 County.

5 Again, as I mentioned earlier in my
6 presentation, overall, this map equals the city
7 splits, 16, of the Legislature's primary plan, but,
8 of course, some of the splits are different. And,
9 you know, and I referenced earlier that I made sure
10 that where there was a split, a city was only split
11 two days.

12 Furthermore, the resulting District 18 is
13 again still a two-thirds Polk County district. I
14 could clearly see that the Legislature was
15 attempting to create in pretty much any map that was
16 considered a majority Polk district. While this is
17 a different configuration, I've still achieved the
18 same overall goal of creating a majority Polk County
19 district in District 18 with numerous Tier 2
20 considerations and improvements around it.

21 Just moving on to the last couple slides,
22 looking at Southwest Florida, I had to make some
23 decisions as a result of those decisions I discussed
24 previously, largely in part due to the Tier 2
25 efforts to keep Sarasota whole and creating District

1 17 with all of Sarasota, all of Charlotte, and
2 incorporated portions of Lee Counties.

3 My newly composed District 17 required me
4 to equal -- equalize population for District 18
5 through the entirety of Hendry County and then
6 finding approximately another 4500 residents
7 elsewhere.

8 In our office's prior plan, I found those
9 residents in western Palm Beach County, in the
10 cities and around the cities around Belle Isle,
11 Pahokee, and that area. However, in this compromise
12 plan, as we discussed earlier, as the Chair
13 discussed, we were not affecting some of the
14 Southeast Florida districts. So I wanted to hold
15 the Palm Beach County line as the Legislature did in
16 its plan.

17 So zooming in a little more closely, as
18 you'll see on this last slide, I equalized the
19 population in Collier County, which was already
20 split once, extending District 18 along State Road
21 -- kind of that angle along State Road 82, down
22 State Road 29 North, and then east along County Road
23 846 to get those additional 4500 residents for
24 District 18 and balance the population.

25 And for District 26, I had to further

1 extend District 26's western boundaries closer
2 towards unincorporated East Naples, utilizing
3 roadways and waterways as boundaries between 26 and
4 19, except where necessary to equalize population.
5 The resulting District 26 still has a Hispanic
6 voting age population of 73.22 percent.

7 And with that said, Mr. Chair, that is my
8 explanation of the changes in House Bill 1-C.

9 REPRESENTATIVE LEEK: Thank you, Mr. Kelly,
10 for that presentation. Additionally, members, this
11 bill appropriates \$1 million to the Department of
12 State for expenses related to the litigation of the
13 congressional map. The bill also includes language
14 related to state courts. It requires any state
15 court challenge to the congressional map to be filed
16 in Leon County.

17 All changes based on state law -- or excuse
18 me -- all challenges based on state law to be filed
19 in state court, rather than federal court, permits
20 any state court challenge to raise both state law
21 claims and, to the extent the circuit court has
22 jurisdiction, federal law claims, and finally makes
23 explicit that nothing in the bill precludes federal
24 courts from deciding challenges based on the federal
25 law.

1 Mr. Chairman, that is the bill.

2 CHAIRMAN SIROIS: Thank you very much,
3 Chair Leek.

4 For the members of the audience, I noticed
5 several more folks have joined us. Just as a matter
6 of housekeeping, if you would like to provide public
7 testimony today, please fill out a speaker form with
8 the Sergeant at Arms. They have those available.

9 Members, we're now going to move into
10 questions on the bill. I would ask that all
11 questions go through the Chair, and I want to offer
12 my reminder once again about my expectation for
13 decorum and civility in this Committee.

14 Members, again, just kind of looking at the
15 clock, we can remain in questions -- maybe we'll
16 give it to about 5:05, 5:10, see where we're at. I
17 want to make sure that we have plenty of time
18 remaining to receive that public testimony.

19 Ladies and gentlemen, we appreciate you
20 being here today with us.

21 And with that, we will move into questions.
22 Representative Hunschofsky.

23 And, members, just kind of to roadmap
24 things out, what I'd like to do is give members a
25 couple of bites at the apple, perhaps a couple of

1 questions and a follow-up. And then to make sure
2 everybody has had an opportunity, we'll rotate
3 through and then entertain a second round of
4 questions, time permitting.

5 Representative Hunschofsky, you are
6 recognized.

7 REPRESENTATIVE HUNSCHOFSKY: Thank you,
8 Chair Sirois. And how many questions is that, that
9 we're allowed in our first round? Just out of
10 curiosity.

11 CHAIRMAN SIROIS: Go for it.

12 REPRESENTATIVE HUNSCHOFSKY: Okay. I'll go
13 for it.

14 Thank you very much for presenting the map
15 that you drew. You mentioned that this was a
16 compromise map. Yet when we voted on the maps that
17 we passed, we had a map, and we had a secondary map,
18 one map, not -- so I'm not understanding how this is
19 a compromise. Could you explain what you mean by
20 that? Because I thought the secondary map was the
21 compromise and even the first map.

22 ALEX KELLY: Chair?

23 CHAIRMAN SIROIS: Sir, you're recognized.

24 ALEX KELLY: Thank you.

25 At that time, our office had not agreed on

1 either of those two maps. There were obviously
2 pieces of those two maps that we've incorporated
3 here, of course, 10 of those districts exactly from
4 8019, and there are concepts from those two maps
5 that we've sort of hybridized (sic) with concepts from
6 the maps that our office previously published. But
7 we didn't come out and support either of those two
8 maps.

9 CHAIRMAN SIROIS: And to offer further
10 clarification, the map that is being presented today
11 by Chair Leek and the Governor's Office has provided
12 us with commentary on includes many portions of what
13 the Legislature passed.

14 Representative Hunschofsky, you're
15 recognized.

16 REPRESENTATIVE HUNSCHOFSKY: Thank you,
17 Chair Sirois.

18 So we had a whole bunch of meetings during
19 committee weeks about all the Tiers, and it was
20 drilled into us the Tier 1 and the Tier 2. I
21 noticed in your presentation there was a strong
22 concentration on Tier 2, which we were all told in
23 every single committee meeting we've been in, that
24 those are only to be looked at after the Tier 1
25 standards have been satisfied.

1 And one of the Tier 1 standards that came
2 up when we had Mr. Popper (phonetic) was the fact
3 that districts shall not be drawn -- and I'm reading
4 this from what was presented to us from the House
5 staff as backup -- districts shall not be drawn with
6 the intent or result of denying or abridging the
7 equal opportunity of racial or language minorities
8 to participate in the political process or to
9 diminish their ability to elect representatives of
10 their choice. A Tier 2 standard is districts shall,
11 where feasible, utilize existing political and
12 geographical boundaries.

13 So with that, I ask, why were the changes
14 made to Districts 4 and 5 looking solely at Tier 2
15 standard, even though a Tier 2 standard is after a
16 Tier 1 standard has been met, and yet the Tier 1
17 standard that I talked about doesn't seem to be met
18 with the line that you drew? So what was -- why was
19 a Tier 2 standard given priority over a Tier 1
20 standard in that case?

21 CHAIRMAN SIROIS: Mr. Kelly, you're
22 recognized.

23 ALEX KELLY: Thank you.

24 And first and foremost, I did note in my
25 testimony that we didn't draw any districts with the

1 intent of favoring or disfavoring an incumbent or
2 political party, and that is a Tier 1 standard. In
3 addition, all the districts that we've drawn are
4 contiguous, and that is a Tier 1 standard.

5 The other Tier 1 standard regarding
6 diminishment, of course, was the major focus of the
7 Governor's veto message and really the major focus
8 of discussion. And after reviewing your work, the
9 work of the Legislature overall, it was clear that a
10 district couldn't be drawn to both satisfy the U.S.
11 Constitution and the court's and the Legislature's
12 understanding of the State Constitution. In such a
13 situation, the federal Constitution has to prevail.

14 A plain language -- as I'm not -- as I'm
15 not an attorney, a sort of plain language way of
16 saying that is there was no obligation to redraw
17 District 5 as it was -- as it was drawn in the
18 benchmark. There was no obligation. There was no
19 lawfully drawn district to not diminish from.

20 REPRESENTATIVE HUNSCHOFSKY: Chair?

21 CHAIRMAN SIROIS: Representative
22 Hunschofsky, one final question, and then I'd like
23 to move on to make sure we have adequate time for
24 all members.

25 REPRESENTATIVE HUNSCHOFSKY: All right.

1 One final question --

2 CHAIRMAN SIROIS: We'll come back.

3 REPRESENTATIVE HUNSCHOFSKY: -- for this
4 round. I have a whole other round --

5 CHAIRMAN SIROIS: Yes, ma'am.

6 REPRESENTATIVE HUNSCHOFSKY: -- a whole
7 other section of the state.

8 CHAIRMAN SIROIS: We'll get there.

9 REPRESENTATIVE HUNSCHOFSKY: Why was the
10 decision made then not to put District 5 on top of
11 District 4, as opposed to go kind of meander around
12 it? It would seem it would be more compact to have
13 one on top of the other than to meander around the
14 other.

15 And it doesn't seem like when compactness
16 is the argument, even though it is a Tier 2 argument
17 and still does not follow along the Tier 1 standard
18 -- not the one that you mentioned, but the one that
19 I mentioned -- I wondered why you wouldn't look to
20 keep it, if compactness is so important, compact in
21 that way so that you could not only meet your sub-
22 Tier 2 standard but also the Tier 1 standard that I
23 mentioned.

24 CHAIRMAN SIROIS: You're recognized.

25 ALEX KELLY: Thank you -- thank you,

1 Mr. Chair.

2 And obviously, you know, in terms of
3 compactness, as the Chair noted in the beginning,
4 there's no -- there's no one right redistricting
5 map. That said, the districts that you're
6 referencing are significantly more compact,
7 significantly more compact in the benchmark.
8 Visually, statistically, they are more compact than
9 the maps that passed this Legislature. So they are
10 more compact districts, and there was a rational
11 choice to be made.

12 As I noted in my comments about those
13 districts, Jacksonville is the lone city in the
14 entire state that is larger than a congressional
15 district. So it's a city you're going to divide,
16 and a logical division to consider is the St. Johns
17 River, which happens to almost divide the city in
18 half on its own naturally. So it's a very logical
19 dividing line.

20 It's clearly well-recognized in the
21 community. So clearly, a constituent would have no
22 question -- are they a voter in District 4? Are
23 they a voter in District 5? -- which is the point of
24 drawing a clear boundary line that follows a major
25 roadway, a highway, or so -- or a waterway and so

1 forth. So it was a very logical and compact choice
2 to make, and we had already satisfied Tier 1
3 concerns.

4 CHAIRMAN SIROIS: Thank you, sir.

5 Ranking Member Skidmore, you are recognized
6 in questions.

7 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
8 you, Chair Sirois.

9 Thank you, Mr. Kelly, for being here today.
10 This is -- I'm going to go a little slow because
11 it's a lot to digest. It was a lot of -- a lot of
12 changes. So does 109 split as many counties as 8019
13 or more or less?

14 CHAIRMAN SIROIS: Mr. Kelly, you're
15 recognized.

16 ALEX KELLY: Thank you, Mr. Chair.

17 It splits one less county, and also in
18 addition to that, for those counties that are --
19 that are split, it splits those counties fewer
20 times. So it makes a couple types of county
21 improvements. It keeps Sarasota and Citrus whole in
22 exchange for splitting Polk. So it picks up a
23 single county split -- or, I'm sorry, a single
24 county whole. Sorry.

25 CHAIRMAN SIROIS: Representative Skidmore,

1 you're recognized.

2 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
3 you, Mr. Chair.

4 Thank you for the answer. And does 109
5 reduce the city splits from 8019 or increase city
6 splits?

7 CHAIRMAN SIROIS: Mr. Kelly?

8 ALEX KELLY: Thank you, Mr. Chair.

9 It's equal.

10 DEMOCRATIC RANKING MEMBER SKIDMORE: Equal.

11 CHAIRMAN SIROIS: Ranking member.

12 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
13 you, Mr. Chair.

14 Thank you for the answer. So if the -- if
15 the Governor's veto was based on CD 5 and CD 4 and
16 the number of city splits did not change and the
17 number of county splits was reduced by one split,
18 why did you redraw 18 districts instead of just the
19 district that the Governor objected to?

20 CHAIRMAN SIROIS: Mr. Kelly.

21 ALEX KELLY: Thank you, Mr. Chair.

22 Of course, our office had previously
23 submitted two entirely different state maps for the
24 Legislature's consideration. So it's no secret that
25 there were other preferences in the rest of the map.

1 There were other opportunities for Tier 2
2 improvements throughout the rest of the map.

3 And so a veto message, of course, the veto
4 message spoke to the Governor's most significant
5 concern throughout the map, but it wasn't a secret
6 that we had already published two complete maps
7 before and made other recommendations throughout the
8 rest of the map.

9 So with the opportunity to take a look at
10 the rest of the map, obviously we deferred to the
11 Legislature exactly block for block in 10 of those
12 seats, but as I articulated, there were a number of
13 opportunities, keeping counties whole -- sorry --
14 keeping counties whole, the visual compactness of
15 the map as well, and just overall a more clear
16 usage, a more consistent usage of political and
17 geographical boundary lines. So there were a number
18 of improvements throughout the map.

19 CHAIRMAN SIROIS: Thank you, Representative
20 Skidmore. Let's do a follow-up.

21 And then we have Representative Benjamin
22 next on my list, and we'll come back to you in the
23 next round.

24 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
25 you, Mr. Chair.

1 Thank you -- thank you for the response.
2 I'm going to pick -- I have to pick which question
3 I'm going to ask. So the Governor's position is
4 that there was no compelling reason to keep CD 5,
5 but wasn't CD 5 actually drawn by the court? And is
6 that not a compelling interest?

7 Thank you, Mr. Chair.

8 CHAIRMAN SIROIS: Mr. Kelly.

9 ALEX KELLY: Thank you, Mr. Chair.

10 The court got it wrong.

11 CHAIRMAN SIROIS: Representative Benjamin.

12 REPRESENTATIVE BENJAMIN: Thank you,
13 Mr. Chair.

14 CHAIRMAN SIROIS: Representative Benjamin,
15 I apologize.

16 Ladies and gentlemen, there are many new
17 members of the audience that have joined us. I just
18 want to offer a reminder again about the decorum
19 that we have in this Committee. We don't have loud
20 reactions in this Committee. We have business to
21 conduct. We are pressed for time.

22 Representative Benjamin, you are
23 recognized.

24 REPRESENTATIVE BENJAMIN: Thank you,
25 Mr. Chair.

1 You represented earlier that the law and
2 constitutional arguments are somewhat outside of
3 your purview, but yet you've told us now that the
4 court got it -- got it wrong. And -- but in that
5 decision, the court was attempting to reconcile the
6 federal Constitution and the State Constitution.
7 Would that be a fair statement?

8 CHAIRMAN SIROIS: Sir.

9 ALEX KELLY: Mr. Chair.

10 I'm not aware, although I'm happy to defer
11 to counsel to fill out this answer, but I'm not
12 aware of where the state court -- the state Supreme
13 Court was attempting to reconcile something between
14 federal and state law. But I'm happy to defer to
15 counsel if there is something I'm unaware of.

16 REPRESENTATIVE BENJAMIN: Mr. Chair?

17 CHAIRMAN SIROIS: Representative Benjamin.

18 REPRESENTATIVE BENJAMIN: Thank you.

19 Can you then tell me how did the court get
20 it wrong?

21 ALEX KELLY: Thank you, Mr. Chair.

22 CHAIRMAN SIROIS: Mr. Kelly.

23 ALEX KELLY: And I'll -- and I'll offer
24 sort of, you know, I think a two-part answer here.
25 One, I walked through in my testimony that that was

1 a seat drawn predominantly based on one criteria,
2 based on race. It is a racial gerrymander, and
3 there was a failing to demonstrate that compelling
4 state interest in doing so.

5 The other side of this, I can speak to from
6 my time at that time working in the Legislature from
7 2009 to 2012. The driving question behind Fair
8 Districts was a district -- the poster child
9 district was a district that sprawled from
10 Jacksonville to Orlando. And in the end resolution
11 a few years later, the court drew a district that
12 sprawls from Jacksonville to Gadsden County. It
13 didn't remedy the issue. It just replaced one
14 gerrymandered district with another.

15 REPRESENTATIVE BENJAMIN: Mr. Chair?

16 CHAIRMAN SIROIS: (Indiscernible)

17 REPRESENTATIVE BENJAMIN: Thank you.

18 CHAIRMAN SIROIS: Representative Benjamin,
19 you're recognized.

20 REPRESENTATIVE BENJAMIN: Thank you.

21 Are you aware that compliance with the
22 Voting Rights Act by the courts has been considered
23 a compelling state interest?

24 CHAIRMAN SIROIS: Mr. Kelly.

25 ALEX KELLY: Thank you, Mr. Chair.

1 That's a great question, and, again, you
2 know, I'm not counsel for the Governor. But I'll
3 speak to the extent of my knowledge of the Voting
4 Rights Act. The Voting Rights Act speaks to
5 districts where the minority community is 50 percent
6 or more of the total community in the district, so
7 in other words, if the African American or Hispanic
8 voting age population of the district is 50 percent
9 or more of the voting age population in the
10 district.

11 That's not the end of that analysis, but
12 that is a sort of introduction to that analysis.
13 The district in question does not meet that
14 threshold. So I don't see any scenario in which the
15 Voting Rights Act is implicated by Congressional
16 District 5.

17 CHAIRMAN SIROIS: Representative Benjamin,
18 let's have one follow-up in this round, and then
19 we're going to move to Representative Joseph. Thank
20 you, sir.

21 REPRESENTATIVE BENJAMIN: Okay. Thank you,
22 Mr. Chair.

23 In determining that it's not -- it was not
24 narrowly tailored to be a compelling state interest,
25 was it that it wasn't narrowly tailored or was it

1 that it wasn't a compelling state interest? Which
2 14th Amendment or strict scrutiny analysis are we
3 looking at?

