

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.

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**EXHIBIT APPENDIX - VOLUME 4 OF 4**

<b>Exhibit Letter</b>	<b>Exhibit Description</b>	<b>Reference to Factual Stipulation</b>	<b>Volume Number</b>
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 floridareistricting.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 floridareistricting.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

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# Exhibit I

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Common Cause, et al.        )  
   )  
 v.                                    ) 4:22-cv-109  
   )  
 Cord Byrd                        )  
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TRANSCRIPTION OF AUDIO RECORDING  
 HOUSE SESSION - THE FLORIDA CHANNEL  
 APRIL 20, 2022  
 10:00 A.M.

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

1 APRIL 20, 2022

2 MR. SPEAKER: Members of the House will  
3 come to order. Members, please take your seats.  
4 Members and visitors in the gallery, please rise for  
5 the prayer. The prayer today will be given by  
6 Representative Payne.

7 Representative Payne, you may approach the  
8 wall.

9 REPRESENTATIVE PAYNE: Thank you, Speaker.  
10 Members, please join me in prayer.

11 Father, today we come before you this  
12 morning anticipating for what you have in store for  
13 us today. Let us not forget to praise, honor, and  
14 worship you. We are expecting to hear your voice,  
15 and we will be willing to be used by you in order to  
16 fulfill our faithful duties. Father, we ask your  
17 blessing on all the members of the Legislature, our  
18 House and Senate colleagues, our speaker, our senate  
19 president, upon our governor, cabinet members and  
20 their families.

21 Lord, we are grateful to be living in a  
22 democracy, where so many play a part of making sure  
23 the needs of Floridians are met. As we work  
24 together to find solutions to difficult problems, we  
25 ask that you guide our words so that we speak with

1 respect and humility to one another.

2 And, Father, finally, we ask a special  
3 blessing and prayer for those suffering in the war-  
4 torn regions of the Ukraine. Help there be an end  
5 to the suffering and violence soon. Protect those  
6 in harm's way. All these things we ask in your holy  
7 name. Amen.

8 MR. SPEAKER: Amen. Thank you,  
9 Representative Payne.

10 The clerk will unlock the machine, and  
11 members will record their presence.

12 Have all members recorded their presence?  
13 All members recorded their presence.

14 Clerk will lock the machine after presence  
15 of a quorum.

16 THE CLERK: One hundred and six members  
17 voting in quorum as present, Mr. Speaker

18 MR. SPEAKER: Members and visitors in the  
19 gallery, please remain standing for the pledge. The  
20 pledge this morning will be embedded by  
21 Representative Tant from her desk.

22 REPRESENTATIVE TANT: I pledge allegiance  
23 to the flag of the United States of America and to  
24 the Republic for which it stands, one nation under  
25 God, indivisible, with liberty and justice for all.



1 MR. SPEAKER: Are there corrections to the  
2 journal?

3 Hearing none. Show the journal approved.  
4 Are there matters on induction in reference?

5 THE CLERK: None on the desk, Mr. Speaker.

6 MR. SPEAKER: Are there communications?

7 THE CLERK: None on the desk, Mr. Speaker.

8 MR. SPEAKER: Are there messages from the  
9 Senate?

10 THE CLERK: None on the desk, Mr. Speaker.

11 MR. SPEAKER: Are there reports of the  
12 standing committees and subcommittees.

13 THE CLERK: On the desk, Mr. Speaker.

14 MR. SPEAKER: Read the report.

15 THE CLERK: The Honorable Chris Sprowls,  
16 speaker, House of Representative. Dear Mr. Speaker,  
17 your rules committee herewith submits a special  
18 order for Wednesday, April 20, 2022.

19 Reading of the report, Mr. Speaker.

20 MR. SPEAKER: Representative Renner, you're  
21 recognized in the report?

22 REPRESENTATIVE RENNER: Mr. Speaker, the  
23 report sets the special order calendar and  
24 allocation of times for questions and debate  
25 contained in the letter, and I move the adoption of

1 the special order report for today, April 20, 2022.

2 MR. SPEAKER: Are there questions? Are  
3 there questions? Is there a debate? All in favor  
4 of adoption of the special order calendar, say yea.

5 (Multiple yays)

6 MR. SPEAKER: All opposed, no.

7 (Multiple nos)

8 MR. SPEAKER: Show the special order  
9 calendar as adopted. Are there motions relating to  
10 committee and subcommittee references?

11 Representative Geller, you're recognized.

12 REPRESENTATIVE GELLER: Thank you,  
13 Mr. Speaker. I rise to make a motion.

14 MR. SPEAKER: You're recognized.

15 REPRESENTATIVE GELLER: I rise pursuant to  
16 -- thank you, Mr. Speaker. I rise to -- pursuant to  
17 House Rule 11.12 and now move to refer House Bill  
18 1C, establishing the congressional districts to the  
19 state to the full redistricting committee and to the  
20 appropriations committee. And with your permission,  
21 Mr. Speaker, at the time, I'd like to debate the  
22 motion.

23 MR. SPEAKER: All right. Members,  
24 Representative Geller has moved to move the  
25 redistricting bill, which is 1C, to the larger

1 redistricting committee. This is a debatable  
2 motion. It will pass or not pass by a majority  
3 vote.

4 It is debatable. However, it is only  
5 debatable as -- I think as you know, Representative  
6 Geller, as to the propriety of the reference. That  
7 is the motion.

8 Representative Geller, you're recognized to  
9 debate.

10 REPRESENTATIVE GELLER: Thank you,  
11 Mr. Speaker. As to the propriety of the reference  
12 to both full redistricting and to appropriations,  
13 the appropriations is because there's a million-  
14 dollar appropriation included in this bill and that  
15 should be heard by the appropriations committee.  
16 House Bill 1C is a significant bill and it will  
17 alter the electoral landscape of this state for up  
18 to 10 years for 22 million people. It's 140 pages,  
19 13 sections, in addition to that, a million-dollar  
20 appropriation.

21 It was heard yesterday in the congressional  
22 redistricting subcommittee, where speakers from  
23 across the state came to testify on its impact. At  
24 the end, because of time constraints, some of those  
25 members of the public were given very short periods

1 of time, I believe, 60 seconds, and there was just  
2 the one hearing. And I understand that in one  
3 hearing, there is a limit, but the bill should be  
4 treated as every other bill that we've seen.

5 I don't believe there is a rule. It's up  
6 to the discretion of the House, but I can't recall a  
7 bill that's gone directly from subcommittee to rules  
8 and special order without going through a full  
9 committee. That's why we have committees. That's  
10 the purpose of it. And the principle -- the  
11 jurisdiction here is the full redistricting  
12 committee. Not referring it and having it heard  
13 there is a departure from our customs and practice.

14 There is time it could have been done. It  
15 could still be done. And some of us on full  
16 redistricting have spent many months preparing for  
17 this exact thing, and we have questions. We studied  
18 this process and debate that should be heard. An  
19 assumption of a rule that we adopted this year on  
20 time management, were for the first time, beginning  
21 in this -- well, I would say this term last year --

22 MR. SPEAKER: Representative Geller, we're  
23 getting outside the propriety of the reference.  
24 Just keep your debate to the propriety of the  
25 reference.

1           REPRESENTATIVE GELLER: Yes, Mr. Speaker.  
2     The assumption we make about full committee is that  
3     after subcommittee, full committees will completely  
4     vet issues, and that's why limiting time is now a  
5     rule that we have. If this is supposed to be an  
6     open and transparent, publicly accessible practice,  
7     we need to have it heard in accordance with what we  
8     have always done heretofore, and it belongs in those  
9     full committees.

10           And, therefore, I asked the House,  
11     consistent with our practice, procedure, and  
12     tradition, to refer this bill to the full  
13     redistricting committee and to the appropriations  
14     committee. I believe we could get that squeezed in,  
15     if that was the choice that the House makes. And I,  
16     therefore, ask for your favorable support in this  
17     motion.

18           MR. SPEAKER: All right. Members,  
19     Representative Geller having closed on his motion  
20     under Rule 11.12, members, now we will vote as a  
21     majority vote whether or not to send those bills --

22           Representative Joseph, we just did -- he  
23     just closed on his motion.

24           REPRESENTATIVE JOSEPH: (Indiscernible)

25           MR. SPEAKER: On the propriety of the

1 reference. I went to Representative Geller because  
2 I didn't see any other microphones, so he just  
3 closed on his motion.

4 REPRESENTATIVE JOSEPH: (Indiscernible)

5 Representative Joseph, would you like to be  
6 recognized and debate?

7 REPRESENTATIVE JOSEPH: I would.

8 MR. SPEAKER: You're recognized.

9 REPRESENTATIVE JOSEPH: Thank you. Thank  
10 you, Mr. Speaker, and I apologize for interjecting.  
11 We just didn't have the opportunity to debate. I  
12 was waiting for that time. This is a highly unusual  
13 process that we're in right now. The Legislature  
14 has a constitutional duty to draw our redistricting  
15 maps.

16 MR. SPEAKER: Representative Joseph, you  
17 have to keep your debate to the propriety of the  
18 reference.

19 REPRESENTATIVE JOSEPH: I understand.

20 MR. SPEAKER: You're recognized.

21 REPRESENTATIVE JOSEPH: Thank you,  
22 Mr. Speaker. I understand. I'm just trying to  
23 explain that. So as far as making sure that we re-  
24 ference it, part of the purpose is so that we can  
25 fully do our jobs. That's one. Because as a member

1 of the sub-committee that addressed these  
2 congressional redistricting maps, we were cut off in  
3 questions. Our debate was limited. The comments  
4 from the public was limited. That does not comport  
5 to procedural nor substantive due process, which is  
6 what this whole thing is supposed to be about. We  
7 are not giving the public a reasonable opportunity  
8 to participate. We're not giving people --

9 MR. SPEAKER: Representative Joseph, would  
10 you like to debate on the propriety of the  
11 reference? That is not what you're doing. If you  
12 would like to confine your debate to the propriety  
13 of the reference, I'll recognize you. You're  
14 recognized.

15 REPRESENTATIVE JOSEPH: Thank you,  
16 Mr. Speaker. So for all of those reasons, I believe  
17 that it should be re-referenced to at least the  
18 first committee. But because there is also a \$1  
19 million appropriation that attaches to it, it should  
20 also, as is the practice, be assigned to an  
21 appropriations committee.

22 When we look at the information that was  
23 provided to us, as far as the impact, we don't have  
24 that. So for those reasons, I rise in support of  
25 the motion and ask that members would consider

1 voting up, if not for us, then for the people of  
2 Florida to allow the public to have a reasonable  
3 opportunity to participate and to have our members  
4 have an opportunity to fully execute our duties and  
5 to fully vet what we're about to vote on. Thank  
6 you.

7 MR. SPEAKER: Is there additional debate?  
8 Is there additional debate?

9 Seeing none, members will now proceed to  
10 vote, please.

11 Representative Robinson, you're recognized  
12 in debate on the propriety of the reference.

13 REPRESENTATIVE ROBINSON: Thank you,  
14 Mr. Speaker. And I just wanted to be on record  
15 saying I truly agree that we should, I mean, just  
16 follow the process. We come up here, and we have  
17 all these different pieces of legislations that we  
18 file and then -- now, I'm a freshman member, but it  
19 appears that we pick and choose which one of the  
20 pieces of legislation is going to actually follow  
21 the full process.

22 I believe that this is something that's  
23 hugely -- that's going to affect all Floridians, and  
24 it should go through appropriations. Besides, they  
25 have a million dollars on it. And yes, it should go



1 to the full redistricting committee. Everyone  
2 should be able to voice their opinion and really  
3 truly vet this particular piece of legislation. So  
4 I hope that all of my colleagues truly would. Let's  
5 just follow the process. It's the process we do for  
6 everything else. Let's not change on this  
7 particular piece of legislation.

8 MR. SPEAKER: Any additional debate,  
9 members? Any additional debate?

10 Seeing none, all in favor of adoption of  
11 Representative Geller's motion say yea.

12 (Multiple yeas)

13 MR. SPEAKER: All opposed, no.

14 (Multiple nos)

15 MR. SPEAKER: Show the motion fails.

16 Are there matters on reconsideration?

17 THE CLERK: None on the desk, Mr. Speaker.

18 MR. SPEAKER: Are there bills on joint  
19 resolutions on third reading?

20 THE CLERK: None on the desk, Mr. Speaker.

21 MR. SPEAKER: Are there bills on the  
22 special order calendar?

23 THE CLERK: On the desk, Mr. Speaker.

24 MR. SPEAKER: Read the first bill.

25 THE CLERK: By Representative Leek, House

1 Bill 1C, a bill to be entitled, an act establishing  
2 the congressional districts of the state.

3 MR. SPEAKER: Before we get there,  
4 Representative Leek, I forgot to mention today is  
5 Representative Fine's birthday.

6 Happy birthday, Representative Fine.

7 I'd ask everybody to be nice to  
8 Representative Fine today, but let's be honest,  
9 that's not going to happen.

10 MR. SPEAKER: Representative Leek, you're  
11 recognized.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 Members, today we will be presenting Map  
15 P000C0109. This is the map reflected in the data  
16 packet in front of you as well as being posted on  
17 the Florida redistricting.gov website. This  
18 congressional map is an improvement upon the  
19 benchmark map with regard to Tier 2 metrics.

20 This map improves county splits by keeping  
21 50 counties whole as opposed to the 49 from last  
22 decade. It allows 396 cities to remain whole as  
23 opposed to 373 in the benchmark map, and it improves  
24 upon all three mathematical measures of compactness  
25 with respective scores of 0.47 for REOC, 0.81 for

1 the convex hull, and 0.43 for Polsby-Popper.

2 This map also satisfies the appropriate  
3 population deviation at plus or minus a single  
4 person. As you may be aware, there are 10 districts  
5 in this map that are the exact copies of districts  
6 that the Legislature passed during regular session.  
7 Those are Congressional Districts 1, 2, 20, 21, 22,  
8 23, 24, 25, 27, and 28. You can see those here on  
9 the screen. The remaining 18 districts have been  
10 newly proposed by the Governor's office and consist  
11 of the Congressional Districts 3 through 19 and 26  
12 as now seen on the screen.

13 Given that these 18 districts are the new  
14 content for this body to review, I would like to  
15 focus the majority of my presentation today on those  
16 districts. I am more than happy to take questions  
17 on the Legislature's districts as well, but I don't  
18 want to belabor the explanation of districts that  
19 we've already extensively reviewed.

20 Districts 4 and 5. Let's begin in  
21 Northeast Florida with Districts 4 and 5. As  
22 described yesterday in committee by the Governor's  
23 map drawer, Plan P000C0109 creates two new districts  
24 in Northeast Florida, consistent with maps  
25 previously proposed by the Governor's office. These

1 two districts are race neutral and overall more  
2 compact than the configuration of Districts 4 or 5  
3 that were previously passed by the Legislature.

4 The boundary lines between the two  
5 districts are mostly the St. Johns River. As you  
6 know, Jacksonville is the one city in the state that  
7 is larger than a congressional district. It has  
8 over 900,000 people and must be split. And the  
9 river, which nearly equally divides the city, stands  
10 out as a recognizable boundary for these two  
11 districts. The southern boundaries of Districts 4  
12 and 5 are still exactly as the Legislature proposed  
13 them, previously using the Clay Putnam County lines,  
14 and where the split occurs within St. John's County  
15 is the same.

16 District 6 through 16 and 18. The next  
17 several slides visualized changes the central  
18 Florida region and on the west coast from Citrus  
19 County down to Lake County. As described yesterday  
20 in committee by the Governor's map drawer, looking  
21 holistically at the region in keeping Brevard,  
22 Osceola, and Polk Counties all whole, as was the  
23 case of the legislatively passed maps, in effect  
24 creates a wall across three quarters in the state.  
25 Breaking that wall in Polk County essentially gives

1 more flexibility and considering the different  
2 options for creating more compact districts and more  
3 adherence to political and geographical boundary  
4 lines in those northwestern Gulf counties of the  
5 state. So in effect, splitting Polk County allowed  
6 for additional considerations. For example, one  
7 Tier 2 improvement that was made by splitting Polk  
8 County was being able to keep Citrus and Sarasota  
9 Counties whole.

10 District 9 was improved by smoothing its  
11 visual and mathematical compactness, including  
12 picking up portions of Poinciana, and Polk, and  
13 Osceola counties, including the lake that  
14 essentially represents that piece of Polk County  
15 that, otherwise, sticks into Osceola County.  
16 District 9 also extends out slightly at the  
17 northwest Osceola border utilizing Highway 27 Ronald  
18 Reagan Parkway. This helps with statistical and  
19 visual compactness of several districts in the  
20 region.

21 These changes also helped create a visually  
22 more compact District 11 by essentially turning the  
23 wheel of the population. District 11 shifts from  
24 the angle shape present in the previous legislative  
25 version to a more circular shape, and in

1 combination, by reshaping Districts 7, 10, 11, and  
2 12 allowed for a one less county split in Marion  
3 County from three splits down to two splits within  
4 the county.

5 District 6 through 11. The next slide  
6 shows changes in district 6 through 11 found in the  
7 Greater Orlando region. As described yesterday in  
8 committee by the Governor's map drawer, these  
9 changes return to House concepts found in Plan 8011  
10 and also follow more closely with Senate concepts in  
11 regards to CD 8.

12 For CD 8, instead of taking the district  
13 into southern Volusia County to get the last bit of  
14 population, District 8 instead goes into Eastern  
15 County. This means this proposed plan only splits  
16 Volusia County twice rather than three times. This  
17 brings the configuration of District 7 down to the  
18 Volusia Brevard County line without increasing the  
19 number of districts in Orange County.

20 Essentially, there was a turning of the  
21 population wheel in order to not have any negative  
22 impact around Orange County while also decreasing  
23 the amount of splits in Volusia County.

24 District 10 in this plan is similar to Plan  
25 8011 that passed the Congressional redistricting

1 subcommittee and is very compact, keeping several  
2 cities whole within either Districts 9, 10, or 11.  
3 The City of Maitland is kept whole in District 10,  
4 and the cities of Apopka and Winter Garden are kept  
5 whole in District 11.

6           The boundaries between these districts are  
7 very much defined by keeping the aforementioned  
8 cities whole, utilizing county boundaries. For  
9 example, District 10 uses a seminal Orange County  
10 line or utilizes major well-recognized roadways and  
11 waterways except where necessary to get equal  
12 population. The western boundary of District 10  
13 between Districts 10 and 11 is largely the Apopka  
14 Vineland Road.

15           The borders between District 6 and 11 in  
16 the Lake County area is mostly defined by city  
17 boundaries and waterways with Lady Lake, Eustis,  
18 Mount Dora entirely in District 6, and Fruitland  
19 Park, Leesburg, and Tavares entirely in District 11.

20           Moving now over to the west coasts in  
21 Districts 11 through 17. As described yesterday in  
22 committee by the Governor's map drawer,  
23 Congressional District 12 now includes all of Citrus  
24 and Hernando Counties, which helps provide a much  
25 more squared up shape, improving visual compactness.

1           District 12 is actually still the majority  
2 of Pasco County, yielding about 141,000 Pasco County  
3 residents in District 15. The boundaries between  
4 Districts 12 and 15 are almost entirely defined by  
5 state roads and municipal boundary lines.

6 Zephyrhills is entirely included in District 15 and  
7 St. Leo, San Antonio, and Dade City are entirely  
8 within District 12.

9           District 13 is wholly within Pinellas  
10 County. Starting in the western part of the county  
11 and working east, Districts 13 and 14 largely  
12 utilize US 19 as a divider within Pinellas County  
13 except where equal population is achieved in the  
14 unincorporated Feather Sound area just north of St.  
15 Pete.

16           District 14 starts eastward and moves  
17 northward in Tampa Bay. The boundaries of the  
18 district are defined by clear recognizable  
19 boundaries like major roadways while trying to  
20 maintain something of a square or rectangular shape  
21 for District 13 to keep it visually and  
22 mathematically compact. The linkage of districts in  
23 this area are predominantly along roadways including  
24 in the northern portion of Districts 14 and 15.

25           Similarly, District 12 and Pasco County



1 uses a large portion of the Suncoast Parkway squared  
2 off at a county road that essentially takes the  
3 Suncoast Parkway south before heading east over to  
4 the municipality of Temple Terrace. Temple Terrace  
5 is kept whole within District 15.

6           Districts 16 and 17 keep both Manatee and  
7 Sarasota County's whole. District 16 uses State  
8 Road 62 as a clear divider. That is also utilized  
9 in Polk County where Districts 15 and 18 come  
10 together. This also allows Plant City to be kept  
11 whole in District 15. And despite going into three  
12 counties, approximately two-thirds of district 15 is  
13 populated by Hillsborough County residents.

14           Largely, due to the Tier 2 decision of  
15 keeping Sarasota County whole and creating District  
16 17 with all of Sarasota, all of Charlotte and  
17 unincorporated portions of Lake Counties, the newly  
18 composed District 17 required moving the entirety of  
19 Hendry County in District 18 and then finding  
20 approximately 4,500 residents elsewhere. This plan  
21 equalizes the population of District 18 and Collier  
22 County, which was already split once.

23           District 18 extends along State Road 82  
24 down State Road 29 North, and then east along County  
25 Road 46 to get those additional 3500 residents of

1 District 18 to balance out the population.

2 District 26 had to further extend the  
3 western boundaries closer towards unincorporated  
4 East Naples, utilizing roadways and waterways as  
5 boundaries between 26 and 19 in order to balance the  
6 population between all of these cities. Even though  
7 Polk County is now split in this map, District 18 --  
8 it's actually, about two-thirds of the residents are  
9 from Polk and one-third from six rural counties.

10 Additionally, this bill appropriates \$1  
11 million to the Department of State for expenses  
12 related to litigation of the congressional map.  
13 This bill also includes language relating to state  
14 courts. It requires any state court challenge to  
15 the congressional map to be filed in Leon County.  
16 It requires all challenges based on state law to be  
17 filed in state court rather than in federal court.

18 Under the 11th Amendment to the United  
19 States Constitution, the State is immune from suit  
20 and federal court on state law grounds. This  
21 provision reaffirms the State's immunity under the  
22 11th Amendment and makes clear that the State does  
23 not waive that immunity. This provision also  
24 permits any state court challenge to raise both  
25 state law claims and to the extent the Circuit Court

1 has jurisdiction federal law claims. And finally,  
2 it makes it explicit that nothing in the bill  
3 precludes federal courts from deciding challenges  
4 based on federal law.

5 Mr. Speaker, that is the bill.

6 MR. SPEAKER: Members, we are now in  
7 questions on the bill. Questions on the bill.

8 Representative Willhite, you're recognized.

9 REPRESENTATIVE WILLHITE: Thank you,  
10 Mr. Speaker. Would you recognize Representative  
11 Geller?

12 MR. SPEAKER: Representative Geller? You're  
13 recognized.

14 REPRESENTATIVE GELLER: Thank you,  
15 Mr. Speaker, and thank you for recognizing the  
16 motion before. I appreciate that.

17 Chair Leek, how are you this morning? I  
18 have a number of questions, Chair. Let me ask you.  
19 I understand this is not really necessarily for you  
20 to answer, but do you know why we're not going  
21 through the full committee?

22 MR. SPEAKER: Representative Geller, I  
23 think you answered your own question by saying it's  
24 probably not appropriate to ask. You're recognized.

25 REPRESENTATIVE GELLER: Thank you,

1 Mr. Speaker.

2 Chair, who drew this map?

3 MR. SPEAKER: Chairman Leek, you're  
4 recognized.

5 REPRESENTATIVE LEEK: The Governor's  
6 office.

7 MR. SPEAKER: Representative Geller, you're  
8 recognized.

9 REPRESENTATIVE GELLER: Thank you,  
10 Mr. Speaker.

11 And who specifically?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Yesterday, in  
14 committee, Mr. Alex Kelly said that he drew the map.

15 MR. SPEAKER: Representative Geller.

16 REPRESENTATIVE GELLER: Do you know with  
17 whom Mr. Kelly consulted in the drawing of the map?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you.

20 Yesterday, Mr. Kelly said that he was the  
21 only one who drew this map. I can't tell you who,  
22 you know -- and let's talk about this generally.  
23 You know, just like we couldn't speak to the Senate  
24 process, I can't speak to the Governor's entire  
25 process. I can only tell you what Mr. Kelly said.

1 MR. SPEAKER: Representative Geller.

2 REPRESENTATIVE GELLER: Thank you,  
3 Mr. Speaker.

4 Did he acknowledge having consulted with  
5 some out-of-state consultants who worked with other  
6 states in map drawing?

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,  
9 Mr. Speaker. Yes.

10 MR. SPEAKER: Representative Geller.

11 REPRESENTATIVE GELLER: Did he identify who  
12 those people were?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Yes.

15 MR. SPEAKER: I think we know the next  
16 question. Representative Geller.

17 REPRESENTATIVE GELLER: Thank you,  
18 Mr. Speaker. And I think I forgot my "Thank you,  
19 Mr. Speaker" on the previous questions. So thank  
20 you for both.

21 And who did he identify those people as  
22 being by name, sir?

23 MR. SPEAKER: Representative Leek.

24 REPRESENTATIVE LEEK: Thank you,  
25 Mr. Speaker.

1 I believe his name was Adam Foltz, who he  
2 also explained had only ever drawn for state  
3 governments.

4 MR. SPEAKER: Representative Geller.

5 REPRESENTATIVE GELLER: Do we have any  
6 information that would lead us to know one way or  
7 another whether or not, in that consultation or in  
8 that drawing, our constitutional standards that the  
9 map could not be drawn for the purposes of  
10 protecting any incumbent or advancing the interests  
11 of any political party were in fact observed?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 I'll do the best I can with the question.  
16 I'm not sure I entirely understand. The evidence  
17 that you have is before you in this map and in the  
18 testimony that Mr. Kelly gave in committee.

19 MR. SPEAKER: Representative Geller.

20 REPRESENTATIVE GELLER: Thank you,  
21 Mr. Speaker.

22 Well, of course, Chair Leek, I actually  
23 don't have before me the testimony from the  
24 subcommittee. I'm not a member. That's why I'm  
25 asking you whether or not there was something

1 presented, since it was your bill, and you were  
2 present.

3 MR. SPEAKER: Representative Leek.

4 REPRESENTATIVE LEEK: This was presented.  
5 The testimony was presented. There is no testimony  
6 that would make me conclude that what you're  
7 suggesting happened.

8 MR. SPEAKER: Representative Geller.

9 REPRESENTATIVE GELLER: Thank you,  
10 Mr. Speaker.

11 Looking at the map itself, what infirmity  
12 in previous maps past led us to decide that changes  
13 were necessary in Tampa Bay?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 I don't believe that's in the map before  
18 you. So what we're going through today is the map  
19 that's before you, not prior maps.

20 MR. SPEAKER: Representative Geller.

21 REPRESENTATIVE GELLER: Thank you,  
22 Mr. Speaker.

23 But my question is: we had a map that we  
24 deemed constitutional -- well, I did not, but the  
25 Chamber apparently deemed it constitutional. As to

1 the Tampa Bay area, what required a change there?

2 MR. SPEAKER: Representative Leek.

3 REPRESENTATIVE LEEK: Thank you,  
4 Mr. Speaker.

5 I don't know that anything required a  
6 change. And as we have said many, many times  
7 before, that there are innumerable number of maps  
8 that can be illegally compliant. So this map is  
9 simply different than the map that you saw before.

10 MR. SPEAKER: Representative Geller.

11 REPRESENTATIVE GELLER: Thank you,  
12 Mr. Speaker.

13 Is there a theory at play here that since  
14 two is twice the number of one, that Tier 2  
15 standards have become twice as important as Tier 1  
16 standards?