4 CHAIRMAN SIROIS: Mr. Kelly.

5 ALEX KELLY: Mr. Chair.

6 I'm not sure I could answer that question
7 directly. I can just say, in general, the
8 obligation to define that compelling state interest
9 is an obligation the map drawer has. So I, as
10 someone who am saying that that district didn't
11 define that, whoever drew that district has to meet
12 that obligation, not me.

13 Counsel could probably elaborate a little
14 bit further on the question if you want.

15 REPRESENTATIVE BENJAMIN: I would want.

16 CHAIRMAN SIROIS: If you have -- if your
17 counsel is present --

18 ALEX KELLY: Yeah.

19 CHAIRMAN SIROIS: -- they can speak to the
20 remaining portion of Representative Benjamin's
21 question, and then we'll move on to Representative
22 Joseph.

23 ALEX KELLY: Ryan Newman, the Governor's
24 general counsel will hopefully help answer the
25 remainder of the question.

1 CHAIRMAN SIROIS: Mr. Newman, you're
2 recognized.

3 RYAN NEWMAN: Great. Thank you.
4 Sure, I'd be happy to answer that.

5 CHAIRMAN SIROIS: Forgive me.
6 Representative Benjamin.

7 REPRESENTATIVE BENJAMIN: Mr. Chair, can
8 you have him go over the how the court got it wrong
9 more specifically (Indiscernible)

10 CHAIRMAN SIROIS: If you would speak into
11 the microphone and offer that -- offer that question
12 please.

13 REPRESENTATIVE BENJAMIN: Can you give us
14 more of a legal analysis as to the Governor's
15 constitutional challenge to the -- to the map?

16 RYAN NEWMAN: Sure. So --

17 CHAIRMAN SIROIS: Mr. Newman, you're
18 recognized.

19 RYAN NEWMAN: Thank you.

20 Sure. On the issue of the federal
21 constitutionality of District 5 as it was originally
22 configured, the Florida Supreme Court never actually
23 addressed that question. That question has never
24 been resolved by the federal -- by the -- by the
25 Florida Supreme Court as to whether or not District

1 5, as it was configured, complied or not with the
2 federal Constitution.

3 And so the -- so what we did in the memo
4 that we submitted -- and it lays out, I hope, in
5 sufficient detail the legal argument for why
6 compliance with the Florida Constitution in Northern
7 Florida -- and that's complying with the non-
8 diminishment standard of the Florida Constitution --
9 can't square with the Equal Protection Clause of the
10 United States Constitution.

11 And so just a step back to sort of walk
12 through the analysis, all right. The Supreme Court
13 has made very clear that you cannot draw voting
14 districts based on race unless the state can satisfy
15 strict scrutiny. So there must be a compelling
16 interest, and the district must be narrowly tailored
17 to achieve that compelling interest.

18 Now, the only time that the United States
19 Supreme Court has been willing to even countenance a
20 compelling interest in this context is when there is
21 good reason to believe that the district is
22 necessary to comply with either Section 2 or Section
23 5 of the Voting Rights Act.

24 And I need to point out, even on this
25 point, that is still an open question. The U.S.

1 Supreme Court has only assumed that compliance with
2 the Voting Rights Act is a sufficient compelling
3 interest to justify a race-based district. That's
4 very narrow, and the Supreme Court has only been
5 willing to assume that much. It's never actually
6 definitively held that.

7 So with respect to compliance with the
8 Voting Rights Act, okay, there's two components to
9 the Voting Rights Act. There's Section 2 of the
10 Voting Rights Act, and there's Section 5 of the
11 Voting Rights Act. Section 5 of the Voting Rights
12 Act no longer applies in this context because of the
13 Shelby County case, right, which wiped out Section
14 4.

15 So Section 5 is no longer operative, but I
16 do want to make an important point here. Section 5
17 never applied to the state of Florida as a whole.
18 It never has. So there was never -- even back, you
19 know, in 1968 or whatever, you know, back when the,
20 you know, the evidentiary basis for the Voting
21 Rights Act of 1965 was being assembled, there was
22 never sufficient evidence to determine that the
23 entire state of Florida should be subject to the
24 Voting Rights Act. It was only determined that five
25 counties, none of which are in Northern Florida,

1 were subject to the Voting Rights Act for Section 5.

2 So Section 5 of the Voting Rights Act, I
3 guess my point is, that's just out of the picture,
4 all right. So that just leaves us then with Section
5 2, okay. So does Section 2 of the Voting Rights Act
6 require that District 5 in Northern Florida be
7 drawn? And the answer has to be no. Why? Because
8 of the Gingles preconditions that are required for
9 making out a Section 2 claim.

10 You can't even make out a Section 2 claim
11 unless you satisfy the Gingles precondition. The
12 first precondition -- and this is what Alex was
13 trying to get to. The first precondition is, is
14 there a minority population that's reasonably
15 compact, in a reasonably compact geographic location
16 that constitutes a majority of the district?

17 And District 5, notwithstanding the fact
18 that it's gerrymandered. I mean, the district was
19 drawn for the specific purpose of connecting African
20 American populations in Jacksonville with the
21 African American population in Tallahassee and
22 Gadsden Counties.

23 And even then that district is not a
24 majority-minority district. It only got up to 44
25 percent or so, 44, 45 percent if my -- if my memory

1 serves. And that's even without respecting
2 traditional districting criteria.

3 So that district cannot be -- is not
4 required by the Voting Rights Act, and because it's
5 not required by the Voting Rights Act, it doesn't --
6 cannot serve as a compelling interest to justify the
7 drawing of a district in Northern Florida based on
8 race, okay.

9 So the only -- the only question then is
10 whether or not mere compliance with the Florida
11 Constitution alone by itself is a compelling
12 interest to justify a race-based district.

13 And in this context, where you're having to
14 ignore all traditional districting criteria, which
15 is what the federal courts look at to determine
16 whether or not, you know, the district is necessary,
17 it cannot be a compelling interest, for the same
18 reason that we would never say that, if Florida had
19 a law segregating the schools, that that would
20 somehow trump the Equal Protection Clause. Why?
21 Because, you know, the Florida Constitution says so.

22 The only point -- my only point is mere
23 reliance on the Florida Constitution cannot by
24 itself be enough. Now, don't get me wrong. That's
25 not to say that there are other applications of the

1 Florida Constitution's non-diminishment standard
2 that could be or that could survive strict scrutiny.

3 One example would be if you had a
4 sufficiently compact African American community,
5 right, in a district. You can't necessarily just
6 carve up that district. That perhaps -- that
7 perhaps could satisfy strict scrutiny.

8 But what does not and cannot satisfy strict
9 scrutiny is trying to cobble together disparate
10 minority communities from across Northern Florida to
11 cobble together a district that might perform for
12 the minority community.

13 And I think that -- that's where District 5
14 goes wrong because it's clearly cobbled together.
15 It's clearly a gerrymander, not unlike the preceding
16 district that went from Jacksonville down to
17 Orlando, you know, as a salamander-type district
18 that went from Jacksonville down to Orlando.

19 But that's the -- that's the fundamental
20 problem. There's no compelling interest here
21 because the Voting Rights Act does not require this
22 district to be drawn in Northern Florida, and mere
23 compliance alone without more of the non-
24 diminishment standard in the Florida Constitution
25 cannot satisfy strict scrutiny, at least as the

1 Supreme Court has explained it.

2 And just to put a bell on all of this, I
3 mean, the Supreme Court just spoke again just a
4 matter of weeks ago and slapped down a Wisconsin map
5 for containing, you know, improperly racially drawn
6 districts because the --

7 CHAIRMAN SIROIS: Sir, if you'd -- if you'd
8 bring it in for a landing for us, we have members
9 with other questions.

10 RYAN NEWMAN: Thank you. I could go on and
11 on. To -- yeah. So the Wisconsin -- the Supreme
12 Court came in, sort of struck down the Wisconsin --
13 you know, a summary reversal of the Wisconsin maps
14 for not satisfying strict scrutiny.

15 So strict scrutiny is a very, very high --
16 very high standard, and it just wouldn't satisfy it
17 in this context.

18 CHAIRMAN SIROIS: Thank you.

19 Representative Benjamin, I've put you on
20 the list for our second --

21 REPRESENTATIVE BENJAMIN: Well --

22 CHAIRMAN SIROIS: -- round of questions.

23 REPRESENTATIVE BENJAMIN: -- I don't -- I
24 don't have -- well --

25 CHAIRMAN SIROIS: Let me --

1 REPRESENTATIVE BENJAMIN: -- just thank
2 you, Mr. Chair, because that's the heart and the
3 crux of the changes that were made, and I think that
4 analysis was much needed. Thank you.

5 CHAIRMAN SIROIS: Thank you, Representative
6 Benjamin.

7 Representative Joseph, you're recognized.

8 REPRESENTATIVE JOSEPH: Thank you,
9 Mr. Chair.

10 Wow, so many questions. Earlier, you were
11 asked in the Senate to define race neutral in your
12 approach in drawing these maps. Can you define that
13 for us please?

14 CHAIRMAN SIROIS: Mr. Kelly.

15 ALEX KELLY: Thank you, Mr. Chair.

16 Essentially not factoring in race as I'm
17 drawing a district.

18 CHAIRMAN SIROIS: Representative Joseph.

19 REPRESENTATIVE JOSEPH: What, if any,
20 analysis did you do regarding retrogression in
21 creating these maps to analyze both black
22 representation and Hispanic representation or Latino
23 representation?

24 CHAIRMAN SIROIS: Mr. Kelly.

25 ALEX KELLY: Thank you, Mr. Chair.

1 Great question. And I didn't have a need
2 to with the districts that I was drawing. So I
3 didn't do any kind of analysis like that. Like I
4 didn't do any kind of functional analysis.

5 CHAIRMAN SIROIS: Representative Joseph.

6 REPRESENTATIVE JOSEPH: Thank you,
7 Mr. Chair.

8 Looking at your version of, I guess, CD 26,
9 which spans from the Everglades to Collier County in
10 Miami all the way to Hialeah, talk to us about your
11 premise in drawing that particular map in crossing
12 over the way you did.

13 CHAIRMAN SIROIS: Mr. Kelly.

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

15 So that district -- if you -- and if you
16 think about it in the context of the district that
17 the Legislature drew and where I made changes, the
18 eastern boundaries of the district in Miami-Dade
19 County are identical to the boundaries that the
20 Legislature drew. The western half of the county is
21 the portions of the -- portions of the district, I
22 should say, that I drew.

23 So as I was approaching that area with
24 District 18, I described earlier that I was in need
25 of population to complete District 18, and I

1 assigned Hendry County, the totality of Hendry
2 County as a whole county, to district 18. And using
3 some major roadways in the unincorporated Immokalee
4 area of northern Collier, I then moved a little bit
5 of Collier County into District 18 as well, again
6 though using those major roadways, not splitting any
7 cities in the process.

8 The result of that, I made changes to
9 District 26 exclusively in the -- in the Hendry
10 County side, pulling that district out of Hendry
11 County in its entirety and moving that district,
12 District 26 then, further east into unincorporated
13 East Naples basically and utilizing the major
14 roadways there. There's a few waterways as well, so
15 trying to utilize some clear, natural boundaries.

16 Overall, as I mentioned earlier in my
17 testimony, the Hispanic voting age population of the
18 district is still quite high. It's a little more
19 than 73 percent Hispanic voting age population. So
20 again, I didn't change any of the boundaries in the
21 Miami-Dade County side of the district, just
22 exclusively in the Collier and Hendry side of the
23 district.

24 CHAIRMAN SIROIS: Representative Joseph.

25 REPRESENTATIVE JOSEPH: Thank you,

1 Mr. Chair.

2 So when you say you were in need of
3 population, you were specifically referring to the
4 Latino population to create this district.

5 CHAIRMAN SIROIS: Mr. Kelly.

6 ALEX KELLY: Thank you, Mr. Chair.

7 Really both. I was in need of population
8 initially just because I was taking the district out
9 of Hendry County and then also out of part of the
10 Immokalee -- unincorporated Immokalee area. The
11 total population shift there was roughly -- my math
12 may be a little bit off -- but about 45,000 people.

13 So, in effect, I needed people for equal
14 population, first and foremost, to complete the
15 district, which meant that I had to push a little
16 further, draw a little further into -- into sort of
17 the coastal side of Collier County but obviously not
18 that far.

19 That said, knowing that this is a
20 historically performing majority-minority Hispanic
21 seat, I was watching those numbers carefully to make
22 sure that in terms of the overall Hispanic voting
23 age population, I was staying very close to the
24 benchmark seat, which I think is maybe a little bit
25 more than 74 percent.

1 So the seat that I drew, the percentage is
2 around 73, still very high, still at a threshold
3 that should perform for Hispanic -- a majority
4 Hispanic voting age population seat.

5 CHAIRMAN SIROIS: Representative Joseph,
6 let's do a follow-up, and then I'm going to move to
7 Representative Brown, and we'll try to come back.

8 REPRESENTATIVE JOSEPH: Thank you.

9 So your analysis basically presumes that
10 the Latino voters vote cohesively. And you may or
11 may not be aware of this, but in that area, you have
12 lots of different kind of Latino groups, and I don't
13 know if your analysis, based on what you're telling
14 me, you did not take that into account.

15 So my question for you is this map
16 basically takes the same approach as the House and
17 Legislature's previous maps for District 21, but
18 these two Latino electorates are separate in terms
19 of how they tend to perform.

20 So I guess what I'm asking is, is that
21 thinking correct, that this map basically takes the
22 same approach as the House and Legislature's
23 previous maps for District 21 and District 28. And
24 in terms of CD 26 that I'm specifically asking
25 about, it's motivated by that same idea of Latino

1 cohesion in terms of how they perform?

2 CHAIRMAN SIROIS: Mr. Kelly.

3 ALEX KELLY: Thank you, Mr. Chair.

4 And I think I can answer the question,
5 although I will concede -- in terms of your
6 reference to the prior district numbers, I'm not
7 totally clear which maps you're referring to.

8 But in -- but in general, I was fairly
9 confident that a Hispanic voting age population
10 that's higher than 73 percent is still going to
11 maintain that historical performance for this
12 district that has performed Hispanic for, to my
13 knowledge, at least a couple decades. So I was
14 fairly confident that with such a high Hispanic
15 voting age population, even though it was a slight
16 drop, that overall, it wouldn't -- it wouldn't
17 warrant any concerns.

18 And obviously I had to -- I had to get
19 equal population as well, and no matter what I did,
20 I was also wanting to make sure that if I was
21 assigning Hendry County to a different district, I
22 wanted to make sure that, one way or another, I kept
23 Hendry County whole.

24 CHAIRMAN SIROIS: Thank you.

25 Representative Brown.

1 REPRESENTATIVE BROWN: Thank you, Mr. --

2 CHAIRMAN SIROIS: Questions.

3 REPRESENTATIVE BROWN: Thank you,
4 Mr. Chair.

5 As it relates to -- I know there was -- in
6 your presentation, you talked about improving the
7 maps. And so specifically to district 10 here, the
8 little barbell-shaped lob, I wanted to know -- can
9 you explain sort of the Orange County configuration
10 and whether or not -- or how it's more Tier 2
11 compliant than the other vetted alternatives that we
12 have done or developed or even debated?

13 And specifically recognizing the political
14 and geographical boundaries for its perimeter. I
15 believe right now it's 63 percent, and I know for
16 the 8019 for CD 10, I believe it was 82 percent. So
17 we're talking about improving. It seems as though
18 it's going backwards. When we look at even the 8060
19 map that we've also kind of reviewed, it also used
20 those boundaries, but it recognized it as a 92
21 percent, so I mean, stellar boundaries. How is this
22 particular configuration compliant and an
23 improvement?

24 CHAIRMAN SIROIS: Mr. Kelly.

25 ALEX KELLY: Sure. Thank you.

1 And would it help if we went to look at the
2 district? Because there's some aspects that I think
3 the visual helps the explanation if that's okay.

4 CHAIRMAN SIROIS: Yes.

5 ALEX KELLY: Okay. Thank you. Actually, I
6 think I'm going to mess this up. Is it okay if I
7 take control of the --

8 CHAIRMAN SIROIS: Certainly.

9 ALEX KELLY: So one of the things that I
10 did find out -- by the way, Representative, to your
11 roadway question, one of the things that I did
12 discover in the process is that that western
13 boundary of District 10, Apopka-Vineland Road,
14 essentially we don't get -- I don't think we get
15 credit for it.

16 It is predominantly one roadway, but I
17 think, as I understand, the roadways you get credit
18 for in terms of the statistics in the Legislature's
19 redistricting application, it picks up the roadways
20 that the Census Bureau recognizes. But as you zoom
21 in on that district, you find out that it is
22 actually for the most part one solid roadway.

23 Really, the boundaries of that district,
24 you have the Seminole County-Orange County line to
25 the north. You have where that part of District 9

1 comes up into District 10, and it's -- the wall of
2 that is a significant roadway. And on this side and
3 on this side, in-between are two municipal
4 boundaries. Some of the zero-population work is
5 done just to the north of that.

6 As you go east of those two municipalities,
7 it's just following one nice, clear roadway. It
8 then follows -- I think it's actually the eastern
9 end of that Orange County section of leading out of
10 10, still follows major roadways and waterways as
11 well, but the eastern boundary between 10 and 8 is
12 predominantly roadways and waterways.

13 Most of these boundaries are defined in
14 Tier 2. I don't know if the application picks up
15 all of them and gives us credit for the statistics
16 on all of them, but the boundaries of this district,
17 outside of equal population, are exclusively Tier 2
18 boundaries. The district is very compact, and it
19 overall allowed some other districts around it to
20 become more compact.

21 One of the things that I did was the
22 portions of District 9 -- and obviously, you know,
23 you always have to look at any district, you know,
24 in respect to what it also causes around it. The
25 portions of District 9 as the Legislature passed

1 them were more on the eastern side of that Orange
2 County.