17 MR. SPEAKER: Representative Leek.

18 REPRESENTATIVE LEEK: Thank you,  
19 Mr. Speaker.

20 No.

21 MR. SPEAKER: Representative Geller.

22 REPRESENTATIVE GELLER: Why then do we  
23 constantly hear about Tier 2 standards as if  
24 compactness or political boundaries mattered most  
25 when we're flagrantly ignoring the requirement of



1 protecting minority districts and going against  
2 explicit language?

3 MR. SPEAKER: Representative Geller --  
4 Representative Geller, we're getting to your --  
5 sounds like your debate for tomorrow. Do you have a  
6 specific question about as it relates to aspects of  
7 this map? You're recognized.

8 REPRESENTATIVE GELLER: Thank you,  
9 Mr. Speaker.

10 Why are we not emphasizing the Tier 1  
11 standards and seem to be ignoring them in favour of  
12 Tier 2 standards?

13 MR. SPEAKER: I think it's going to be  
14 difficult for Chairman Leek to answer that question,  
15 Representative Geller. Can you point to a specific  
16 part of the map that you're referencing?

17 REPRESENTATIVE GELLER: I'm done,  
18 Mr. Speaker. Thank you very much.

19 MR. SPEAKER: Additional questions?  
20 Representative Willhite.

21 REPRESENTATIVE WILLHITE: Thank you,  
22 Mr. Speaker. Would you recognize Representative  
23 Driskell?

24 MR. SPEAKER: Representative Driskell,  
25 you're recognized.

1           REPRESENTATIVE DRISKELL: Thank you,  
2 Mr. Speaker.

3           Good morning, Chair Leek. I had some  
4 questions about Tampa Bay. So I was curious we  
5 talked about it a little bit in committee yesterday,  
6 but weren't really able to get into the details with  
7 the time limits. But it looks like what we have in  
8 this map actually follows a similar strategy that  
9 was used about a decade ago that was -- resulted in  
10 the maps being struck down in Tampa Bay, that the  
11 Court determined it was a partisan gerrymander.  
12 And I'm just looking at CD 14, and it looks like  
13 there are so many democrats packed in there that it  
14 could lead to the same partisan gerrymander. Could  
15 you explain for me how we have arisen to the CD 14  
16 that's now in the map before us today?

17           MR. SPEAKER: Representative Leek.

18           REPRESENTATIVE LEEK: Thank you,  
19 Mr. Speaker.

20           I can't speak to the Governor's map  
21 drawer's process. What I can tell you is the facts  
22 that were, you know, unique to the case that  
23 occurred many years ago are just that, unique to  
24 that case. This map stands on its own.

25           MR. SPEAKER: Representative Driskell.

1           REPRESENTATIVE DRISKELL: Thank you,  
2 Mr. Speaker.

3           I also wanted to try to understand because  
4 in the intro to the presentation, we heard that the  
5 -- I thought we heard that the county splits were  
6 made better. But as best I can tell, looking at  
7 8060 and 8019, it's the same number of county  
8 splits. So how is this an improvement?

9           MR. SPEAKER: Representative Leek.

10          REPRESENTATIVE LEEK: By one less county  
11 split.

12          MR. SPEAKER: Representative Driskell.

13          REPRESENTATIVE DRISKELL: Thank you,  
14 Mr. Speaker.

15          And in terms of cities in the area of Tampa  
16 Bay, your map adds or creates a new city split in  
17 St. Pete and Lakeland but which were both kept hold  
18 in 8019. Can you explain how this is more Tier 2  
19 compliant?

20          MR. SPEAKER: Representative Leek.

21          REPRESENTATIVE LEEK: Thank you,  
22 Mr. Speaker. No. I can't speak to why the  
23 Governor's map drawer chose, you know, this road or  
24 that river over another road or another river. What  
25 I can tell you is that they are both equally Tier 2

1 compliant.

2 MR. SPEAKER: Representative Driskell.

3 REPRESENTATIVE DRISKELL: Thank you,  
4 Mr. Speaker.

5 And given that the Legislature seems to be  
6 following the Governor's direction at this, from  
7 what I understood from the Governor, his only  
8 complaints were about Northeast Florida, really  
9 about CD 5 and maybe CD 4. That being the case, why  
10 are we making adjustments to CD 14 and CD 15 in  
11 Tampa Bay?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 Again, not speaking to the Governor's  
16 process but I don't think that's a fair premise.  
17 You know, if you looked back at the various maps  
18 that have come through, they have changed over and  
19 over and over again. And it is still true that you  
20 cannot change one line without changing most lines.  
21 And so in this instance, we were -- the Governor was  
22 able to pick up ten of our districts that we had  
23 drafted. So I don't think that it's fair to say  
24 that the Governor's premise was only on CD 5 in the  
25 northeast area. I think that what this map

1 represents is an entire improvement on the map.

2 MR. SPEAKER: Representative Driskell.

3 REPRESENTATIVE DRISKELL: Thank you,  
4 Mr. Speaker.

5 So I noticed that here there's a lot of  
6 talk about following county lines and trying to  
7 minimize county splits, but how is following county  
8 lines not just a pretext for partisan gerrymandering  
9 here? 8019 splits pretty much just as many counties  
10 as your map. So if 8060 were adapted to make CD 5  
11 just in Duvall, it would actually split two fewer  
12 counties than your map. So how is what we're seeing  
13 today by following county lines not really just a  
14 pretext for the partisan gerrymandering, as we see  
15 that the map that the Governor has presented results  
16 in a significant Republican advantage over the  
17 benchmark maps?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,  
20 Mr. Speaker.

21 As is the case with the prior maps, I'm not  
22 -- we haven't done a performance analysis to know  
23 those types of things. Maybe you guys have, but we  
24 have not, so I can't speak to the partisan  
25 performance of it.

1 MR. SPEAKER: Representative Willhite.  
2 Representative Brown, you're recognized.

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

5 We heard yesterday there was a compromise  
6 by -- that this was a compromising product. Can you  
7 speak to that compromise? What were some of the  
8 compromises?

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 I want to make one thing clear. Governor's  
13 office drew the map. Our folks did not draw the  
14 map. It is apparent that the Governor's office drew  
15 a map that was informed by the prior maps that we  
16 have driven. You can see that because of the 10  
17 exactly identical districts that we had in our prior  
18 maps. I believe that that's what the Governor's  
19 office meant by compromise.

20 MR. SPEAKER: Representative Willhite.

21 REPRESENTATIVE WILLHITE: Thank you,  
22 Mr. Speaker.

23 Do you recognize Representative Davis?

24 MR. SPEAKER: Representative Davis, you're  
25 recognized.

1 REPRESENTATIVE DAVIS: Thank you,  
2 Mr. Speaker.

3 Representative, will either District 4 or 5  
4 perform for black candidates of choice?

5 MR. SPEAKER: Representative Leek.

6 REPRESENTATIVE LEEK: Thank you,  
7 Mr. Speaker.

8 No.

9 MR. SPEAKER: Representative Davis.

10 REPRESENTATIVE DAVIS: Thank you,  
11 Mr. Speaker.

12 Has any analysis been done to prove yes or  
13 no?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 Yes. Recall on the prior maps that we did  
18 a functional analysis on CD 5.

19 MR. SPEAKER: Representative Davis.

20 REPRESENTATIVE DAVIS: Thank you,  
21 Mr. Speaker.

22 So no analysis, again, just for clarity,  
23 has been performed on these maps -- on this map?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

1 Mr. Speaker.

2 Yes. On CD 4, our staff did a functional  
3 analysis and confirmed that it does not perform.

4 MR. SPEAKER: Representative Davis.

5 REPRESENTATIVE DAVIS: Thank you,  
6 Mr. Speaker.

7 In terms of compactness, have you looked at  
8 whether the Governor's version or the version where  
9 Districts 4 and 5 stack up on top of each other with  
10 the line going straight through Duvall, and would it  
11 be better on compactness?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 I'm not sure I understand that question.  
16 Can you rephrase it?

17 MR. SPEAKER: Representative Davis.

18 REPRESENTATIVE DAVIS: I would. And  
19 looking at the Governor's versions of the map, the  
20 version where CD 4 and CD 5 are stacked on top of  
21 each other with the line going straight through,  
22 would it be a difference if we reconfigured that for  
23 compactness?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,



1 Mr. Speaker.

2 We can't do that hypothetically, so we  
3 would have to see an exact configuration. Remember,  
4 each district will result in a unique compactness  
5 score.

6 MR. SPEAKER: Representative Davis.

7 REPRESENTATIVE DAVIS: Thank you,  
8 Mr. Speaker. I think this is my last question for  
9 now.

10 When we were -- when we charged the  
11 Governor's office with the ability to draw these  
12 constitutional maps using the constitutional  
13 criteria, do you have any idea of the hierarchy,  
14 because these are the Governor's maps, with the  
15 geographic boundaries? For example, did we say that  
16 it was more important to follow the major roads and  
17 highways as boundaries?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,  
20 Mr. Speaker.

21 I don't want to give the indication that  
22 I'm accepting your premise, but I can tell you what  
23 they told us yesterday in committee about the  
24 hierarchy. And they said they came in more in  
25 alliance with -- alignment with the House and

1 Senate's use of Tier 2 criteria than they had  
2 previously.

3 MR. SPEAKER: Representative Davis.

4 REPRESENTATIVE DAVIS: Thank you,  
5 Mr. Speaker. And last question.

6 Because the Governor drew -- Governor's  
7 office drew these maps, were these maps ever  
8 presented to you or your team prior to being here  
9 today or prior to being in the committee room  
10 yesterday?

11 MR. SPEAKER: Representative Leek.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 Yes. I believe, as has been indicated, I  
15 got a preview of the maps, the map that you are  
16 seeing today, the Governor's office explained those  
17 maps to me, to Chair Seroy (phonetic), and to Ms.  
18 Kelly. I think the Senate has also indicated that  
19 that same week, they got the same briefing on those  
20 maps, but it is the map that you see today without  
21 changes.

22 MR. SPEAKER: Representative Willhite.

23 REPRESENTATIVE WILLHITE: Thank you,  
24 Mr. Speaker. Would you recognize Representative  
25 Williams?

1 MR. SPEAKER: Representative Williams,  
2 you're recognized.

3 REPRESENTATIVE WILLIAMS: Thank you,  
4 Mr. Speaker.

5 Chair Leek, when you spoke of the Tiers,  
6 you said we're using Tier 2 now instead of Tier 1.  
7 Could you tell why are we choosing to go to Tier 2  
8 instead of Tier 1?

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 No. I did not say that.

13 MR. SPEAKER: Representative Williams.

14 REPRESENTATIVE WILLIAMS: Are we using Tier  
15 2 now instead of Tier 1?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you,  
18 Mr. Speaker.

19 No.

20 MR. SPEAKER: Representative Williams.

21 REPRESENTATIVE WILLIAMS: You spoke of  
22 unique compacts in each one of these districts. Can  
23 you tell me why?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

1 Mr. Speaker.

2 Very simply, with the redrawing of any  
3 district, it would likely result in a different  
4 compactness score based on whichever test you use.

5 MR. SPEAKER: Representative Williams.

6 REPRESENTATIVE WILLIAMS: The difference  
7 are -- what was the difference? I'm sorry, I didn't  
8 understand.

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 When you change the shape in any way of a  
13 district, it can result in a different compactness  
14 score. So any variation in a district may result in  
15 a different compactness score. I hope that answers  
16 your question.

17 MR. SPEAKER: Representative Williams.

18 REPRESENTATIVE WILLIAMS: Was it taken into  
19 consideration that we would be eliminating a seat  
20 that would usually be held by a black candidate?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you,

23 Mr. Speaker.

24 Was what taken into consideration and what?

25 MR. SPEAKER: Representative Williams.

1           REPRESENTATIVE WILLIAMS: When the decision  
2 was made to use Tier 2 instead of Tier 1 and/or the  
3 uniqueness of the compact in each one of the  
4 districts.

5           MR. SPEAKER: Representative Leek.

6           REPRESENTATIVE LEEK: Thank you,  
7 Mr. Speaker.

8           Those things aren't related.

9           MR. SPEAKER: Representative Williams?  
10 Okay.

11           Representative Willhite.

12           REPRESENTATIVE WILLHITE: Thank you,  
13 Mr. Speaker. Do you recognize Representative  
14 Joseph?

15           MR. SPEAKER: Representative Joseph, you're  
16 recognized.

17           REPRESENTATIVE JOSEPH: Thank you,  
18 Mr. Speaker.

19           Chair Leek, the Latino Policy and Politics  
20 Initiative at UCLA released a report analyzing  
21 Latino voting patterns in South Florida,  
22 specifically regarding redistricting. Are you  
23 familiar with that report?

24           MR. SPEAKER: Representative Leek.

25           REPRESENTATIVE LEEK: Thank you,

1 Mr. Speaker.

2 No. I am not.

3 MR. SPEAKER: Representative Joseph.

4 REPRESENTATIVE JOSEPH: Would you happen to  
5 know if the Governor's office is familiar with that  
6 report?

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,

9 Mr. Speaker.

10 No. I do not.

11 MR. SPEAKER: Representative Joseph.

12 REPRESENTATIVE JOSEPH: Thank you,

13 Mr. Speaker.

14 So the report finds that a separate --  
15 there are separate and distinct Latino voting blocks  
16 in South Florida and throughout Florida that vary by  
17 geography and ethnicity, and that it clearly shows  
18 that Latino voters do not vote in the same way in  
19 South Florida. Continuing to draw the lines based  
20 on that faulty assumption denies all Latino voters  
21 the ability to elect candidates of their choice --

22 MR. SPEAKER: Representative Joseph, do you  
23 have a question about the map? You're recognized.

24 REPRESENTATIVE JOSEPH: Thank you, Mr.

25 Speaker. Yeah, it's coming. That's the next thing.

1           So right now, I want to draw your attention  
2 to the maps that we have before us, specifically as  
3 regards to CD 26, which I asked a little bit about  
4 in committee yesterday. In committee, the  
5 Governor's office testified that part of their  
6 rationale in drawing that particular district, CD  
7 26, was because they wanted to maintain Hispanic  
8 voters there, and he had to go around and get  
9 different population.

10           My question for you is, do you know -- so  
11 knowing what I just said about the Latino report  
12 that came out of the Latino Policy and Politics  
13 Initiative at UCLA and the denial of Latino voters  
14 of their voting rights, looking at CD 26, what would  
15 you say would be the impact of that, had the  
16 Governor's office had that information? Would we  
17 have adjusted the map, or would we just leave it the  
18 way it is?

19           MR. SPEAKER: Representative Joseph, I  
20 think you're asking Representative Leek to comment  
21 on the veracity of a report he's already said he  
22 hasn't read. So do you have a question about that  
23 specific district? You're recognized.

24           REPRESENTATIVE JOSEPH: Thank you, Mr.  
25 Speaker.

1 I'm not asking for about the veracity of  
2 the report.

3 Just knowing that you should not lump all  
4 Latino voters together, which is the point of the  
5 report, so forget the report for a second. But if  
6 we're accepting the premise that not all Latino  
7 voters, whether they're coming from Cuba, other  
8 parts of Central and South America, they may not  
9 vote the same way. Would it be appropriate to lump  
10 them all into one congressional district such as CD  
11 26, which is before us?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 I'll try. I think your premise is  
16 accepting the veracity of the report, which I have  
17 not read. And I think your question is asking the  
18 hypothetical, what would someone else have done with  
19 that information, which I cannot answer.

20 MR. SPEAKER: Representative Joseph.

21 REPRESENTATIVE JOSEPH: Mr. Speaker, let me  
22 try to ask it a different way.

23 Would you acknowledge that not all Hispanic  
24 voters vote consistently Republican or consistently  
25 Democrat in the state of Florida?



1 MR. SPEAKER: Representative Leek.

2 REPRESENTATIVE LEEK: Thank you,  
3 Mr. Speaker.

4 If you're asking me to get to the legal  
5 conclusion about cohesion, I can't get there with  
6 you, right. If you're asking me whether people vote  
7 differently and race is not necessarily a  
8 determinant on how they vote, I would agree with  
9 that.

10 MR. SPEAKER: Representative Joseph.

11 REPRESENTATIVE JOSEPH: Thank you.

12 Yes. I was looking for the second answer  
13 to the second question, not the first. Not looking  
14 for a legal conclusion. Now, in terms of -- our  
15 counsel, the House counsel, it's my understanding,  
16 asked the Florida Supreme Court to overturn the  
17 requirement that minority groups be politically  
18 cohesive in order to be protected from diminishment.  
19 And it's my understanding that the Supreme Court  
20 declined to accept the House lawyer's invitation to  
21 overturn that precedent. Is that correct? Did I  
22 understand that correctly?

23 MR. SPEAKER: Representative Leek.

24 REPRESENTATIVE LEEK: Thank you,  
25 Mr. Speaker.

1 I think you're talking about the Governor's  
2 request for an advisory opinion in which the House  
3 joined. And yes. The Supreme Court declined to  
4 give an advisory opinion.

5 MR. SPEAKER: Representative Joseph.

6 REPRESENTATIVE JOSEPH: Thank you.

7 So going back to CD 26, let's focus on the  
8 Tier 2 analysis and some of the drawbacks that we  
9 see it because we identified some drawbacks in the  
10 prior maps that the House had drawn for CD 26, which  
11 we addressed in committee, and I think staff made an  
12 attempt to address. But now, in the Governor's map,  
13 we still have some Tier 2 deficiencies. So looking  
14 at the map, I see that there is an additional split  
15 of Collier, and it cuts the Immokalee community in  
16 half following local streets like County Road 846,  
17 which isn't our geographic boundaries database.

18 So considering those infirmities with the  
19 current map that we have as it relates to CD 26,  
20 have you or anybody concluded that those Tier 2  
21 drawbacks are necessary to maintain Tier 1  
22 compliance to keep that Hispanic voting group  
23 together?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,

1 Mr. Speaker.

2 Again, I can't tell you what the map drawer  
3 was thinking when he chose this particular Tier 2  
4 criteria over that particular Tier 2 criteria. I  
5 can tell you a review of the map shows that it is --  
6 this map is equally Tier 2 compliant.

7 MR. SPEAKER: Representative Joseph.

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

10 When you say it's equally Tier 2 compliant,  
11 tell me what analysis you're relying on to state  
12 that answer here today.

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 The review of the Governor's map by our  
17 staff.

18 MR. SPEAKER: Representative Joseph.

19 REPRESENTATIVE JOSEPH: Thank you,  
20 Mr. Speaker.

21 Because I just identified the deficiencies,  
22 and I don't see anything to make sure that they're  
23 equal because it looks like it's clearly deficient  
24 under Tier 2, not even Tier 1 criteria.

25 MR. SPEAKER: Representative Leek.

1 REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3 I suspect the answer lies that we don't  
4 agree it's deficient.

5 MR. SPEAKER: Representative Joseph.

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

8 So Section 7 of the bill at lines 36  
9 through 27, and lines 36 through 47 limits venue for  
10 actions challenging federal congressional districts  
11 to state courts. Can you tell me what your  
12 rationale was for that limitation and restriction of  
13 venue?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker. Let me address the issue of venue  
17 globally, and then we can get into the specifics.  
18 You know, globally, the idea is that -- and first of  
19 all, it's not new, right. Most actions against the  
20 state have to come through Tallahassee. That is a  
21 prerogative in this case would be the Department of  
22 State that gets sued; that is the prerogative of the  
23 state to have that done. This specifies that.  
24 Also, we had a carve out, which we discussed  
25 yesterday, that says any federal issue can be

1 brought in federal court.

2 MR. SPEAKER: Representative Joseph.

3 REPRESENTATIVE JOSEPH: Thank you,  
4 Mr. Speaker.

5 Well, any federal issue can always be  
6 brought in federal court. That's a matter for the  
7 supremacy clause. I guess my question for you is  
8 why specifically choose state courts as opposed to  
9 federal courts as the venue for federal  
10 congressional districts? And so that I ask -- maybe  
11 flesh out the question a little bit more, why not  
12 just leave it the way it is now? What's the impetus  
13 for having to even make that specific restriction?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 The rationale for having the venue clause  
18 is that all of the challenges should be brought  
19 within the same court. And we believe that court  
20 should be a state court as this is an act of the  
21 State. The rationale for having them want to be  
22 brought in the same state court is so you don't end  
23 up with disparate decisions by different judges  
24 across the state.

25 MR. SPEAKER: Representative Joseph.

1           REPRESENTATIVE JOSEPH: I agree that it  
2 would be good to have one court manage most of those  
3 claims, but there are going to be times where  
4 specifically considering the fact that the  
5 Governor's basis for drawing these maps as he's  
6 espoused is to set up a challenge to the Voting  
7 Rights Act based on the 14th Amendment, which is a  
8 federal question. So knowing that, why not allow  
9 federal courts to address that federal  
10 constitutional issue as the primary basis? There's  
11 always supplemental jurisdiction, as you're aware.  
12 So why federal court as opposed to state court based  
13 on your rationale?

14           MR. SPEAKER: Representative Leek.

15           REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17           This language would allow precisely what  
18 you're saying.

19           MR. SPEAKER: Representative Joseph.

20           REPRESENTATIVE JOSEPH: Thank you,  
21 Mr. Speaker.

22           Yesterday, the presenter from the  
23 Governor's office made reference to the  
24 Legislatures' preferred approach to Tier 2  
25 compliance, and I don't know where that came from.

1 I don't remember specifically hearing that in  
2 committee, because in committee, we had talked about  
3 the prioritization of Tier 1 versus Tier 2, and I  
4 know staff had focused on Tier 2. So to the extent  
5 that there is some kind of policy decision that was  
6 made by the Congressional Redistricting Committee --  
7 the larger Congressional Redistricting Committee  
8 that I may not be aware of, can you espouse that for  
9 us today? Like, what is the basis for the  
10 preference of Tier 2 over Tier 1 to the extent it  
11 even is a preference?

12 MR. SPEAKER: Representative Leek.

13 REPRESENTATIVE LEEK: Thank you,  
14 Mr. Speaker.

15 First of all, there is no preference for  
16 Tier 2 over Tier 1. What the Governor's office was  
17 talking about was whether to use communities of  
18 interest or what they call CDPs as opposed to Tier 2  
19 standards. We have decided in our process to use  
20 Tier 2 standards. And initially, I think the  
21 Governor's map relied more on communities of  
22 interest. And now, with the most recent map, they  
23 rely on Tier 2 standards.

24 MR. SPEAKER: Representative Joseph.

25 REPRESENTATIVE JOSEPH: Thank you,

1 Mr. Speaker.

2 And thank you for the response. There's a  
3 million-dollar allocation attached to this  
4 particular item which was not in the maps we  
5 previously considered. Can you tell me how that  
6 million dollars was calculated? What's the basis  
7 for that?

8 MR. SPEAKER: Representative Leek.

9 REPRESENTATIVE LEEK: Thank you,  
10 Mr. Speaker.

11 The million dollars is -- well, first of  
12 all, the state was always going to have to pay for  
13 the litigation regardless of whether we put it in  
14 this bill or not. The million dollars is a rough  
15 estimate of what it would cost for this litigation.

16 MR. SPEAKER: Representative Joseph.

17 REPRESENTATIVE JOSEPH: Thank you.

18 In light of those anticipated litigation  
19 costs, I guess I'm just wondering how that rough  
20 estimate came about. You know, you and I both serve  
21 as counsel for various government entities, and  
22 sometimes we get a quote from outside counsel. Is  
23 it based on particular billable hours? Like, what  
24 is the basis for that estimate?

25 MR. SPEAKER: Representative Leek.



1           REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3           I don't have the formula that was used, but  
4 that's what the folks tell us.

5           MR. SPEAKER: Representative Joseph

6           REPRESENTATIVE JOSEPH: All right. Last  
7 question on that point. It didn't go through  
8 appropriations committee, so how are we coming at a  
9 million? Like, why couldn't it be 500 -- and I'm  
10 not trying to be facetious. I'm really just trying  
11 to get a gauge as to how that number popped up. And  
12 if there is no answer --

13          MR. SPEAKER: Representative Joseph, I  
14 think it's asked and answered. Do you have an  
15 additional question?

16          All right. Representative Willhite.

17          REPRESENTATIVE WILLHITE: Thank you,  
18 Mr. Speaker. Do you recognize Representative  
19 Alexander?

20          MR. SPEAKER: Representative Alexander,  
21 you're recognized.

22          REPRESENTATIVE ALEXANDER: Thank you,  
23 Mr. Speaker.

24          And thank you, Chairman Leek. In the  
25 Governor's advisory opinion request to the Supreme

1 Court on February 1st, he spoke specifically to  
2 geography as a justification for some of his  
3 concerns. Am I correct in understanding that the  
4 proposed CD 2 stretches 180 miles?

5 MR. SPEAKER: Representative Leek.

6 REPRESENTATIVE LEEK: Thank you,  
7 Mr. Speaker.

8 That's not one of the measures that we  
9 have. We don't measure that. So I can't answer  
10 your question.

11 MR. SPEAKER: Representative Alexander.

12 REPRESENTATIVE ALEXANDER: Thank you,  
13 Mr. Speaker.

14 Am I correct that the Governor is proposing  
15 this map that we're going to be voting on tomorrow?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you,  
18 Mr. Speaker.

19 Yes.

20 MR. SPEAKER: Representative Alexander.

21 REPRESENTATIVE ALEXANDER: Mr. Speaker.

22 So I'm speaking, Chairman Leek, to the  
23 advisory opinion, which I think sets the predicate  
24 and the premise for his proposed map. He spoke  
25 specifically to geography, to the existing CD 5. So

1 I'm asking just for clarification in regards to the  
2 actual size based off mileage -- of miles for the  
3 proposed CD 2.

4 MR. SPEAKER: Representative Leek.

5 REPRESENTATIVE LEEK: Thank you,  
6 Mr. Speaker.

7 I'll do the best -- I cannot -- I believe I  
8 have heard the Governor say it's 180 miles. I  
9 haven't validated that number. I don't know if it's  
10 an estimate or how accurate it is.

11 MR. SPEAKER: Representative Alexander.

12 REPRESENTATIVE ALEXANDER: Thank you,  
13 Mr. Speaker.

14 And based off, I think, the information  
15 provided, I think you are correct. And I do believe  
16 the existing CD 5 expands around about 198 miles, so  
17 they're pretty similar. I'm going to continue on --  
18 in reference to the proposed map, would you suggest  
19 that it is a very unique situation in the 67  
20 counties in Florida, that a county would have a  
21 majority African American population?

22 MR. SPEAKER: Representative Leek.

23 REPRESENTATIVE LEEK: Thank you,  
24 Mr. Speaker.

25 I actually don't know the answer to that

1 question.

2 MR. SPEAKER: Representative Alexander.

3 REPRESENTATIVE ALEXANDER: Thank you,  
4 Mr. Speaker.

5 I'll try to ask it in a different way. In  
6 regards to the proposed map, there is only one based  
7 off what is been presented to us, one county in the  
8 State of Florida that has a majority African  
9 American population, Gadsden County. Based off of  
10 that in the Tier 1 standard, does this proposed map  
11 diminish those citizens from electing a  
12 representative of their choice?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 And the diminishment question is one the  
17 Court's ultimately going to have to answer.  
18 However, I do not believe Gadsden County has  
19 population sufficient to constitute a congressional  
20 district without knowing for certain, but I don't  
21 believe they do.

22 MR. SPEAKER: Representative Alexander.

23 REPRESENTATIVE ALEXANDER: Thank you,  
24 Mr. Speaker.

25 And I recognize that aspect of it, Chairman

1 Leek. But what I'm trying to get an understanding  
2 of is, the only majority county that is African  
3 American in the State of Florida, will they have the  
4 opportunity to elect the representative of their  
5 choice, based off the proposed map?

6 MR. SPEAKER: Representative Leek.

7 REPRESENTATIVE LEEK: Thank you,  
8 Mr. Speaker.

9 And I can't begin to speak to what the  
10 citizens of Gadsden County -- who they will vote  
11 for. I think somebody made the point earlier. You  
12 can't assume by race they will vote the same. I  
13 think that that's probably true. So I can't begin  
14 to tell you what those citizens would do, given the  
15 -- you know, the variations in candidates and the  
16 like. There's just no way I can tell you that.

17 MR. SPEAKER: Representative Alexander.

18 REPRESENTATIVE ALEXANDER: Thank you,  
19 Mr. Speaker.

20 And we won't get into that aspect of it.  
21 And I do believe that is appropriate. Let's just  
22 move on real quick so I can understand the proposed  
23 map, because the premise -- and I'm having this  
24 challenge here because on the state maps, we kept  
25 talking about minority protected districts. We kept

1 talking about black protected districts. We're  
2 talking about Tier 1 standard, and poof, it just  
3 disappeared. And so I'm trying to wrap my mind  
4 around that to understand the core essence of this.  
5 And so based off of that methodology and that  
6 perspective, the proposed map will have how many  
7 minority access seats, since we've already  
8 established that there are minority access seats in  
9 the State of Florida?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,  
12 Mr. Speaker.

13 One, I have to dispute your premise. Tier  
14 1 is still a viable option in here. There are  
15 protected districts in here. It didn't disappear,  
16 right. But your specific question is: under the  
17 Governor's map, how many protected districts do we  
18 have? We have two black and three Hispanic  
19 protected districts.

20 MR. SPEAKER: Representative Alexander.

21 REPRESENTATIVE ALEXANDER: Thank you,  
22 Mr. Speaker. So there are two black protected  
23 districts, and so that was suggested. There is an  
24 underlying rationale that there are and there is a  
25 need to have those type of districts in the State of

1 Florida; is that correct?

2 MR. SPEAKER: Representative Leek.

3 REPRESENTATIVE LEEK: Thank you,  
4 Mr. Speaker.

5 Yes.

6 MR. SPEAKER: Representative Alexander.

7 REPRESENTATIVE ALEXANDER: Thank you,  
8 Mr. Speaker.

9 I'm going to try to wrap it up. And so  
10 based off of that, let me get some clarification.  
11 We are now currently at four black protected  
12 districts. And so the Governor's proposed map will  
13 decrease it to two; is that correct?

14 MR. SPEAKER: Representative Leek.

15 REPRESENTATIVE LEEK: Thank you,  
16 Mr. Speaker.

17 Actually, we were at three in the House.  
18 Then the Governor's map has two.

19 MR. SPEAKER: Representative Alexander.

20 REPRESENTATIVE ALEXANDER: Thank you,  
21 Mr. Speaker.

22 I'm talking about currently in the State of  
23 Florida, not in a proposal. I believe there are  
24 four, correct?

25 MR. SPEAKER: Representative Leek.

1 REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3 Actually, no. There are only three current  
4 black protected districts.

5 MR. SPEAKER: Representative Alexander.

6 REPRESENTATIVE ALEXANDER: Thank you,  
7 Mr. Speaker.

8 For the record, can you tell me what those  
9 three are?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,  
12 Mr. Speaker.

13 In the benchmark map, it's 5, 20, and 24.

14 MR. SPEAKER: Representative Alexander.

15 REPRESENTATIVE ALEXANDER: Thank you,  
16 Mr. Speaker.

17 Can we speak to the rationale? And I'm  
18 almost done, Mr. Speaker. And thank you for your --  
19 for the graciousness in the back and forth. I have  
20 the utmost respect for Chairman Leek. What was the  
21 premise of having racial or minority access  
22 districts in the first place? Can you speak to  
23 that?

24 MR. SPEAKER: Representative Leek.

25 REPRESENTATIVE LEEK: Thank you,



1 Mr. Speaker.

2 I want to be careful here because minority  
3 access district is not a phrase used in the law.  
4 It's commonly used by media. But I think the --  
5 that premise is echoed in the Tier 1 standards.

6 MR. SPEAKER: Representative Alexander.

7 REPRESENTATIVE ALEXANDER: Mr. Speaker.

8 And the Tier 1 standards are in the  
9 constitution, correct?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,  
12 Mr. Speaker.

13 They are in the Florida Constitution. They  
14 are not of the United States Constitution.

15 MR. SPEAKER: Representative Alexander.

16 REPRESENTATIVE ALEXANDER: Thank you,  
17 Mr. Speaker.

18 Are there any federal laws that speak to  
19 this type of representation as well, like civil  
20 rights act of anything?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you, Mr.  
23 Speaker.

24 I think you're referring to the Voting  
25 Rights Act. The Voting Rights Act does, and, of

1 course, the 14th Amendment that doesn't allow you to  
2 discriminate on the basis of race.

3 MR. SPEAKER: Representative Alexander.

4 REPRESENTATIVE ALEXANDER: Thank you,  
5 Mr. Speaker.

6 And so, based off of that -- I'm trying to  
7 get clarification because I believe that history is  
8 important. And I appreciate the time. So during  
9 the period of reconstruction, how many black  
10 representatives were there in the State of Florida?

11 MR. SPEAKER: Represent Leek.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 I don't know.

15 MR. SPEAKER: Representative Alexander.

16 REPRESENTATIVE ALEXANDER: Thank you,  
17 Mr. Speaker.

18 And it was one. And from 1871, there was  
19 only one. And then it took until 1992 to get three.

20 I'm done with my questions.

21 REPRESENTATIVE LEEK: All right.

22 MR. SPEAKER: Representative Willhite.

23 REPRESENTATIVE WILLHITE: Thank you,  
24 Mr. Speaker. I'm sorry, where was I going next?

25 Representative Learned, I'm sorry.

1 MR. SPEAKER: Representative Learned,  
2 you're recognized.

3 REPRESENTATIVE LEARNED: Thank you,  
4 Mr. Speaker.

5 And thank you, Chairman Leek. That was an  
6 enlightening series of questions. I wanted to ask  
7 first, because earlier in one of your answers, you  
8 were talking about how this map was better because  
9 it divided one last county. But my understanding in  
10 looking at it is it divides Saint Pete in the way  
11 that Saint Petersburg has never been divided before;  
12 is that correct?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 I don't know the history of the division of  
17 Saint Pete.

18 MR. SPEAKER: Representative Learned.

19 REPRESENTATIVE LEARNED: Thank you,  
20 Mr. Speaker.

21 So Saint Petersburg in the maps that we  
22 passed and that, you know, we all agreed were good  
23 at the time, was in one district. Now, it's in two.  
24 And that's because this district appears to cross  
25 Tampa Bay. I wanted to make sure that I understand

1 correctly that District 14, as you've drawn it in  
2 this -- or that the Governor drew in this map, does,  
3 in fact, cross Tampa Bay in a way that we all  
4 collectively decided we didn't want to do with our  
5 map.

6 MR. SPEAKER: Representative Leek.

7 REPRESENTATIVE LEEK: Thank you,  
8 Mr. Speaker.

9 I'm sorry, I'm having a little trouble  
10 here. I'm only used to talking to Representative  
11 Learned on an amendment. So we've said it from the  
12 beginning, there is no one single legally compliant  
13 map. And the fact that a district looked different  
14 in a prior map doesn't mean that it looks different  
15 now is inappropriate. So I'm not sure the basis of  
16 your question, but this map has Saint Pete drawn the  
17 way you suggest.

18 MR. SPEAKER: Representative Learned.

19 REPRESENTATIVE LEARNED: Thank you,  
20 Mr. Speaker.

21 My question really is getting at, you know,  
22 I feel like there's a conflict in the logic that's  
23 being applied to this process versus the process we  
24 used, you know, just three weeks ago. So when we  
25 were debating before, we were talking about Tier 1

1 and Tier 2, and the logic when it pertained to  
2 Congressional District 5 was, well, we are adding  
3 more black voters there. So we're more Voting  
4 Rights Act compliant. And this district, the one  
5 that I'm kind of focused on right now, District 14,  
6 it appears that you're packing more people into that  
7 district and packing more African American voters.  
8 Is that because you're trying to be more Tier 1  
9 compliant with District 14? Is that what you're  
10 doing here?

11 MR. SPEAKER: Representative Leek.

12 REPRESENTATIVE LEEK: Thank you.

13 I'll do the best I can with that. Again, I  
14 can't speak to the map drawers, you know, reason for  
15 choosing this road and that waterway over that road  
16 and the other waterway. So I can't speak to the  
17 rationale of why it now goes across when we didn't  
18 do it. When we did it before, we thought it was  
19 legally compliant. And by legally compliant, we  
20 thought also compliant with Tier 2. And what our  
21 review of this one is that it is equally compliant  
22 with Tier 2.

23 MR. SPEAKER: Representative Learned.

24 REPRESENTATIVE LEARNED: Thank you,  
25 Mr. Speaker.

1           But that's not our charge here, right.  
2       We're not charged to be Tier 2 compliant. We're  
3       charged to be Tier 1 compliant. My question was  
4       about Tier 1 compliance, which our understanding is  
5       -- which what I understand is what makes this map  
6       unconstitutional, right, because we are effectively  
7       disenfranchising these voters. And my question  
8       really is about this idea that if you can pack more  
9       and more black voters into fewer and fewer  
10      districts, is that Voting Rights Act compliant?  
11      Because we are, in essence, increasing minority  
12      population within those districts and those  
13      districts alone.

14           MR. SPEAKER: There's a lot of conclusions  
15      packed into that question. Do you have a question  
16      about a specific district you'd like to ask  
17      Representative Leek?

18           REPRESENTATIVE LEARNED: Yes, Mr. Speaker.  
19      I mean, that's my question. Is this the intent that  
20      we can pack more and more black voters into fewer  
21      and fewer districts in order to maximize Voting  
22      Rights Act compliance? Is that the logical  
23      conclusion that I'm supposed to be drawing from  
24      this?

25           MR. SPEAKER: Representative Leek.

1           REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3           It's certainly not our intent, and we have  
4 no reason to believe that was the Governor's map  
5 drawer's intent.

6           MR. SPEAKER: Representative Learned.

7           REPRESENTATIVE LEARNED: Thank you,  
8 Mr. Speaker.

9           What evidence are we using to understand  
10 the Governor's intent if his actions are speaking  
11 louder than words?

12          MR. SPEAKER: Representative Learned, you  
13 would like to ask a question without making  
14 conclusions.

15          Representative Willhite, you're recognized.

16          REPRESENTATIVE WILLHITE: Thank you,  
17 Mr. Speaker. Will you recognize Representative  
18 Campbell?

19          MR. SPEAKER: Representative Campbell,  
20 you're recognized.

21          REPRESENTATIVE CAMPBELL: Thank you,  
22 Mr. Speaker.

23          Representative Leek, as I understand it,  
24 Alex Kelly was the person that drew these maps,  
25 correct?

1 MR. SPEAKER: Representative Leek.

2 REPRESENTATIVE LEEK: Thank you,  
3 Mr. Speaker.

4 Yes. That was his testimony yesterday.

5 MR. SPEAKER: Representative Campbell.

6 REPRESENTATIVE CAMPBELL: Thank you,  
7 Mr. Speaker.

8 And, Representative, did he consult with  
9 anyone else in the drawing of these maps?

10 MR. SPEAKER: Representative Campbell, I  
11 believe that was answered previously, and I think  
12 Representative Leek talked about Mr. Kelly's  
13 testimony yesterday. Additional questions?

14 REPRESENTATIVE CAMPBELL: Thank you,  
15 Mr. Speaker.

16 What was the methods that he used to  
17 establish these maps?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,  
20 Mr. Speaker.

21 And I believe that question has also been  
22 asked. But he used the Tier 1, Tier 2 standards,  
23 and the United States Constitutional standards. I  
24 believe that was his testimony.

25 MR. SPEAKER: Representative Campbell.



1 REPRESENTATIVE CAMPBELL: Hey, Mr. Speaker.  
2 How was the census used in the development  
3 of these maps?

4 MR. SPEAKER: Representative Leek.

5 REPRESENTATIVE LEEK: Thank you,  
6 Mr. Speaker.

7 Again, didn't develop these maps but census  
8 data is the fundamental underpinning of any map.

9 MR. SPEAKER: Represent Campbell.

10 REPRESENTATIVE CAMPBELL: Thank you,  
11 Mr. Speaker.

12 Yesterday, we heard from Counsel yesterday  
13 about strict scrutiny and the Gingles test. What  
14 analysis did he use to determine whether or not the  
15 Gingle tests were met?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you.

18 Again, I can't speak to his analysis other  
19 than what he testified to yesterday. I will point  
20 out that the Gingles test only comes into play upon  
21 a challenge to the maps.

22 MR. SPEAKER: Representative Campbell.

23 REPRESENTATIVE CAMPBELL: Thank you,  
24 Mr. Speaker.

25 Lastly, where can the public access the

1 data points to the development of these maps?

2 MR. SPEAKER: Representative Leek.

3 REPRESENTATIVE LEEK: Thank you,  
4 Mr. Speaker.

5 There is a data packet in front of you now.  
6 There's also a data packet on the website.

7 MR. SPEAKER: Representative Campbell.

8 REPRESENTATIVE CAMPBELL: Mr. speaker.  
9 What website would that be?

10 MR. SPEAKER: Representative Leek.

11 REPRESENTATIVE LEEK: Thank you,  
12 Mr. Speaker.

13 Floridaredistricting.gov.

14 MR. SPEAKER: Representative Campbell.

15 REPRESENTATIVE CAMPBELL: That's it.

16 MR. SPEAKER: Representative Willhite.

17 REPRESENTATIVE WILLHITE: Mr. Speaker,  
18 would you recognize Representative Diamond?

19 MR. SPEAKER: Representative Diamond,  
20 you're recognized.

21 REPRESENTATIVE DIAMOND: Thank you,  
22 Mr. Speaker.

23 Good morning. I just wanted to follow up  
24 on Representative Joseph's questions, specifically  
25 with regard to CD 26. I want to further understand

1 this issue of establishing voter cohesion because my  
2 understanding from the case law is that that's the  
3 first step in any retrogression analysis. And,  
4 specifically, the question is relating to Hispanic  
5 voting cohesion in the South Florida. Given what  
6 the Florida Supreme Court has said about that issue,  
7 are we taking into account, in this map,  
8 particularly around CD 26, how those Latinos -- the  
9 voting cohesion of those Latino voters in that part  
10 of the state?

11 MR. SPEAKER: Representative Leek.

12 REPRESENTATIVE LEEK: Thank you,  
13 Mr. Speaker.

14 I believe you're talking about the Gingles  
15 test, which, once again, is only performed upon a  
16 challenge. So the Gingles test is a plaintiff's  
17 obstacle declare to bring a claim.

18 MR. SPEAKER: Representative Diamond.

19 REPRESENTATIVE DIAMOND: But I just want to  
20 understand that thinking. So, I mean, the Gingles  
21 test, that is the law of the Supreme Court, right,  
22 the United States Supreme Court. So, I mean, we  
23 have to look at that and make certain that we are  
24 meeting that test in producing this map. Do we not?

25 MR. SPEAKER: Representative Leek.

1           REPRESENTATIVE LEEK: Thank you,  
2 Mr. Speaker.

3           It is the law of the Florida Supreme Court  
4 for plaintiffs who are bringing a claim to challenge  
5 the maps -- excuse me, US Supreme Court.

6           MR. SPEAKER: Representative Diamond.

7           REPRESENTATIVE DIAMOND: But I guess I'm  
8 just trying to establish. I mean, as I understand  
9 these cases, and you've studied them far more than I  
10 have, Mr. Chairman, but we have to -- if we're going  
11 to draw these districts in -- for instance, like CD  
12 26, where we're making these assumptions about  
13 Latino voting populations. Let me ask it this way.  
14 Has there been any analysis done on CD 26, with  
15 regard to the Latino voting population, that there  
16 will be sort of a cohesiveness necessary in that  
17 voting population in order to defend that district  
18 under that test?

19           MR. SPEAKER: Representative Leek.

20           REPRESENTATIVE LEEK: Thank you,  
21 Mr. Speaker.

22           Remember, the only analysis that we are  
23 required to perform is the functional analysis,  
24 which has been done. We have not performed the  
25 analysis that you're talking about on the Governor's

1 test --

2 MR. SPEAKER: Representative Diamond.

3 REPRESENTATIVE DIAMOND: Mr. Speaker.

4 And do you know if the drafter has  
5 performed that analysis? You've said earlier that  
6 the drafter was in the Governor's office.

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,  
9 Mr. Speaker.

10 No, I do not.

11 MR. SPEAKER: Representative Diamond.

12 REPRESENTATIVE DIAMOND: In terms of the  
13 drafter, I mean, you know, when you established the  
14 process that we used during regular session for the  
15 drafting of the maps, you established certain  
16 processes in terms of retention of records and, you  
17 know, efforts to make certain that we were meeting  
18 the Tier 1 compliance. What questions did you ask  
19 of the drafters to build the same assurances in this  
20 process?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you,  
23 Mr. Speaker.

24 Recall that this map, as all of the other  
25 Governor's maps, were submitted through the portal.

1 To get through the portal, you have to fill out a  
2 form that requires you to answer those kinds of  
3 questions.

4 MR. SPEAKER: Representative Diamond.

5 REPRESENTATIVE DIAMOND: So earlier you  
6 mentioned that there had been a briefing -- a  
7 private briefing for you and Chairman Seroy and your  
8 staff from the Governor's office with regard to the  
9 map that we're about to vote out today. Were any  
10 questions asked in that private briefing about just  
11 sort of to provide additional assurances in addition  
12 to whatever that form may require?

13 MR. SPEAKER: Representative Leek.

14 REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16 I mean, bluntly, the form asked the very  
17 questions you're asking about. And so with that  
18 form being filled out, we know the answer to those  
19 questions. I can't recall whether we ask any  
20 additional questions or whether there's any  
21 additional flavor. But the form itself takes care  
22 of what you're asking about.

23 MR. SPEAKER: Representative Diamond.

24 REPRESENTATIVE DIAMOND: Thank you,  
25 Mr. Speaker.

1           And it's been reported that this map will  
2 result in a congressional delegation from Florida of  
3 20 Republican seats and 8 Democratic seats. Are you  
4 aware of those reports?

5           MR. SPEAKER: Representative Leek.

6           REPRESENTATIVE LEEK: Thank you,  
7 Mr. Speaker. I have heard the same because it's  
8 hard to turn on the news and escape it. But I can  
9 tell you that we can't validate those reports.

10          MR. SPEAKER: Representative Diamond.

11          REPRESENTATIVE DIAMOND: Do you know if the  
12 drafter of this map is aware of those reports?

13          MR. SPEAKER: Representative Leek.

14          REPRESENTATIVE LEEK: Thank you,  
15 Mr. Speaker.

16          No. I do not.

17          MR. SPEAKER: Representative Diamond.

18          REPRESENTATIVE DIAMOND: So I guess my  
19 question, when I hear about those reports is, you  
20 know, how can it not be evidence of partisan intent  
21 if there is such a substantial difference between  
22 the partisan configuration of the state and the  
23 partisan effect of this map?

24          MR. SPEAKER: Representative Leek.

25          REPRESENTATIVE LEEK: Thank you,

1 Mr. Speaker.

2 Let me do the best I can with that. Of  
3 course, the US Supreme Court has told us that the  
4 mere fact that you have a map that produces -- you  
5 know, that favors one party over another is not in  
6 itself evidence of partisan intent. So I would say,  
7 you know, as far as your premise is concerned, I  
8 think you're off. I don't think that is the law.  
9 And the fact that -- well, I guess you would have to  
10 accept then the performance data that you're talking  
11 about. But to do so, meaning that you know the  
12 performance data, that your argument in and of  
13 itself would be tainted in some way, because you  
14 know the performance data. I'm not sure I accept  
15 that premise either.

16 MR. SPEAKER: Representative Diamond.

17 REPRESENTATIVE DIAMOND: Thank you very  
18 much, Mr. Speaker.

19 In your presentation of the map, you  
20 mentioned waterways in different parts of the state.  
21 Like for instance, in Northeast Florida, we use the  
22 Saint John's River as a natural dividing line. In  
23 our county, in Pinellas County, the dividing line  
24 was not Tampa Bay, as you know, but was -- us was  
25 34th Street, US-19. Can you speak to why the



1 drafter did not use Tampa Bay as the dividing line,  
2 but instead chose to use a street?

3 MR. SPEAKER: Representative Leek.

4 REPRESENTATIVE LEEK: Thank you,  
5 Mr. Speaker.

6 Again, and let me just say this again. If  
7 the question begins with, "Why did the drafter do  
8 this," the answer is always going to be I can't tell  
9 you precisely why the drafter did this. But I can  
10 tell you that the Tier 2 boundaries that the drafter  
11 used are as legally compliant as the Tier 2  
12 boundaries that we used in our prior maps.

13 MR. SPEAKER: Representative Willhite.

14 REPRESENTATIVE WILLHITE: Who did I say  
15 next? I'm sorry. Mr. Speaker, do you recognize  
16 Representative Humphrey?

17 MR. SPEAKER: Representative Humphrey,  
18 you're recognized.

19 REPRESENTATIVE HUMPHREY: Thank you very  
20 much, Mr. Speaker.

21 It's interesting to see you on the wall and  
22 in person at the same time. But anyways, I have a  
23 question for -- thank you for recognizing me,  
24 Mr. Speaker.

25 And, Chair Leek, man, do I have to say I'm

1 sorry, and I'll explain that in debate tomorrow, and  
2 not in regards to my questions, by the way. So we  
3 have funds set aside in this bill to deal with any  
4 legal matters that should come up in reference to  
5 this bill. My question is: what happens when this  
6 map is challenged?

7 My next question is: if you could just  
8 detail the steps of what happens when this map is  
9 challenged, and whether or not we'll have to have a  
10 special election if the outcome is that these maps  
11 are deemed invalid in areas.

12 My third question is --

13 MR. SPEAKER: My recommendation is let's  
14 just take one at a time, if we can.

15 Representative Leek.

16 REPRESENTATIVE LEEK: Thank you,  
17 Mr. Speaker.

18 I don't know that I can describe the  
19 universe of things that could happen if these maps  
20 are challenged because I think, you know, the  
21 challenges are unknown at this point. But it will  
22 go to court, and the Court will make a ruling on  
23 whether the challenge is upheld or not.

24 MR. SPEAKER: Representative Humphrey.

25 REPRESENTATIVE HUMPHREY: Thank you,

1 Mr. Speaker.

2 Chair Leek, in the past, when the maps were  
3 challenged, did we have to have a special election?

4 I wasn't here for it, and I'm not asking this  
5 because I know the answer. I'm really asking  
6 because I don't know.

7 MR. SPEAKER: Representative Leek.

8 REPRESENTATIVE LEEK: Thank you,  
9 Mr. Speaker.

10 No. We didn't have to have a special  
11 election.

12 MR. SPEAKER: Representative Humphrey.

13 REPRESENTATIVE HUMPHREY: Thank you,  
14 Mr. Speaker.

15 Chair Leek, did the creators of the map  
16 explain why the two seats that sit in South Florida,  
17 the black protected seats, were not touched?

18 MR. SPEAKER: Representative Leek.

19 REPRESENTATIVE LEEK: Thank you,  
20 . Speaker.

21 I'm trying to recall back to the testimony,  
22 which is available. If you'd like -- I think you  
23 might have actually been in the committee room as  
24 well. But my recollection is they felt that those  
25 seats were Tier 1, Tier 2 compliant, met a

1 compelling state need and were narrowly tailored.

2 MR. SPEAKER: Representative Humphrey.

3 REPRESENTATIVE HUMPHREY: Thank you very  
4 much, Mr. Chair. Thank you, Mr. Speaker.

5 MR. SPEAKER: Representative Willhite.

6 REPRESENTATIVE WILLHITE: Will you  
7 recognize Representative Gottlieb?

8 MR. SPEAKER: Representative Gottlieb,  
9 you're recognized.

10 REPRESENTATIVE GOTTLIEB: Thank you,  
11 Mr. Speaker.

12 I just have one question, Rep Leek, and  
13 that is, having listened to your answers, which is  
14 that the Governor's office drew these maps, and this  
15 body did not. How does that not violate the  
16 separation of powers?

17 MR. SPEAKER: Representative Leek.

18 REPRESENTATIVE LEEK: Thank you,  
19 Mr. Speaker.

20 Of course, the Governor's always had a role  
21 in it from day. And this narrative that we are  
22 somehow abdicating our responsibility because the  
23 Governor had no role in it is just plainly false.  
24 So the Governor always had the opportunity to draw a  
25 map, just like the ACLU, just like the League of

1 Women Voters, just like, you know, the hundreds of  
2 citizens who drew maps. Looking at their maps, even  
3 taking up their maps is not an abdication of our  
4 responsibility, nor is it a violation of separation  
5 of powers. It's just simply part of the process  
6 that is permissible.

7 MR. SPEAKER: Representative Willhite.

8 REPRESENTATIVE WILLHITE: Mr. Speaker, will  
9 you recognize Representative Smith?

10 MR. SPEAKER: Representative Smith, you're  
11 recognized.

12 REPRESENTATIVE SMITH: Thank you,  
13 . Speaker.

14 Chair Leek, are these maps race neutral as  
15 the Governor has requested?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you.

18 I believe the Governor used the term, "race  
19 neutral" as a counterbalance to predominantly based  
20 upon race. And the maps are both race neutral in  
21 areas, and, you know, protected -- also based on  
22 race in the areas that are protected.

23 MR. SPEAKER: Representative Smith.

24 REPRESENTATIVE LEEK: So it's not one or  
25 the other.

1 MR. SPEAKER: Representative Smith.

2 REPRESENTATIVE SMITH: Thank you,  
3 Mr. Speaker.

4 So what is the distinction between which  
5 areas of the state we've decided to have race  
6 neutral and which areas of the state are not race  
7 neutral?

8 MR. SPEAKER: Representative Leek.

9 REPRESENTATIVE LEEK: Thank you,  
10 Mr. Speaker.

11 All of those protected districts are not  
12 race neutral.

13 MR. SPEAKER: Representative Smith.

14 REPRESENTATIVE SMITH: The Governor's  
15 counsel stated in his memo that equal opportunity  
16 districts for minority voters are tantamount to  
17 segregation. He used that argument to eliminate CD  
18 5. Is it also the position of the House that equal  
19 opportunity districts for minority voters are  
20 tantamount to segregation?

21 MR. SPEAKER: Representative Leek.

22 REPRESENTATIVE LEEK: Thank you,  
23 Mr. Speaker.

24 I don't recall hearing the Governor's  
25 office say those words, but the answer is no. And

1 that's why these districts also contain protected  
2 districts.

3 MR. SPEAKER: Representative Smith.

4 REPRESENTATIVE SMITH: Thank you,  
5 . Speaker.

6 I'm hoping that you can explain a little  
7 bit further the difference between these districts.  
8 The Governor said that districts need to be compact,  
9 and they shouldn't have tendrils or spill into other  
10 -- or into the middle of other districts. If you  
11 look at CD 20, can you explain why the tendrils of  
12 CD 20 that extend eastward, especially the one that  
13 cuts into the heart of CD 23, are acceptable in  
14 South Florida if they are prohibited in North  
15 Florida?