3 Going north, I pulled those portions more
4 flat and spread across, which helps with your
5 circular test, so like a Reock test or a Polsby-
6 Popper. It's not a massive difference, but it is a
7 little bit of a difference the way that it's drawn.
8 And again those are just predominantly absent some
9 of the zero population work, just major roadways
10 defining those boundaries.

11 The other visual effect here that I really
12 like is how District 11 now -- you know, District
13 11, when it comes from sort of the Lake-Seminole
14 area, it just follows along the Seimone County
15 border. It then goes under the city boundaries of
16 Apopka. Obviously, I didn't want to break the city
17 of Apopka. It goes under the city of Apopka,
18 follows predominantly one roadway. I did note in my
19 testimony that that roadway actually has a break in
20 it. So you couldn't follow that roadway the
21 entirety of the western wall of District 10.

22 But, in effect, District 11 in the
23 configuration -- in fact, I'll take one step back.
24 In the configuration considered by the Legislature,
25 District 11, because 10 is centered really around

1 Apopka, I believe Ocoee, Winter Garden, that area,
2 District 11 has to then have this arm underneath
3 District 10.

4 Because I was able to create that more, you
5 know, flat use of boundary space between 7-11, 10-
6 11, 9-11, in effect, there's no arm then anymore to
7 District 11, and that contributed, along with what I
8 did in Citrus County, to being able to square up
9 District 11 as well.

10 So the changes that I made were never in
11 respect to just one district, although I did use
12 district -- I did use clear roadway boundaries and
13 municipal boundaries almost exclusively and county
14 boundaries with District 10, but the changes were
15 made in respect to all the districts so that all of
16 the districts took on a little more of a
17 statistical, aesthetic compactness and again overall
18 just tried to use those clear boundary lines between
19 them.

20 CHAIRMAN SIROIS: Representative Brown,
21 before you continue, thank you, sir.

22 Members, just to kind of give you a sense
23 of where we're at. We're coming up on a period
24 where we need to wrap up questions. We have
25 significant public testimony, our citizens here with

1 us today at the capital. We also have an amendment.
2 We have debate and want to give Chair Leek and
3 opportunity for final comments as well.

4 So Representative Brown, you are recognized
5 to continue in questions, but, members, please be
6 mindful of our time.

7 REPRESENTATIVE BROWN: Thank you, Mr.
8 Chair.

9 And I definitely will keep that in mind
10 because I actually do have questions surrounding
11 when we're speaking of those surrounding districts.
12 I have quite a few questions based off of the
13 percentages and points there compared to 8060. But
14 I'll just ask this question so that my other
15 colleagues can have an opportunity at this apple.

16 I know the Governor stated written
17 objection to 8019, and in that written statement, he
18 focused on 4 and 5. And so why are we here messing
19 with the Orlando area, particularly District 10, in
20 ways that clearly worsen the compliance to the
21 constitutional criteria?

22 CHAIRMAN SIROIS: Mr. Kelly, you're
23 recognized.

24 CHAIRMAN SIROIS: Thank you, Mr. Chair.

25 And I should start maybe in reverse order

1 of the question. I would disagree with the last
2 point that was made. I do believe this composition
3 -- and this composition is very similar to what this
4 Subcommittee passed in Plan 8011. I believe really
5 demonstrates strong compliance with the law, and I
6 believe actually this composition, again, similar to
7 the product passed out of this Subcommittee, I think
8 was actually better than the final product passed
9 out of the Legislature overall.

10 So going back to this Subcommittee work and
11 this Subcommittee's work was similar to the earlier
12 plans that we submitted out of our office. Your
13 question is similar to that of which Representative
14 Skidmore asked earlier. And while the Governor's
15 veto message was driven largely by what was
16 happening in Northeast Florida, we were never secret
17 about submitting maps.

18 We submitted public maps before out of our
19 office. Those maps articulated thoughts and ideas
20 for consideration by the Legislature all around the
21 state. And so obviously the major significant
22 constitutional concern centered around Districts 4
23 and 5 in Northeast Florida.

24 As though we looked at the Legislature's
25 final composition ideas that we had prior to that,

1 it was clear that I could go into the map and make
2 improvements and really in many cases taking some
3 hybrids of ideas that, as Chair Sirois said earlier,
4 some hybrids of ideas that really combine some of
5 the best work product of the Legislature and maps
6 that we proposed and really trying to pull those
7 ideas together to get the best out of these maps.

8 CHAIRMAN SIROIS: All right. Thank you,
9 Representative Brown.

10 Representative Driskell, you're recognized
11 in questions.

12 REPRESENTATIVE DRISKELL: Thank you,
13 Mr. Chair.

14 Are you saying that because the Governor
15 doesn't like CD 5 as it currently exists that you
16 don't have to regard CD 5 as a benchmark district
17 for which a functional analysis is required?

18 CHAIRMAN SIROIS: You're recognized.

19 ALEX KELLY: Thank you, Mr. Chair.

20 Not exactly the way that you said that, but
21 the crux of the argument -- and Ryan laid out the
22 argument in detail well earlier -- the crux of the
23 argument is that the district violates the U.S.
24 Constitution. So if the district violates federal
25 law, there's no district with which there is an

1 obligation to look at diminishment. The district
2 was unlawful to begin with.

3 So at that point, the Legislature had no
4 obligation to consider that question. At that
5 point, the Legislature just has Nassau County, Duval
6 County, Clay County, St. Johns County, which in
7 those four counties alone you could fit two whole
8 congressional districts plus start a third district
9 very compactly, very adherent to standards in the
10 State Constitution.

11 CHAIRMAN SIROIS: Representative Driskell.

12 REPRESENTATIVE DRISKELL: Thank you,
13 Mr. Chair.

14 But that's your opinion, correct? That's
15 not actually the current legal standard. The
16 current legal standard, as I understand it, is that
17 when there's a benchmark district, you're supposed
18 to perform a functional analysis; is that correct?

19 CHAIRMAN SIROIS: Mr. Kelly.

20 ALEX KELLY: Thank you, Mr. Chair.

21 No. No. There's no obligation to perform
22 a functional analysis on that district, and as our
23 general counsel noted, as the memorandum notes, as I
24 summarized earlier, that district as drawn in the
25 benchmark violates the Equal Protection Clause of

1 the United States Constitution. Attempts to redraw
2 that district in various configurations violated the
3 Equal Protection Clause of the United States
4 Constitution.

5 So there's no need to do a functional
6 analysis for a district that, on its face, is
7 unlawful, and the Legislature was not obligated to
8 redraw. And that's really the analysis that Mr.
9 Newman gave, our -- our legal memorandum gave.

10 REPRESENTATIVE DRISKELL: I just -- I don't
11 want to beat a dead horse --

12 CHAIRMAN SIROIS: Representative, just go
13 one more -- one last follow-up, and then we're going
14 to move on.

15 REPRESENTATIVE DRISKELL: Okay. Not a
16 follow-up, new question about Tampa Bay.

17 CHAIRMAN SIROIS: You're recognized.

18 REPRESENTATIVE DRISKELL: All right. Thank
19 you, Mr. Chair.

20 So if we follow the map that you've
21 prepared and that we're reviewing today, it actually
22 follows the exact -- the net effect is that it looks
23 like it's following the exact same strategy that led
24 to what was determined to be a partisan gerrymander
25 that was struck down last decade, packing Democrats

1 into Tampa Bay CD 14.

2 So my question is, you know, how is
3 following the county lines not just a pretext for
4 partisan gerrymandering here? Because it kind of
5 looks the same as it did about a decade ago.

6 CHAIRMAN SIROIS: You're recognized.

7 ALEX KELLY: Mr. Chair -- Thank you,
8 Mr. Chair.

9 I don't know the partisan breakdown of
10 those seats. I don't know where, you know, where
11 District 13, 14, 15 -- I don't know how those seats
12 are affected. I don't know the partisan data for
13 those seats. So I don't know how to address that
14 question. I can only address the question in the
15 context of how I drew the districts.

16 I wanted to draw -- because I could see
17 that the Legislature had an intent to draw a seat
18 wholly in Pinellas County. So I drew a seat wholly
19 in Pinellas County, utilized very clear boundary
20 lines, a county line for the northern part of that,
21 a state road for the southern part of that, and
22 essentially moved to the east in a block-like
23 fashion and then came north out of Manatee County
24 into southern Hillsborough and essentially just had
25 those two seats, 13 and 16, and eventually meeting

1 15, just meet along major roadways. So they're just
2 nice, clean, compact seats that follow those major
3 roadways. I'm unaware of the data you're
4 referencing.

5 CHAIRMAN SIROIS: Thank you.

6 Representative Hunschofsky, you're
7 recognized for one brief question.

8 REPRESENTATIVE HUNSCHOFSKY: I'll try my
9 best, Chair Sirois. Thank you.

10 I have a -- I'm going to put it kind of, I
11 guess, all together. We talk constantly about the
12 Tier 2, and I keep going back to the Tier 1 that was
13 told to all of us from multiple times in our
14 committees. And the Tier 2, we're picking bodies of
15 water in certain places, but in other places, it
16 doesn't seem to bother us that we cross bodies of
17 water.

18 My question is -- and this is all related
19 in one, Chair Sirois, how are you defining race
20 neutral, where did that term come from, and how do
21 you -- how do you explain CD 20, for example, when
22 you say that?

23 CHAIRMAN SIROIS: Representative
24 Hunschofsky, I think the initial part of your
25 question has been asked and answered in the

1 testimony that's been offered.

2 Mr. Kelly, if you'd like to speak to
3 Congressional District 20, you're recognized.

4 ALEX KELLY: Thank you, Mr. Chair.

5 And I really can't speak to Congressional
6 District 20. We didn't draw Congressional District
7 20. So I think I would have to defer to your
8 professional staff or the Legislature as a whole,
9 but we didn't draw Congressional District 20.

10 CHAIRMAN SIROIS: Representative
11 Hunschofsky, can you repeat your question as it
12 relates to Congressional District 20?

13 REPRESENTATIVE HUNSCHOFISKY: Yes. I guess
14 my question, I keep going back to, as I did the last
15 time we had a map in front of us that we were voting
16 on, Tier 1 criteria, the one that I mentioned
17 before, versus the Tier 2 criteria. You bring up
18 the term race neutral. I'm not really sure what
19 that means, and I'm not really sure where that comes
20 from.

21 The map you presented to us has a district
22 that does move around and is obviously done so to
23 protect a racial group from being able to pick a
24 candidate of their choice. So how do you explain
25 that as part of what you were talking about before?

1 I don't know if that's making sense.

2 CHAIRMAN SIROIS: Staff is recognized.

3 Ms. Kelly.

4 LEDA KELLY: Thank you, Mr. Chair. And
5 thank you, Representative, for the question.

6 So for -- and I'll kind of piece together a
7 couple of things that have been mentioned today
8 already with regards to District 20.

9 So in the Legislature's perspective, that's
10 a protected black performing district. So we
11 performed our functional analysis on the benchmark
12 district and then recreated it to ensure that that
13 minority group can elect a candidate of their
14 choice.

15 One difference that I'd say between
16 Congressional District 20 and, I guess, previous
17 iterations of Congressional District 5 is the
18 threshold of the voting age population. So you've
19 heard the Governor's Office elude several times
20 today to the Voting Rights Act and Section 2
21 analysis.

22 The first condition of the Gingles
23 prerequisite is to have a majority-minority
24 district. In the benchmark district and in the one
25 that's recreated in this plan and prior iterations,

1 CD 20 is above 50 percent and does meet that first
2 criteria for if someone was to bring a Section 2
3 violation against the map. So we're obviously aware
4 of that and wanted to recreate it to be in alignment
5 with that law as well. Thank you.

6 REPRESENTATIVE HUNSCHOFSKY: Can I --

7 CHAIRMAN SIROIS: Thank you very much.

8 Members, I apologize. We have an amendment
9 -- we have an amendment that we need to take up. We
10 have members of the public that have traveled here
11 today to be with us. We need to -- we need to move,
12 Representative Joseph, into your amendment.

13 REPRESENTATIVE JOSEPH: (Indiscernible)

14 CHAIRMAN SIROIS: Representative Joseph,
15 you are recognized to present your amendment.

16 Members, this is amendment barcode 959221.

17 Representative Joseph, you are recognized.

18 REPRESENTATIVE JOSEPH: Thank you,

19 Mr. Chair.

20 So in this bill, at lines 3627 through
21 3647, it creates Section 7, which limits venue for
22 legal actions challenging federal congressional
23 districts to state court. That makes no sense to
24 me. The question I would have asked had I had the
25 opportunity to do so was, what was the rationale for

1 that?

2 So this basically -- this amendment is
3 quite simple and straightforward. It removes those
4 lines, such that these congressional federal seats
5 can be challenged in federal court. That is the
6 amendment.

7 CHAIRMAN SIROIS: Thank you very much.

8 Having explained the amendment, members,
9 are there questions on the amendment? Questions on
10 the amendment?

11 Seeing none, is there public testimony on
12 the amendment?

13 We have none submitted, ma'am. We're on
14 the amendment now, but we're going to get to public
15 testimony on the bill in just a moment. I
16 appreciate you being here today. Just one moment.

17 Seeing no public testimony on the
18 amendment, members, is there debate on the
19 amendment?

20 Ranking Member Skidmore, you are recognized
21 to debate on the amendment.

22 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
23 you, Mr. Chair.

24 And thank you, Rep Joseph, for the
25 amendment.

1 I too was unsure why we needed to do this
2 and why we would want to try and circumvent the
3 federal courts and an opportunity for individuals to
4 work through that process? I don't think it's --
5 this is necessary. We've managed for hundreds of
6 years without, you know, weaponizing the process.
7 I'm not sure why we need to do it now.

8 We have only had these maps for a few
9 hours. We are still trying to wrap our heads around
10 them. We don't need to bog this whole process down
11 with this unnecessary language that gives us all a
12 lot of heartburn and is likely to be
13 unconstitutional for us to tell people whether they
14 can work through the federal court system or not.

15 So I support your amendment. I think it's
16 a good one, and I would ask everyone else to vote up
17 on this amendment.

18 CHAIRMAN SIROIS: Representative Benjamin,
19 recognized in debate.

20 REPRESENTATIVE BENJAMIN: (Indiscernible)

21 CHAIRMAN SIROIS: The amendment.

22 REPRESENTATIVE BENJAMIN: Thank you,
23 Mr. Chair.

24 And just to reiterate that point, we've
25 been arguing now about a federal question, the 14th

1 Amendment -- how does the 14th Amendment apply in
2 this case? And so if we're talking about a federal
3 question, whether or not our maps violate the 14th
4 Amendment, how can you preclude the federal court
5 from weighing in on that? It's a federal question,
6 which is a requirement to enter into state -- enter
7 into federal court in the first place. So we cannot
8 preclude the federal court from determining what is,
9 in essence, a federal question. So that is my
10 debate. We should vote down on this amendment -- I
11 mean, excuse me -- vote up on this amendment.

12 CHAIRMAN SIROIS: Any other members in
13 debate?

14 Seeing none --

15 REPRESENTATIVE DRISKELL: No. No.

16 CHAIRMAN SIROIS: Representative Driskell
17 in debate.

18 REPRESENTATIVE DRISKELL: Sorry, Mr. Chair.
19 Just very, very, very briefly.

20 And, yeah, I just want to echo back to
21 something that we talked about when we were in
22 regular session, which is this concept of weaponing
23 procedure, and if we believe that, you know, the
24 maps that we pass are going to be constitutional, if
25 we believe that they're going to stand, there's no

1 need to weaponize procedure in this way.

2 Previously, it was -- first, it was the
3 statute of limitations and limiting that. Now, it's
4 choice of venue. What's next? It's a very slippery
5 slope, and it's something that we should all be
6 concerned about. And we need to be down on this,
7 thank you -- I mean, up on this amendment, thank
8 you.

9 CHAIRMAN SIROIS: Members in debate?

10 Seeing none, Representative Joseph, you are
11 recognized to close on the amendment.

12 REPRESENTATIVE JOSEPH: Thank you, Mr.
13 Chair.

14 This amendment is very straightforward. I
15 mean, it's a federal question, federal courts. It
16 really just makes sense. So the portion restricting
17 the jurisdiction, it's in direct conflict with the
18 Voting Rights Act and 28 USC 1367, which provides
19 supplemental federal jurisdiction over state law
20 claims that are closely related to federal claims.

21 As such, the supremacy clause controls and
22 the state law must concede that federal law, which
23 states that federal courts have jurisdiction over
24 these maps. I mean, it's not even complicated.
25 It's not even close.

1 So we have to ask ourselves what's really
2 going on. Why would we want to limit challenging
3 federal congressional seats to state courts? I
4 think many of us have ideas as to what the answer is
5 to that question, but even that notwithstanding,
6 let's talk about what the 14th Amendment is, which
7 is the basis for these new maps, as has been
8 espoused to us. The 14th Amendment is one of those
9 remedial statutes in the Post-Reconstruction Era
10 that allowed for more black representation, and but
11 for that law and several others, we would have less
12 black representation.

13 So now, we have the Governor using that
14 same law to turn it on its face, and he wants you to
15 believe that somehow, under some universe, that he
16 is protecting us against segregation, which is
17 straight foolishness because I didn't get into all
18 of the questions that I --

19 CHAIRMAN SIROIS: Representative Joseph, I
20 apologize for --

21 REPRESENTATIVE JOSEPH: Okay.

22 CHAIRMAN SIROIS: -- interrupting. We are
23 very pressed for --

24 REPRESENTATIVE JOSEPH: I understand.

25 CHAIRMAN SIROIS: -- time. Let's --

1 REPRESENTATIVE JOSEPH: I'm trying to close
2 on my --

3 CHAIRMAN SIROIS: -- you can close on the
4 amendment.

5 REPRESENTATIVE JOSEPH: -- amendment. You
6 shut off all my other questions. So I'm trying to
7 get the point across.

8 So when we look at CD 26, which is
9 protected, as you heard, as Latino voters, which is
10 a Tier 1 criteria, why are we protecting Latino
11 voters and not black voters? When we look at that,
12 there are infirmities that make that map worse in
13 terms of the Tier 2 criteria that we're alleging
14 that we're protecting, but we're not actually
15 protecting it.