16 MR. SPEAKER: Representative Leek.

17 REPRESENTATIVE LEEK: Thank you,  
18 Mr. Speaker.

19 You're overstating the law and letter.  
20 Remember the first thing is population, right, plus  
21 or minus one person. So you're necessarily going to  
22 have to go different places to get to that zero  
23 population, that equal population. And I think what  
24 you're seeing is that one -- the CD 20 is certainly  
25 more compact than CD 5 was.

1 MR. SPEAKER: Representative Smith.

2 REPRESENTATIVE SMITH: Thank you,  
3 Mr. Speaker.

4 And I'm not trying to denigrate CD 20. I'm  
5 just trying to get you to explain to us and explain  
6 to me the inconsistency there. Why is that tendrill  
7 cutting into CD 23? What is the purpose of that  
8 tendrill?

9 MR. SPEAKER: Representative Leek.

10 REPRESENTATIVE LEEK: Thank you,  
11 Mr. Speaker.

12 And again, Representative Smith, you're  
13 putting too much emphasis on uniformity. The  
14 purpose of that is equal population.

15 MR. SPEAKER: Representative Smith.

16 REPRESENTATIVE SMITH: Thank you,  
17 Mr. Speaker.

18 So just to clarify, the purpose of that  
19 tendrill is not to protect the strength of racial and  
20 language minorities in that district?

21 MR. SPEAKER: You couldn't hear it?

22 REPRESENTATIVE LEEK: Yeah.

23 MR. SPEAKER: Representative Smith, can you  
24 repeat the question.

25 REPRESENTATIVE SMITH: Thank you,



1 Mr. Speaker.

2 Chair Leek, you just stated that the  
3 purpose of that tendril was to ensure equal  
4 population. So what you're also saying is the  
5 purpose of that tendril in Congressional District 20  
6 is not to ensure the ability of racial or language  
7 minorities to elect the candidate of their choice?

8 MR. SPEAKER: Representative Leek.

9 REPRESENTATIVE LEEK: Thank you,  
10 Mr. Speaker.

11 No. I don't think you can draw all that  
12 corollary. CD 20 is a protected district.

13 MR. SPEAKER: Representative Smith.

14 REPRESENTATIVE SMITH: Thank you,  
15 Mr. Speaker.

16 I also want to jump back to the Governor's  
17 office, and how they drew the map. I'm curious.  
18 Did they keep records to prove they were not drawn  
19 in a way that was driven by partisan intent? And  
20 did you request that they keep records to prove that  
21 or disprove it in a court of law?

22 MR. SPEAKER: I think Chairman Leek  
23 answered that in response to Representative  
24 Diamond's questions.

25 Is there any additional information you'd

1 like to add, Representative Leek?

2 REPRESENTATIVE LEEK: (Shakes head).

3 MR. SPEAKER: You have additional  
4 questions, Representative Smith?

5 REPRESENTATIVE SMITH: No, nothing else.

6 MR. SPEAKER: Representative Willhite.  
7 Yield back the 23 seconds?

8 REPRESENTATIVE WILLHITE: Yes, sir.

9 MR. SPEAKER: All right. Representative  
10 Eskamani, you're recognized for your question.

11 REPRESENTATIVE ESKAMANI: Thank you,  
12 Mr. Speaker.

13 Very quick question for you, Chair Leek. I  
14 know that one of the arguments being made by the  
15 Governor's office with CD 5 is that there is no  
16 apparent state interest in keeping it to be minority  
17 access, But the courts disagree with that. I mean,  
18 does the weight of the courts not compel the state  
19 to have an interest?

20 MR. SPEAKER: Representative Leek.

21 REPRESENTATIVE LEEK: Thank you,  
22 Mr. Speaker.

23 Actually, there is no court opinion  
24 precisely on that issue.

25 MR. SPEAKER: All right, members. Time

1 having expired in questions, we are in amendments.

2 Are there amendments?

3 THE CLERK: On the desk, Mr. Speaker.

4 MR. SPEAKER: Take up the First Amendment.

5 THE CLERK: Representative Jenne offered  
6 the following amendment with title, Amendment,  
7 Barcode 717833. Remove lines 95 through 3647 and  
8 insert in amendment.

9 MR. SPEAKER: Leader Jenne, you're  
10 recognized on your amendment.

11 REPRESENTATIVE JENNE: Thank you,  
12 Mr. Speaker. Good to see you.

13 Members, essentially what this amendment  
14 does is it adopts plan 80/60, which was the Senate  
15 plan in place of this proposed map. This particular  
16 plan has the following characteristics: divides the  
17 state into 28 congressional districts with a  
18 population of 769,221 people. Each district will  
19 grow by 42,876 people, compared to the pre-existing  
20 map.

21 It establishes four protected African-  
22 America districts, CD 5, 10, 20, and 24. It  
23 maintains the Gadsden to Duval configuration known  
24 as CD 5. It establishes three protected Hispanic  
25 districts, CD 25, 26, and 27. The plan, we believe,

1 improves on most Tier 2 metrics compared to the  
2 underlying benchmark plan. It does also reduce city  
3 splits and improves compactness.

4 Mr. Speaker, that is the amendment.

5 MR. SPEAKER: Are there questions on the  
6 amendment? Are there questions?

7 Representative Robinson.

8 REPRESENTATIVE ROBINSON: Thank you,  
9 Mr. Speaker.

10 Representative, I just wanted to ask. And  
11 this particular map was drawn by who?

12 MR. SPEAKER: Representative Jenne. Leader  
13 Jenne.

14 REPRESENTATIVE JENNE: The specific  
15 individual, not sure, but I know this was the map  
16 that was approved by the Senate and with bipartisan  
17 support.

18 REPRESENTATIVE ROBINSON: Follow-up.

19 MR. SPEAKER: Representative Robinson.

20 REPRESENTATIVE ROBINSON: So this map was  
21 draw by the Legislature as part of our duty,  
22 correct?

23 MR. SPEAKER: Leader Jenne.

24 REPRESENTATIVE JENNE: Yes, it was. This  
25 was crafted by our colleagues across the hall in the

1 Senate. And this was a plan that they did vote on  
2 and overwhelmingly had bipartisan support.

3 MR. SPEAKER: Representative Geller.

4 REPRESENTATIVE GELLER: Thank you, Mr.  
5 Speaker.

6 And thank you for this good amendment,  
7 Leader. In addition to keeping the current  
8 configuration from Gadsden to Duval, does this map  
9 also provide for the continued election of an  
10 African-American congressional representative in the  
11 Orlando area?

12 MR. SPEAKER: Leader Jenne.

13 REPRESENTATIVE JENNE: Yes. Thank you,  
14 Mr. Speaker.

15 And thank you, Representative Geller, for  
16 that particular question. Yes, it does. And that  
17 was a difference between the two chambers. I'm not  
18 casting aspersions, but that was a difference. The  
19 Senate treated CD 10 as a protected seat. The  
20 House, we did not do so.

21 MR. SPEAKER: Representative Geller.

22 REPRESENTATIVE GELLER: Thank you,  
23 Mr. Speaker.

24 Leader Jenne, does this map preserve the  
25 previous configuration of what has been the existing

1 district that involves representation in Pinellas  
2 County as opposed to the new map that we're looking  
3 at today?

4 MR. SPEAKER: Leader Jenne.

5 REPRESENTATIVE JENNE: Yes, sir. It's much  
6 closer.

7 MR. SPEAKER: Representative Geller.

8 REPRESENTATIVE GELLER: Thank you,  
9 Mr. Speaker.

10 Does this map continue as the map in front  
11 of us does to provide for the election of an  
12 African-American representative to congress in  
13 Broward in Palm Beach County, by making certain  
14 deviations from compactness so that that protected  
15 district can remain protected?

16 MR. SPEAKER: Representative Jenne.

17 REPRESENTATIVE JENNE: Yes, sir. It does.

18 MR. SPEAKER: Representative Geller.

19 REPRESENTATIVE GELLER: Thank you,  
20 Mr. Speaker.

21 Do you know the vote by which this map  
22 passed the Senate?

23 MR. SPEAKER: Representative Jenne.

24 REPRESENTATIVE JENNE: Yes, sir. I do. I  
25 have it here. I believe the count was 36 to 4. 36

1 to 4.

2 MR. SPEAKER: Representative Geller.

3 REPRESENTATIVE GELLER: Thank you,  
4 Mr. Speaker.

5 So in addition to having overwhelming  
6 bipartisan support, in your estimation, Leader  
7 Jenne, does the map that you are proposing as an  
8 amendment comply with the Florida Constitution Fair  
9 District's provision, as well as the Voting Rights  
10 Act of 1965?

11 MR. SPEAKER: Leader Jenne.

12 REPRESENTATIVE JENNE: Thank you,  
13 Mr. Speaker.

14 Representative Geller. Yes, it does. I  
15 believe it does. I believe if you look at the  
16 statistics of each of these districts, I believe you  
17 will find that to be the absolute case.

18 MR. SPEAKER: Additional questions,  
19 members? Additional questions? I see no additional  
20 questions. We are in -- are there amendments to the  
21 amendment?

22 THE CLERK: None on the desk, Mr. Speaker.

23 MR. SPEAKER: Are there substitutes?

24 THE CLERK: None on the desk, Mr. Speaker.

25 MR. SPEAKER: We are in debate. Members

1 who wish to be recognized in debate.

2 Representative Geller.

3 REPRESENTATIVE GELLER: Thank you,  
4 Mr. Speaker. Members, I urge you to support this  
5 map for a lot of reasons. This amendment is a  
6 better plan. This amendment does not require a  
7 million dollars to be appropriated in for  
8 anticipated litigation. This amendment complies  
9 with the Florida and Federal Constitution. This  
10 amendment does not fly in the face of them. If  
11 someone thinks that not only the Florida  
12 constitution, but the Voting Rights Act of 1965, the  
13 law for almost 60 years in this country, is  
14 unconstitutional, they have a right to take that to  
15 court.

16 If someone thinks that the 14th Amendment  
17 prohibits anything race-based, which I heard today  
18 and is wrong; if someone thinks that the 14th  
19 Amendment does not have language that would, as  
20 interpreted by the courts, allow consideration if  
21 there is a compelling state interest, and you use  
22 the most narrowly tailored means possible to achieve  
23 the result, remembering that that amendment was  
24 passed as a remedial measure and its very name says  
25 it was equal protection. It's designed to protect.



1 But we should not ignore the constitution of the  
2 state and federal law in anticipation that someone  
3 might challenge those things and take them and maybe  
4 get them reversed. We should comply with the law as  
5 it exists, as it's been interpreted for almost 60  
6 years. We should comply with it, and anyone who  
7 doesn't agree is free to raise that challenge. We  
8 should not ignore what 63 percent of the voters of  
9 Florida said for us to do.

10 Members, this map, which passed the Senate  
11 36 to 4, is -- doesn't that say something? Isn't  
12 that a statement to all of us? Members, we should  
13 adopt this amendment. We should comply with the  
14 very clear dictates of Tier 1, which is more  
15 important than Tier 2, and of the federal Voting  
16 Rights Act. And if somebody wants to take those to  
17 court, and say they're wrong, we've been wrong in  
18 interpreting the 14th Amendment for 150 years, well,  
19 by God, this is America. They have a right to do  
20 that. God bless anybody who wants to raise a  
21 challenge and get it determined. But until the  
22 courts change that, we must comply with the law as  
23 it is written, as our voters told us to do.

24 Please adopt this amendment. Thank you.

25 MR. SPEAKER: Additional debate?

1 Additional debate?

2 Seeing none, Leader Jenne. You're  
3 recognized to close.

4 REPRESENTATIVE JENNE: Mr. Speaker, thank  
5 you as always.

6 Members, it's a simple amendment. It's a  
7 request to take the Senate plan. It is not my plan.  
8 I do not claim any authorship over it. I claim  
9 nothing other than someone who has to be anything  
10 other than someone who has reviewed these maps.

11 I put this forward in the spirit of  
12 compromise. Because, members, having been through  
13 this redistricting process now for a second time, I  
14 can tell you that it's very difficult, if not  
15 outright impossible, to make a perfect map in which  
16 every single line is in its proper place. But I  
17 believe, and I think my caucus also believes, that  
18 this is infinitely better than the map that is  
19 actually in front of us today, especially in terms  
20 of Tier 1.

21 But what about Tier 1? We spent months  
22 discussing the maps. And Tier 1 was the absolute  
23 apex of our guidelines. But now it has been cast  
24 aside like democracy's detritus. Why? Because of  
25 an abrupt change in philosophy. I will not condemn

1 that change. I will not comment on that change, but  
2 it is due to an abrupt change in philosophy.

3 When we convened here earlier this year,  
4 the VRA meant something. The Fair Districts  
5 Amendment meant something. Tier 1 meant something.  
6 These guided the entire process, and now they're  
7 being tossed aside. Well, members, for me  
8 personally, those things, the VRA, Fair Districts  
9 Amendment, Tier 1, that still means something to me.  
10 That still means something to a lot of members on  
11 this floor today.

12 So I ask your favorable support of this.  
13 Members, the car is not in neutral. The car is  
14 speeding ahead. We have one last exit before we  
15 ride over the cliff. I suggest we put on that turn  
16 signal and get off right now. Thank you.

17 MR. SPEAKER: Members, Representative Jenne  
18 having closed on his amendment, all in favor of  
19 adoption of the amendment say yea.

20 (Multiple yeas)

21 MR. SPEAKER: All opposed, no.

22 (Multiple nos)

23 MR. SPEAKER: Show the amendment fails.

24 Read the next amendment.

25 THE CLERK: Representative Joseph offered

1 the following amendment with title, Amendment  
2 Barcode 799545. Remove lines 3627 through 3647, and  
3 insert in amendment.

4 MR. SPEAKER: Representative Joseph, you're  
5 recognized to explain your amendment.

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

8 Section 7 of the bill before us, there's a  
9 couple of things. One of which is it selects venue  
10 in Leon County, right here, and it presets that.  
11 And I'm just going to read it. "An action  
12 challenging the state's congressional districts on  
13 state constitution or state law grounds must be  
14 brought in state court."

15 And earlier during questioning, you heard  
16 some of the rationale as to why. And the purpose of  
17 this amendment is just to do what I think is more  
18 appropriate, which is to allow litigants to choose  
19 which venue is more appropriate depending on the  
20 nature and the crux of their case. It is not  
21 unusual to have questions of law that both involve  
22 state and federal issues. That's why you have  
23 supplemental jurisdiction. It's not complicated.  
24 That is a decision that I believe should be made,  
25 and we should allow for that flexibility,

1 considering that these are federal congressional  
2 seats that we're talking about. We're not talking  
3 about state House seats or state Senate seats.  
4 We're talking about our federal congressional seats.  
5 So I think it would be more than appropriate to  
6 eliminate just that section. So the amendment is  
7 really simple and straightforward. And all it does  
8 is it removes lines 3627 through 3647 from the bill  
9 and leaves the law in its place, and to the extent  
10 that the bill sponsored talked about how federal  
11 questions can be addressed in federal court. That's  
12 always the case. That's the whole point of the  
13 supremacy clause.

14 So that is the amendment. I ask that  
15 members support it. There's a lot of things that  
16 we're doing that are novel. There's no need to  
17 introduce this additional component into the  
18 process. And that is the amendment, Madam Speaker.

19 MADAM SPEAKER: Having explained the  
20 amendment, are there questions of the sponsor? Are  
21 there questions?

22 Seeing no questions, is there an amendment  
23 to the amendment?

24 THE CLERK: None on the desk, Madam  
25 Speaker.

1 MADAM SPEAKER: Is there a substitute  
2 amendment?

3 THE CLERK: None on the desk, Madam  
4 Speaker.

5 MADAM SPEAKER: And debate, is there a  
6 debate on the amendment?

7 Representative Eskamani, you are  
8 recognized.

9 REPRESENTATIVE ESKAMANI: Thank you so  
10 much, Madam Speaker. I just want to say thank you  
11 to the Representative for bringing forth this good  
12 amendment. This is just an example of good  
13 government. Let's ensure people have concerns, have  
14 the time to make those concerns expressed. If folks  
15 feel like these maps are in good legal standing,  
16 they should not have an issue with this amendment.

17 Thank you, Madam Speaker.

18 MADAM SPEAKER: Additional debate?

19 Representative Driskell.

20 REPRESENTATIVE DRISKELL: Thank you, Madam  
21 Speaker. And happy birthday to you -- or belated  
22 birthday.

23 Members, this is a drum I'll continue to  
24 beat in terms of thinking about how we use procedure  
25 and making sure that we are not using procedure as a

1     weapon against the people of the State of Florida.  
2     It's problematic, okay. There's procedure, and  
3     there's substance in the law. Two distinct things.  
4     But what happens sometimes -- what I'm noticing is a  
5     dangerous trend in this Legislature, which is that  
6     we are now amending legislation, or amending bills,  
7     or adding procedural weapons to these bills, and I  
8     really don't like it. We need to give the people  
9     the opportunity to be heard in court. There's no  
10    reason why this can't be heard in federal court.

11             And I understand there's a provision at the  
12    end of 1(c) that talks about this does not preclude  
13    any action being brought in federal court. But,  
14    actually, it's internally inconsistent to me, that  
15    provision of the bill and then the prior provision  
16    saying that you can't bring this in federal court.  
17    So I don't understand what we're doing here.

18             And I thank you, Rep Joseph, for this  
19    amendment, because you really are trying to hold us  
20    accountable and making sure that we are meeting with  
21    due process in a procedural way that we need to for  
22    the people of Florida.

23             So thank you for this. I'll be up on your  
24    amendment today.

25             MADAM SPEAKER: Additional debate?

1 Members, additional debate?

2 Representative Joseph, you're recognized to  
3 close on the amendment.

4 REPRESENTATIVE JOSEPH: Thank you, Madam  
5 Speaker. So the portion of the House bill that's an  
6 issue with the redistricting bill is it's a  
7 jurisdiction of federal courts. And it conflicts  
8 with the Voting Rights Act in 28 USC 1367, which  
9 provides supplemental federal jurisdiction over  
10 state law claims that are closely related to federal  
11 claims. It takes precedent. So the supremacy  
12 clause should control, and state law must concede to  
13 federal law, which states that federal courts have  
14 jurisdiction over these maps.

15 And as a practical matter, I know that  
16 there are few attorneys in the room, but state  
17 courts and federal courts are different. They just  
18 are. In terms of their susceptibility to a number  
19 of things -- and I'm not here to impugn the court,  
20 but there's a reason that we have these things in  
21 federal court. And as we're seeing these attacks  
22 that are being mounted on, you know -- effectively  
23 what we're complaining about, what the crux of a lot  
24 of folks are complaining about, is the delusion of  
25 these maps proposed by the Governor of black votes.



1 That's the underlying concern. So if we are  
2 decreasing representation based on the 14th  
3 Amendment -- so people may not be too familiar with  
4 the 14th Amendment, and I want to keep it tied to  
5 the reason for my amendment is there was a US  
6 Supreme Court case called Dred Scott. Some of you  
7 may not be familiar with it, but it held that the  
8 black man had no right that the white man had to  
9 accept. And that black people could never be  
10 citizens of these United States. That was basically  
11 the premise of that case. That led to the passage  
12 of a couple of things. But after the 13th  
13 Amendment, the United States thought that we were  
14 good. Slaves are free. But it wasn't so because  
15 the states who were resisting these new rights that  
16 were being exercised and allotted to black people  
17 were just not falling in line.

18 So Republicans, interestingly enough, led  
19 by Thaddeus Stevens at the time, who proposed the 14  
20 Amendment -- Republicans proposed the 14th Amendment  
21 to ensure that black people had all the privileges  
22 and immunities, had equal protection under the law  
23 that other folks did. It was really that simple.  
24 So the purpose of the 14th Amendment is to just make  
25 sure that we're equal.

1           And many of you may be familiar with the  
2   Three-fifths clause that exists in the Constitution,  
3   which counted black people as three-fifth of a  
4   person. Another thing the 14th Amendment did was  
5   take care of that. It made us a full person. So  
6   when I look at these maps who are trying to make  
7   people, black people, count as less --

8           MR. SPEAKER: Representative Joseph, your  
9   time has expired. I'll just give you a moment to  
10   conclude.

11           REPRESENTATIVE JOSEPH: Mr. Speaker, that's  
12   very kind. When I hear 14th amendment being used to  
13   make our voices and our representation be slashed by  
14   practically 50 percent, that's offensive to the  
15   whole point of the 14th amendment. And that  
16   Republican body recognizes it. And I hope at some  
17   point, these Republicans are Republicans because I  
18   don't think it's a Republican versus Democrat issue.  
19   This is not and doesn't need to be.

20           With that, I ask for your favorable support  
21   on this amendment to keep it in federal courts where  
22   it actually belongs. Thank you.

23           MR. SPEAKER: Representative Joseph having  
24   closed on her amendment, all in favor of adoption of  
25   amendment, say yea.

1 (Multiple yeas)

2 THE COURT: All opposed, no.

3 (Multiple nos)

4 THE COURT: Show the amendment fails.

5 Read the next amendment.

6 COURT CLERK: None on the desk, Mr. Speaker.

7 MR. SPEAKER: Read the next Bill.

8 COURT CLERK: By Representative Fine and  
9 others, House Bill 3C, a bill to be entitled "An Act  
10 relating to independent special districts."

11 MR. SPEAKER: Representative Fine, you're  
12 recognized to explain your bill.

13 REPRESENTATIVE FINE: Thank you,  
14 Mr. Speaker, and thank you for acknowledging my  
15 birthday earlier. Normally, I would be spending  
16 today at Disney World. I don't think that's going  
17 to be happening.

18 So with that, I'm pleased to present House  
19 Bill 3C. This is a very simple bill that would  
20 expire or sunset all special districts created  
21 before 1968 when the Florida Constitution was  
22 established on June 1st of next year. And that is  
23 the bill.

24 MR. SPEAKER: Members, we are in questions.

25 Representative Willhite.

1           REPRESENTATIVE WILLHITE: Okay. Will you  
2 recognize Representative Duran?

3           MR. SPEAKER: Representative Duran, you are  
4 recognized.

5           REPRESENTATIVE DURAN: Thank you,  
6 Mr. Speaker.

7           And, Representative, thank you for  
8 introducing this simple bill. I wanted to kind of  
9 ask you, give you just a little bit of insight into  
10 the necessity of this bill. You know, this is a  
11 special session. We are operating in -- not in  
12 regular hours. We're not meeting during a regular  
13 session. Oftentimes, when we use special sessions,  
14 it's for issues of time-sensitive nature. For  
15 instance, we just talked about congressional maps  
16 and redistricting, the necessity for us to get here  
17 to make sure that those maps are passed so that  
18 something can be passed and used during the next  
19 electoral cycle.

20           We have come here for COVID and to deal  
21 with the issues of restriction, which folks believed  
22 needed to be handled quickly. We've dealt with  
23 issues of passing our budget. And so those are  
24 critical issues with time-sensitive nature to them.

25           Can you, kind of, give me what is it about

1 HB 3C that makes it so important that we have to be  
2 here for a special session and discuss this issue?

3 MR. SPEAKER: Representative Fine.

4 REPRESENTATIVE FINE: Thank you,  
5 Mr. Speaker.

6 We didn't make the call for the special  
7 session, so it wasn't up to me what issues we  
8 discussed here in this session. But certainly, once  
9 that call was amended, -- gosh, was it yesterday?  
10 And then this became something that we were asked to  
11 take a look at. We came up with this bill, and we  
12 filed it.

13 Why, in general, is this a good idea to do  
14 now? I think when you kick the hornet's nest,  
15 sometimes issues arise, and we've seen that in other  
16 issues that I've worked on. When the hornet's nest  
17 got kicked, we realized that there were 133 special  
18 districts that were created before the Florida  
19 Constitution was passed in 1968. One hundred and  
20 twenty seven of those special districts in the  
21 previous 55 years did the right thing and chose to  
22 update themselves to be consistent with that 1968  
23 Constitution, which made some very large changes.  
24 Six did not. And as we dug into those six, part of  
25 the issue is those six special districts had all

1 sorts of wacky powers that none of us would ever  
2 vote for today. In part, because the 1968  
3 Constitution is what created -- which is something  
4 that I'm not a huge fan of -- all of this home rule  
5 power for local governments. And before that, local  
6 governments had to come here in order to do just  
7 about everything. And because of that, these very  
8 long pre-1968 charters for these special districts  
9 are constructed in a world that no longer exists.  
10 These six districts had 55 years to come back and  
11 get these things updated. Once we found the  
12 problem, we've come, and we've addressed it.

13 MR. SPEAKER: Representative Duran.

14 REPRESENTATIVE DURAN: Thank you,  
15 Mr. Speaker.

16 I appreciate that long extensive answer. I  
17 think at the beginning of that answer, you had said  
18 the Governor, I guess, made the call, and there is  
19 some problem. I didn't hear in the answer that  
20 there was a specific problem that was being --  
21 that's impacting Floridians right now, an emergency  
22 of some sort of situations or issue. But I did hear  
23 something, and I want to explore it a little bit  
24 with you.

25 You just sort of said that "when you poke"

1 -- I think you said yesterday, "When you poke the  
2 bear," and I think today you just said it, "When you  
3 kicked the hornet's nest." And I think yesterday,  
4 you also said, "When you kicked the bee's nest."  
5 What do you mean? What is that? Is that an action?  
6 Is somebody taking a specific action or something  
7 that I should -- you can elaborate a little bit more  
8 in detail here?

9 MR. SPEAKER: Representative Duran, I'm  
10 going to allow the question because Representative  
11 Fine did say it, so I think it's fair game. But I  
12 do want to keep our questions today on the substance  
13 of the bill.

14 Representative Fine, you're recognized.

15 REPRESENTATIVE FINE: Thank you. I'd  
16 answer it this way. Sometimes when an issue comes  
17 to the fore, you identify problems. So let me give  
18 you an analogy of something else that I worked on  
19 which was somewhat similar.

20 Several years ago, we realized that a  
21 university in the state of Florida had effectively  
22 stolen \$85 million and used it to do something that  
23 they shouldn't have done. As we dug into that  
24 issue, something we didn't expect to be dealing  
25 with, we learned the problem partly happened because

1 universities were sitting on billions of dollars of  
2 excess cash. The hornet's nest had been kicked.  
3 The issue arose to the service. We discovered a  
4 problem, and then we came and tackled it. That's  
5 what's happened here. The hornet's nest was kicked.  
6 The bee's nest was kicked. The bear was poked, I  
7 could probably come up with six or seven other  
8 analogies. But that happened. An issue came to the  
9 surface, we started taking a look at it, and we  
10 identified this issue.

11 THE COURT: Representative Duran.

12 REPRESENTATIVE DURAN: All right. I'm not  
13 trying to be cutesy here. I'm trying to understand  
14 --

15 MR. SPEAKER: Let's ask a question on the  
16 bill, okay?

17 REPRESENTATIVE DURAN: Thank you,  
18 Mr. Speaker.

19 I'm trying to get an answer. I think  
20 there's some level of specificity that I'm trying to  
21 get at it. We are here in a special session about  
22 special districts. Maybe that might be the reason  
23 this is being discussed right now, but we are  
24 eliminating specific special districts.

25 So let me do this. There are six special



1 districts that potentially will be eliminated  
2 because of the bill that you're proposing, the  
3 legislation that's in front of us. Can you walk me  
4 through what each one of these special districts'  
5 actions, may have been the emergency, or some  
6 situation of time-sensitive nature, maybe, you can  
7 identify as to why we need to take action right now,  
8 today?