16 So what are we really doing? This is smoke
17 and mirrors. This amendment directly just
18 eliminates the -- which court you're taking it to.
19 We shouldn't need this. If your premise is under
20 the U.S. Constitution and the 14th Amendment, which
21 is what we heard legal counsel say, that that's the
22 basis for their claim, then let it play out in
23 federal courts. If it's not, then tell us what
24 you're actually doing. We're not asleep at the
25 wheel. This amendment fixes that and allows us to

1 do what we're substantively able to do.

2 Thank you, Mr. Chair.

3 CHAIRMAN SIROIS: Thank you, Representative
4 Joseph.

5 Having closed on the amendment, members in
6 favor of the amendment, please signify by saying
7 aye.

8 (Multiple ayes)

9 Those opposed, no.

10 (Multiple nos)

11 The amendment fails.

12 We are now on public testimony.

13 Ladies and gentlemen, we appreciate you
14 being here today for public testimony. We have a
15 lot of public testimony to get through. What I
16 would like to do is, once I call your name, please
17 approach the podium, if you'd like to speak. I will
18 call the next person to speak as well. They are on
19 deck if they would like to move forward in the room.
20 You are also welcome to waive in support or waive in
21 opposition in order to save time.

22 Members of the public joining us today, I'd
23 like to spend the next 40 to 45 minutes receiving
24 your public testimony, which is very important to us
25 to have, and then we'll move into member debate and

1 the bill sponsor's close.

2 With that, I'd like to ask LaShonda
3 Holloway, a citizen from Jacksonville, to please
4 approach the podium. If you would please state your
5 name, I'm sure that I pronounced it incorrectly, and
6 then next on deck will be Nancy Staats from Atlantic
7 Beach.

8 You are recognized.

9 LASHONDA HOLLOWAY: Thank you.

10 Good afternoon to this Committee. First
11 and foremost, I want to thank you for your work, but
12 I must say that I am in utter shock that that last
13 amendment was not approved.

14 I would urge each of you to vote no on this
15 bill. If congressional seats are federal, then the
16 Equal Protection should be -- law should be heard by
17 federal courts and not by the lower courts.
18 Moreover, as a fourth generation Floridian who is
19 not only a constituent in the 5th Congressional
20 District, I am a stakeholder as a candidate to
21 represent the people of the 5th Congressional
22 District.

23 Furthermore, understand that this
24 particular map that the Governor has proposed, it
25 uses Tier 2 metrics. It does not even use the

1 federal standard. It used the preferred standard.
2 So not only should we be using United States census
3 numbers, we should also be using Tier 1 standards,
4 and we all know that Tier 1 says you cannot favor a
5 political party.

6 CHAIRMAN SIROIS: Thank you. Thank you,
7 ma'am. That's --

8 LASHONDA HOLLOWAY: My two minutes are
9 up?

10 CHAIRMAN SIROIS: Please continue. My
11 mistake. You have two minutes. Proceed.

12 LASHONDA HOLLOWAY: Thank you so -- thank
13 you so very much.

14 Furthermore, we know that Mr. Kelly stated
15 that this particular -- these particular maps affect
16 18 districts, and as a result of that, it would
17 favor 20 Republican districts and 8 Democratic
18 districts.

19 The citizens of the state of Florida voted
20 for Fair Districts. So not only does it violate the
21 will of the people, it also violates the Equal
22 Protection Clause. The second section of the 14th
23 Amendment strictly states that you must not prohibit
24 voting practices or procedures that discriminate on
25 the basis of race, color, or membership in one

1 minority language.

2 Last and not -- certainly not least, I
3 would say to you we must protect minority access
4 districts from retrogression. We must protect
5 minority access districts from retrogression. Black
6 people, minorities, people of color, and people of
7 minority language ethnicities should have
8 representation. We are --

9 CHAIRMAN SIROIS: Thank you.

10 LASHONDA HOLLOWAY: -- a part of this
11 democracy, and we deserve to be heard.

12 CHAIRMAN SIROIS: Thank you, ma'am.

13 LASHONDA HOLLOWAY: Thank you.

14 CHAIRMAN SIROIS: My apologies for
15 interrupting you.

16 Ms. Staats. Next on deck is Judy Sheklin
17 of Jacksonville.

18 You are recognized, ma'am.

19 NANCY STAATS: Good afternoon, everyone.
20 My name is Dr. Nancy Staats. I'm a board-certified
21 medical doctor, but you don't need an advanced
22 degree to see what is happening here. What we are
23 seeing is a blatant disenfranchisement of African
24 American communities and their representatives.

25 The Governor has many duties and

1 responsibilities, but drawing maps is not one of
2 them. That is your job, and you are here working
3 hard doing that job. But unfortunately the Governor
4 rejected all your hard work, then came up with us
5 his maps, which you appropriately, rightfully
6 rejected when he first proposed. But now suddenly,
7 after vetoing yours, he's back with more nonsense,
8 and you have folded like a cheap suit, the
9 Republicans.

10 Now, what I would like to say --

11 CHAIRMAN SIROIS: Ma'am, I'm going to
12 remind you. I don't know if you were here when we
13 --

14 NANCY STAATS: Yes. Thank you. I will.

15 CHAIRMAN SIROIS: -- started the meeting --

16 NANCY STAATS: I will.

17 CHAIRMAN SIROIS: -- regarding decorum --

18 NANCY STAATS: I will. Yes.

19 CHAIRMAN SIROIS: -- in the Committee room.

20 NANCY STAATS: I will. What happened in
21 those two months? I'm just curious. Were there
22 discussions about budgetary requests perhaps? Was
23 there arm twisting? I don't know. Maybe someone
24 can clarify. It's painfully clear to me that
25 everyone in this room and everyone outside of this

1 room knows this entire special session is a farce
2 because there is not even another map being
3 considered.

4 As has been mentioned by others, our
5 Harvard-educated Governor must be well aware that
6 this map violates both the Florida Fair Districts
7 Amendment and the Voting Rights Act, but perhaps he
8 wants the attention. Perhaps a Supreme Court case?
9 I don't know.

10 Everyone remembers back our American
11 history lesson that our government was formed in
12 response to an authoritarian ruler, King George.
13 Our Founding Fathers created a system of three
14 district, autonomous branches of government, yet
15 here we are today, seeking complete -- seeing
16 complete complicity on your part to a new king.

17 In closing, as a physician, I took an oath.
18 I pledged to uphold the Hippocratic Oath. You too,
19 each of you, took an oath. You have taken oaths to
20 uphold the State and U.S. Constitutions and to serve
21 your constituents, and many of you sadly seem to
22 have forgotten. We will not.

23 CHAIRMAN SIROIS: Thank you, ma'am.

24 Ms. Sheklin, you're up next, followed by
25 Juanita Powell-Williams of Jacksonville.

1 Ladies and gentlemen, if I'd just ask you,
2 when you come to the podium, if you would identify
3 yourself once again. And we'll observe the two
4 minutes, but we may be pressed for time moving
5 forward.

6 Ma'am, you are recognized.

7 JUDY SHEKLIN: My name is Judy Sheklin, and
8 I live in Jacksonville. I'm speaking in opposition
9 to the Governor's proposed maps for several reasons.
10 It is the responsibility of the Legislature to
11 create congressional maps during redistricting
12 according to Article III of the Florida
13 Constitution.

14 The House and Senate, as the previous
15 speaker stated, created and approved maps that you
16 were satisfied with, which, as we know, were then
17 vetoed and redrawn by the Governor. This is
18 unprecedented in state Legislatures throughout the
19 United States.

20 The Legislature here, quickly, the House
21 and Senate acquiesced to the Governor, and that
22 created a dramatic imbalance of power in our state
23 government. This is troubling to me as a citizen.
24 The Governor's maps are a radical departure and
25 aren't in compliance with state and federal law.

1 These maps, as we've heard today, reduce the
2 likelihood of minorities to elect congressional
3 members of their choice, eliminating two minority
4 districts, and also violating the Voting Rights Act.

5 In 2010, Florida passed the Fair Districts
6 Amendment, and the citizens stated and deserve and
7 expect fairness in redistricting decisions. The
8 Governor's plan that creates 20 Republican minority
9 -- majority districts out of -- and 8 majority
10 Democratic districts blatantly demonstrates partisan
11 gerrymandering.

12 Please stand up for all Floridians and
13 oppose these unfair maps. Thank you.

14 CHAIRMAN SIROIS: Thank you, ma'am.

15 Ms. Powell-Williams, you're up, followed by
16 Cristian Cardona.

17 You're recognized.

18 JUANITA POWELL-WILLIAMS: Yes. Thank you.

19 Good afternoon. Juanita Powell-Williams
20 from Jacksonville, Florida. We often in the law
21 consider knowledge and intent. Ladies and
22 gentlemen, I present to you today that there is full
23 knowledge of what is being done here today within
24 Florida.

25 Florida has become a laughingstock,

1 unfortunately, and with that, you as our leaders are
2 privy to that. There is full knowledge, and with
3 that, intent, to do just what the Governor is doing.
4 He is taking away a right of a people. We are
5 retrogressing back to the past, and you are allowing
6 that to happen.

7 I know this is falling on deaf ears,
8 unfortunately. We're here from -- your constituents
9 are here from these various counties within Florida,
10 and we're speaking out regardless of some of you
11 already having made up your minds as to what's going
12 to come out of your mouth.

13 But we're here. Ladies and gentlemen,
14 we're going to speak up. We're going to vote, and
15 we will remember. Thank you.

16 CHAIRMAN SIROIS: Thank you, ma'am.

17 Cristian Cardona followed by Marsha Davis.

18 If I could remind members, if I call your
19 name second, if you could make your -- members of
20 the public, if you could make your way up, you're on
21 deck. That will help us move things a little bit --
22 move along a little bit faster.

23 You are recognized.

24 CRISTIAN CARDONA: Thank you.

25 Hello, everyone. My name is Cristian

1 Cardona. I am opposed to the redistricting plan. I
2 am a worker and a leader with the Fight for \$15 and
3 the union. Different movements are gathered here
4 today because we stand against the elimination of
5 protections that the Fair Districts Amendment
6 provides. This map is a direct attack on black
7 representation and our democracy, and that ain't
8 right.

9 I want to share why -- I want to share my
10 experience as a voter and why this issue is
11 important to me. I moved to Orlando, Florida, with
12 my family in 2009. I gained citizenship and just in
13 time to vote for Amendment 2, which brought us one
14 step closer to a living wage, which is something I
15 have been organizing and speaking up about for
16 years.

17 This amendment has a direct impact on the
18 community around me, my family, my friends, and my
19 neighbors. It felt powerful to organize and
20 campaign to raise the standard of living for
21 millions of Floridians. The day I got to vote yes
22 for Amendment 2 was a day that I will always
23 remember. After months of complaining and yelling
24 it out to the world, I finally had the chance to
25 cast my vote along with my community.

1 This is why it's so important that workers
2 have a strong voice and a vote. Workers have never
3 been given rights. We've had to fight for all of
4 the things that we won, ever little crumb, every
5 race, every right, and this fight is no different.

6 Governor DeSantis is trying to diminish our
7 ability to have our voices heard at the state level,
8 which we aren't going to let happen. Thank you.

9 CHAIRMAN SIROIS: Thank you.

10 Marsha Davis, followed by Rosemary McCoy of
11 Jacksonville, followed by Tameka Hobbs of
12 Jacksonville.

13 Ma'am, you are recognized.

14 MARSHA DAVIS: Thank you.

15 Good afternoon. I'm Marsha Davis from
16 Orlando, Florida. I'm here to speak against
17 Governor DeSantis' legislative map.

18 Floridians passed the Fair District Act
19 amending the State Constitution to protect minority
20 voters, to ensure their access to representation,
21 and to limit legislators from drawing maps that are
22 unfair. And this map is -- these maps are unfair.
23 It's just not right. I hope your conscience is
24 twinging just a little bit.

25 Minority growth in the last -- this last

1 census is very clear. That's why we got an
2 additional congressional seat. That tells us that
3 we need more representation, not less. So I would
4 ask you to consider that. The plan is unfair, and I
5 believe the plan is unconstitutional. So I would
6 ask for you to please think about all of your
7 constituents and vote no. Thank you.

8 CHAIRMAN SIROIS: Thank you, ma'am.

9 Rosemary McCoy, followed by Tameka Hobbs
10 and then Laura Cardona.

11 ROSEMARY MCCOY: Good afternoon and thank
12 you so much for having us here and thank you so much
13 for being here.

14 We are living in a time of desperate
15 reaction, and we need your reaction in a positive
16 way. Everyone here knows that we have a war, and
17 yes, I'm going to continue to speak about this here
18 war, Russia and Ukrainian. It's a serious war
19 because it does affect us, whether we're in Florida
20 as a state or whether we are federal or whether we
21 are citizens, residents of the state of Florida.

22 I am a disabled veteran, and I believe in
23 this country. I would go to war today for this
24 country, and you know what I'm asking you all to do?
25 I'm asking you to go to war right here in the state

1 of Florida. I'm asking you to put down your party.
2 We're not here to be Republicans. We're not here to
3 be Democrats or Independents. We're here to serve
4 the people. I have a nonprofit organization called
5 Harriet Tubman Freedom Fighters, freedom fighters.

6 I believe in freedom. I am a Ukrainian. I
7 have that spirit, and I pray that each one of you
8 do. I pray that you do not bow down to a dictator.
9 We have to stop this. When are we going to stop
10 this?

11 CHAIRMAN SIROIS: Ma'am, I'm going to
12 caution you regarding --

13 ROSEMARY MCCOY: Stop it now. Stop it now.

14 CHAIRMAN SIROIS: Our next speaker is
15 Tameka Hobbs, followed by Laura Cardona.

16 I'd like to remind members of the audience
17 as well regarding civility and decorum in the
18 Committee room.

19 Ma'am, you are recognized.

20 TAMEKA HOBBS: Thank you. Good evening.
21 My name is Dr. Tameka Hobbs. I am a recent resident
22 of Jacksonville and Congressional District 5. I am
23 a native of Florida. I grew up not very far from
24 here in Suwannee County. I am here to report to you
25 as a person who has lived the majority of my life

1 here in the state of Florida that I have never paid
2 as much attention to the proceedings of this
3 organization because I have never in my life been as
4 concerned as I have been over the last several
5 months.

6 I'm here to voice my opposition to the maps
7 that are being presented by the Governor to this
8 legislative body because, on its face, that is
9 outside of his scope and function. This body has a
10 responsibility for bringing these maps, developing
11 these maps, as you have, for consideration. And it
12 is a definite violation of the checks and balances
13 that are built into our Constitution, as I
14 understand them, for someone else to present those
15 to us. So I will say that, number one.

16 I will also echo what's been said already
17 in that these proposed maps, this proposed map is
18 unconstitutional based on the Florida State
19 Constitution, based on the Fair Districts Amendment
20 from 2010, based on the Voter Rights Amendment
21 that's been -- Voting Rights Act, excuse me, that's
22 been presented here several times.

23 I'd also like to talk about what I heard in
24 the two times, both in the Senate and before this
25 body, that I have heard Mr. Kelly make his

1 representations about the way that the map that was
2 presented today was -- had come about. He asserted
3 us that he was very interested in it being squared
4 and compact. He described these very round
5 districts. Visually, certainly, we can certainly
6 see that.

7 What he has used -- and I believe
8 mistakenly -- is the application of this idea that
9 these maps were constructed in a race neutral
10 fashion. If it was race neutral, we would not be
11 dealing with the disillusionment, the dismantlement
12 of two of four seats -- congressional districts that
13 have put African Americans in the Congress.

14 CHAIRMAN SIROIS: Ma'am, your time is
15 expired. You want to just bring it in for a
16 landing.

17 TAMEKA HOBBS: For two minutes?

18 CHAIRMAN SIROIS: Ma'am, your time is
19 expired.

20 TAMEKA HOBBS: Okay.

21 CHAIRMAN SIROIS: If you'd like to wrap up
22 your comments.

23 TAMEKA HOBBS: I would like to say that
24 that is on its face false. I want to say to this
25 body that you have a choice before you. As a

1 historian I have followed the racial history, very
2 painful --

3 CHAIRMAN SIROIS: Thank you.

4 TAMEKA HOBBS: -- history that has not been
5 considered here.

6 CHAIRMAN SIROIS: Thank you, ma'am. Thank
7 you.

8 TAMEKA HOBBS: You have a choice about your
9 legacy today.

10 CHAIRMAN SIROIS: Thank you very much.

11 Laura Cardona of Orlando and then
12 Christopher Nurse of Jacksonville waives in
13 opposition. Our next speaker -- is Laura Cardona
14 coming up? Christopher Nurse waives in opposition.
15 The next speaker Sheila Singleton of Jacksonville,
16 followed by Barney Roberts of Jacksonville.

17 Sheila Singleton?

18 Barney Roberts of Jacksonville, come on up,
19 sir. And then our next speaker will be Trish Neely
20 of Tallahassee.

21 BARNEY ROBERTS: Hi. I'm Barney Roberts
22 from Jacksonville, Florida. I'd like to challenge
23 you to build a future for our kids for tomorrow. If
24 they look at Tallahassee as it has been for the last
25 couple years and they see the behavior that's

1 happening here, then they're going to say, hey, what
2 should we do about it?

3 Our kids deserve the best, and I hope that
4 you do that too with your decision that you make
5 today and tomorrow. Thank you.