9 MR. SPEAKER: Representative Fine.

10 REPRESENTATIVE FINE: Thank you. We don't  
11 have to take action today. We could choose to vote  
12 down the bills, but this was brought up in the call  
13 by the Governor as something that he wanted us to  
14 address. We are not targeting six special  
15 districts. We're actually targeting 100 percent of  
16 the special districts that failed over the last 55  
17 years to update themselves in order to be consistent  
18 with the 1968 Constitution.

19 I will tell you, again, as you kick the  
20 hornet's nest, one of those six districts was  
21 required by law to do that at some point in the last  
22 20 years and chose not to do that. It is not Reedy  
23 Creek, which would be your obvious question, but  
24 they were all asked to do it. And, interestingly,  
25 in the case of Reedy Creek, because you're

1 interested in that, I believe, they have, multiple  
2 times, gone out for special debt financing and other  
3 things where they've had multiple opportunities to  
4 do what 127 other special districts chose to do,  
5 which is update to that post 1968 constitutional  
6 world, and they did not.

7 Again, you kick the hornet's nest, issues  
8 rise up. I'm glad we're dealing with it right now.

9 MR. SPEAKER: Representative Duran.

10 REPRESENTATIVE DURAN: Thank you,  
11 Mr. Speaker.

12 So when I listened to your explanation  
13 yesterday and your answers right now, we keep  
14 saying, "When you kicked the hornet's nest" Who is  
15 "you" in this situation that we were talking about?

16 MR. SPEAKER: All right. Members, I'm  
17 going to -- Representative Fine, you can answer that  
18 question. We're six minutes inward, we are yet to  
19 get to the substance of the bill.

20 Representative Fine.

21 REPRESENTATIVE FINE: Sure. I'm not  
22 tending to be evasive. I mean, I think the issue of  
23 special districts arose around all of the media  
24 tension and subject to when Disney began speaking  
25 about bills that we actually hadn't passed in this

1 Legislature. And so I think that arose the issue of  
2 special districts. People went and started taking a  
3 look at them and they discovered these sorts of  
4 issues. I think that's what happens. When an issue  
5 rises to the surface, as I mentioned in the case of  
6 UCF, sometimes problems are found that should then  
7 be tackled. And obviously, in this case, the  
8 Governor of the state of Florida said, go and fix it  
9 this session, and this is our solution to do it.

10 MR. SPEAKER: Representative Duran.

11 REPRESENTATIVE DURAN: Thank you,  
12 Mr. Speaker.

13 All right. So let me ask you a question  
14 that I think will kind of helped me understand this.  
15 So the hornet's nest in the situation we're talking  
16 about, you keep explaining the reason why is, I  
17 guess, us or you. And what we're going to do here  
18 is eliminate -- what we're proposing to do is by  
19 June next year, if we do not take any other action  
20 and the Governor signs this bill, there will be six  
21 districts potentially who will be removed, special  
22 districts that will be eliminated. And I think if  
23 you could elaborate on what is the process then  
24 between now and then for those districts? Do you  
25 have any idea? Has there been any discussion

1 between you and the Governor's office as to what  
2 needs to be done or what the impact might be for  
3 those special districts in preparation for being  
4 dissolved?

5 MR. SPEAKER: Representative Fine.

6 REPRESENTATIVE FINE: Thank you.

7 And that is a great question relevant to  
8 the substance of the bill. So the bill says that  
9 these six special districts will be sunsetted on  
10 June 1st of next year. If they don't do something  
11 that frankly they should have done a long time ago,  
12 which is become consistent with the 1968  
13 Constitution, the process to do that -- some of them  
14 may say, look, we're good. We were created 55-plus  
15 years ago. No one's ever really thought about it.  
16 Maybe we don't need it anymore. That's certainly a  
17 possibility.

18 In the case of others, if they wanted, they  
19 can come to us. They would have a local bill  
20 filled. That local bill could be filed by any  
21 member of the Legislature. So I could, for example,  
22 file the bill to reconstitute the Reedy Creek  
23 Improvement District or any of the other ones. And  
24 then that bill would go through the local bill  
25 process, where the delegation in which that special

1 district would have to decide if they wanted it  
2 brought to the Legislature as a local bill. If they  
3 vote yes, it would come as a local bill, and then it  
4 would go through our legislative process the same  
5 way as any other local bill would. If it passed the  
6 House and the Senate, it would go to the Governor,  
7 and the Governor would sign it. That is the process  
8 to reconstitute these districts, as has been done  
9 127 other times over the past 55 years.

10 MR. SPEAKER: Representative Duran.

11 REPRESENTATIVE DURAN: Thank you,  
12 Mr. Speaker.

13 I just have one last final question, and I  
14 think in both your explanation yesterday, I heard  
15 you -- and I think, also in social media, you were  
16 kind of explaining the necessity for this bill. You  
17 had mentioned that Disney is a guest of the state.  
18 And set aside Disney, this idea of a company being a  
19 guest of state, can you explain to me what that  
20 means? Because I'm just kind of looking up the  
21 definition of guest, and understanding --

22 MR. SPEAKER: Representative Duran, can we  
23 ask the question on the substance of the bill?

24 You're recognized.

25 REPRESENTATIVE DURAN: Mr. Speaker -- yeah

1 -- and in all due respect, yes. And I think this is  
2 a part of the substance of the bill because we are  
3 taking action because of a particular company's  
4 actions, I would propose, and it's being promoted  
5 that way on social media. And I think if you are a  
6 company operating in the state of Florida, this  
7 potentially can impact your -- the way you operate,  
8 the way you decide to speak out or conduct  
9 yourselves. And so to my -- I'm just trying to get  
10 to the core essence of what we're dealing with here,  
11 and that's really why I'm trying to get him to give  
12 me some more information for it.

13 MR. SPEAKER: I totally understand,  
14 Representative Duran, why you're asking the  
15 question. I think, obviously, I expect you're going  
16 to address that issue eloquently in debate tomorrow.  
17 Today, in questions, we've got 34 minutes, and I  
18 want to have opportunities for folks to ask  
19 questions like the one you just asked, which is  
20 about the mechanics of this bill and how it impacts  
21 special districts and so forth. You're recognized.

22 REPRESENTATIVE DURAN: Back to  
23 Representative Willhite.

24 MR. SPEAKER: Representative Willhite,  
25 you're recognized.

1 REPRESENTATIVE WILLHITE: Mr. Speaker,  
2 would you recognize Representative Hinson?

3 MR. SPEAKER: Representative Hinson, you're  
4 recognized.

5 REPRESENTATIVE HINSON: Thank you,  
6 Mr. Speaker. I was a little surprised and caught  
7 off guard, but thank you.

8 Representative Fine, we're back at it again  
9 today. How many jobs will be lost by the  
10 elimination of this district?

11 MR. SPEAKER: Representative Fine.

12 REPRESENTATIVE FINE: Thank you,  
13 Mr. Speaker.

14 That will be a decision of the local  
15 governments that get the districts, should that  
16 happen, using their home rule authority, which is  
17 something I've thought, in the back rows, you all  
18 seem to like.

19 MR. SPEAKER: Representative Hinson.

20 REPRESENTATIVE HINSON: I think, yesterday  
21 you said 80,000. Part of those job losses will  
22 include the Reedy Creek firefighters. What will  
23 happen to them, do you know?

24 MR. SPEAKER: Representative Fine.

25 REPRESENTATIVE FINE: Thank you,

1 Mr. Speaker.

2 I'm going to do many things today. I'm not  
3 going to allow my words to be misstated. What I  
4 said yesterday, when you incorrectly asked how many  
5 jobs worked for Disney and said 10,000, and I  
6 corrected you. And I said 80,000. None of those  
7 80,000 work for the Reedy Creek Improvement  
8 District.

9 That said, to try to answer your question,  
10 there are 382 employees of the Reedy Creek  
11 Improvement District, and what happens to those  
12 employees will be the decision of the local  
13 governments using their home rule powers to do what  
14 they think best.

15 MR. SPEAKER: Representative Hinson.

16 REPRESENTATIVE HINSON: Thank you so much  
17 for that final answer. We have to wait for the  
18 different counties to decide, the local authority?  
19 By that, you mean the two counties or three counties  
20 that these areas govern?

21 MR. SPEAKER: Representative Fine.

22 REPRESENTATIVE FINE: Ah, there we go.  
23 Some of you might have been happy about that. So  
24 that will be a decision -- first off, there's many  
25 decisions. The folks behind Reedy Creek may seek to



1 bring their charter up into compliance with the 1968  
2 constitution. If they do that, that will be a  
3 discussion that happens, you know, over the next  
4 year or so. Should that not happen, should they not  
5 seek to renew or should the Legislature and the  
6 Governor not renew it, under Florida law, those  
7 assets and liabilities and everything else would  
8 transfer to those local governments.

9 In this specific case of Reedy Creek,  
10 because I know that's the one you're interested in -  
11 - and I'm happy to talk about any of the six. Reedy  
12 Creek actually is spread across four local  
13 governments. There is a portion South of Osceola  
14 Orange County line, and then there's a portion north  
15 of the Osceola Orange County line. That portion  
16 north of the Osceola Orange County line actually has  
17 unincorporated Orange County, as well as two cities,  
18 the City of Bay Lake, Florida, and the City of Lake  
19 Buena Vista, Florida. It will be up to Orange  
20 County again, using those glorious home rule powers  
21 to make a decision about how they split that between  
22 them and those two cities?

23 MR. SPEAKER: Representative Hinson.

24 REPRESENTATIVE HINSON: Thank you so much.  
25 Thank you so much for that answer.

1           Yesterday, you had not talked to any of  
2 those counties, but you said you would do it right  
3 after the meeting. Have you had an opportunity to  
4 talk to those counties?

5           MR. SPEAKER: Representative Fine.

6           REPRESENTATIVE FINE: Thank you,  
7 Mr. Speaker.

8           Again, that was not what I said yesterday.  
9 I think I was asked have I spoken to voters and  
10 things like that. I had spoken to -- prior to the  
11 meeting, a representative of one of the two counties  
12 had reached out to me prior to the meeting to ask  
13 questions. I had that conversation yesterday. I've  
14 not had any additional conversation since.

15          MR. SPEAKER: Representative Hinson.

16          REPRESENTATIVE HINSON: Thank you,  
17 Mr. Speaker.

18          Does this movement require a referendum?

19          MR. SPEAKER: Representative Fine.

20          REPRESENTATIVE FINE: Thank you,  
21 Mr. Speaker.

22          It does not.

23          MR. SPEAKER: Representative Hinson.

24          REPRESENTATIVE HINSON: I believe it does,  
25 and I believe this violates the Constitution.

1     However, from the proclamation, it says it is  
2     necessary to review such independent special  
3     districts to ensure that they are appropriately  
4     serving the public interest. So what example do you  
5     have that this special district is not appropriately  
6     serving the public interest?

7             MR. SPEAKER: Representative Fine.

8             REPRESENTATIVE FINE: Thank you,  
9     Mr. Speaker.

10            I reject the premise of the question. That  
11     is not what the statute says.

12            MR. SPEAKER: Representative Hinson.

13            REPRESENTATIVE HINSON: Repeat that,  
14     please?

15            MR. SPEAKER: I think he said it's not what  
16     the statute says.

17            REPRESENTATIVE HINSON: I'm sorry, sir?

18            MR. SPEAKER: He said it's not what the  
19     statute says.

20            REPRESENTATIVE HINSON: It's not what the  
21     statute said. I heard.

22            So one final question. We have kicked the  
23     bear or kicked the hornet's nest. Someone has. Do  
24     we care about the consequences of this action we're  
25     taking today?

1 MR. SPEAKER: Representative Fine.

2 REPRESENTATIVE FINE: Thank you,  
3 Mr. Speaker.

4 We do, which is why these aren't sunsetted  
5 immediately. They're sunsetted in June 1st of next  
6 year. So there's the ability to have a discussion  
7 about how to deal with this over the next year. It  
8 also provides those local governments, if they  
9 choose not to get these special districts  
10 reinstated, time to come up with a plan for how to  
11 handle it. If it was a knee-jerk reaction, we would  
12 just say they're gone today. So people have between  
13 now and June 1st, which I would note is after next  
14 year's regular session, to figure out those things.

15 MR. SPEAKER: You have a follow up,  
16 Representative Hinson?

17 REPRESENTATIVE HINSON: My final question  
18 and comment is I believe it is a knee-jerk reaction.  
19 I came back here to deal with constitutional maps.

20 Thank you, Mr. Speaker.

21 MR. SPEAKER: Members, just as a reminder,  
22 tomorrow is debate on this bill. I'd ask you not to  
23 have biting comments in your responses to questions,  
24 or in your questions, or in your responses to  
25 answers to questions. I'm sure we'll have a great

1 opportunity for all of us to do that tomorrow to  
2 your heart's content. However, today is about  
3 questions on the substance of the bill.

4 Representative Willhite.

5 REPRESENTATIVE WILLHITE: Thank you,  
6 Mr. Speaker. Will you recognize Representative  
7 Thompson?

8 MR. SPEAKER: Representative Thompson,  
9 you're recognized.

10 REPRESENTATIVE THOMPSON: Thank you,  
11 Mr. Speaker.

12 Representative Fine, you indicated a few  
13 minutes ago that the responsibilities of the special  
14 districts would then move to local government. And  
15 in the case of Reedy Creek, they manage flood  
16 control, utilities, roadways, emergency services,  
17 pest control, parking, conservation, they build  
18 public roads, transportation, bridges. What is the  
19 cost to local government now to support those kind  
20 of operations?

21 MR. SPEAKER: Representative Fine.

22 REPRESENTATIVE FINE: Thank you,  
23 Mr. Speaker.

24 I'm going to try to answer that question in  
25 a different way. Last year, Reedy Creek spent about

1 \$178 million operating itself, raising the money  
2 from Reedy Creek. One of the options that will be  
3 available to those local governments, should they  
4 choose to do that using their home rule authority,  
5 would be to create an MSTU that would purely  
6 replicate this exact same structure at no cost to  
7 the taxpayers. They could redo it exactly how it's  
8 being done today, except they would have the home  
9 rule control. We would be de-preempting effectively  
10 this special district from being under the auspices  
11 of those two counties and those two cities.

12 MR. SPEAKER: Representative Thompson.

13 REPRESENTATIVE THOMPSON: Thank you,  
14 Mr. Speaker.

15 Representative Fine, speaking of the  
16 taxpayer, what would be the cost, the additional  
17 cost for Floridians and taxpayers if Reedy Creek did  
18 not fund the kind of services that I described  
19 earlier?

20 MR. SPEAKER: Representative Fine.

21 REPRESENTATIVE FINE: Thank you,  
22 Mr. Speaker.

23 I mean, that's sort of a hypothetical  
24 question, but I would answer with a hypothetical  
25 answer. If the four local governments using their

1 home rule authority wish to continue having those  
2 functions, continue using the funds that exist  
3 today, they would be able to do that. And so the  
4 answer would be zero.

5 MR. SPEAKER: Representative Thompson.

6 REPRESENTATIVE THOMPSON: Thank you,  
7 Mr. Speaker. And this is my final question.

8 We many times give incentives for companies  
9 to move to Florida. Do you perceive this to be a  
10 disincentive for Reedy Creek, for Disney to stay in  
11 Florida rather than move someplace else?

12 MR. SPEAKER: Representative Fine.

13 REPRESENTATIVE FINE: Thank you,  
14 Mr. Speaker.

15 I don't mean to be flippant, but I don't  
16 think it'd be really easy to put, you know,  
17 Cinderella's Castle on a truck and drive it  
18 somewhere else. That said, I don't think this  
19 Legislature would ever allow another company to  
20 independently govern itself as Disney was allowed in  
21 1967. So as the universe of companies that are  
22 allowed to self-govern is one, and it hasn't  
23 happened in the last 55 years. And I don't see it  
24 happening again. I don't think so. In fact, I  
25 think one could argue it could be good from a

1 business development perspective.

2 So, for example, Disney has competitors  
3 that do not enjoy these same special privileges -for  
4 example, Universal. Disney has four theme parks;  
5 Universal has three. Universal doesn't get to  
6 create the Jurassic Park Improvement District to  
7 govern itself. They have to abide by the laws of  
8 the cities and the counties where they exist.

9 So to some degree, outside companies might  
10 say, oh, good, a special privilege that's extended  
11 to one of my competitors no longer exists. We're  
12 all on the exact same playing field.

13 MR. SPEAKER: Representative Thompson.

14 REPRESENTATIVE THOMPSON: Thank you,  
15 Mr. Speaker.

16 And Representative Fine, Cinderella's  
17 Castle has existed. They just celebrated 50 years,  
18 and bring people from throughout the world to  
19 Central Florida. And the example that you used is  
20 that you don't have other districts that govern  
21 themselves; is that correct?

22 MR. SPEAKER: Representative Fine.

23 REPRESENTATIVE FINE: Thank you,  
24 Mr. Speaker.

25 No. That was not what I said. This Reedy



1 Creek Improvement District is the only example where  
2 we effectively allow a company to self-govern. We  
3 don't say to Harris Corporation, which is one of the  
4 larger employers in my district, you can have the  
5 Harris Corporation Improvement District and govern  
6 yourself. We don't say to Amazon or we don't say to  
7 Universal or any other large employer, you can  
8 create your own self-governing unit. This is a  
9 unique situation for a single company that has  
10 competitors that do not benefit from those same  
11 provisions that they do.

12 MR. SPEAKER: Representative Thompson.

13 REPRESENTATIVE THOMPSON: Thank you,  
14 Mr. Speaker.

15 I represent the area where Disney is  
16 located. It's the largest employer in Central  
17 Florida. Is this a job-killing bill?

18 MR. SPEAKER: Representative Fine.

19 REPRESENTATIVE FINE: Thank you,  
20 Mr. Speaker.

21 I don't believe so. I mean, the services,  
22 the functions will still continue. They'll just be  
23 part of the local government. Again, I would  
24 believe that those advocates of home rule would  
25 think that this would be a real big benefit.

1 Because now, instead of some big faceless company  
2 being able to govern itself, we'd have local control  
3 and local politicians who know their communities  
4 best, who would be able to really make sure things  
5 are being governed in the best way possible.

6 So for those advocates who constantly come  
7 in here talking about the benefits of home rule, I  
8 would think this would be a huge benefit for the  
9 area, because now we would be giving a whole lot of  
10 power back to those four municipalities to govern  
11 appropriately.

12 MR. SPEAKER: Representative Thompson.

13 REPRESENTATIVE THOMPSON: Thank you,  
14 Mr. Speaker.

15 And, Representative Fine, how long, in your  
16 understanding, would it take for a local government  
17 to figure all of this out, whereas Disney's had over  
18 50 years to perfect the operations that they  
19 currently are responsible for?

20 MR. SPEAKER: Representative Fine.

21 REPRESENTATIVE FINE: Thank you,  
22 Mr. Speaker.

23 And sort of not to be nuanced about it, but  
24 Reedy Creek Improvement District is separate.  
25 Disney doesn't run it. It is an independent

1 district. You're talking about 382 employees, the  
2 overwhelming majority, which by the way work for the  
3 fire department. So the amount of things that would  
4 have to be figured out over the next year is truly  
5 not all that great. I believe a year would be  
6 certainly adequate in order to do that.

7 MR. SPEAKER: Representative Willhite.  
8 Representative Willhite.

9 REPRESENTATIVE WILLHITE: Thank you,  
10 Mr. Speaker. Do you recognize Representative  
11 Gottlieb?

12 MR. SPEAKER: Representative Gottlieb,  
13 you're recognized. Any questions?

14 REPRESENTATIVE GOTTLIEB: Thank you,  
15 Mr. Speaker.

16 Rep Fine, I just have one question. Can  
17 you tell me who authored this bill?

18 MR. SPEAKER: Representative Fine.

19 REPRESENTATIVE FINE: Thank you,  
20 Mr. Speaker.

21 It's my name on the top. It's my bill.

22 MR. SPEAKER: Representative Willhite.

23 REPRESENTATIVE WILLHITE: Would you  
24 recognize Representative Smith?

25 MR. SPEAKER: Representative Smith.

1           REPRESENTATIVE SMITH: Thank you,  
2 Mr. Speaker.

3           Chair Fine, yesterday you said in committee  
4 on your closing remarks, you got me on one thing.  
5 This bill does target one company, well, Disney  
6 World.

7           So my question is: why not just name the  
8 Reedy Creek District in the bill since they are the  
9 target. Is that not legal? And did you have to  
10 write it as a general law to void your bill being  
11 declared invalid?

12           MR. SPEAKER: Representative Fine.

13           REPRESENTATIVE FINE: Thank you,  
14 Mr. Speaker.

15           The reason for that -- the reason I made  
16 that statement in committee is because this bill  
17 does affect 100 percent of the companies that are  
18 allowed to self-govern in the state of Florida.  
19 There is only one. There's not one of ten. There's  
20 one of one, so 100 percent of the companies in that  
21 situation are being affected. I think the issue is  
22 this pre 1968 issue is a legitimate issue.

23           One of these other five special districts  
24 has the right to tell property owners that live five  
25 miles outside the border of their special district

1 what they can do with their land. I mean, I want  
2 you to understand that you don't live in the special  
3 district. You don't have any say. You don't pay  
4 taxes. You don't get to vote for the people that  
5 are in charge. But because you live 4.7 miles away,  
6 that special district can tell you what you can do  
7 with your land. That's not in Reedy Creek. That's  
8 in another one of these. So there are odd things  
9 that exist in all six of these pre-constitution  
10 charters that we are saying need to be taken a look  
11 at over the next year.

12 MR. SPEAKER: Representative Smith.

13 REPRESENTATIVE SMITH: Thank you,  
14 Mr. Speaker.

15 Chair Fine, you disacknowledged that the  
16 other six special districts are caught up in it.  
17 Are they just, I guess, a casualty of this vendetta  
18 against Disney? Or did they also kick a hornet's  
19 nest as well, and that's why we're targeting them in  
20 general law?

21 MR. SPEAKER: I think the last answer is  
22 responsive to that. Do you have additional --

23 Representative Fine, you're recognized.

24 REPRESENTATIVE FINE: Thank you,  
25 Mr. Speaker.

1           I reject the premise of the question.  
2    Again, what we were looking into were special  
3    districts, and we found that there were issues in  
4    all of them. The analogy I would use again -- I've  
5    used the UCF analogy. I will use it again. When we  
6    had the issue with the misappropriation of \$85  
7    million at UCF, we recognized that this was a  
8    problem at all 12 of our state universities and 28  
9    colleges. So we didn't just address the funding  
10   issues that we found at UCF. We addressed them in  
11   all of them.

12           That hornet's nest, again, the theft of \$85  
13   million kicked a hornet's nest that made us  
14   recognize there was an issue that was broader, and  
15   we went and tackled it. We're doing the same thing  
16   here.

17           MR. SPEAKER: Representative Smith.

18           REPRESENTATIVE SMITH: Thank you,  
19   Mr. Speaker.

20           Thank you, Chair Fine, for explaining it in  
21   that way because you're mentioning UCF and the  
22   justification there. What did Disney do? Did they  
23   violate any kind of state-issued guidance? Did they  
24   break the law, or did they just hurt your feelings?

25           MR. SPEAKER: You don't have to answer

1 that, Representative Fine.

2 Representative Smith, do you have a  
3 question on the bill? You're recognized.

4 REPRESENTATIVE SMITH: Thank you,  
5 Mr. Speaker.

6 And with all due respect, this is crafted  
7 specifically on the bill which has been declared  
8 repeatedly as being motivated by political  
9 retaliation and retribution.

10 So my question here, Chair Fine, is you  
11 mentioned before, Harris Corporation, you know, the  
12 reason we're not going after them is they don't  
13 govern themselves. Fair, but also I suppose they  
14 didn't kick the hornet's nest. So if the Harah's  
15 Corporation begins standing up for trans-kids, would  
16 you craft a bill to punish them as well?

17 MR. SPEAKER: Representative Smith, that is  
18 not on the substance of the bill. I anticipate that  
19 you're going to have opportunity tomorrow to debate  
20 and raise all the issues that you'd like to raise,  
21 but today, this is about questions on the substance  
22 of the bill. Do you have a question on the  
23 substance and mechanics of the bill? You're  
24 recognized.

25 REPRESENTATIVE SMITH: No. Thank you,

1 Mr. Speaker. The answers are very clear. No  
2 further questions.

3 MR. SPEAKER: Representative Willhite

4 REPRESENTATIVE WILLHITE: Do you recognize  
5 Representative Bartleman?

6 MR. SPEAKER: Representative Bartleman,  
7 you're recognized.

8 REPRESENTATIVE BARTLEMAN: Thank you,  
9 Mr. Speaker.

10 I have a serious concern about the \$2  
11 billion worth of debt that this special district  
12 has. Will that debt then be passed on to the two  
13 counties that are taking over this special  
14 district's responsibilities?

15 MR. SPEAKER: Representative Fine.

16 REPRESENTATIVE FINE: Thank you,  
17 Mr. Speaker.

18 As I've reviewed their financial statements  
19 of \$1.1 billion in debt but to answer your specific  
20 question, this is what happens in statute when a  
21 special district is dissolved. We have 1800 of  
22 them, and what happens is all assets and all  
23 liabilities are given back to the local governments,  
24 but as is the ability to raise the revenues that  
25 those special district previously had done.



1           So, yes, they will assume -- somehow those  
2 four districts will assume that \$1.1 billion, but  
3 they will also have the ability to gain and recoup  
4 the revenues that previously were paying for that  
5 debt. And in theory, they will be made whole.

6           MR. SPEAKER: Representative Bartleman.

7           REPRESENTATIVE BARTLEMAN: Thank you,  
8 Mr. Speaker.

9           Are you concerned about compounding that  
10 debt unto those counties' existing debt and how that  
11 will impact the bond rating of those counties and  
12 their ability to go forth with other projects that  
13 are important to their citizens?

14          MR. SPEAKER: Representative Fine.

15          REPRESENTATIVE FINE: Thank you,  
16 Mr. Speaker.

17           I'm not, and this actually goes to -- I  
18 actually know something about it instead of  
19 politics. The revenue stream it uses to support  
20 those bonds is very stable, and so any bond rating  
21 agency would acknowledge that when they're thinking  
22 through the bond. These bonds do not have a lot of  
23 risk in general.

24          MR. SPEAKER: Representative Bartleman.

25          REPRESENTATIVE BARTLEMAN: Thank you,

1 Mr. Speaker.

2 Hypothetically, is it possible that Disney,  
3 who you claim clicked the hornet's nest, could, like  
4 any other industry in Florida, be afraid to operate  
5 in Florida now because of retribution, because they  
6 believe something different, and pack up their toys  
7 and walk away, thus leaving --

8 There are many scenarios. They could stop  
9 investing in that area. They could build another  
10 park somewhere else that would be their main park.  
11 Then they leave, and the revenues are not there,  
12 thus strapping those taxpayers with a private  
13 companies' debt. And we're on the hook for  
14 everything because if I was a company like Disney,  
15 if there was a way, I would find a way to pack up my  
16 toys and walk away after this.

17 MR. SPEAKER: Representative Fine.

18 REPRESENTATIVE FINE: Thank you,  
19 Mr. Speaker.

20 Again, I think in the case of the situation  
21 you're talking about, this is sort of an  
22 impossibility to do. However, again, what I would  
23 note is if it requires special treatment, the  
24 ability to self-govern in order to recruit a company  
25 to operate in Florida, I think we have much bigger

1 problems. As I said before, by eliminating, should  
2 that be what happens, special privileges from one  
3 company to operate in a competitive marketplace,  
4 you're actually opening up the market for the  
5 existing competitors and potentially new ones.

6 I would argue you could make a case that  
7 other theme park companies might go great. The  
8 deck's not stacked against me. I'm going to build a  
9 theme park in Florida. So I think you could make  
10 the argument the other way just as well because  
11 again, what we're talking about are special  
12 privileges that no other company in the state of  
13 Florida enjoys.

14 MR. SPEAKER: Representative Willhite

15 REPRESENTATIVE WILLHITE: Do you recognize  
16 Representative Arrington?

17 MR. SPEAKER: Representative Arrington,  
18 you're recognized.

19 REPRESENTATIVE ARRINGTON: Thank you,  
20 Mr. Speaker.

21 Chair Fine, do you know how many active  
22 construction projects are currently going in Reedy  
23 Creek?

24 MR. SPEAKER: Representative Fine.

25 REPRESENTATIVE FINE: Thank you,

1 Mr. Speaker.

2 I don't know the exact number, but I know  
3 that it is substantial.

4 MR. SPEAKER: Representative Arrington.

5 REPRESENTATIVE ARRINGTON: Thank you,  
6 Mr. Speaker.

7 And, Chair Fine, do you know what will  
8 happen to these jobs and these projects if this bill  
9 passes?

10 MR. SPEAKER: Representative Fine.

11 REPRESENTATIVE FINE: Thank you,  
12 Mr. Speaker.

13 Nothing for the next year, but then it will  
14 be up to those, you know, great in-touch-with-the-  
15 community local politicians who will use their home  
16 rule authority to manage things best as opposed to  
17 this unaccountable-to-voter special district where  
18 the Legislature has preempted those outstanding  
19 local elected officials from doing their jobs.

20 MR. SPEAKER: Representative Arrington.

21 REPRESENTATIVE ARRINGTON: Thank you,  
22 Mr. Speaker.

23 And I believe you answered those before but  
24 I just want to check. So those local governments  
25 that are so excited to take on these projects, have

1 you spoken to them, and have they voiced those  
2 opinions to you?

3 MR. SPEAKER: Representative Fine.

4 REPRESENTATIVE FINE: Thank you,  
5 Mr. Speaker.

6 As I said before, one of the four  
7 municipalities has reached out to me, and I have  
8 spoken to them.

9 MR. SPEAKER: Representative Arrington.

10 REPRESENTATIVE ARRINGTON: Thank you,  
11 Mr. Speaker.

12 And, Chair Fine, do you mind sharing that  
13 conversation or what their feedback was. Were they  
14 in support of this legislation?

15 MR. SPEAKER: Representative Fine.

16 REPRESENTATIVE FINE: Thank you,  
17 Mr. Speaker.

18 I don't mind sharing it. It was a lobbyist  
19 for one of the four, and they really were just  
20 calling to ask questions. I mean, it wasn't the  
21 elected officials themselves. And, again, there's  
22 opportunity over the next year to have those  
23 discussions. The idea isn't -- half the bill speaks  
24 to the idea of re-chartering should these local  
25 elected officials in these special districts wish to

1 continue to go down this path.

2 MR. SPEAKER: Representative Arrington.

3 REPRESENTATIVE ARRINGTON: Thank you,  
4 Mr. Speaker.

5 So I just want to clarify then. So our  
6 local governments elected officials or the folks  
7 that are employed there, they have not been reached  
8 out to or that have not discussed this with you?

9 MR. SPEAKER: Representative Arrington, I  
10 think he's now answered that several times. You  
11 have additional questions?

12 REPRESENTATIVE ARRINGTON: Thank you,  
13 Mr. Speaker. I just have one more, please.

14 Then, Chair Fine, do you know would these  
15 roads then, should this bill pass, will they become  
16 county or state roads that are inside of Reedy  
17 Creek?

18 MR. SPEAKER: Representative Fine.

19 REPRESENTATIVE FINE: Thank you,  
20 Mr. Speaker.

21 As would happen in any dissolution of a  
22 special district, those assets would be transferred  
23 to those four municipalities. All of the roads that  
24 will be south of the Osceola-Orange County line  
25 would become Osceola County roads. All of the roads

1 north of the Osceola-Orange County line would be up  
2 to Orange County, using their home rule powers to  
3 decide whether they want them to be county roads, or  
4 in the case of the roads in Bay Lake, Florida, and  
5 Lake Buena Vista, Florida, do they want those roads  
6 to become city roads. But that will be one of great  
7 home rule decisions that they get to make.

8 MR. SPEAKER: Representative Willhite.

9 REPRESENTATIVE WILLHITE: Could you  
10 recognize Representative Daley.

11 MR. SPEAKER: Representative Daley, you're  
12 recognized.

13 REPRESENTATIVE DALEY: Thank you,  
14 Mr. Speaker.

15 And good afternoon, Representative Fine, I  
16 think you know or may know over the last couple of  
17 years, I've actually worked pretty extensively -- I  
18 know Chair Toledo knows this -- on reforming special  
19 districts particularly as it relates to four of my  
20 districts.

21 As a matter of fact, one of those four is  
22 on the chopping block here. So I guess what I ask  
23 is, you know, you keep mentioning, well, this has,  
24 you know, happened since the whatever it is, 1968.  
25 So if that's the case and it's been going on for

1 that long, why the urgency? Is the urgency is  
2 simply because the hornet's nest was kicked that all  
3 of a sudden, we've have this brainstorm of good  
4 idea, and we need to ram it through during the  
5 special session so much so we added it to the call?  
6 And now we're before special session?

7 MR. SPEAKER: Representative Daley,  
8 Representative Fine has already answered that  
9 question a number of times specifically from  
10 Representative Duran. You're recognized.

11 REPRESENTATIVE DALEY: Thanks, Mr. Speaker,  
12 and so that's fine.

13 So to go in that same direction then, I  
14 guess, what did the Sunshine Water Control District  
15 do to kick the hornet's nest? Was that just  
16 collateral damage?

17 MR. SPEAKER: Representative Fine has also  
18 answered that question, but since it was specific to  
19 a particular district, do you want to say anything  
20 about that particular district, Representative Fine?

21 REPRESENTATIVE FINE: Thank you.

22 I think the issue for that district would  
23 be, again, over the last 55 years. And I should  
24 check. They may be the one that broke the law. One  
25 of the other five did. I just don't remember which



1 one. But they haven't done what a 127 other special  
2 districts have done, which is modernize their  
3 charter to be consistent with that constitution of  
4 1968. That is the issue that we uncovered.

5 Again, the hornet's nest is kicked. You  
6 say what's going on? You start taking a look, and  
7 you go, oh, my gosh. There is an issue. I don't  
8 subscribe to the notion that you should kick the can  
9 down the road when you find a problem. We found a  
10 problem. The Governor wanted to address in a call,  
11 so we're getting it done. And by the way, by doing  
12 it now, we're giving them more time to figure out  
13 how to resolve this before June 1st of next year.

14 MR. SPEAKER: Representative Daley.

15 REPRESENTATIVE DALEY: Thank you,  
16 Mr. Speaker.

17 And thank you for that answer. You know,  
18 Chair Fine, quick question. And it goes, you know,  
19 based on the substance of the bill and based on your  
20 own explanation, if this body doesn't act, if this  
21 bill goes through and passes and this body doesn't  
22 act -- or the local bill, they get filed and  
23 everybody doesn't move for one reason or another.  
24 Maybe it's politics. Maybe it's policy, whatever  
25 the reason. If that plays out, you've already said

1 that all of the assets and the liabilities will be  
2 transferred to the local government. So based on  
3 the substance of the bill, have you considered  
4 renaming this bill The Central Florida Tax Increase  
5 Act Of 2022?

6 MR. SPEAKER: The question about the  
7 substance of the bill. The question about renaming  
8 it is not about the substance of the bill. You have  
9 a question?

10 REPRESENTATIVE DALEY: Well, I have five  
11 other name ideas, Mr. Speaker, but I guess I'll hold  
12 them for later.

13 MR. SPEAKER: I'm sure we'll hear them in  
14 debate.

15 Additional questions?

16 Representative Willhite.

17 REPRESENTATIVE WILLHITE: Thank you,  
18 . Speaker.

19 Do you recognize Representative Woodson?

20 MR. SPEAKER: Representative Woodson, you  
21 are recognized.

22 REPRESENTATIVE WOODSON: Thank you,  
23 Mr. Speaker.

24 Chair Fine, I know you answered some of my  
25 questions yesterday, but I have one for point of

1 clarification, actually. Regarding the \$1.1 billion  
2 debt that Rep Bartleman mentioned, you stated that  
3 government has the ability to pick that up, right,  
4 if they picked up the services; is that correct?

5 MR. SPEAKER: Representative Fine.

6 REPRESENTATIVE FINE: Thank you.

7 On the Florida statute, any assets and any  
8 liabilities of the special district that is  
9 dissolved get reverted to the local governments  
10 where the special districts are. In the case of  
11 Reedy Creek, that \$1.1 billion would be allocated to  
12 those two counties and those two cities.

13 MR. SPEAKER: Representative Woodson.

14 REPRESENTATIVE WOODSON: Thank you,  
15 Mr. Speaker.

16 And you also mentioned that they have the  
17 ability to raise the revenues; is that correct?

18 MR. SPEAKER: Representative Fine.

19 REPRESENTATIVE FINE: Thank you,  
20 Mr. Speaker.

21 Sure. They could create a municipal --  
22 MSTU that would replicate the revenue structure that  
23 Reedy Creek is doing right now and generate those  
24 revenues that are necessary to handle that debt  
25 obligation. Again, we're going to trust those great

1 local officials to use their home rule powers to run  
2 this territory, that the Legislature had prevented  
3 them from doing, preempting their ability to do that  
4 for 55 years.

5 MR. SPEAKER: Representative Woodson.

6 REPRESENTATIVE WOODSON: Thank you,  
7 Mr. Speaker.

8 And, Rep Fine, if they raised the revenues,  
9 who do you anticipate to pick up those revenues, if  
10 not the taxpayers?

11 THE SPEAKER: Representative Fine.

12 REPRESENTATIVE FINE: Thank you,  
13 Mr. Speaker.

14 There are taxpayers that are paying the  
15 revenues today. If they structured the MSTU in a  
16 certain way, it would be the same taxpayers that are  
17 paying those taxes today. Those monies aren't  
18 generated, like out of the air. There are taxpayers  
19 that are paying the taxes to the Reedy Creek  
20 Improvement District today. Again, if using their  
21 home rule powers, these local politicians who've  
22 been preempted for more than 50 years thought this  
23 was the right thing to do. They could set up the  
24 MSTU to have those same taxpayers continue to pay  
25 those same taxes.

1 MR. SPEAKER: Rep Woodson.

2 REPRESENTATIVE WOODSON: And thank you,  
3 Mr. Speaker, for the indulgence. I really  
4 appreciate this.

5 Rep Fine, my question to you. At this time  
6 now where we have people in our communities,  
7 taxpayers in our communities who can't afford to  
8 even put food on their table, is that the right  
9 thing to do at this time?

10 MR. SPEAKER: Representative Fine.

11 REPRESENTATIVE FINE: Thank you,  
12 Mr. Speaker.

13 There's nothing about this bill that would  
14 require assuming, again, any of these special  
15 districts were not renewed. They would require a  
16 different taxpayer to begin to be paying anything  
17 again. If you believe, as I hear all the time, that  
18 we should trust local elected officials to do what's  
19 best for their local communities, they will make  
20 those decisions for what is best, again, getting rid  
21 of the yoke of 50 years of preemption by the state  
22 of Florida.

23 MR. SPEAKER: Representative Woodson.

24 REPRESENTATIVE WOODSON: Thank you,  
25 Mr. Speaker, and this would be my last question.

1           In light of the fact, Chair Fine, that this  
2 was done so quick -- we got the bill yesterday, and  
3 no one had the time to really vet anything in the  
4 bill -- would that be fair to us to really take the  
5 time to give the taxpayers more time to vet this  
6 process in order for you to come up with this bill?

7           Thank you, Mr. Speaker.

8           MR. SPEAKER: Representative Fine.

9           REPRESENTATIVE FINE: Thank you,  
10 Mr. Speaker.

11           The bills aren't very long, so it doesn't  
12 take very long to read. Again, what I would say is  
13 the half of the bill deals with the explicit notion  
14 of seeking reauthorization prior to June 1 next  
15 year. You can make -- you can have the belief,  
16 because it's true that there will be an ongoing  
17 discussion over the next year, I would presume, with  
18 these six special districts and their legislators  
19 and the Legislature in general about the right path  
20 forward. It does not say these are going to be  
21 sunsetted, and there is nothing that can be done  
22 about it. It says these 6 are going to do the exact  
23 same thing the 127 have done before it, which is  
24 come into consistency with the 1968 constitution.

25           MR. SPEAKER: Representative Willhite.

1           REPRESENTATIVE WILLHITE: Do you recognize  
2 Representative Learned?

3           MR. SPEAKER: Representative Learned,  
4 you're recognized.

5           REPRESENTATIVE LEARNED: Thank you,  
6 Mr. Speaker.

7           And thank you, Representative. You know, a  
8 couple of months ago, three weeks, I guess, we  
9 passed the Local Business Protection Act. And if I  
10 remember quoting the bill sponsored that day, he  
11 said that it was passed because of punitive actions  
12 and overreaches of big government. And it basically  
13 says, when a government -- a big government does  
14 something that punishes a business or hurts a  
15 business, they're able to sue and recoup 15 percent  
16 of their business losses. My question is: are we  
17 going to be liable for 15 percent of Disney's global  
18 losses if that happens?

19           MR. SPEAKER: Representative Fine.

20           REPRESENTATIVE FINE: Thank you,  
21 Mr. Speaker.

22           I'm not familiar enough with that bill that  
23 you're describing and how it would relate in this  
24 instance. However, if memory does serve -- and that  
25 was a discussion, again, about those great local

1 politicians and not what we do here at the state  
2 level.

3 MR. SPEAKER: Representative Learned.

4 REPRESENTATIVE LEARNED: Thank you,  
5 Mr. Speaker.

6 And you're correct. The bill said that the  
7 state government's actions aren't -- we're holding  
8 local government to a different standard than we  
9 hold ourselves. That is true. But since we're  
10 defaulting this to a local government --

11 MR. SPEAKER: Representative Learned, you  
12 can save your debate comments for debate tomorrow.  
13 You can ask your question. Your recognized.

14 REPRESENTATIVE LEARNED: Thank you,  
15 Mr. Speaker. And I'm sorry. I'm not trying to  
16 debate. I'm just trying to clarify with, you know,  
17 the answer here.

18 So if this is saying that the local  
19 government is liable for these losses, and we are  
20 putting all the responsibility, the debts onto that  
21 local government. So now, that local government,  
22 the middle class, you know, taxpayers of Orange  
23 County are liable for Disney's global losses? Is  
24 that because of this Twitter fight with the  
25 Governor?



1 MR. SPEAKER: Representative Learned,  
2 Representative Fine already answered your question.  
3 Do you have additional question?

4 REPRESENTATIVE LEARNED: I'm sorry,  
5 Mr. Speaker. I'm sorry. I did not hear him  
6 actually answer.

7 So we're transferring Disney's global  
8 losses to a local government?

9 MR. SPEAKER: No, sorry. He did not say  
10 that. You asked him a question about the bill that  
11 was passed previously during session. He said that  
12 he wasn't familiar that much with the process, but  
13 if he recalled, it applied to local government.

14 Do you have an additional question? You're  
15 recognized.

16 REPRESENTATIVE LEARNED: Thank you,  
17 Mr. Speaker. And, you know, I guess not answer  
18 aside.

19 So Disney Corporation is the largest  
20 taxpayer of Reedy Creek Special District; is that  
21 correct?

22 MR. SPEAKER: Representative Fine.

23 REPRESENTATIVE FINE: Thank you,  
24 Mr. Speaker.

25 I believe that is the case.

1 MR. SPEAKER: Representative Learned.

2 REPRESENTATIVE LEARNED: Thank you,  
3 Mr. Speaker.

4 So the premise that I heard in your answers  
5 to other people was that their continued tax  
6 payments are servicing Reedy Creek's billions of  
7 dollars of debt. So if that debt is now being  
8 transferred to Orange County, is Disney still -- is  
9 Disney now paying Orange County? Is that --

10 MR. SPEAKER: Representative Fine.

11 REPRESENTATIVE FINE: Thank you.

12 Talking to the logistics of it, that \$1.1  
13 billion would be transferred to those four  
14 municipalities. They could choose to create an MSTU  
15 that would tax the current taxpayers in the same  
16 way, generating those revenues from those taxpayers,  
17 in this case, largely Disney, that could be used to  
18 service that debt.

19 MR. SPEAKER: Follow-up.

20 REPRESENTATIVE LEARNED: Thank you,  
21 Mr. Speaker.

22 So I guess my understanding is that the  
23 premise for how we are not going to saddle middle  
24 class taxpayers of Orange County with a billion  
25 dollars of new debt, \$2 billion of new debt,

1 depending on which one you're looking at, the  
2 premise is because we assume that Orange County is  
3 going to do something. It is not done by default,  
4 right. We are assuming they are going to take an  
5 action based on what we're doing here today. Do I  
6 understand that correctly?

7 MR. SPEAKER: Representative Fine.

8 REPRESENTATIVE FINE: Thank you,  
9 Mr. Speaker.

10 I understand your reluctance to trust local  
11 politicians to do the right thing. However, yes.  
12 We are assuming that these local politicians will  
13 use their home rule authority to create an MSTU to  
14 replicate the revenues that they would then use to  
15 pay for these debts.

16 MR. SPEAKER: Representative Learned.

17 REPRESENTATIVE LEARNED: Last question,  
18 Mr. Speaker.

19 And I'm sorry. You keep saying this, but  
20 you're saying to replicate the revenues. What  
21 you're saying is raising taxes, correct?

22 MR. SPEAKER: Representative Fine.

23 REPRESENTATIVE FINE: Thank you,  
24 Mr. Speaker.

25 No. I am not saying that at all. I want

1 to be clear about this. If Disney is paying a  
2 million dollars to Reedy Creek, and instead of  
3 paying that million dollars to Reedy Creek, they're  
4 paying that same million dollars to the MSTU that  
5 these local governments have created, it is still  
6 \$1,000,000. It is not a tax increase. That's  
7 simple math.

8 MR. SPEAKER: Representative Willhite, we  
9 have time for one more question.

10 REPRESENTATIVE WILLHITE: Thank you,  
11 Mr. Speaker. Do you recognize Representative  
12 Joseph?

13 MR. SPEAKER: Representative Joseph.

14 REPRESENTATIVE JOSEPH: Thank you, |  
15 Mr. Speaker.

16 As I mentioned in committee yesterday,  
17 Florida Statute 189.072 governs the dissolution of  
18 independent special districts. And at that time,  
19 you acknowledge that that law was law. But it seems  
20 that none of the requirements, in order to dissolve  
21 a special district by the Legislature, have been  
22 followed. And I wanted to know if you had anything  
23 you wanted to add for the good of the body as to why  
24 you're not following Florida law?

25 MR. SPEAKER: Representative Fine.

1           REPRESENTATIVE FINE: Thank you,  
2 Mr. Speaker.

3           As you chose to remind me yesterday, I'm  
4 not an attorney, so I decided to go and learn  
5 something that turns out you don't have to be an  
6 attorney to understand the law. 189.072, says, "In  
7 order for the Legislature to dissolve an active,  
8 independent special district, created an operating  
9 pursuant to a special act, the following things have  
10 to be done." The bill that we're proposing today is  
11 not a special act. Maybe they don't teach what  
12 special acts are in law school. I don't know. But  
13 there's nothing inconsistent with this bill today.

14           MR. SPEAKER: Representative Joseph, one  
15 follow-up. You're recognized.

16           REPRESENTATIVE JOSEPH: Thank you,  
17 Mr. Speaker.

18           So it's your position that the reason  
19 you're not following the law that applies for the  
20 dissolution of special districts is because, this --  
21 your position is this particular law does not apply  
22 because it's created by a special act. Is that my  
23 understanding?

24           MR. SPEAKER: Representative Fine, brief  
25 answer.

1           REPRESENTATIVE FINE: Thank you,  
2 Mr. Speaker.

3           No, it's not. The law that we're passing  
4 is entirely consistent. If you read, which I  
5 presume they teach, it says, if you're going to  
6 dissolve a special district pursuant to a special  
7 act using a special act. We are not proposing to  
8 pass a special act today. We are passing a general  
9 bill. This is not simply a matter of  
10 interpretation. This is simply how the law works.

11          MR. SPEAKER: Time having expired, we're in  
12 amendments. Are there amendments?

13          COURT CLERK: On the desk, Mr. Speaker.

14          MR. SPEAKER: Pick up the first amendment.

15          COURT CLERK: Representative Eskamani  
16 offered the following amendment with title,  
17 Amendment Barcode 189965. Remove lines 23 through  
18 31 and insert an amendment.

19          MR. SPEAKER: Representative Eskamani,  
20 you're recognized to explain your amendment.

21          REPRESENTATIVE ESKAMANI: Thank you so  
22 much, Mr. Speaker.

23          Members, you all know that I have always  
24 been one of the most vocal voices when it comes to  
25 corporate accountability. And I have filed other

1 amendments that unfortunately were out of order  
2 around taxes issues, and maybe one day we'll get to  
3 them. But I did sit in on the committee yesterday  
4 and shared a lot of the concerns made by those who  
5 are speaking to what dissolution would mean for  
6 Orange, Osceola County of the Reedy Creek district,  
7 in particular around the transfer of debt, also  
8 around the fact that this is a independent district,  
9 not a dependent district, which means the ad valorem  
10 taxes that are collected to Reedy Creek disappear.  
11 They're not transferred despite misinformation out  
12 there.

13           And so hearing the concerns made by my  
14 Republican colleagues, specifically, they pointed  
15 out some powers of the special district that do seem  
16 inappropriate. And so that speaks to the nuclear  
17 fission power plant, which back in the 60s, I feel  
18 like that was probably a very popular concept as it  
19 was, you know, shining anew, but we have other types  
20 of energy production today that have grown in  
21 Florida. So this would strike that.

22           It would also strike eminent domain powers  
23 that are outside of the district boundaries. It  
24 would strike the ability to construct roads are  
25 exclusive and that supersede the authority and

1 jurisdiction of FDOT. It would strike the ability  
2 to build infrastructure projects outside of the  
3 district boundaries, and you will not be able to  
4 change the boundaries of the district without  
5 another special act.

6 And, again, this is a scalpel approach  
7 versus a sledgehammer. And I do think it's  
8 important to examine all the special districts,  
9 community development districts, but we should do so  
10 with more public input.

11 To add this to a special session order, an  
12 hour before some of us even got here, myself as an  
13 example, is not good government. And so I do think,  
14 especially, as a member of the Joint Legislative  
15 Audit Committee, we audit special districts all the  
16 time. We look at their finances. We decide if they  
17 are problematic or not. And so for me, in bringing  
18 this forward as an effort to hear what those  
19 concerns were, what I've heard from the Governor,  
20 and what I've heard from committee members, and to  
21 do a scalpel instead of a sledgehammer.

22 Thank you, Mr. Speaker.

23 MR. SPEAKER: Are there questions on the  
24 amendment? Are there questions on the sponsor?

25 Seeing none, are there amendments to the



1 amendment?

2 Representative C. Smith, any questions?

3 REPRESENTATIVE SMITH: Thank you,  
4 Mr. Speaker.

5 Representative Eskamani, you mentioned in  
6 your presentation of the amendment that rather than  
7 taking a sledgehammer, like Chair Fine is doing by  
8 abolishing the Reedy Creek District, you're taking a  
9 scalpel.

10 Are you essentially, with your amendment,  
11 cutting to the chase and putting forward thoughtful,  
12 researched reforms that are really the result of  
13 community input and lots of stakeholders who have  
14 voiced these concerns over many years; and kind of  
15 cutting to the chase so that we don't have to deal  
16 with this back and forth between the Governor and  
17 Disney for the next year, which we know is political  
18 theatre?

19 MR. SPEAKER: Representative Smith, I'm  
20 confident that you can ask those questions without  
21 mentioning other members or making comments about  
22 other people that are irrelevant to the substance of  
23 the bill.

24 Representative Eskamani, would you like to  
25 answer that leading question? You're recognized.

1           REPRESENTATIVE ESKAMANI: Thank you,  
2 Mr. Speaker.

3           So, yes, Representative Smith. To some of  
4 your questions, I just want to add that I don't  
5 think even I can be as thoughtful as I want to be,  
6 candidly, because, you know, this is not been on a  
7 lot of our radars for a while now. Now, there are a  
8 lot of other issues that I've given a lot of thought  
9 to around combined reporting, looking at Chair  
10 Payne.

11           And so, you know, I think there are so many  
12 other concepts that we can, as a body, vet and  
13 debate and understand. But I have to tell you that  
14 even Orange, Osceola counties have not been able to  
15 give us an analysis of the impact of this bill. I  
16 just spoke to our tax collector this morning. It's  
17 been really difficult to get specifics, to the point  
18 where we're hearing rumors online, and it's not  
19 actually speaking to what would dissolution look  
20 like. But what I have heard are these shared  
21 concerns about some of these authorities that are  
22 granted that people don't like. And I feel like,  
23 consistently, hearing those same concerns that would  
24 apply equally to every special district is something  
25 that we could consider in the short period time that

1 we have.

2 I don't think it's good government to  
3 exercise punitive powers on one institution because  
4 you're upset of what they did. If there are serious  
5 concerns about some of these specifics in this  
6 amendment, then let's address that. And let's not  
7 exercise the bully pulpit for just punitive  
8 measures.

9 MR. SPEAKER: Additional questions?

10 Representative Smith, I give you one  
11 follow-up. You're recognized.

12 REPRESENTATIVE SMITH: Thank you,  
13 Mr. Speaker.

14 Thank you, Representative Eskamani. Have  
15 you heard from any Reedy Creek workers, any Disney  
16 workers who are concerned they might be losing their  
17 job? My understanding is that abolishing the Reedy  
18 Creek District means abolishing the jobs of 356  
19 people who work for the District and 400 utility  
20 employees of Reedy Creek. So would your amendment,  
21 at least, help them sleep at night and alleviate  
22 their concerns that their job would be gone next  
23 year when the district is abolished?

24 MR. SPEAKER: Representative Eskamani.

25 REPRESENTATIVE ESKAMANI: Thank you,

1 Mr. Speaker.

2 Yes. And just to add to that, there is  
3 also 2000-plus contract workers with the Reedy Creek  
4 Improvement District. So though as we heard during  
5 the earlier debate, there is, you know, 80,000-plus  
6 jobs at Walt Disney World and many who are our  
7 constituent. But the Reedy Creek District  
8 specifically has, you know, 350 sum employees, and  
9 then they have the utility at 400. And they have  
10 2000 plus contractor workers.

11 And I have constituents who work at Reedy  
12 Creek, and we also have firefighters who are with  
13 the Reedy Creek Improvement District. That's about  
14 200 firefighters. To be clear, members, these are  
15 not firefighters that are with the County. They're  
16 firefighters that have a Reedy Creek Improvement  
17 District. These are very cool firefighters. They  
18 are trained to know the theme parks. They're  
19 trained to know how to deliver emergency services in  
20 very crowded environments. They also are proud to  
21 say that there has never been any life loss at Reedy  
22 Creek due to fire. And that's because of the  
23 strength of the team, but also of the building  
24 permit, or actually, the building code in Reedy  
25 Creek is stronger than that in the state of Florida.