6 CHAIRMAN SIROIS: Thank you, sir.

7 Trish Neely, Tallahassee, followed by Larry
8 Coleton (phonetic) of Orlando.

9 TRISH NEELY: Thank you.

10 CHAIRMAN SIROIS: Ma'am, you're recognized.

11 TRISH NEELY: Thank you for the opportunity
12 to speak. I'm Trish Neely, and I am with the League
13 of Women Voters.

14 I won't repeat what's already been said,
15 but I do have two points. Number one, it was the
16 League of Women Voters against the State of Florida
17 that was the lawsuit that Mr. Kelly mentioned, and
18 we disagree that the court got it wrong. We believe
19 they got it very right.

20 We urge you, urge you to carefully consider
21 what this map will do. It cuts the voting power of
22 African Americans by 50 percent. Think of that, by
23 50 percent, and this is very reminiscent of
24 Florida's voter suppression tactics of over 100
25 years ago.

1 Folks, we don't want to go backwards. We
2 need to go be going forward. We urge you to vote
3 this map down. Thank you.

4 CHAIRMAN SIROIS: Thank you, ma'am.

5 Larry Coleton -- I'm sorry. I know I'm
6 mispronouncing that -- followed by Hedder Pierre-
7 Joseph of Orlando.

8 If you're going to speak and I mention your
9 name, please make your way forward in the interest
10 of time.

11 Hedder will be followed by Stacy Williams
12 of Orlando.

13 Sir, you're recognized.

14 LARRY COLETON: Thank you, Mr. Chairman.
15 Larry Coleton from Orlando, Florida.

16 I find myself thinking that I'm back in the
17 1950s or 1940s. This reminds me of basically,
18 pardon the language, but white supremacy.

19 CHAIRMAN SIROIS: Sir, I'm --

20 LARRY COLETON: And the fact of the matter
21 is it's ironic to me that the 14th Amendment would
22 be turned on its head when that was initiated to
23 protect Africans who were recently freed from
24 slavery, and we, me, an African descendant of
25 slavery, having people stand -- sit here and talk

1 about this as though -- and using it as a weapon
2 against the very people it was intended to protect.

3 This is a moment for profiles in either
4 courage or cowardice. To be intimidated by the
5 Governor of this state to capitulate, this is not
6 this Committee's bill. This is the Governor's bill.
7 You haven't done your job. You aren't doing your
8 job, and we are not going to forget this. And
9 history will speak to you. It will speak about you.
10 You will be dealt with for your history and
11 hopefully at the ballot box.

12 CHAIRMAN SIROIS: Thank you, sir.

13 Hedder Pierre-Joseph -- I apologize. I'm
14 butchering the name -- followed by Stacy Williams.

15 HEDDER PIERRE-JOSEPH: No worries. Good
16 evening to the Committee and the Committee members.

17 My name is Hedder Pierre-Joseph.
18 Redistricting is the process by which new
19 congressional and state legislative districts are
20 drawn. Federal law stipulates that districts must
21 have nearly equal population and must not
22 discriminate on the basis of race and ethnicity.

23 The current redistricting map, which
24 eliminates congressional House representation for
25 black people, is based on solely fear, fear that

1 black people are voting. As black people who are
2 descendants of the enslaved Africans, we know our
3 history, and we have seen this devil before.

4 I implore you not to continue down the dark
5 path of your ancestors and deny black people their
6 constitutional right of representation. I remind
7 all of you of the Boston Tea Party of 1773.

8 Finally, I ask you to look around and to
9 see the promise and the hope of the enslaved
10 Africans. We are on the side of justice, and with
11 the God of Abraham, Isaac, Jacob, and our ancestors,
12 we shall always overcome. Remember, there is
13 something called God and time. Thank you for your
14 consideration.

15 CHAIRMAN SIROIS: Thank you. My apologies
16 for butchering your name.

17 Stacy Williams followed by Troy Squire.

18 Stacy Williams is not here.

19 Troy Squire of Jacksonville. If I call
20 your name, if you'd make your way forward.

21 Following Troy will be Jonathan Webber of
22 Tallahassee.

23 TROY SQUIRE: THANK YOU for letting me
24 speak.

25 I just have one question, but first, my

1 name is Troy Squire. I live in Congressional
2 District 5, and as the regional breakdown for
3 Northern Florida states, your plan will split black
4 communities across three different congressional
5 districts, which results in the loss of the current
6 black opportunity district, linking Jacksonville and
7 Tallahassee.

8 So my question is to Governor Ronald Deon
9 DeSantis and this Subcommittee. What are you saying
10 (sic) is that black votes does not matter to you?
11 That's my only question. Thank you.

12 CHAIRMAN SIROIS: Thank you, sir.

13 Jonathan Webber of Tallahassee, followed by
14 David Rucker of Orlando. And after David will be
15 Genesis Robinson of Daytona Beach.

16 Sir, you are recognized.

17 JONATHAN WEBBER: Thank you so much.

18 Good afternoon. My name is Jonathan
19 Webber. I'm the deputy director of Florida
20 Conservation Voters, and for the record, I do live
21 in CD 5, Al Lawson's district just south of
22 Apalachee here in Tallahassee.

23 Florida Conservation Voters strongly
24 believes that the health of our environment is
25 directly tied to the health of our republic, and

1 just as we monitor our water for pollution, we
2 monitor our government for signs of sickness.

3 Fair representation is one of the best
4 metrics we have to measure the health of our
5 government. The census and ensuing redistricting
6 process is the test. Today, we're asking ourselves
7 questions like, was this map drawn in complete
8 transparency? Does it respect the rules set forth
9 in the Voting Rights Act, in the state and federal
10 Constitutions? Were the people of Florida given
11 ample opportunity to participate and comment on this
12 map? And most important, considering the profound
13 legacy of state-sponsored oppression in Florida,
14 does it protect or diminish the right of black
15 Floridians to elect the leaders of their choice.

16 You all know the answers to these
17 questions, and while fair representation is vital,
18 fear of doing the right thing is the ultimate
19 terminal sickness in democracy. Our republic is
20 only as strong as the rights of the minority groups
21 to participate. I love this country not so much for
22 its history but for its promise. But that promise
23 must be guaranteed to everyone, not just the
24 powerful or the monied or the ruling class.

25 FCV stands in solidarity with our friends

1 and allies across the state in opposition to these
2 maps. Thank you all for coming today. Thank you.

3 CHAIRMAN SIROIS: Thank you.

4 Next is David Rucker, followed by Genesis
5 Robinson.

6 Ladies and gentlemen, we have about 20
7 speaker cards left. I'd like to move into debate at
8 6:00 p.m. So following you, sir, I will be reducing
9 public testimony to one minute each.

10 Thank you, sir.

11 DAVID RUCKER: You're giving me one minute?

12 CHAIRMAN SIROIS: No, sir. After you.

13 DAVID RUCKER: Oh, after me.

14 CHAIRMAN SIROIS: You have two minutes.

15 DAVID RUCKER: Good. My name is David
16 Rucker. I live in Orlando. I live in District 10,
17 and I am a super voter. I started voting when I was
18 18. That's in the Civil Rights in 1965. I've only
19 missed two voting out of my whole time as being a
20 teenager and a young and old adult.

21 And what I like to do and have you guys,
22 before you even think about voting, we keep asking
23 you to vote and the things that we don't like about
24 what's happening with the Governor and what he's
25 talking about, I want you to go back.

1 Before you make this vote -- in 1975, a
2 song came out by the O'Jays, and it would say you
3 got to give the people what they want. Before you
4 vote, I want you to listen to that song. I want you
5 to listen to it all the way through and then come
6 back and vote. All right. That's what I need you
7 to do. All right.

8 The next thing, there are four positions
9 that we have now. The Governor want to cut them
10 down to two, all right. You need to look at that
11 too. We're talking about oppression of voters,
12 especially blacks at that time, in '65. We need to
13 take heed and look at those things. We don't want
14 to repeat history, all right. We want to move
15 forward.

16 But what the Governor is trying to is to
17 try to repeat history, which is not good for all of
18 us in America, you know. U.S. is us. That means we
19 are here together, but remember, what I want you to
20 do, 1975, the O'Jays, the O'Jays, all right. You
21 got to give the people what they want. Thank you.

22 CHAIRMAN SIROIS: Thank you, sir.

23 Genesis Robinson, followed by Gail Gardner,
24 one minute.

25 Sir, you are recognized.

1 GENESIS ROBINSON: Mr. Chair, I would ask
2 that you reconsider to allow two minutes so I can
3 speak.

4 CHAIRMAN SIROIS: Sir. I have --

5 GENESIS ROBINSON: I have somebody that's
6 going to yield his time.

7 CHAIRMAN SIROIS: I have 20 speakers left.
8 One minute, sir. You are recognized.

9 GENESIS ROBINSON: Okay. Thank you. Good
10 afternoon, members. Thank you, Mr. Chair, for the
11 opportunity to speak for one minute to address the
12 House Subcommittee.

13 My name is Genesis Robinson. I am a
14 registered voter in the state of Florida. I also
15 serve as the political director for Equal Ground
16 Action Fund. We are a black-led voting rights
17 organization working to increase civic engagement in
18 black communities throughout the state.

19 We are here in opposition to this plan.
20 Obviously, you have abdicated your responsibility to
21 draw maps to the Governor, and as an organization
22 working to expand equity in the state, we believe
23 that this map is unconstitutional.

24 With minority growth that we saw in the
25 2020 census, it is critical that we have diverse

1 viewpoints and experiences represented at the
2 federal level of government. The lived experiences
3 and perspectives of these individuals are a crucial
4 part in representing and reflecting the fullness of
5 our state.

6 It is unconscionable to think that maps
7 that govern our state for the next decade could give
8 us less minority representation than we currently
9 have. When the history of this moment is written,
10 you do not want your name to be among those that
11 violated --

12 CHAIRMAN SIROIS: Sir, your time --

13 GENESIS ROBINSON: -- and voted to take --

14 CHAIRMAN SIROIS: -- your time is expired.

15 GENESIS ROBINSON: -- away minority
16 representation --

17 CHAIRMAN SIROIS: Thank you.

18 GENESIS ROBINSON: -- in the state of
19 Florida. Thank you.

20 CHAIRMAN SIROIS: Thank you.

21 Gail Gardner of Ocoee, followed by Cheryl
22 Jones of Winter Garden.

23 Ma'am, you're recognized.

24 GAIL GARDNER: Good evening. Gail Gardner
25 from District 10.

1 In the '60s, my ancestors who lived in the
2 North where I was born and grew up would board a
3 charter bus and head south where they were born and
4 grew up. Well, now, I too boarded a charter bus
5 today for the same reason.

6 My experience has been that we are fighting
7 once again and repeating history. Our ancestors did
8 this. They defended their time. They defended the
9 right to vote. And so, therefore, we're asking that
10 the congressional redistricting map not just to draw
11 the line but hold the line and make this legislative
12 body accountable and not allow the persuasive
13 executive decision by the Governor to be a force to
14 diminish the black vote, of which those of you who
15 benefited from the Fair Districts Amendment 5 and 6
16 that prohibits politicians from drawing districts
17 that favor themselves and their parties, to ensure
18 that minorities will have the opportunity to elect
19 representatives of their choice. Let's not allow
20 history to repeat itself. Thank you.

21 CHAIRMAN SIROIS: Thank you, ma'am.

22 Cheryl Jones, followed by Ebony Hardy-Allen
23 of Jacksonville.

24 Ma'am, you are recognized.

25 CHERYL JONES: Hello. I am Cheryl Jones

1 from Orlando.

2 I want to emphasize that our democracy is
3 under attack. When you look at this redistricting
4 map, it is clearly and blatantly designed to oppress
5 black voters.

6 And I also want to address the fact that
7 you would not have the speaker under oath. That
8 simply holds them accountable. I don't know if
9 others in here have heard, but he's flip-flopped
10 back and forth a few times between here and the
11 Senate, and being under oath holds his word to his
12 record. So we would like to make sure that as we
13 listen to the speakers, that they are held
14 accountable and that the redistricting map actually
15 does represent the citizens of our state.

16 I live in Orlando, which is currently
17 district 10, but the redistricting will put me in
18 District 11. And some of the reasons that were
19 stated as to why it's being redistricted are
20 different from other counties. Other counties are
21 held intact, and I believe that holding our
22 representatives accountable will make a difference.

23 CHAIRMAN SIROIS: Your time is expired.

24 Thank you, ma'am.

25 Our next speaker is Ebony Hardy-Allen,

1 followed by Indesar Sabris (phonetic) of
2 Jacksonville, and then we'll have Gail Presley of
3 Orlando.

4 Ma'am, you're recognized.

5 EBONY HARDY-ALLEN: Hello. My name is
6 Ebony Hardy-Allen. I'm a voter's right advocate.

7 Since I only have one minute, I'm only
8 going to take 30 seconds because I've sat here, and
9 I prepared a speech. But I'm not going to use it.
10 I sat here, and I listened. And I looked at
11 everybody's faces.

12 Three things, this reminds me of a poll
13 tax. This reminds me of a literacy test. This
14 reminds me of a paper bag test. My skin is too
15 dark. I will not have representation. If you all
16 vote for this bill, we will remember. We will vote
17 you out of office. I am asking that you do not
18 strip us of our representation. That's all I have
19 to say. Literacy tests, poll tax, and a paper bag
20 test.

21 CHAIRMAN SIROIS: Thank you, ma'am.

22 Indesar Sabris of Jacksonville, and then
23 we'll have Gail Presley of Orlando, followed by
24 Hazel Gillis of Jacksonville.

25 Ms. Presley?

1 GAIL PRESLEY: Yes?

2 Come on up.

3 Hazel Gillis will be next, followed by
4 Cecile Scoon.

5 Ma'am, you're recognized.

6 GAIL PRESLEY: Well, thank you and good
7 afternoon. Thank you, Chairman. To all of our
8 House of Representatives, my name is Gail Presley,
9 and I am a proud member of Congressional District
10 Number 10, which is held by none other than our
11 House of Representative.

12 It is disheartening to me here today to
13 hear some of the information that was shared,
14 especially from the attorney today. I come from a
15 family, who have -- back in the 1960s, listening to
16 some of the stories that they told me about voters
17 rights and how they had to fight so hard to become a
18 voter. I feel like I'm back in the 1960s today, and
19 it is 2022.

20 I do oppose to the bill that is here today,
21 and I implore you -- because you took an oath to
22 serve the people. And we are the people. I am that
23 person, and I do represent Congress -- Congressional
24 District 10, and I do implore you, ladies and
25 gentlemen, to do the right thing --

1 CHAIRMAN SIROIS: Your time is --

2 GAIL PRESLEY: -- and vote the right way.

3 CHAIRMAN SIROIS: Your time is expired.

4 GAIL PRESLEY: Thank you, Chairman.

5 CHAIRMAN SIROIS: Thank you very much.

6 Thank you, ma'am.

7 Hazel Gillis, followed by Cecile Scoon, and
8 then we'll have Allison Clark of Maitland.

9 Ma'am, you're recognized.

10 HAZEL GILLIS: Good evening. My name is
11 Hazel Gillis. I am a member of the James Weldon
12 Johnson Branch of the ASALH, the Association for the
13 Study of African American Life and History, and I
14 live in Congressional District 5 in Jacksonville,
15 Florida.

16 Governor Ron DeSantis' rejection of Florida
17 Legislature-drawn maps is a direct attack on black
18 representation in our democracy. By proposing a
19 congressional map that reduces Florida's black
20 representation in Congress by 50 percent, the
21 Governor is attempting to silence the voices of
22 hundreds of thousands of black voters.

23 We oppose any map that has been drawn by
24 Governor Ron DeSantis. In 2010, Florida passed the
25 Fair Districts Amendments 5 and 6 that prohibits

1 politicians from drawing districts to favor
2 themselves and their parties and to ensure minority
3 voters have equal opportunity to participate in the
4 political process and have a fair opportunity to
5 elect representatives of their choice --

6 CHAIRMAN SIROIS: Thank you, ma'am.

7 HAZEL GILLIS: -- their party.

8 CHAIRMAN SIROIS: Your time is expired.

9 HAZEL GILLIS: We must end this
10 manipulation. Thank you.

11 CHAIRMAN SIROIS: Cecile Scoon of Panama
12 City.

13 Thank you, ma'am.

14 Cecile Scoon of Panama City, followed by
15 Allison Clark of Maitland, followed by ZsaZsa
16 Ingram-Fitzpatrick of Tallahassee.

17 Ma'am, you are recognized.

18 CECILE SCOON: Thank you. Cecile Scoon,
19 President of the League of Women Voters of Florida.

20 What a difference a day makes. I was here
21 a few weeks ago, and I was really proud of this body
22 when you addressed Mr. Popper, Professor Popper, and
23 he came forth with this idea, turning things on its
24 head and telling you that following the law was
25 illegal.

1 And you literally asked him, do you have a
2 case on point? And the man said no. I don't. And
3 that is the true fact. You are ignoring Tier 1.
4 Tier 1 actually does not require intent, as Mr.
5 Kelly seemed to be implying and stating. It goes by
6 impact. If you do not protect the voting rights and
7 make sure that people have an opportunity to select
8 a representative of their choice if they are a
9 minority by race or language, you are violating Tier
10 1, and you are violating the Florida Supreme Court's
11 standing on the law. And that's simply the case.

12 They are trying to change the law ahead of
13 time. The Governor is supposed to enforce the law,
14 not change the law. The people that write the law
15 are the legislators. This is all backwards, and
16 it's hurting every single citizen of this state.

17 Yes. Black people are being targeted, but
18 the destruction of our separation of powers is --

19 CHAIRMAN SIROIS: Thank you, ma'am.

20 CECILE SCOON: -- is affecting everyone.

21 Thank you.

22 CHAIRMAN SIROIS: Thank you, ma'am. Thank
23 you.

24 CECILE SCOON: Please vote no.

25 CHAIRMAN SIROIS: Thank you, ma'am.

1 Ms. Clark of Maitland, followed by ZsaZsa
2 Ingram-Fitzpatrick of Tallahassee, and then we'll
3 have Myrtle Lucas of Jacksonville.