1           And so we have heard a lot of these  
2 concerns. And so in order to alleviate those  
3 concerns -- because what this bill does is create a  
4 lot of uncertainty, especially for those workers.  
5 And so what my amendment does is it eliminates some  
6 of the wacky stuff that was mentioned in this  
7 process, but it doesn't create the uncertainty of  
8 job loss, doesn't create panic among Orange and  
9 Osceola counties and surrounding areas. And it  
10 doesn't allow government to be used as a tool of  
11 punishment.

12           And so that's the point of this amendment  
13 and I do hope folks take it seriously.

14           MR. SPEAKER: Representative Fine, time has  
15 expired, but I want to give you -- you've had your  
16 mic up. So you have an opportunity to ask a  
17 question. You're recognized.

18           REPRESENTATIVE FINE: Thank you,  
19 Mr. Speaker.

20           Can you explain to me what the first line  
21 or the first -- the six words of your bill means --  
22 your amendment, "Notwithstanding any law to the  
23 contrary?" Can you explain what that might mean to  
24 the substance of your amendment?

25           MR. SPEAKER: Representative Eskamani.

1           REPRESENTATIVE ESKAMANI: Thank you, sir,  
2 Mr. Speaker.

3           This was delivered to me from bill  
4 drafting, and we asked them to draft an amendment  
5 under very short notice to reflect our desire to  
6 remove those pieces. If there's a correction you  
7 want to make, if you agree with the substance, have  
8 a correction you want to make, I encourage you to  
9 file an amendment to the amendment. I would accept  
10 it.

11           MR. SPEAKER: Yeah. One follow-up.

12           REPRESENTATIVE FINE: Thank you.

13           I will get to the broader point in debate.  
14 Are you aware that your amendment -- since it says,  
15 "a special district," you said -- but I heard this  
16 is a scalpel not a club. Are you aware that your  
17 amendment would affect 1843 special districts?

18           MR. SPEAKER: Representative Eskamani.

19           REPRESENTATIVE ESKAMANI: Mr. Speaker,  
20 thank you.

21           I don't think any special district should  
22 have these powers.

23           MR. SPEAKER: All right. Are there  
24 amendments to the amendment?

25           SECRETARY: None on the desk, Mr. Speaker.

1 MR. SPEAKER: Are there substitute  
2 amendments?

3 SECRETARY: None on the desk, Mr. Speaker.

4 MR. SPEAKER: We are in debate. Members  
5 which to be recognized in debate. Representative  
6 Fine.

7 REPRESENTATIVE FINE: Thank you,  
8 Mr. Speaker.

9 I make two comments. This amendment does  
10 nothing. That was the purpose of my -- actually,  
11 literally, it accomplishes nothing. It says  
12 notwithstanding any law to the contrary, you can't  
13 do these seven or eight things. The six charters  
14 for those special districts are laws to the  
15 contrary. So it doesn't change any powers of any of  
16 those six special districts. It accomplishes  
17 nothing. But what it could do to a special district  
18 that might not have a charter, including 22 in  
19 Central Florida, is it might -- and actually, it  
20 might. It would. it would affect their ability to  
21 do eminent domain even with permission of the  
22 landowners and surrounding counties.

23 It would actually do other things that are  
24 good. It would say that they can't change the  
25 boundary. If you are in a special district right

1 now or you're next to a special district and you buy  
2 a piece of property and you want to move into that  
3 special district, you can say, hey, take me in. And  
4 if you can work that out with everybody, you can do  
5 that. It would take that power away.

6 So the amendment does nothing to solve the  
7 claim. And by the way, whereas what we're doing  
8 goes after a class of 6 special districts out of  
9 1800, this would target 1800 special districts.  
10 With that, I ask you to vote it down.

11 MR. SPEAKER: Representative C. Smith in  
12 debate.

13 REPRESENTATIVE SMITH: Thank you,  
14 Mr. Speaker.

15 Since this is debate, I think it's  
16 important to correct the record on what the sponsor  
17 has just mentioned that the amendment accomplishes  
18 nothing. I think what he meant to say is that the  
19 amendment does not accomplish his stated goal of  
20 punishing corporation --

21 MR. SPEAKER: Representative Smith --  
22 Representative Smith, you can debate on your own  
23 behalf. You don't have to attack your colleagues in  
24 debate. By all means, you can get to the point of  
25 what you're saying without doing that.



1           You're recognized, Representative Smith.

2           REPRESENTATIVE SMITH: Thank you,  
3 Mr. Speaker.

4           Again, I will restate that the reality is  
5 that this bill -- this amendment, unfortunately, is  
6 not targeting Walt Disney World and, therefore, must  
7 be rejected. And I think it's important to clarify,  
8 not to impugn anyone's character, that that is the  
9 point of the underlying bill. That's not a  
10 subjective statement. These are statements that  
11 have been made by writers of the bill, that the  
12 point is to attack Disney.

13           So, folks, if you are surprised by the fact  
14 that Rep Eskamani's amendment impacts 1800 special  
15 districts, oh, my God, how can we do that? Well,  
16 that's because it's crafted in a way to really  
17 address that these special districts shouldn't have  
18 special privileges in a way that doesn't target  
19 anyone or single them out. Isn't that what we  
20 should be doing? Shouldn't we be writing policy  
21 based on what we know is good for Floridians as  
22 opposed to writing policy based on retribution  
23 against people who spoke out against legislation?

24           I think Representative Eskamani's amendment  
25 is a very good one. And if you actually believe

1 that special districts shouldn't get these special  
2 favors, you will vote for Representative Eskamani's  
3 amendment so that you can defend that it was not  
4 targeted against any particular corporation that  
5 kicked a hornet's nest. Thank you.

6 MR. SPEAKER: Additional debate?  
7 Additional debate?

8 Representative Davis.

9 REPRESENTATIVE DAVIS: Thank you,  
10 Mr. Speaker.

11 Just don't want to say much. But I will  
12 add that I serve on that committee with  
13 Representative Eskamani when it comes to auditing,  
14 and this legislative body does have a process. It  
15 has a process where stakeholders are able to come  
16 and speak. We can hear both sides in that  
17 committee. We know what's happening, when it's  
18 coming to that community. And I think the sponsor  
19 of this bill has actually brought a community before  
20 us to be audited maybe not this year, but some years  
21 back.

22 But special district with a charter,  
23 special district without a charter, there is still a  
24 process in place that this body holds dear. There  
25 is a committee that deals with this. And we do have

1 a procedural process. So to have this before us --  
2 and I will not allow the reason why we should be  
3 here to go awry. I am angry that we are even  
4 dealing with something other than the congressional  
5 districts, that we're even talking about something  
6 other than black representation. But we're here.  
7 So I'm going to say this body has a process, and the  
8 process is not being adhered to. We serve on  
9 committees to help our communities come before us to  
10 give their input. But when the process is not  
11 convenient to us, then we find ourselves adding  
12 things to an agenda that shouldn't be there.

13 So, again, there's a process in place.  
14 Thank you, Representative, for bringing this  
15 amendment forth. I encourage you all to stop  
16 playing the games that we are playing. There is a  
17 process for this in place. Please vote for this  
18 amendment.

19 MR. SPEAKER: Time having expired for  
20 debate, Representative Eskamani, you're recognized  
21 in closing your amendment.

22 REPRESENTATIVE ESKAMANI: Thank you so  
23 much, Mr. Speaker.

24 I just want to provide clarity for the  
25 record that "notwithstanding" in that context means

1 no matter what any other law says. And I thank bill  
2 drafting for their assistance, and I trust bill  
3 drafting to help us when we have these amendments,  
4 even when they're under such intense pressure.

5 With that said, I have many reasons that I  
6 could also be angry or be mean, Mr. Speaker, but I  
7 choose joy as my response. And I offer this  
8 amendment full of joy, because I agree there are  
9 some dynamics with special districts that don't make  
10 sense, and you can quote me on that. And so what  
11 we're doing is -- I pulled this from comments made  
12 by the bill sponsor. I pulled this from comments  
13 made by Governor Ron DeSantis, that it's not  
14 appropriate for these type of powers to be granted  
15 to special districts, no matter who is the special  
16 district's beneficiary, right.

17 And so with that, I encourage folks to put  
18 politics aside for a hot minute. Don't be petty,  
19 and support this good amendment that is trying to  
20 address the concerns that we've heard consistently  
21 as legitimate concerns we've heard instead of being  
22 punitive because you don't like something a company  
23 said.

24 Thank you, Mr. Speaker.

25 MR. SPEAKER: Members, Representative

1 Eskamani having closed the bill, all in favor of  
2 adoption of the amendment say, yea.

3 (Multiple yeas)

4 MR. SPEAKER: All oppose, no.

5 (Multiple nos)

6 MR. SPEAKER: Show the amendment fails.

7 Read the next amendment.

8 THE CLERK: None on the desk, Mr. Speaker.

9 MR. SPEAKER: Read the next bill.

10 THE CLERK: By Representative Andrade,  
11 House Bill 5C, a bill to be entitled "An act  
12 relating to social media platforms."

13 MR. SPEAKER: Representative Andrade,  
14 you're recognized to explain your bill.

15 REPRESENTATIVE ANDRADE: Thank you,  
16 Mr. Speaker.

17 And by deleting four lines in Florida  
18 Statute House Bill 5C, removes from Florida law the  
19 exemption from consumer protections on social media  
20 platforms for companies that happen to own theme  
21 parks in Florida.

22 MR. SPEAKER: Representative Willhite,  
23 questions.

24 REPRESENTATIVE WILLHITE: Thank you,  
25 Mr. Speaker, as you recognize Representative

1 Learned.

2 MR. SPEAKER: Representative Learned, you're  
3 recognized.

4 REPRESENTATIVE LEARNED: Thank you,  
5 Mr. Speaker.

6 And thank you, Representative, for the  
7 bill. I know yesterday we talked a little bit about  
8 this. I just wanted to follow-up. Can you tell me  
9 the reason this carve-out was placed in the bill in  
10 the first place?

11 MR. SPEAKER: Representative Andrade.

12 REPRESENTATIVE ANDRADE: Thank you,  
13 Mr. Speaker.

14 Representative Learned, the short answer is  
15 no.

16 MR. SPEAKER: Representative Learned.

17 REPRESENTATIVE LEARNED: Thank you,  
18 Mr. Speaker.

19 In testimony on the House floor last year  
20 when we were debating this, it was said it was to  
21 protect children, specifically children on the  
22 Disney Plus platform from predators and pedophiles  
23 and comments, and so they can moderate their space.

24 So my question is: by removing this carve-  
25 out, are we in any way putting kids in danger?

1 MR. SPEAKER: Representative Andrade.

2 REPRESENTATIVE ANDRADE: Thank you,  
3 Mr. Speaker.

4 Representative Learned, I don't recall that  
5 comment being made on the floor. I might be  
6 incorrect after reviewing the discussion on the  
7 floor about the amendment. But not to sound like a  
8 broken record on this, had you just read the  
9 underlying bill, you'd see the two carve-outs and  
10 exceptions to say, "Any restrictions on censorship  
11 do not apply when a social media platform censors  
12 based on obscenity, as defined by Florida Statute,  
13 which is in line with the Communications Decency  
14 Act, Section 230".

15 MR. SPEAKER: Representative Learned.

16 REPRESENTATIVE LEARNED: Thank you,  
17 Mr. Speaker.

18 And thank you, Representative. Again, you  
19 know, we're sitting here debating a carve-out from a  
20 bill that is not enforceable because it's been found  
21 unconstitutional by federal court. Can you help me  
22 understand how -- what this amendment does if the  
23 underlying bill doesn't seem to exist?

24 MR. SPEAKER: Representative Andrade.

25 REPRESENTATIVE ANDRADE: Thank you,

1 Mr. Speaker.

2 And, Representative Learned, we went over  
3 this yesterday, and I was a little bit confused just  
4 because Judge Hinkle's order, the title is not a  
5 final order determination of constitutionality. The  
6 title of his order is Preliminary Injunction. And I  
7 know we discussed this yesterday, but preliminary  
8 injunction is not a final decision at all. And if  
9 you go to the Governor's special call, the call for  
10 this special session, it lays out specifically why  
11 this carve-out needed to be pulled out prior to oral  
12 arguments on April 28th, regarding the underlying  
13 bill, which is designed to protect Florida consumers  
14 against unfair censorship by social media platforms.

15 MR SPEAKER: Representative Learned.

16 REPRESENTATIVE LEARNED: Thank you,  
17 Mr. Speaker.

18 And thank you. I have no idea what any of  
19 that means because I didn't go to law school. And  
20 preliminary injunction, I don't fully understand.  
21 So is the law enforceable?

22 MR. SPEAKER: Representative Andrade.

23 REPRESENTATIVE ANDRADE: Thank you,  
24 Mr. Speaker.

25 Representative Learned, the law currently,



1 is not enforceable because it is currently  
2 preliminarily enjoined. But if you have read Judge  
3 Hinkle's preliminary injunction order, it said,  
4 "This is simply a preliminary injunction, because  
5 the ultimate facts have not been considered. And  
6 with further analysis, my analysis might change."  
7 And so even the judge who issued this order  
8 acknowledged that with more facts and with a further  
9 vetting of this case, his analysis might change  
10 about exactly what would occur if he had to review  
11 the statute for full constitutionality before being  
12 enforced.

13 MR. SPEAKER: Representative Learned.

14 REPRESENTATIVE LEARNED: Thank you,  
15 Mr. Speaker.

16 And I want to go back to a line of  
17 questions I had on the last bill about the Local  
18 Business Protection Act. So would that apply -- so  
19 in that act that we passed a couple weeks ago, we  
20 said that if a business had more than a 15 percent  
21 reduction to their business revenue, that that  
22 business is liable -- is able to sue. So if Disney  
23 Plus, because of this dangerous behavior that can  
24 now happen on their platform, because we repeal this  
25 law, if they have a 15 percent reduction, can they

1 sue the State of Florida for their money?

2 MR. SPEAKER: Representative Andrade.

3 REPRESENTATIVE ANDRADE: Thank you,  
4 Mr. Speaker.

5 And, Representative Learned, forgive my  
6 incredulity, but the line of questions about some  
7 conspiracy that suddenly pedophiles can run rampant  
8 online is just apparently ridiculous. We have  
9 Section 230. The Communications Decency Act already  
10 prohibits obscenity, and Florida's Statue 847.001  
11 also defines obscenity, and includes, child  
12 pornography, and predatory behavior.

13 And the statue without the carve-out -- the  
14 bill without the carve-out, applies to every other  
15 social media platform. And so when this bill  
16 passed, every other social media platform was  
17 already relieved of any responsibility regarding the  
18 prohibitions on censorship, if they were doing it to  
19 sensor obscene comments and behavior.

20 So this carve-out was absolutely not  
21 necessary for that purpose. And again, I'll also  
22 cite on the Business Protection Act question portion  
23 of your comment, part of the concern that Judge  
24 Hinkle had, there were two causes findings out of  
25 five related to this carve-out.

1           And one was related to a violation of what  
2 he called the "dormant commerce clause," which is  
3 blatantly protectionist behavior, benefiting, you  
4 know, home companies in your state. States are not  
5 allowed to impermissibly do this. That's the  
6 premise of the dormant commerce clause. It's like  
7 the reverse of commerce clause. By doing this and  
8 putting every single social media platform on the  
9 exact same playing field, the bill becomes more  
10 constitutional and absolutely does not affect any  
11 kind of business protection act, issue or concern.

12           MR. SPEAKER: Representative Learned.

13           REPRESENTATIVE LEARNED: Thank you,  
14 Mr. Speaker.

15           And thank you, Representative. You know,  
16 it's funny, I was reading a lot. I was doing some  
17 research for this, and I saw a lot of tweets from  
18 colleagues of yours from the other side of the  
19 aisle, trying to repeal Section 230. But now you  
20 seem to be saying that Section 230 is the saving  
21 grace here and it's going to protect us from  
22 ourselves. So my question is: can Florida have a  
23 law that protects kids online so that we have extra  
24 protection, in case you guys have it your way and  
25 you repeal Section 230?

1 MR. SPEAKER: Representative Andrade.

2 REPRESENTATIVE ANDRADE: Thank you,  
3 Mr. Speaker.

4 Representative Learned, I hate to sound  
5 like a broken record, but Florida Statue 847.001  
6 already prohibits obscenity and the underlying bill,  
7 772, which says social media platforms can unfairly  
8 censor, says you can absolutely censor in the event  
9 of obscenity. So the level of kind of -- at this  
10 point, it's become like a QAnon level of conspiracy  
11 about like pedophile assets because of this type of  
12 law. And it's getting a little bit frustrating to  
13 keep trying to address and just ask you to read the  
14 underlying bill. And I'll cite line 540 and 555  
15 over the underlying bill. If you read it, address  
16 your concerns completely.

17 MR. SPEAKER: Representative Learned.

18 REPRESENTATIVE LEARNED: Yeah, Mr. Speaker.  
19 Thank you, Mr. Speaker.

20 And, you know, it's a little frustrating,  
21 because, you know, as the firestorm around us has  
22 erupted around us in the last 48 hours, I have  
23 personally been called a groomer on Twitter by  
24 dozens and hundreds of people. So I'm sitting here  
25 trying to protect kids in the State of Florida from

1 predatory behavior online, and it's from the other  
2 side where I'm told we can't do more, right. So why  
3 can't we do more to protect these kids? Why are we  
4 even removing a layer of protection that exist to  
5 keep kids safe? I understand your point. I get it.  
6 Like, I hear you saying like we don't need it. But  
7 it doesn't mean that it's bad, right. It doesn't  
8 mean that having that protection isn't helpful.

9 So I guess the final question here is, is  
10 this bill in anyway -- does this carve-out in any  
11 way hurt kids? Can we just leave it in place and  
12 then let the constitution of this law be debated in  
13 the courts?

14 MR. SPEAKER: I think that's how you  
15 started out this category of questions.

16 If you have something to additional to add,  
17 Representative Andrade, you're recognized.

18 REPRESENTATIVE ANDRADE: Thank you,  
19 Mr. Speaker.

20 Representative Learned, unless you are  
21 saying that the Disney Cooperation does not  
22 understand the definition of obscenity like Facebook  
23 and Twitter and YouTube we assume already do.  
24 You're treating them differently for no apparent  
25 reason, and actually, for an unconstitutional

1 reason.

2 MR. SPEAKER: Additional question?

3 Representative Willhite.

4 REPRESENTATIVE WILLHITE: Do you recognize  
5 Representative Woodson?

6 MR. SPEAKER: Represent Woodson, you're  
7 recognized in questions?

8 REPRESENTATIVE WOODSON: Thank you,  
9 Mr. Speaker.

10 Rep Andrade, I know we have heard several  
11 discussions about other bills, but I need some  
12 clarification on this bill. Is it a follow-up to  
13 Senate Bill 90? Not 90. 7072. I'm sorry, I  
14 apologize. Is it a follow-up to Senate Bill 7072?

15 MR. SPEAKER: Representative Andrade.

16 REPRESENTATIVE ANDRADE: Thank you,  
17 Mr. Speaker.

18 And, Representative Woodson, thank you for  
19 that question. I wouldn't say it's necessarily a  
20 follow-up. The amendment, this carve-out that says  
21 the social media platform that happens to own a  
22 theme park in the State of Florida is suddenly  
23 exempt from the censorship restrictions that we're  
24 trying to provide to Florida residence, it was a  
25 carve-out that I didn't like at that time. So I

1 wouldn't say that this is somehow a follow-up. I  
2 would say that this just an improvement to the bill  
3 and a correction to a portion of the bill that I  
4 didn't like in the first place.

5 MR. SPEAKER: Representative Woodson.

6 REPRESENTATIVE WOODSON: Thank you,  
7 Mr. Speaker.

8 Thank you, Rep Andrade. I know you didn't  
9 like it, but we did pass that bill here. Now,  
10 what's the status? Do you know the status of that  
11 litigation on that bill?

12 MR. SPEAKER: Representative Andrade.

13 REPRESENTATIVE ANDRADE: Thank you,  
14 Mr. Speaker.

15 And, Representative Woodson, thank you for  
16 that question as well. Because if you go the  
17 Governor's special -- the Governor's amended call  
18 explaining why this bill was needed now, there was a  
19 preliminary injunction, which, again, is not a  
20 finding of constitutionality or a final order. The  
21 preliminary injunction was issued last summer. That  
22 means that now, it's on an appeal in the federal  
23 court. It is on appeal in Alabama, and it's coming  
24 up oral argument on April 28th. So in eight days.

25 So if we don't correct this issue today, we

1 will conflate the concerns that we have about big  
2 tech censorship with this kind of 14th Amendment  
3 equal protection dormant commerce clause questions  
4 that are far less important. They're not protecting  
5 Florida residence from the big tech unfair  
6 censorship.

7 MR. SPEAKER: Representative Woodson.

8 REPRESENTATIVE WOODSON: Thank you,  
9 Mr. speaker.

10 And thank you for your response as well.  
11 So based on what you're saying, we're trying to  
12 correct part of it, right, that is unconstitutional  
13 right; is that correct?

14 MR. SPEAKER: Representative Andrade.

15 REPRESENTATIVE ANDRADE: Thank you,  
16 Mr. Speaker.

17 I would challenge the premise slightly. I  
18 don't believe that what we did, as far as protecting  
19 consumers who were using social media platform, is  
20 unconstitutional. And I look forward to that oral  
21 argument, and I look forward to the decision being  
22 made. Because I do believe that the underlying bill  
23 related to big tech censorship and the way that we  
24 approached it is constitutional.

25 The one concern that I had was the putting



1 different companies on a different playing field  
2 like a carve-out. We all understand what a carve-  
3 out here is on this floor. The one concern that I  
4 had was treating companies in the same circumstances  
5 differently, simply by virtue of the fact that they  
6 owned a theme park within our jurisdiction.

7 MR. SPEAKER: Representative Woodson.

8 REPRESENTATIVE WOODSON: Thank you,  
9 Mr. Speaker.

10 And based on your response, if we are  
11 trying to correct part of it, basically, based on  
12 what you just sent us, how about the other part?  
13 Why don't we correct the whole thing?

14 MR. SPEAKER: Representative Andrade.

15 REPRESENTATIVE ANDRADE: Thank you,  
16 Mr. Speaker.

17 And, Representative Woodson, I might have  
18 not been clear. What I'm saying is the other part  
19 doesn't need correcting. This is a consumer  
20 protection bill. It protects Florida consumers and  
21 the residence from unfair trade -- the Florida  
22 Deceptive and Unfair Trade Practices Act is already  
23 a Florida law and protects Florida residence.  
24 Applying FDUTPA, which I like to often call it, in  
25 this circumstance, I think it's a valid pursuit.

1 And also making sure that big tech social media  
2 platforms are not unfairly discriminating based on  
3 viewpoint, it's also a critical concern for me and I  
4 believe for many residents in the State of Florida.

5 MR. SPEAKER: Representative Woodson.

6 REPRESENTATIVE WOODSON: Thank you,  
7 Mr. Speaker.

8 And I'm just trying to get clarification on  
9 a lot of these things and the bill. Do you agree  
10 with the federal court that this bill implicate the  
11 First Amendment right of the social media companies?

12 MR. SPEAKER: Representative Andrade.

13 REPRESENTATIVE ANDRADE: Thank you,  
14 Mr. Speaker.

15 Representative Woodson, yes, absolutely.  
16 The whole point of this bill today is to eliminate  
17 all the distracting components so we can have that  
18 First Amendment argument in front of the appellate  
19 panel on April 28.

20 MR. SPEAKER: Additional questions?

21 Representative Willhite.

22 REPRESENTATIVE WILLHITE: Thank you,  
23 Mr. Speaker. Rep Smith is next on our list.

24 MR. SPEAKER: Representative C. Smith,  
25 you're recognized.

1 REPRESENTATIVE SMITH: Thank you,  
2 Mr. Speaker.

3 Representative Andrade, are you saying that  
4 the reason you're removing this carve-out has  
5 nothing to do with Disney's opposition to don't say  
6 gay?

7 MR. SPEAKER: Representative Andrade?

8 REPRESENTATIVE ANDRADE: Thank you,  
9 Mr. Speaker.

10 Representative Smith, I would have to cite  
11 to the Governor's amended call for this special  
12 session and the explicit reasons why this is  
13 necessary right now prior to our April 28 oral  
14 arguments regarding the underlying bill.

15 MR. SPEAKER: Representative C. Smith.

16 REPRESENTATIVE SMITH: Thank you. So what  
17 you're saying is this has nothing to do with the  
18 fact that this was a carve-out requested by Walt  
19 Disney World itself?

20 MR. SPEAKER: Representative Andrade.

21 REPRESENTATIVE ANDRADE: Thank you,  
22 Mr. Speaker.

23 Representative Smith, again, I was not -- I  
24 did not participate in the drafting or filing of the  
25 amendment last year, so I cannot tell you exactly

1 who brought it in the first place because I didn't  
2 have any firsthand experience or knowledge about it.  
3 What I can tell you is in eight days, there should  
4 be an oral argument, and this one distracting carve-  
5 out portion of it should not distract from the far  
6 more important attempts that we did last year to  
7 protect Florida residents from unfair and deceptive  
8 and biased censorship by big tech platforms.

9 MR. SPEAKER: Representative Smith.

10 REPRESENTATIVE SMITH: Thank you,  
11 Mr. Speaker.

12 And thank you. And I had concerns about  
13 this carve-out as well when we saw it on the floor  
14 in the previous session. Can you tell us what was  
15 the legislative intent of the carve-out so that we  
16 can fully evaluate whether or not it makes sense for  
17 us to repeal it?

18 MR. SPEAKER: Representative Smith, I  
19 believe he just answered that. You have an  
20 additional question?

21 REPRESENTATIVE SMITH: Thank you,  
22 Mr. Speaker.

23 So for clarification, the bill that  
24 Representative Andrade is carrying that repeals a  
25 law we passed or part of the law, you have no idea

1 why it was placed there in the first place? Is that  
2 is that your position?

3 MR. SPEAKER: Didn't he just answer that  
4 question, Representative Smith? You're recognized.

5 REPRESENTATIVE SMITH: Thank you,  
6 Mr. Speaker.

7 Okay. So I guess that's a no. You have no  
8 idea. So have you reviewed any other carve-outs  
9 that are existing in any other law, or is it just  
10 this one?

11 MR. SPEAKER: Representative Andrade.

12 REPRESENTATIVE ANDRADE: Thank you,  
13 Mr. Speaker.

14 Representative Smith, I have a very  
15 consistent and healthy aversion and dislike for  
16 carve-outs in general. I've been very consistent in  
17 that position. What I will say is that this is the  
18 only carve out that's going to be the subject of an  
19 oral argument in federal court in eight days.

20 MR. SPEAKER: Representative Smith.

21 REPRESENTATIVE SMITH: Thank you,  
22 Mr. Speaker.

23 Now, who wrote this bill that is in front  
24 of us today that you're presenting?

25 MR. SPEAKER: Representative Andrade?

1 REPRESENTATIVE ANDRADE: Thank you,  
2 Mr. Speaker.

3 Representative Smith, I enjoy that question  
4 because I don't know on a definitional level if we  
5 can say that striking out four lines and adding none  
6 would meet the definition of "wrote."