4 Ma'am, you are recognized.

5 ALLISON CLARK: Thank you, Mr. Chair.

6 I am Dr. Allison Clark, a native Floridian
7 born in Volusia County, and I live in District 7. I
8 am here to voice my opposition to this bill.

9 I could cite historical data, statistics,
10 court cases, et cetera that demonstrate the
11 unconstitutionality of the vote that you are about
12 to take, but due to time, I will keep my statement
13 to this.

14 The purpose of this session is clear to the
15 nation and Floridians. It is to establish a path
16 for the Governor's race for the White House in 2024,
17 and it is a path that is being built on the backs of
18 Florida's black voters. I ask you to vote no to
19 this bill.

20 CHAIRMAN SIROIS: Thank you, ma'am.

21 ZsaZsa Ingram-Fitzpatrick, followed by
22 Myrtle Lucas.

23 Ma'am, you are recognized.

24 ZSAZSA INGRAM-FITZPATRICK: Thank you.

25 I am ZsaZsa Ingram-Fitzpatrick, and I come

1 to give you a brief statement. It is about facts,
2 rights, and responsibility. The fact is it is not
3 in the Governor's job description that he should be
4 putting forth maps on redistricting.

5 It is your right to tell him to stay in his
6 lane and do his job, and it is the responsibility of
7 us, the voters, the people who put you in office, to
8 come before you and let you know what we think when
9 we do not like what you're doing.

10 And today I am requesting that you look
11 closely at what is being put forth to diminish black
12 voters and people of color, our voices within this
13 state, and that you also look at the census and know
14 that we are that sleeping giant because our numbers
15 are not diminishing. They are growing. Thank you
16 and vote against this bill.

17 CHAIRMAN SIROIS: Thank you, ma'am.

18 Myrtle Lucas of Jacksonville, followed by
19 Haraka Carswell of Jacksonville, and then we'll have
20 Ingrid Montgomery.

21 MYRTLE LUCAS: Okay. My name is Myrtle
22 Lucas. I am a member of the James Weldon Johnson
23 Branch of the ASALH, the Association for the Study
24 of African American Life and History, and I live in
25 the Congressional District 5 in Jacksonville,

1 Florida.

2 We oppose any map that has been drawn by
3 the Governor -- by Governor Ron DeSantis.
4 Legislators and Governors are doing this to unfairly
5 rule -- unfairly have it their way. That's what I'm
6 really going to say. Okay. We must end this at the
7 cost to protect our democracy and black voters. We
8 vote for legislation --

9 CHAIRMAN SIROIS: Thank you, ma'am.

10 MYRTLE LUCAS: -- to draw -- no. I can't
11 sit -- to draw maps for Fair Districts, and we want
12 them to do their job.

13 CHAIRMAN SIROIS: Thank you, ma'am. Your
14 time is expired.

15 MYRTLE LUCAS: Okay. Enough for Governor
16 DeSantis.

17 CHAIRMAN SIROIS: Thank you, ma'am.

18 Haraka Carswell, followed by Ingrid
19 Montgomery, and we'll -- no Haraka Carswell?

20 Ingrid Montgomery?

21 Yes, ma'am.

22 HARAKA CARSWELL: (No audible response)

23 CHAIRMAN SIROIS: Waive in opposition.

24 Thank you very much.

25 Ingrid Montgomery?

1 INGRID MONTOMERY: (No audible response)

2 CHAIRMAN SIROIS: Oh. My apologies. Thank
3 you, ma'am.

4 Jasmine Burney-Clark, an opponent of the
5 bill.

6 Odwan Whitfield (phonetic) of Jacksonville,
7 an opponent of the bill. Are you here to speak?
8 Come on up, sir. And then we'll have Gwendolyn
9 Colman of Jacksonville.

10 Sir, you are recognized.

11 ODWAN WHITFIELD: My name is Odwan
12 Whitfield. I'm in Congressional District 5. I'm a
13 taxpayer, and I am a United States Army combat
14 veteran. I fought over in district -- in foreign
15 territories only to come back here to fight for my
16 rights for representation.

17 It bothers me. It bothers me that we rush
18 through this Committee hearing. First, it was for
19 the interest of the people. So you rush the
20 Representatives, and the people come up, and we rush
21 the Representatives.

22 CHAIRMAN SIROIS: Sir, could you please
23 keep your comments to the legislation.

24 ODWAN WHITFIELD: It's to you all. And so
25 what's the rush? The session is from the 19th until

1 the 22nd. Why are we rushing so fast? This affects
2 me and the people in my district.

3 The difference between you all saying that,
4 you know, well, my uncle, auntie, cousin, brother,
5 sister went to war, the difference is they don't
6 have to come back to this. They don't have to. Do
7 your jobs.

8 CHAIRMAN SIROIS: Sir, your time is --

9 ODWAN WHITFIELD: It isn't fair.

10 CHAIRMAN SIROIS: Sir, your time is
11 expired.

12 ODWAN WHITFIELD: Do your jobs. That's all
13 (indiscernible).

14 CHAIRMAN SIROIS: Your time is expired.
15 Thank you.

16 Gwendolyn Coleman, Jacksonville.

17 Thank you for your service.

18 Gwendolyn Coleman, an opponent of the bill.

19 Walter Smith of Jacksonville, an opponent
20 of the bill.

21 Kristin Fowailee of Maitland, an opponent
22 of the bill.

23 Dr.Carolynn Zonia, followed by Lisa Perry.
24 Lisa, are you here? Next will be Joey McKinnon.

25 Ma'am, you are recognized.

1 DR. CAROLYNN ZONIA: Okay. Mr. Chairman,
2 Committee members, I'm Dr. Carolynn Zonia. I'm
3 speaking against the Governor's maps.

4 I just wanted to point out in September
5 2021, the U.S. Department of Justice issued
6 guidelines for Section 2 of the Voting Rights Act,
7 and they clearly state that it's prohibited -- it
8 prohibits any procedure or practices that minimize
9 or cancel out the voting strength of members of
10 racial or language minority groups in the voting
11 population.

12 So whether you vote down the amendment,
13 whether, you know, you're keeping the language in
14 that says that you're limiting where this can be
15 challenge, it's going to be challenged, and it's
16 going to be overturned. Please vote against the
17 Governor's maps. Thank you.

18 CHAIRMAN SIROIS: Thank you, ma'am.
19 Lisa Perry, followed by Joey McKinnon.
20 Mr. McKinnon, you are recognized.

21 JOEY MCKINNON: Thank you, Chair.

22 CHAIRMAN SIROIS: I'm sorry. Excuse me.
23 Lisa Perry is an opponent of the bill.

24 Sir, you're recognized.

25 JOEY MCKINNON: Thank you, Chair.

1 My name is Joey McKinnon, and I'm a
2 resident of the impacted CD 5. And I'm opposed to
3 this bill.

4 During the regular legislative session,
5 you, the Legislature, produced a map that was
6 challenged to my knowledge by no one. Until
7 Governor DeSantis broke with democratic norms, and
8 here we are. And to be fair, I love many of you,
9 but I didn't want to see you after Easter.

10 Stand by your maps. You did a good job.
11 How often do people come to this podium and say
12 that? But stand by your map. After this past
13 session, it's time to turn down the heat. We all
14 know that.

15 Today, you have the opportunity to protect
16 the Constitution of the great state of Florida by
17 upholding the Fair Districts Amendments, defend
18 democratic norms, and prioritize people over
19 partisanship, like you did with your maps. So let's
20 do what's right. Thank you.

21 Thank you. We have Charletta Sowell of
22 Jacksonville, waiving in opposition.

23 And finally Joanne Brooks of Jacksonville,
24 waiving in opposition.

25 Members, we are now in debate.

1 Members wishing to debate.

2 Representative Benjamin, you are
3 recognized, followed by Representative Skidmore.

4 REPRESENTATIVE BENJAMIN: Thank you,
5 Mr. Chair.

6 We're here at this special session and in
7 this Subcommittee to consider the Governor's veto
8 with regards to a map or maps that we sent him that
9 we believed at the time that we sent them that those
10 maps were constitutionally compliant and that those
11 maps were sufficient for representation in our --
12 for our congressional representation.

13 That map held that four seats from Florida
14 would hold black representation in our Congress.
15 And now we're here today discussing a map that will
16 change that representation from four to two.

17 And when we talk about the significance of
18 that, we're told that the contested seating was, in
19 fact, not legal in its iteration. However, it was
20 not challenged. It was provided to us by the courts
21 and was never challenged. That makes it benchmark.
22 That means it had to be analyzed. That means it was
23 subject to Title 3, or our Fair District Amendment,
24 and that we codify Section 5 of the VRA, which says
25 that we have to protect our representation in our

1 state from regression.

2 We believe that when we did that Title that
3 regression was something that we wanted to protect
4 our state from, and we have long recognized that in
5 the law that we can give greater protections than
6 the federal government. And it was said by counsel
7 that adhering to state law was not a compelling
8 state interest.

9 Yeah. I believe that -- and that's not
10 case law. That's his opinion, and I believe that
11 there is no greater state interest than upholding
12 our Constitution, our Constitution that gives
13 greater protections. And so we have now decided
14 that we would compromise with the Governor after
15 we've given him constitutionally compliant (sic),
16 but where is the compromise? He's given us an
17 offer, but where is our counteroffer? Where is our
18 counter discussions as to what we believe should be
19 right.

20 You've heard a lot of testimony giving here
21 today. I don't believe that the court got it wrong.
22 I believe that we're getting it wrong now, that
23 black folks matter. Black representation matters.
24 We sought to ensure that we would not go backwards.
25 Our State Constitution ensured that we would

1 continue to take Florida forward, and in doing so,
2 we enshrined it in law.

3 And so there could be no greater state
4 interest -- there could be no greater compelling
5 interest than to ensure that our laws are upheld
6 when -- especially when they give greater benefit.

7 And so we should vote this down because
8 black votes matter. Black voters matter. Black
9 representation matters, and we should give the
10 people what they want.

11 CHAIRMAN SIROIS: Thank you, Representative
12 Benjamin.

13 Members, just checking in on time,
14 according to my phone, we're at 6:02 now. I'd like
15 -- my goal is for us to vote or to have a close from
16 Chair Leek at about 6:25. So if you'd help me stay
17 on track.

18 Representative Skidmore, you are
19 recognized.

20 DEMOCRATIC RANKING MEMBER SKIDMORE: Thank
21 you, Mr. Chair.

22 I want to thank the folks that traveled
23 from around the state who came to testify today. We
24 heard they came from all parts of Florida.

25 You know, I just feel that this map clearly

1 violates the Florida Constitution. Whether it was
2 devised with the intent of denying or abridging the
3 equal opportunity of racial or language minorities
4 to participate in the political process or to
5 diminish the ability to elect representatives of
6 their choice, the fact of the matter is the result
7 is it does. And that violates the Constitution.

8 If the Governor believes, as he has stated,
9 that a racially gerrymandered district is tantamount
10 to segregation, then why did he leave Congressional
11 District 20 alone? When all of his objection was on
12 Congressional District 5 and they redrew 18 other
13 districts but they left a racially gerrymandered
14 district alone, that is -- it doesn't jive with what
15 it is that he is saying.

16 And this bill, this map, is
17 unconstitutional because whether it was devised with
18 the intent to favor a political party, the fact of
19 the matter is the result is it does. Mr. Kelly
20 testified that -- in his testimony that his cleanup
21 of the Legislature's map randomly resulted in a
22 partisan makeup of 20 Republican seats and 8
23 Democratic seats, as widely reported in the media.

24 Members, it's an Easter miracle, and all he
25 was worried about was race neutral. But remarkably

1 this map has 20 Republican performing seats and 8
2 Democratic seats. There are so many things wrong
3 with this map. There are so many things that are
4 wrong with this process and wrong with the
5 Governor's insertion of himself in this map to
6 benefit his Presidential election.

7 I am telling you this is going to come back
8 and bite you. You should vote no on this. I don't
9 care how many times we have to come back to get it
10 right. I will come back. I will come back. I will
11 come back. And you should too.

12 CHAIRMAN SIROIS: Representative Brown, you
13 are recognized in debate.

14 REPRESENTATIVE BROWN: Thank you, Mr.
15 Chair.

16 Frankly, I cannot tell you what the purpose
17 of this Committee is -- here is today because it
18 seems as though there are folks within this room
19 that are sort of content with the Governor's
20 decision to run a one-man show with these
21 congressional maps.

22 Not only has this move been unprecedented,
23 but it is unnecessary meddling in its finest on
24 behalf of the Governor. I find it an honor and a
25 privilege and it is an honor and a privilege that

1 Floridians have elected us to represent them and to
2 really participate in this redistricting process.
3 But it's also our constitutional duty as legislators
4 to do so.

5 And so I refuse to sit here and neglect
6 that. I refuse to sit here and ignore my
7 constitutional duty, my moral duty, of the people of
8 the state of Florida, who entrusted us to ensure
9 that their voices are heard.

10 They voted some years ago on the Fair
11 District Amendments, and they voted for every
12 legislator in this room. Our biggest obligation to
13 them, members, is to do what's right. The biggest
14 obligation is to them and not the Governor.

15 His pride, as it was mentioned by Rep
16 Skidmore, his pride and his ambition to become
17 President by any means necessary only hurts us as a
18 collective, and it hurts us as Floridians. And we
19 have continually seen this time and time again, just
20 with the many bills that we have been asked to vote
21 on. We've seen it with SB-90. We've seen it with
22 last year election's police bill, and all these
23 bills disenfranchise voters.

24 I feel that we should not be allowing
25 someone to bully both chambers and do his bidding

1 without a fight, and so today, on behalf of the many
2 folks that have come here, those that have been
3 silent, those who have not been able to make it here
4 to Tallahassee, I'm here to fight for you as a
5 constituent. I will be voting no, absolutely. I'm
6 not here to work for the Governor or his ambition,
7 and so I ask my colleagues, I implore my colleagues,
8 not only in this room but also in the other chambers
9 and the 120 of us to do the same and do what the
10 folks of Florida sent us here to do.

11 CHAIRMAN SIROIS: Thank you.

12 Representative Harding in debate.

13 REPRESENTATIVE HARDING: Thank you,
14 Chairman.

15 And, first, I just want to say that I will
16 be supporting House Bill 1-C today, one, because I
17 believe that, as it's been outlined throughout this
18 process today, that I believe it's constitutional,
19 and I believe it's the right result. But, number
20 two, because there's a process.

21 And today we've talked about -- we've used
22 the term veto several times, but we haven't talked
23 about -- I'm sorry -- we've inserted the term about
24 the Governor proposing a map, but we haven't talked
25 about in the process the Governor has the ability to

1 veto. That is part of the process.

2 When you get elected, oftentimes, we were
3 told, you know, the first time you have a bill that
4 you want to run, the idea that it's going to pass on
5 its first time is pretty slim. It does happen, but
6 it's the exception. It may not work through the
7 process for a variety of reasons, or it may be
8 vetoed. And you have to come back and reconvene on
9 how do we work to move forward? And that's what
10 we're doing is moving forward.

11 When I got elected, I tried to do three
12 things when I was running and then also as I've
13 served. I've tried to be straightforward, try to
14 represent the people that have sent me here, and
15 I've also tried to stay true to my values.

16 And on the straightforward piece, I went
17 back, and there's been discussion today in Committee
18 that the previous map was just this harmonious map
19 that we all loved. And it was so great. The fact
20 was that there was not a single Democrat member that
21 voted for the previous map. So when we point to
22 that as the example, then why did you not support
23 that map?

24 And the second thing I want to point out is
25 that, just as I mentioned previously, there's a

1 process. We were -- we knew going into
2 redistricting that one of the jobs we had was we
3 could propose our own maps. That didn't happen. I
4 have not seen Democrat members that are opposing the
5 bill today propose their own maps in the process.

6 So I want to -- last thing is just to the
7 audience members, I want to thank you for being
8 here. Whether we agree or disagree, it takes
9 courage to be here, and the term courage was pointed
10 out. And I like that word courage because it takes
11 courage to speak. It takes courage to run for
12 office. It takes courage.

13 But I would implore you to hold the folks
14 accountable that you are celebrating today in
15 opposing this bill by having the courage to propose
16 their own maps, which hasn't happened.

17 So I'll be supporting this bill. Thank you
18 for being here and speaking, whether we agree or
19 disagree.

20 CHAIRMAN SIROIS: Representative Joseph in
21 debate.

22 REPRESENTATIVE JOSEPH: Thank you,
23 Mr. Chair.

24 Black representation matters. Even if that
25 means you might have a better chance at getting a

1 seat in Congress. When we think about the amendment
2 that I proposed, right now, even in the bill, there
3 is a little subclause that says federal questions
4 can be addressed in federal court. So why would we
5 need to add that it needs to go to state courts?

6 Well, if you haven't been following the
7 jurisprudence, the federal courts have relegated
8 dealing with these kinds of redistricting
9 gerrymandering cases in cases where there's
10 partisanship. They say we're not touching that. So
11 partisanship is the carrot.

12 We also have indications from the U.S.
13 Supreme Court with questions raised in other
14 litigation about what constitutes a compelling
15 interest. I would posit that making sure that
16 minority representation exists is a compelling state
17 interest. Some may disagree. Some people want us
18 to be race neutral.

19 What race neutral means is that I have the
20 opportunity to ignore the impact on racial
21 minorities when I make a decision that is factually
22 neutral. That means, on its face, it doesn't take
23 into account race, but in practice, the impact, the
24 effect is that it eliminates, diminishes, decreases,
25 and has the effect of discrimination.

1 And what we're saying when we pass these
2 policies, whether it's in this context or in the
3 context of education or in the context of employment
4 is we see the pain, but we don't want to see the
5 pain. So we're just going to pretend like your pain
6 does not exist.

7 It is disgraceful that this legislative
8 body would be willing to sacrifice black
9 representation at the alter of this Governor's
10 political ambitions and maybe some of your own.
11 People, Floridians, voters, Americans should have
12 the right to choose their representatives and not
13 the other way around.

14 We should not be stacking the cards --
15 Republicans should not be stacking the cards in
16 their favor 20 to 8 and then have the nerve to come
17 up here and try to say that it was not in
18 consideration of partisanship.

19 All that does is empowers one particular
20 group to continue to ignore the needs of Floridians.
21 Floridians, both Republicans and Democrats, care
22 about things that help us to be healthy, prosperous
23 and safe, whether that means fixing our broken
24 Unemployment Compensation system -- and a number of
25 things that I'm not even going to get into.

1 CHAIRMAN SIROIS: Representative Joseph,
2 let's try to keep it, you know, within the framework
3 of the bill.

4 REPRESENTATIVE JOSEPH: Understood.

5 CHAIRMAN SIROIS: And let's bring it in for
6 a landing because there's others that want to
7 participate.

8 REPRESENTATIVE JOSEPH: I will do my
9 darndest right now.

10 These maps are not it. They're not even
11 our maps. They're the Governor's maps. This is
12 absurd. I was so proud of us last time that we even
13 at least made the effort. It doesn't mean that
14 those maps were perfect. We identified issues.
15 We're going to have issues. Just because something
16 isn't perfect doesn't mean it wasn't better. The
17 other ones were better than this.

18 And I'm disappointed that this is the route
19 that we have decided to go, we, to be clear, my
20 colleagues who will be voting in favor of this map.
21 That's who I mean by we. But we who are still
22 fighting for the people, whether you're Democrat or
23 Republican, whether you're black or white, we are
24 disappointed with this process, with this
25 legislation, and with the result of decreasing black

1 representation, which will be difficult to challenge
2 in advance of the next elections.

3 CHAIRMAN SIROIS: Representative Driskell
4 in debate.

5 REPRESENTATIVE DRISKELL: Thank you,
6 Mr. Chair.

7 Members, no problem can be solved from the
8 same consciousness that created it. That's Albert
9 Einstein. And when I look at what we're doing with
10 the redistricting process, it seems to me that we're
11 trying to roll back the clock to the same
12 consciousness that created the problems such that we
13 would need a Voting Rights Act and Fair District
14 Amendments in the first place.

15 I know sometimes our debates get heated in
16 here, and we have very deep issues and values that
17 cause us to disagree. But I actually have love in
18 my heart for each and every one of you, and when I
19 go back home, people ask me, how is that possible
20 when you hear these bills that are just -- my
21 constituents, many of them perceive to be so mean
22 spirited. And I say because I'm able to connect
23 with my colleagues on a human level.

24 But I think that we've missed something in
25 the process when we can have people come before us

1 and bare their souls and their fears and their
2 frustrations, and we cannot connect with them on a
3 human level. What about their humanity? What do we
4 say to the voters of Gadsden County, the only
5 majority-minority district that we have in the state
6 of Florida? I'm sorry. We're taking your
7 representation. What about their humanity? I'm
8 worried about our consciousness. I'm worried that
9 we are going backwards with these maps.

10 Just to address a couple of things. I know
11 the point was raised that the Democrats in large
12 part did not vote in favor of the congressional maps
13 when we had them before us in regular session.
14 Well, there were some real things wrong with that,
15 starting with we introduced two maps, and the
16 primary map was closer to what the Governor was
17 proposing then, which we thought was
18 unconstitutional.

19 The secondary map was closer to what many
20 of us had worked on with Chair Sirois, and there was
21 starting to be a consensus around. And I'm not even
22 sure that passing two maps was constitutional,
23 right. So the only flip that I see -- Democrats,
24 let's be clear, have been real consistent. The only
25 flip that I see was not from our caucus.

1 And to the point that was made earlier in
2 testimony, that the Governor, you know, it's no
3 secret that he's, you know, been putting information
4 about there about these maps and what he thinks,
5 that's right. And guess what? The Legislature
6 close to ignore that for the most part. Some of his
7 feedback was taken into the primary map that was
8 passed, but we looked at what the Governor was
9 doing. We were saying no. This is wrong. It's
10 unconstitutional. The Governor is the executive
11 branch. That is to execute the law, not to
12 legislate it and to pass it. That's our job.

13 Another thing, second, the current law
14 matters. I heard in testimony today, well, the
15 court got it wrong. Well, we can opine that all
16 that we want, but the law is the law. The rule of
17 law matters, and I don't see anything that we've
18 done here that suggests to me that we actually are
19 following in a legal way redistricting principles.

20 I know. I got to bring it in for a
21 landing. Thank you, Mr. Chair.

22 The third point is just I see so much
23 inconsistency in what's been presented before us
24 where we focused on certain principles for certain
25 regions of the state but not for South Florida. I

1 don't understand the inconsistency. It's
2 problematic. It is rushed. We need more time,
3 Mr. Chair. We absolutely just need more time to
4 consider this. This process is not enough. I'm
5 down. Thank you.

6 CHAIRMAN SIROIS: Representative
7 Hunschofsky.

8 REPRESENTATIVE HUNSCHOFSKY: Thank you,
9 Mr. Chair.

10 I have to say when I asked to be on this
11 Committee, I was very excited. I find it an
12 incredible honor to be able to serve in this Florida
13 House of Representatives. Wherever the outcomes
14 end, I feel so -- it weighs tremendously on me that
15 every vote I make, every decision I make impacts
16 someone's life, and not just their life today but
17 their future.

18 It also is about a sense of trust that we
19 have been entrusted to be the voice and to speak up
20 for the people we represent. So I was super excited
21 when I got to be on this Committee, and we were told
22 really early on not to talk to people about the
23 maps, not to listen to people about the maps. And
24 we were given rules to follow.

25 And I followed them. I listened at every

1 Committee meeting. Every time something came up, I
2 always went back to the Tier 1 and Tier 2 that the
3 leadership here and the staff here told us this is
4 what we are supposed to follow. I didn't follow
5 Twitter. I didn't follow newspapers. I followed
6 exactly what I was told to follow.

7 This map doesn't follow what I was told we
8 are supposed to follow. It doesn't matter what the
9 intent is. It's the result of whether we are
10 denying or abridging the equal opportunity of racial
11 or language minorities to participate in the
12 political process or to diminish their ability to
13 elect representatives of their choice, not the
14 intent but the result.

15 That's a Tier 1 standard, which must come
16 before the Tier 2 standards. And I, as a local
17 person, always talked about I want to keep our
18 cities together, ad nauseum. But it's --

19 CHAIRMAN SIROIS: Representative, if you
20 could -- if you could wrap up your comments please.

21 REPRESENTATIVE HUNSCHOFSKY: I will --

22 CHAIRMAN SIROIS: There are others.

23 REPRESENTATIVE HUNSCHOFSKY: I understand.

24 So what I'm saying is we talk about being
25 race neutral. I didn't see anywhere in my

1 directions that I'm supposed to be race neutral. I
2 see that I'm supposed to make sure that we're not
3 diluting representation.

4 There are also concerns in here that now
5 we're picking which courts the challenges come. We
6 didn't do that in our last maps, and we even put in
7 a \$1 million of an appropriation in here for that,
8 that we didn't do prior. And those are all concerns
9 I have with this map.

10 I don't understand why -- where the
11 difference is that some bodies of water take
12 precedent over other bodies of water, that some
13 weird-shaped districts take priority over some --
14 why 200 miles is worse than 180, and these are all
15 my concerns with this map.

16 CHAIRMAN SIROIS: Thank you.

17 Representative Latvala.

18 REPRESENTATIVE LATVALA: Thank you, Mr.
19 Chairman.

20 I think it's slightly disingenuous to say
21 that you were proud of something that you voted
22 against. The last Speaker, one of the last Speakers
23 said that there was virtually -- and my -- just for
24 the record, I was not referring to Representative
25 Hunschofsky.

1 One of the last Speakers said that the last
2 map had no opposition. Well, it was apposed by the
3 nonpartisan organization the League of Women Voters,
4 and it was also opposed by every one of my
5 Democratic colleagues. But other than that, it
6 didn't have any opposition.

7 And, you know, we passed a map, members.
8 the Governor didn't like it, and I remember the day
9 that we passed it on the floor. One of my
10 Democratic colleagues stood up on the floor and said
11 you all are passing this map for the Governor.

12 We were accused of passing the map for the
13 Governor then, and I didn't agree with that. And I
14 guess the Governor also didn't think that we passed
15 the map for him because he vetoed it, which is part
16 of his constitutional duties. He's allowed to do
17 that.

18 Gadsden County was brought up. We're
19 keeping Gadsden County whole in this map. We're not
20 including Gadsden County with a county that's 10
21 counties away.

22 I thank all the people that were here to
23 speak to us today. I thought it was interesting
24 that we had people from Tallahassee and people from
25 Jacksonville that were here, and they were all in

1 the same congressional district. I grew up in
2 Jacksonville.

3 I voted in -- the first election that I
4 voted in was in 2000. Back then, my Congressperson
5 represented me, and her congressional district was
6 in Jacksonville. And it stretched all the way from
7 Jacksonville to Orlando. Part of it had one side of
8 the street but not the other because it was a, as
9 somebody from the Governor's Office's mentioned, it
10 was a small skinny salamander. That's called
11 gerrymandering.

12 And so this is a good map. I will be
13 supporting it. I will have no regrets, and I think
14 history will judge me just fine, as it will everyone
15 else that votes yes. Thank you.

16 CHAIRMAN SIROIS: Representative Leek, you
17 are recognized to close.

18 REPRESENTATIVE LEEK: Thank you, Mr. Chair.
19 In the interest of time, I'll waive close.

20 CHAIRMAN SIROIS: Thank you.

21 DJ, please call the roll.

22 THE CLERK: Chair Sirois.

23 CHAIRMAN SIROIS: Yes.

24 THE CLERK: Representatives Benjamin.

25 REPRESENTATIVE BENJAMIN: No.

1 THE CLERK: Brown.
2 REPRESENTATIVE BROWN: No.
3 THE CLERK: Fabricio.
4 REPRESENTATIVE FABRICIO: Yes.
5 THE CLERK: Fetterhoff.
6 REPRESENTATIVE FETTERHOFF: Yes.
7 THE CLERK: Harding.
8 REPRESENTATIVE HARDING: Yes.
9 THE CLERK: Hunschofsky.
10 REPRESENTATIVE HUNSCHOFSKY: No.
11 THE CLERK: Joseph.
12 REPRESENTATIVE JOSEPH: No.
13 THE CLERK: Latvala.
14 REPRESENTATIVE LATVALA: Yes.
15 THE CLERK: Maggard.
16 REPRESENTATIVE MAGGARD: Yes.
17 THE CLERK: Massullo.
18 REPRESENTATIVE MASSULLO: Yes.
19 THE CLERK: McClure.
20 REPRESENTATIVE MCCLURE: Yes.
21 THE CLERK: Morales.
22 REPRESENTATIVE MORALES: No.
23 THE CLERK: Perez.
24 REPRESENTATIVE PEREZ: Yes.
25 THE CLERK: Plakon.

1 REPRESENTATIVE PLAKON: Yes.

2 THE CLERK: Silvers has been excused.

3 Skidmore.

4 DEMOCRATIC RANKING MEMBER SKIDMORE: No.

5 THE CLERK: Trabulsy.

6 REPRESENTATIVE TRABULSY: Yes.

7 THE CLERK: Truenow.

8 REPRESENTATIVE TRUENOW: Yes.

9 THE CLERK: Tuck.

10 VICE CHAIR TUCK: Yes.

11 THE CLERK: Williamson.

12 REPRESENTATIVE WILLIAMSON: Yes.

13 THE CLERK: Ex Officio Driskell.

14 REPRESENTATIVE DRISKELL: No.

15 THE CLERK: Ex Officio Leek.

16 REPRESENTATIVE LEEK: Yes.

17 THE CLERK: 15 yeas, 7 nays, Mr. Chair.

18 CHAIRMAN SIROIS: Thank you, DJ.

19 Please show the bill reported favorably.

20 Members, I'd like to thank you for your

21 work today. I'd like to thank the members of the

22 public that joined us as well.

23 Without objection, the meeting is

24 adjourned.

25 (END OF VIDEO RECORDING)

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CERTIFICATE OF TRANSCRIPTIONIST

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

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



Julie Thompson, CET-1036

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Exhibit B

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 AUDIO RECORDING
SENATE COMMITTEE ON REAPPORTIONMENT
APRIL 19, 2022

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

1 APRIL 19, 2022

2 CHAIRMAN RODRIGUES: Committee on

3 Reapportionment will now come to order.

4 Dana, please call the roll.

5 THE CLERK: Chair Rodriguez.

6 CHAIRMAN RODRIGUES: Here.

7 THE CLERK: Vice Chair Broxson.

8 Senator Bean.

9 SENATOR BEAN: Here.

10 THE CLERK: Senator Bracy.

11 SENATOR BRACY: Here.

12 THE CLERK: Senator Bradley.

13 Senator Brodeur.

14 SENATOR BRODEUR: Here.

15 THE CLERK: Senator Burgess.

16 SENATOR BURGESS: Here.

17 THE CLERK: Senator Gibson.

18 Senator Harrell.

19 SENATOR HARRELL: Here.

20 THE CLERK: Senator Rodriguez.

21 Senator Rouson.

22 SENATOR ROUSON: Here.

23 THE CLERK: Senator Stargel.

24 Senator Stewart.

25 SENATOR STEWART: Here.

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

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

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

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

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

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

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

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

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

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

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

1 on establishing the Congressional districts of the
2 state.

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

6 Mr. Kelly, the floor is yours.

7 ALEX KELLY: Thank you, Chair and members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 That memorandum otherwise fully explains

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

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

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

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

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

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

16 SENATOR GIBSON: Mister --

17 ALEX KELLY: With --

18 SENATOR GIBSON: Sorry.

19 CHAIRMAN RODRIGUES: (Indiscernible)

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

1 --

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

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

7 CHAIRMAN RODRIGUES: Do you understand the
8 question?

9 ALEX KELLY: Yes, Chair.

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

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

18 CHAIRMAN RODRIGUES: Okay.

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

21 CHAIRMAN RODRIGUES: Would you repeat that
22 please?

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

24 SENATOR GIBSON: Thank you.

25 ALEX KELLY: In summary, Congressional

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

6 SENATOR GIBSON: Okay. Thank you.

7 CHAIRMAN RODRIGUES: Thank you. Please
8 proceed.

9 ALEX KELLY: Thank you.

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

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

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

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

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

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

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

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

25 Probably the most visible example of that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

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

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

25 SENATOR BRACY: Thank you, Chair.

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

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

16 SENATOR BRACY: Okay.

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

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

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

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

5 SENATOR BRACY: Question. How do you --

6 CHAIRMAN RODRIGUES: You are recognized.

7 SENATOR BRACY: Thank you, Mr. Chair.

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

10 CHAIRMAN RODRIGUES: You are recognized.

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

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

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

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

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

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

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

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

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

9 CHAIRMAN RODRIGUES: You are recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

1 a candidate of its choice.

2 SENATOR ROUSON: Thank you.

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

5 SENATOR ROUSON: Yes. Thank you --

6 CHAIRMAN RODRIGUES: You --

7 SENATOR ROUSON: -- Mr. Chair.

8 CHAIRMAN RODRIGUES: -- you are recognized.

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

12 CHAIRMAN RODRIGUES: You are recognized.

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

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

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

22 CHAIRMAN RODRIGUES: You are recognized.

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

1 great state of Florida?

2 ALEX KELLY: Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

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

17 SENATOR ROUSON: Thank you.

18 CHAIRMAN RODRIGUES: Senator Stewart.

19 SENATOR STEWART: Thank you, Chair.

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

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

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

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

9 ALEX KELLY: Mr. Chair.

10 CHAIRMAN RODRIGUES: You are recognized.

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

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

16 SENATOR BRACY: I perused the letter.

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

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

25 CHAIRMAN RODRIGUES: You are recognized.

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

10 SENATOR BRACY: Got it. So --

11 CHAIRMAN RODRIGUES: You are recognized.

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

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

16 CHAIRMAN RODRIGUES: You are recognized.

17 ALEX KELLY: Mr. Chair, thank you.

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

1 SENATOR BRACY: So if you didn't --
2 Mr. Chair?

3 CHAIRMAN RODRIGUES: You are recognized.

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

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

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

19 CHAIRMAN RODRIGUES: You --

20 SENATOR BRACY: -- told you?

21 CHAIRMAN RODRIGUES: You're recognized.

22 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

25 CHAIRMAN RODRIGUES: Do you have a follow-

1 up?

2 SENATOR BRACY: I do. I do.

3 CHAIRMAN RODRIGUES: You're recognized.

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

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

19 CHAIRMAN RODRIGUES: You're recognized.

20 ALEX KELLY: Thank you, Chair.

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

25 Benchmark District 10 in Orlando -- or

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

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

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

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

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

3 CHAIRMAN RODRIGUES: You're recognized.

4 ALEX KELLY: Mr. Chair.

5 Yes. Correct.

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

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

15 SENATOR BRACY: But with --

16 CHAIRMAN RODRIGUES: -- over time --

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

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

25 SENATOR BRACY: Okay. Can you clarify what

1 the House's position is again?

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

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

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

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

25 CHAIRMAN RODRIGUES: Jay, do you have

1 insight on that?

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

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

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

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

23 JAY FERRIN: Mr. Chairman.

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

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

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

12 CHAIRMAN RODRIGUES: Jay.

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

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

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

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

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

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

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

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

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

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

9 CHAIRMAN RODRIGUES: Alex, you are
10 recognized.

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

21 CHAIRMAN RODRIGUES: Senator Gibson.

22 SENATOR GIBSON: Thank you, Mr. Chair.

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

1 best interest of the state to do what?

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

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

10 CHAIRMAN RODRIGUES: Mr. Kelly.

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

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

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

23 SENATOR GIBSON: Follow-up?

24 CHAIRMAN RODRIGUES: You are recognized.

25 SENATOR GIBSON: And so when you said the

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

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

10 ALEX KELLY: Thank you, Mr. Chair.

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

15 SENATOR GIBSON: Follow-up?

16 CHAIRMAN RODRIGUES: You are recognized.

17 SENATOR GIBSON: Thank you, Mr. Chair.

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

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

3 CHAIRMAN RODRIGUES: Mr. Kelly.

4 ALEX KELLY: Thank you, Mr. Chair.

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

14 SENATOR GIBSON: Follow-up?

15 CHAIRMAN RODRIGUES: You're recognized.

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

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

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

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

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

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

8 CHAIRMAN RODRIGUES: You are recognized.

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

10 JAY FERRIN: Mr. Chairman.

11 Yes, Senator. That's correct.

12 SENATOR GIBSON: All right.

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

16 SENATOR GIBSON: Thank you. And may I?

17 CHAIRMAN RODRIGUES: You are recognized.

18 SENATOR GIBSON: Thank you, Mr. Chair.

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

23 CHAIRMAN RODRIGUES: 109.

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

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

8 CHAIRMAN RODRIGUES: You are recognized.

9 ALEX KELLY: Mr. Chair.

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

14 SENATOR GIBSON: Follow-up?

15 CHAIRMAN RODRIGUES: You are recognized.

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

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

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

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

3 CHAIRMAN RODRIGUES: You are recognized.

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

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

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

22 SENATOR GIBSON: Follow-up?

23 CHAIRMAN RODRIGUES: You are recognized.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 And then the recent CD 5 that elected an

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

6 CHAIRMAN RODRIGUES: Could you restate that
7 please?

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

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

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

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

18 CHAIRMAN RODRIGUES: Could you repeat that?

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

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

23 SENATOR GIBSON: Thank -- Mr. Chair?

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

1 SENATOR GIBSON: Oh.

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

4 Pick up your presentation please.

5 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

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

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

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

1 cross the river and gain equal population.

2 SENATOR BRACY: Mr. Chair?

3 CHAIRMAN RODRIGUES: Yes?

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

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

9 ALEX KELLY: Thank you, Mr. Chair.

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

18 CHAIRMAN RODRIGUES: Okay.

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

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

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

5 CHAIRMAN RODRIGUES: You are recognized.

6 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

5 CHAIRMAN RODRIGUES: Thank you. Please
6 continue.

7 ALEX KELLY: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 CHAIRMAN RODRIGUES: You are recognized.

5 ALEX KELLY: Mr. Chair, thank you.

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

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

18 SENATOR ROUSON: You traded --

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

25 CHAIRMAN RODRIGUES: Senator Rouson, do you

1 have a follow-up?

2 SENATOR ROUSON: No.

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

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

7 SENATOR BRACY: Thank you.

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

10 CHAIRMAN RODRIGUES: No. He's not.

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

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

18 Senator Gibson, did you have a question?

19 SENATOR GIBSON: Thank you, Mr. Chair.

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

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

3 CHAIRMAN RODRIGUES: Mr. Kelly?

4 SENATOR GIBSON: -- elect someone?

5 ALEX KELLY: Thank you, Mr. Chair.

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

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

13 CHAIRMAN RODRIGUES: You are recognized.

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

23 CHAIRMAN RODRIGUES: Mr. Kelly.

24 SENATOR GIBSON: -- primary election data?

25 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

1 SENATOR GIBSON: So --

2 CHAIRMAN RODRIGUES: You are recognized.

3 SENATOR GIBSON: Thank you, Mr. Chair.

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

7 CHAIRMAN RODRIGUES: You are recognized.

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

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

11 CHAIRMAN RODRIGUES: Restate.

12 SENATOR GIBSON: Thank you, Mr. Chair.

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

19 CHAIRMAN RODRIGUES: Do you understand it
20 now?

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

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

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

4 SENATOR GIBSON: Mr. Chair?

5 CHAIRMAN RODRIGUES: Follow-up?

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

9 CHAIRMAN RODRIGUES: You're recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

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

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

1 SENATOR GIBSON: Follow-up?

2 CHAIRMAN RODRIGUES: You are recognized.

3 SENATOR GIBSON: Thank you, Mr. Chair.

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

11 CHAIRMAN RODRIGUES: You are recognized.

12 SENATOR GIBSON: -- it is?

13 ALEX KELLY: Thank you, Mr. Chair.

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

21 SENATOR GIBSON: Thank you, Mr. Kelly.

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

24 SENATOR STEWART: Thank you, Chair.

25 A little bit toward where Senator Gibson

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

6 CHAIRMAN RODRIGUES: You are recognized.

7 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

14 CHAIRMAN RODRIGUES: Senator Bracy.

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

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

24 CHAIRMAN RODRIGUES: You are recognized.

25 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

18 SENATOR BRACY: Thank you, Mr. Chairman.

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

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

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

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

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

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

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

20 CHAIRMAN RODRIGUES: Let's do that.

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

1 today.

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

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

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

25 So just following all those principles, we

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

11 SENATOR BRACY: Mr. Chairman?

12 CHAIRMAN RODRIGUES: You're recognized.

13 SENATOR BRACY: Thank you.

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

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

21 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

18 CHAIRMAN RODRIGUES: You are recognized.

19 SENATOR BRACY: Thank you, Mr. Chair.

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

24 CHAIRMAN RODRIGUES: You are recognized.

25 ALEX KELLY: Yes.

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

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

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

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

21 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

17 CHAIRMAN RODRIGUES: Senator Bracy?

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

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

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

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

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

12 CHAIRMAN RODRIGUES: Senator Gibson.

13 SENATOR GIBSON: Thank you, Mr. Chair.

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

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

25 And so it's your testimony today that

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

4 CHAIRMAN RODRIGUES: You are recognized.

5 ALEX KELLY: Thank you, Mr. Chair.

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

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

11 SENATOR GIBSON: Mr. Chair? Yes.

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

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

18 SENATOR GIBSON: So this is the staff data.

19 CHAIRMAN RODRIGUES: Our staff prepared --

20 SENATOR GIBSON: Okay.

21 CHAIRMAN RODRIGUES: -- that data.

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

23 CHAIRMAN RODRIGUES: Yes.

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

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

5 CHAIRMAN RODRIGUES: Mr. Kelly.

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

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

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

15 SENATOR GIBSON: May I?

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

18 SENATOR GIBSON: May I explain it?

19 CHAIRMAN RODRIGUES: Sure.

20 SENATOR GIBSON: Thank you, Mr. Chair.

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

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

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

8 CHAIRMAN RODRIGUES: Mr. Kelly.

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

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

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

25 CHAIRMAN RODRIGUES: That's what he said.

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

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

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

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

10 CHAIRMAN RODRIGUES: you are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

6 SENATOR GIBSON: Well --

7 CHAIRMAN RODRIGUES: You are recognized.

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

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

13 CHAIRMAN RODRIGUES: You are recognized.

14 SENATOR GIBSON: -- correct?

15 ALEX KELLY: Thank you, Mr. Chair.

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

24 SENATOR GIBSON: Last question?

25 CHAIRMAN RODRIGUES: Last question.

1 SENATOR GIBSON: Thank you, Mr. Chair.

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

9 Thank you, Mr. Chair.

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

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

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

24 SENATOR BRACY: Mr. Chairman? Sorry.

25 CHAIRMAN RODRIGUES: Mr. Bracy?

1 SENATOR BRACY: Yeah.

2 CHAIRMAN RODRIGUES: Senator Bracy.

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

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

9 CHAIRMAN RODRIGUES: You are recognized.

10 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

6 SENATOR BRACY: Thank you, Mr. Chairman.

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

10 CHAIRMAN RODRIGUES: You are recognized.

11 ALEX KELLY: Thank you, Mr. Chair.

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

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

25 CHAIRMAN RODRIGUES: Okay. Are there any

1 other questions from members of the committee?

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

6 SENATOR OSGOOD: Thank you, Mr. Chair.

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

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

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

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

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

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

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

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

25 CHAIRMAN RODRIGUES: I'm sorry. Could you

1 restate the question again?

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

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

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

8 CHAIRMAN RODRIGUES: -- a question.

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

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

19 CHAIRMAN RODRIGUES: All right.

20 SENATOR OSGOOD: -- ask him that.

21 CHAIRMAN RODRIGUES: Thank you.

22 Mr. Kelly?

23 ALEX KELLY: Thank you, Mr. Chair.

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

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

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

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

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

22 CHAIRMAN RODRIGUES: You are recognized.

23 ALEX KELLY: Thank you, Chair.

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

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

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

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

15 CHAIRMAN RODRIGUES: You are recognized.

16 ALEX KELLY: Thank you, Mr. Chair.

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

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

22 CHAIRMAN RODRIGUES: Yes, ma'am.

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

25 Next, we do have an amendment from Senator

1 Rouson.

2 Let's take up amendment barcode 917356.

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

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

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

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

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

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

1 Senator Broxson, you are recognized.

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

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

8 SENATOR ROUSON: No.

9 CHAIRMAN RODRIGUES: Are there any other
10 questions?

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

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

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

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

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

25 The amendment seeks to not allow

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

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

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

15 (Multiple yeas)

16 CHAIRMAN RODRIGUES: All opposed, say nay.

17 (Multiple nays)

18 CHAIRMAN RODRIGUES: The amendment fails.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 We have Gwendolyn Colman from Jacksonville

1 waiving against the bill.

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

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

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

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

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

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

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

18 John Kemper from Orlando waiving against
19 the bill.

20 Anastasia Jackson from Orlando waiving
21 against the bill.

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

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

1 Jasmine Fernandez from Orlando waiving
2 against the bill.

3 Anyone else?

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

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

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

17 CHAIRMAN RODRIGUES: Thank you.

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

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

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

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

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

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

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

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

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

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

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

21 CHAIRMAN RODRIGUES: Thank you for your
22 comments.

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

25 Ms. Jones --

1 CARLA JONES: Good afternoon.

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

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

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

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

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

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

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

12 CHAIRMAN RODRIGUES: You need to --

13 CARLA JONES: -- lied to.

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

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

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

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

24 You are recognized for two minutes.

25 LASHONDA HOLLOWAY: Good afternoon. My

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

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

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

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

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

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

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

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

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

22 CHAIRMAN RODRIGUES: Thank you for your
23 comments.

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

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

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

5 DR. EVIE WELCH: My name is Evie.

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

8 DR. EVIE WELCH: Adams Welch.

9 CHAIRMAN RODRIGUES: I apologize.

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

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

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

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

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

11 CHAIRMAN RODRIGUES: Thank you for your
12 comments.

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

15 GAIL FRANCES GARDNER: Good afternoon.

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

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

25 The Congressional District redistricting

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

12 CHAIRMAN RODRIGUES: Thank you for your
13 comments.

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

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

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

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

25 Currently, the Governor wanted to cut two

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

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

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

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

25 CHAIRMAN RODRIGUES: Thank you for your

1 comments.

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

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

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

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

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

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

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

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

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

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

24 Dr. Zonia.

25 ODWAN WHITFIELD: Don't thank me for my

1 service. Give me my representation.

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

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

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

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

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

25 So on behalf of Florida families, I'm

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

6 CHAIRMAN RODRIGUES: Thank you for your
7 comments.

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

10 Is Ms. Ingram-Fitzpatrick here?

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

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

15 CHAIRMAN RODRIGUES: Staats, thank you.

16 DR. NANCY STAATS: Thank you.

17 CHAIRMAN RODRIGUES: I apologize for --

18 DR. NANCY STAATS: No worries.

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

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

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

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

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

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

1 wants.

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

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

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

17 CHAIRMAN RODRIGUES: Please --

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

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

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

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

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

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

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

1 Rights Act.

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

11 CHAIRMAN RODRIGUES: Thank you for your
12 comments.

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

15 Trish Brown?

16 Rodney Long.

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

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

21 RODNEY LONG: Thank you, Mr. Chairman.

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

25 Because I am a concerned resident of this

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

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

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

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

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

5 CHAIRMAN RODRIGUES: Thank you for --

6 RODNEY LONG: Do the right thing.

7 CHAIRMAN RODRIGUES: -- your comments.

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

10 You are recognized for two minutes.

11 MATT VAN WORMER: Okay. Thank you.

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

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

24 CHAIRMAN RODRIGUES: Thank you for your
25 comments.

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

3 Ms. Wogen, you have two minutes.

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

7 CHAIRMAN RODRIGUES: Thank you for your
8 comments.

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

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

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

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

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

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

16 CHAIRMAN RODRIGUES: Thank you or your
17 comments.

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

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

22 CHAIRMAN RODRIGUES: Thank you for your
23 comment.

24 CARMEN SOTO: Thank you.

25 CHAIRMAN RODRIGUES: Robert Schmidt. And

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

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

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

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

17 CHAIRMAN RODRIGUES: Thank you for your
18 comments.

19 John Berry.

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

22 Lauren Dickenson (phonetic).

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

25 CHAIRMAN RODRIGUES: Waives in support,

1 thank you.

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

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

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

10 Marsha Davis? Thank you, ma'am.

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

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

24 CHAIRMAN RODRIGUES: Thank you for your
25 comments.

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

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

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

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

25 This amendment has a direct impact on the

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

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

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

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

16 CHAIRMAN RODRIGUES: Thank you for your
17 comments.

18 CRISTIAN CARDONA: -- given rights.

19 CHAIRMAN RODRIGUES: I appreciate it.

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

22 LARRY COLETON: Good afternoon --

23 CHAIRMAN RODRIGUES: Thank you.

24 LARRY COLETON: -- Mr. Chairman.

25 CHAIRMAN RODRIGUES: You are recognized for

1 a minute.

2 LARRY COLETON: Ms. Williams is not here.

3 I'm Larry Coleton.

4 CHAIRMAN RODRIGUES: Okay.

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

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

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

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

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

25 CHAIRMAN RODRIGUES: Thank you for your

1 comments.

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

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

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

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

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

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

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

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

10 CHAIRMAN RODRIGUES: Thank you for your
11 comments.

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

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

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

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

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

8 CHAIRMAN RODRIGUES: Please bring it --

9 GAIL PRESLEY: -- someone --

10 CHAIRMAN RODRIGUES: -- in for a close.

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

19 CHAIRMAN RODRIGUES: Thank you for your
20 comments.

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

23 CHAIRMAN RODRIGUES: Thank you.

24 Cheryl Jones with Pastor Marcus McCoy on
25 deck.

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

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

5 You are recognized for a minute.

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

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

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

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

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

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

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

10 CHAIRMAN RODRIGUES: Thank you for your
11 comments.

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

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

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

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

1 language minorities.

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

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

14 Ladies and gentlemen --

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

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

25 CHAIRMAN RODRIGUES: Thank you for your

1 comments and thank you for your service.

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

4 ROSEMARY MCCOY: Thank you so much --

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

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

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

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

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

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

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

12 CHAIRMAN RODRIGUES: thank you for your
13 comments.

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

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

18 Tameka Hobbs.

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

21 Ebony Hardy-Allen, also against the map.

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

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

25 HAZEL GILLIS: Thank you. Good afternoon.

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

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

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

25 CHAIRMAN RODRIGUES: Thank you for your

1 comments.

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

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

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

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

16 CHAIRMAN RODRIGUES: Thank you for your
17 comments.

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

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

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

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

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

16 CHAIRMAN RODRIGUES: Thank you for your
17 comments.

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

20 Are you Mr. Smith?

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

22 CHAIRMAN RODRIGUES: You are --

23 WALTER SMITH, JR.: -- afternoon.

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

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

7 CHAIRMAN RODRIGUES: Thank you for your
8 comments.

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

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

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

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

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

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

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

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

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

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

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

5 CHAIRMAN RODRIGUES: Thank you for your
6 comments.

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

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

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

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

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

9 CHAIRMAN RODRIGUES: Please bring it in --

10 CECILE SCOON: -- that is illegal.

11 CHAIRMAN RODRIGUES: -- for a close.

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

15 CHAIRMAN RODRIGUES: Thank you for your --

16 SENATOR GIBSON: Chair --

17 CHAIRMAN RODRIGUES: -- comments.

18 SENATOR GIBSON: May I ask a question?

19 CHAIRMAN RODRIGUES: We still have another

20 --

21 SENATOR GIBSON: Quickly.

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

23 SENATOR GIBSON: It's just --

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

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

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

4 Matthew Isabel (phonetic).

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

7 CHAIRMAN RODRIGUES: What's that?

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

10 CHAIRMAN RODRIGUES: Yes.

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

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

17 SENATOR GIBSON: Thank you, Mr. Chair.

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

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

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

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

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

25 CHAIRMAN RODRIGUES: Please bring it in for

1 a close.

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

9 CHAIRMAN RODRIGUES: Thank you for your
10 comments.

11 SENATOR STARGEL: Mr. Chair?

12 CHAIRMAN RODRIGUES: That concludes public
13 testimony.

14 Is there debate?

15 SENATOR STARGEL: Mr. Chair?

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

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

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

22 We're now in debate.

23 Senator Gibson.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 First, I want to start with the whole idea

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 CHAIRMAN RODRIGUES: Senator Bracy.

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

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

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

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

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

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

18 CHAIRMAN RODRIGUES: Senator Stewart for
19 two minutes.

20 SENATOR STEWART: Thank you, Chair.

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

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

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

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

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

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

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

1 THE CLERK: Chair Rodrigues.

2 CHAIRMAN RODRIGUES: Yes.

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

5 Is there any other business before the
6 committee?

7 Seeing none, Senator Rouson moves we
8 adjourn.

9 Show the motion adopted.

10 (END OF AUDIO RECORDING)

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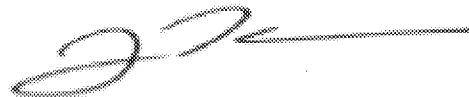
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CERTIFICATE OF TRANSCRIPTIONIST

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

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



Julie Thompson, CET-1036

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