7 MR. SPEAKER: Representative Smith.

8 REPRESENTATIVE SMITH: Thank you,  
9 Mr. Speaker.

10 Thank you, Representative Andrade. You've  
11 just spoken to the easy magic that is lawmaking.

12 I suppose no further questions,  
13 Mr. Speaker. Thank you.

14 MR. SPEAKER: Representative Gottlieb.

15 REPRESENTATIVE GOTTLIEB: From Willhite --  
16 there we go.

17 REPRESENTATIVE WILLHITE: Thank you,  
18 Mr. Speaker. I yield the floor to Representative  
19 Eskamani.

20 MR. SPEAKER: Representative Eskamani,  
21 questions.

22 REPRESENTATIVE ESKAMANI: Thank you so  
23 much, Mr. Speaker.

24 Representative, I heard that you were  
25 inspired by your colleagues yesterday, including me,

1 from -- I guess it was two sessions ago. So I'm just  
2 curious, why were you not inspired last regular  
3 session because this has been in the books for a  
4 while? So what is the new inspiration?

5 MR. SPEAKER: Representative Andrade.

6 REPRESENTATIVE ANDRADE: Thank you,  
7 Mr. Speaker.

8 Representative Eskamani, yes. You  
9 absolutely inspired me. I agree with you. This was  
10 a laughable carve-out, and I appreciated how heavily  
11 you opposed it as did Representative Learned on the  
12 floor when it was presented initially.

13 What I would say is I had seven bills that  
14 were priorities of mine. Unfortunately, only one of  
15 them passed. I hope to improve that record next  
16 year. But when opportunities present themselves,  
17 like when the Governor amends his special call and  
18 says this is a present need because in eight days we  
19 have an oral argument and the underlying bill is  
20 more important, I will jump at that opportunity when  
21 that opportunity presents itself to go correct an  
22 issue with a bill that while I overarchingly  
23 wholeheartedly supported, gave me slight heartburn  
24 about this one carve-out.

25 MR. SPEAKER: Representative Eskamani.

1           REPRESENTATIVE ESKAMANI: Thank you,  
2 Mr. Speaker.

3           I remember a year ago and having the back  
4 and forth with the bill sponsor, I believe one of  
5 his responses to me of why the carve-out was  
6 necessary was that the platforms like Disney Plus --  
7 and I gave a long list of potential other dynamics,  
8 would not be in a position to deplatform someone.  
9 Has that changed for you? Can you explain this  
10 operationally because that was the answer given to  
11 me before? What's different now?

12           MR. SPEAKER: Representative Andrade.

13           REPRESENTATIVE ANDRADE: Thank you,  
14 Mr. Speaker.

15           Representative Eskamani, no. There's no  
16 technical change to how any platform individually  
17 works, right. And I believe the other example you  
18 provided, I think, was like maybe Hulu or Peacock on  
19 the House floor. And it was, fun fact, 11 months  
20 and 22 days ago, that we had this discussion on the  
21 floor. So on the anniversary actually, the day  
22 after the anniversary of this amendment being put on  
23 this bill, the oral arguments will occur.

24           What I would say is no. At the end of the  
25 day, this was an unfair carve-out, impermissible



1 under the analysis of a far more important bill,  
2 that I'm happy that we're pulling out because I have  
3 a healthy aversion for carve-outs in general.

4 MR. SPEAKER: Representative Eskamani.

5 REPRESENTATIVE ESKAMANI: Thank you so  
6 much, Mr. Speaker, the time that I have left.

7 I'm curious. Have you spoken to the  
8 original bill sponsor? And does he -- has he  
9 changed his perspective on his original defense of  
10 the carve-out?

11 REPRESENTATIVE ANDRADE: Thank you,  
12 Mr. Speaker.

13 Representative Eskamani, the original bill  
14 sponsor on the House side was not the drafter of the  
15 amendment. It came over from the Senate. So while  
16 I enjoy speaking with him, I didn't believe he was  
17 going to provide any argument to change my mind  
18 about my dislike for this carve-out and the pressing  
19 need to have the oral argument specific topics  
20 clarified prior to April 28.

21 MR. SPEAKER: All right. Members, time  
22 having been expired for questions, are there  
23 amendments?

24 THE CLERK: None on the desk, Mr. Speaker.

25 MR. SPEAKER: Read the next bill.

1 THE CLERK: None on the desk, Mr. Speaker.

2 MR. SPEAKER: All right. Members, we're  
3 going get a set up with a procedural motion. We've  
4 got the bills over from the Senate to set us up for  
5 third reading tomorrow. Hopefully, by late  
6 afternoon, early evening at the latest, we're able  
7 to conclude our business tomorrow to get you all  
8 home.

9 Representative Renner, you're recognized  
10 for a motion.

11 REPRESENTATIVE RENNER: Mr. Speaker, I move  
12 that the rules be waived to read the messages for SB  
13 2C, 4C, and 6C, to read the bills twice by title and  
14 to substitute them for their identical House  
15 companion bills.

16 MR. SPEAKER: Members, Representative  
17 Renner moves that the rules be waived that read  
18 messages for Senate Bills 2C, 4C, 6C to be read the  
19 bills twice by title and to substitute them for  
20 their identical House companion bills. All in favor  
21 say aye.

22 (Multiple yeas)

23 MR. SPEAKER: All opposed, no.

24 (Multiple nos)

25 MR. SPEAKER: Show the motion is adopted.

1           Read the Senate bills for Senate Bills 2C,  
2   4C, and 6C and the bills twice by title and show  
3   them substituted for their identical House companion  
4   bills.

5           THE CLERK: The Honorable Chris Sprowls.  
6   Speaker, I'm directed to inform the House of  
7   Representatives that the Senate has passed SB 2C as  
8   amended and request the concurrence of the House.  
9   Debbie Brown, Secretary. By Senator Rodriguez,  
10   Senate Bill 2C, a bill to be entitled, "An act  
11   establishing the congressional districts of the  
12   state." By Senator Rodriguez, Senate Bill 2C, a  
13   bill be entitled, "An act establishing the  
14   congressional districts of the state."

15           The Honorable Chris Sprowls, Speaker. I'm  
16   directed to inform the House of Representatives that  
17   the Senate has passed SB 4C and request the  
18   concurrence of the House. Debbie brown, Secretary.  
19   By Senator Bradley, Senate Bill 4C, a bill to be  
20   entitled, "An act relating to independent special  
21   districts." By Senator Bradley, Senate Bill 4C, a  
22   bill to be entitled, "An act relating to independent  
23   special districts."

24           The Honorable Chris Sprowls, Speaker, I'm  
25   directed inform the House of Representatives that

1 the Senate has passed SB 6C and request the  
2 concurrence of the House. Debbie Brown, Secretary.  
3 By Senator Bradley, Senate Bill 6C, a bill to be  
4 entitled, "An act relating to social media  
5 platforms." By Senator Bradley, Senate Bill 6C, a  
6 bill to be entitled, "An act relating to social  
7 media platforms."

8 MR. SPEAKER: All right. Show Senate Bills  
9 2C, 4c, and 6C rollover for third reading.

10 Are there resolutions on the desk?

11 THE CLERK: None on the desk, Mr. Speaker.

12 MR. SPEAKER: All right. Members, we're  
13 going see you back here tomorrow at 10:00 a.m.

14 Representative Randy, you're recognized for  
15 a motion.

16 REPRESENTATIVE RANDY: Mr. Speaker, I move  
17 that the House, after receiving reports adjourn to  
18 reconvene Thursday, April 21, 2022, at 10:00 a.m. or  
19 upon the call of the chair.

20 MR. SPEAKER: All in favor, say Aye.

21 (Multiple ayes)

22 MR. SPEAKER: All opposed, no.

23 (No audible response)

24 MR. SPEAKER: Show the motion is adopted.

25 The House is adjourned. (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.



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Julie Thompson, CET-1036

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# Exhibit J

## VAP Summary Report

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D1	769,221	605,557	436,951	79,650	2,341	38,161	48,454	40,502	81,991
	3.57%	78.72%	72.16%	13.15%	0.39%	6.30%	8.00%	6.69%	13.54%
D2	769,221	619,356	405,585	140,300	2,706	37,071	33,694	39,777	143,006
	3.57%	80.52%	65.48%	22.65%	0.44%	5.99%	5.44%	6.42%	23.09%
D3	769,221	623,606	427,865	94,145	3,192	59,010	39,394	62,202	97,337
	3.57%	81.07%	68.61%	15.10%	0.51%	9.46%	6.32%	9.97%	15.61%
D4	769,221	599,181	455,178	50,360	3,014	44,694	45,935	47,708	53,374
	3.57%	77.89%	75.97%	8.40%	0.50%	7.46%	7.67%	7.96%	8.91%
D5	769,221	598,494	281,259	205,205	6,213	58,152	47,665	64,365	211,418
	3.57%	77.81%	46.99%	34.29%	1.04%	9.72%	7.96%	10.75%	35.32%
D6	769,221	634,932	476,168	65,913	3,256	58,240	31,355	61,496	69,169
	3.57%	82.54%	75.00%	10.38%	0.51%	9.17%	4.94%	9.69%	10.89%
D7	769,221	618,936	377,745	62,366	8,305	122,510	48,010	130,815	70,671
	3.57%	80.46%	61.03%	10.08%	1.34%	19.79%	7.76%	21.14%	11.42%
D8	769,221	633,917	475,121	57,884	3,574	59,832	37,506	63,406	61,458
	3.57%	82.41%	74.95%	9.13%	0.56%	9.44%	5.92%	10.00%	9.69%
D9	769,221	589,255	184,305	59,451	17,931	281,636	45,932	299,567	77,382
	3.57%	76.60%	31.28%	10.09%	3.04%	47.80%	7.79%	50.84%	13.13%
D10	769,221	598,880	241,084	162,040	10,467	136,880	48,409	147,347	172,507
	3.57%	77.86%	40.26%	27.06%	1.75%	22.86%	8.08%	24.60%	28.80%
D11	769,221	637,783	439,426	49,592	4,804	96,387	47,574	101,191	54,396
	3.57%	82.91%	68.90%	7.78%	0.75%	15.11%	7.46%	15.87%	8.53%
D12	769,221	632,295	506,278	25,213	3,413	63,615	33,776	67,028	28,626
	3.57%	82.20%	80.07%	3.99%	0.54%	10.06%	5.34%	10.60%	4.53%

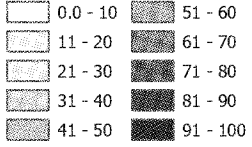


District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D13	769,221	649,755	470,078	71,006	3,464	60,026	45,181	63,490	74,470
	3.57%	84.47%	72.35%	10.93%	0.53%	9.24%	6.95%	9.77%	11.46%
D14	769,221	595,724	289,285	110,259	10,430	144,805	40,945	155,235	120,689
	3.57%	77.45%	48.56%	18.51%	1.75%	24.31%	6.87%	26.06%	20.26%
D15	769,221	605,567	318,936	70,148	9,121	152,242	55,120	161,363	79,269
	3.57%	78.72%	52.67%	11.58%	1.51%	25.14%	9.10%	26.65%	13.09%
D16	769,221	599,690	350,085	82,662	6,922	132,260	27,761	139,182	89,584
	3.57%	77.96%	58.38%	13.78%	1.15%	22.05%	4.63%	23.21%	14.94%
D17	769,221	636,680	469,786	45,167	2,903	88,094	30,730	90,997	48,070
	3.57%	82.77%	73.79%	7.09%	0.46%	13.84%	4.83%	14.29%	7.55%
D18	769,221	637,796	467,557	45,717	3,330	97,393	23,799	100,723	49,047
	3.57%	82.91%	73.31%	7.17%	0.52%	15.27%	3.73%	15.79%	7.69%
D19	769,221	655,897	491,885	33,414	3,215	100,354	27,029	103,569	36,629
	3.57%	85.27%	74.99%	5.09%	0.49%	15.30%	4.12%	15.79%	5.58%
D20	769,221	595,408	140,153	289,430	8,953	127,858	29,014	136,811	298,383
	3.57%	77.40%	23.54%	48.61%	1.50%	21.47%	4.87%	22.98%	50.11%
D21	769,221	629,736	428,764	74,848	3,723	91,628	30,773	95,351	78,571
	3.57%	81.87%	68.09%	11.89%	0.59%	14.55%	4.89%	15.14%	12.48%
D22	769,220	625,981	346,268	93,681	5,725	148,600	31,707	154,325	99,406
	3.57%	81.38%	55.32%	14.97%	0.91%	23.74%	5.07%	24.65%	15.88%
D23	769,221	632,647	369,529	77,823	5,471	124,270	55,554	129,741	83,294
	3.57%	82.25%	58.41%	12.30%	0.86%	19.64%	8.78%	20.51%	13.17%
D24	769,221	611,792	111,522	241,702	16,303	218,970	23,295	235,273	258,005
	3.57%	79.53%	18.23%	39.51%	2.66%	35.79%	3.81%	38.46%	42.17%
D25	769,221	607,264	208,608	96,002	10,414	246,216	46,024	256,630	106,416
	3.57%	78.95%	34.35%	15.81%	1.71%	40.55%	7.58%	42.26%	17.52%

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D26	769,221	617,970	107,162	31,040	12,901	453,099	13,768	466,000	43,941
	3.57%	80.34%	17.34%	5.02%	2.09%	73.32%	2.23%	75.41%	7.11%
D27	769,221	636,002	107,346	33,366	11,580	460,183	23,527	471,763	44,946
	3.57%	82.68%	16.88%	5.25%	1.82%	72.36%	3.70%	74.18%	7.07%
D28	769,221	609,131	92,771	52,023	10,829	435,999	17,509	446,828	62,852
	3.57%	79.19%	15.23%	8.54%	1.78%	71.58%	2.87%	73.35%	10.32%
TOTALS	21,538,187	17,339,232	9,476,700	2,500,407	194,500	4,138,185	1,029,440	4,332,685	2,694,907

# Exhibit K

Black VAP %

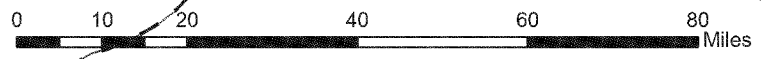
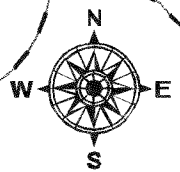
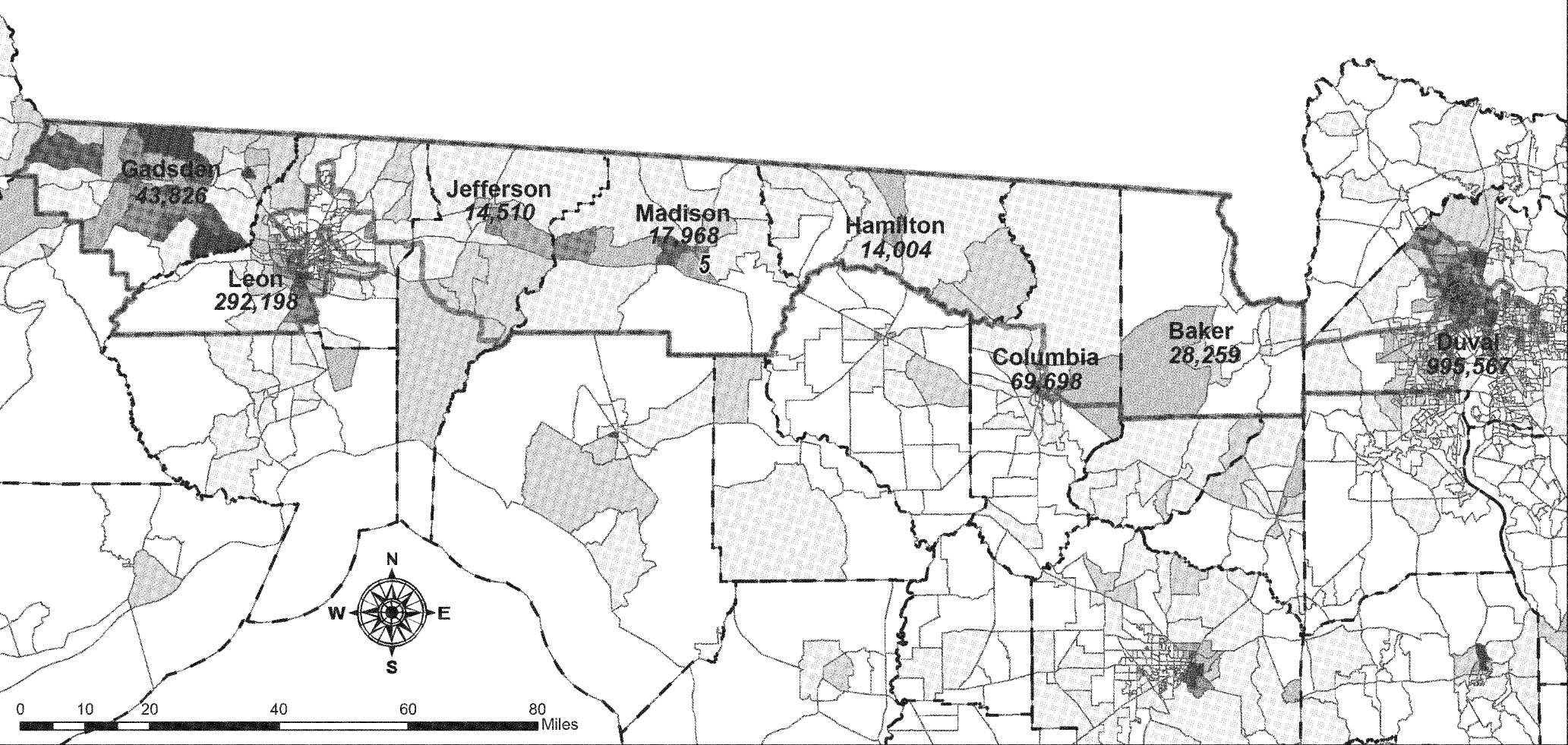


# Congressional District 5 (2016)

## SC14-1905

Plan: FLCD2016

Ordered by  
Florida Supreme Court  
12/02/2015



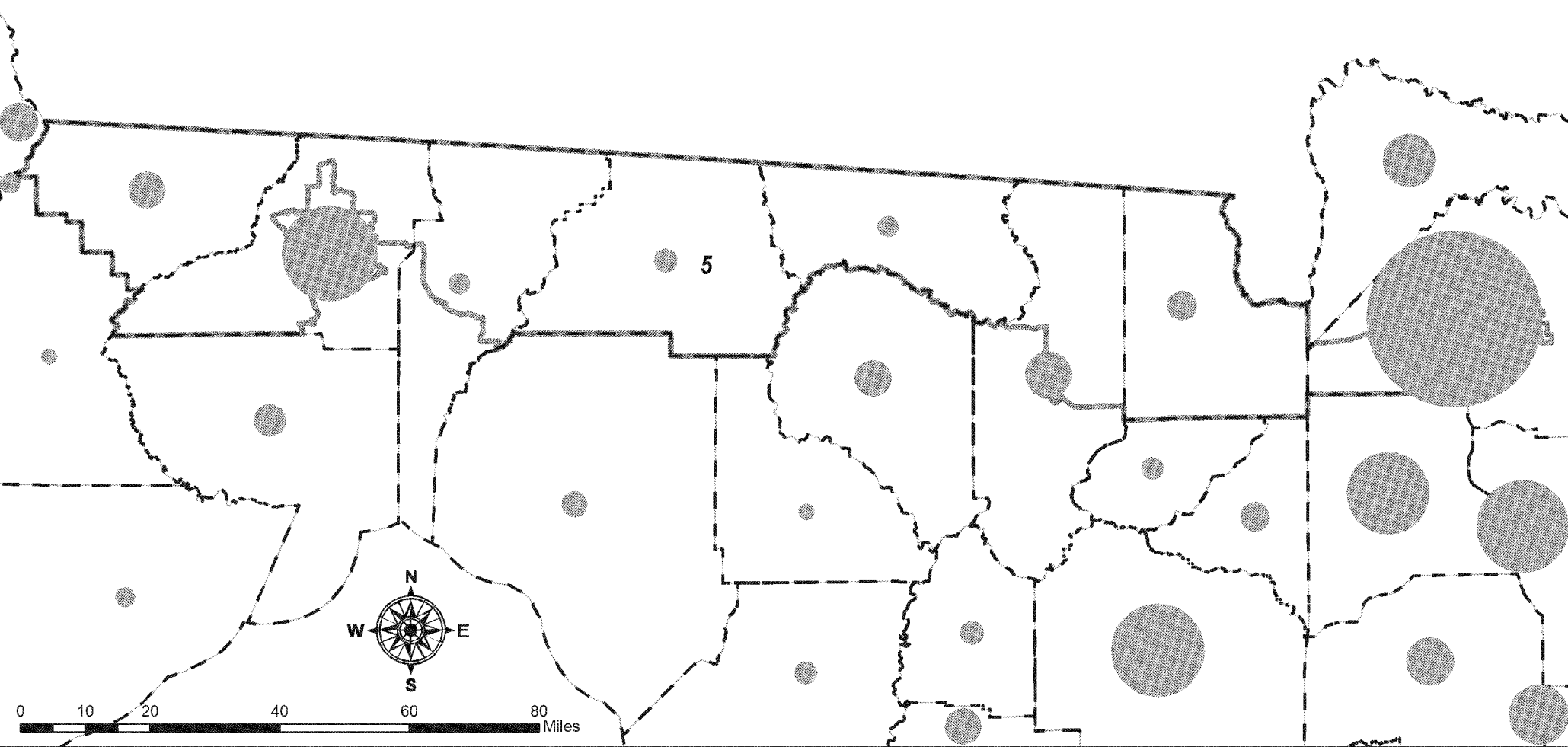
# Distribution of 2020 Census Total Population

## Congressional District 5 (2016)

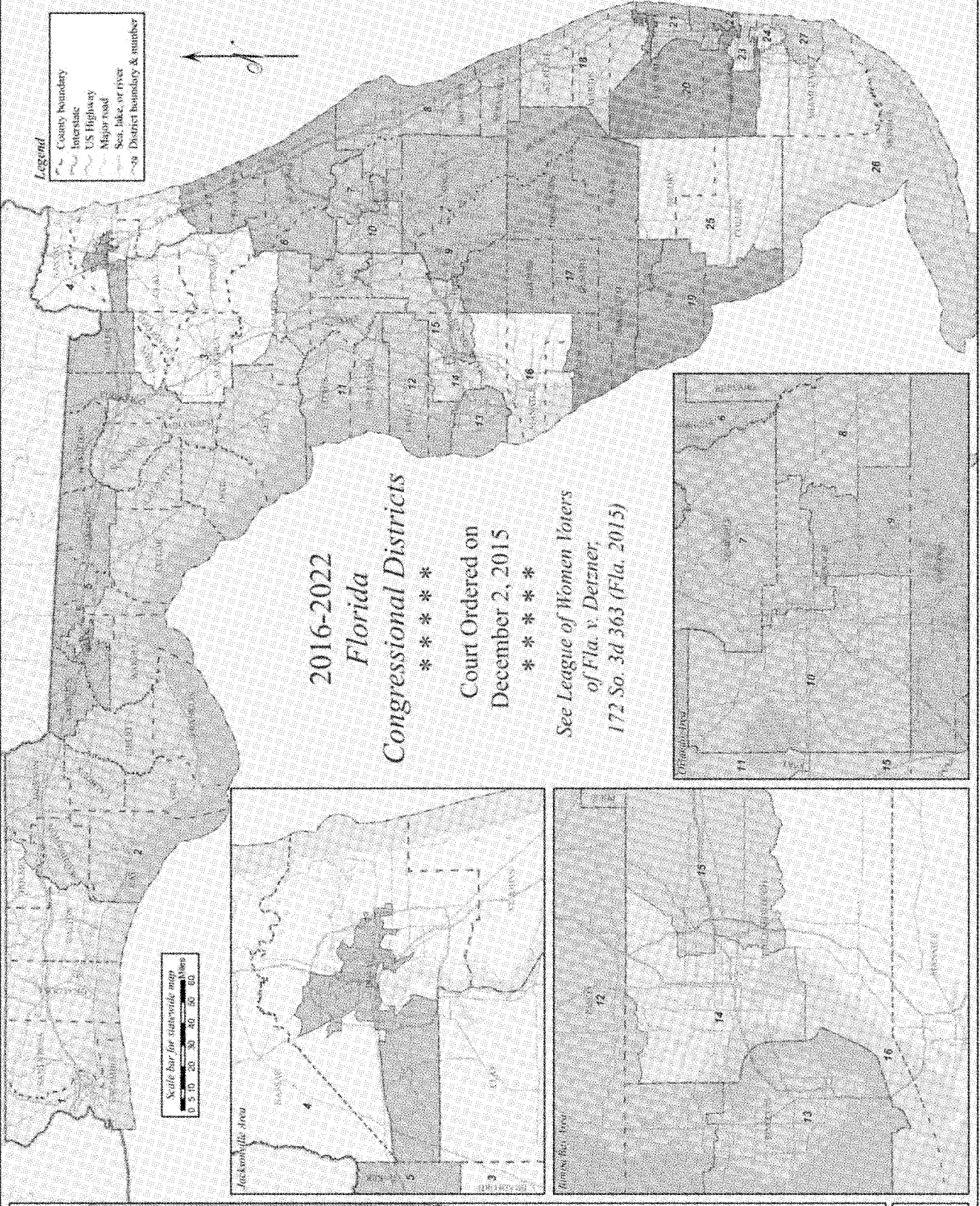
**SC14-1905**

Plan: FLCD2016

—  
Ordered by  
Florida Supreme Court  
12/02/2015



# Exhibit L



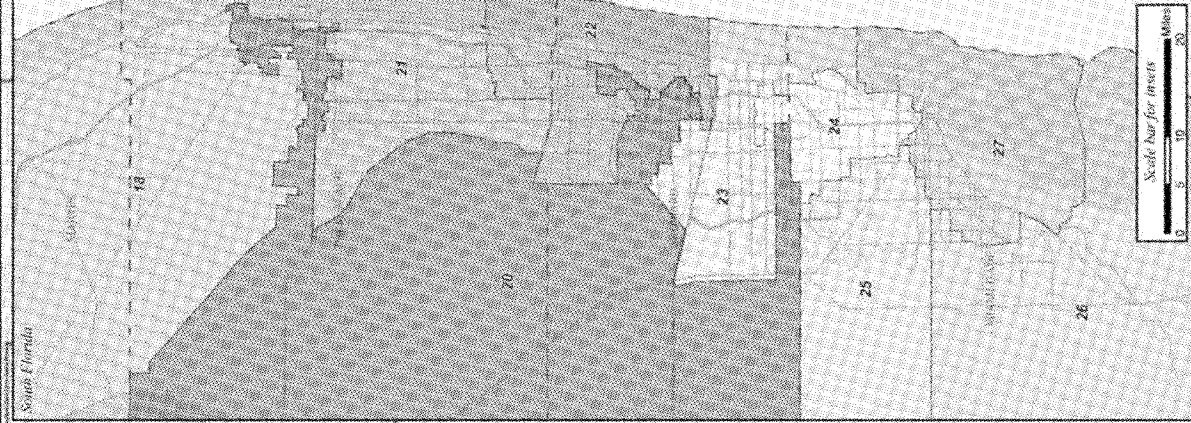
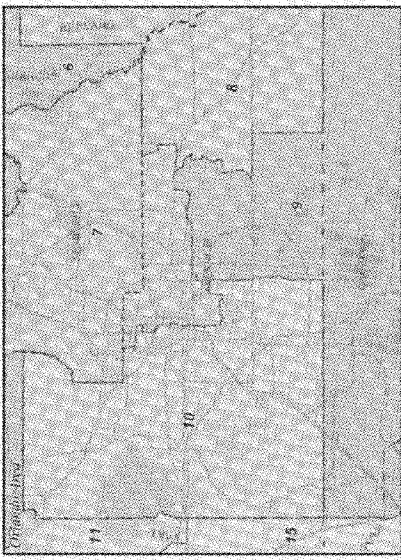
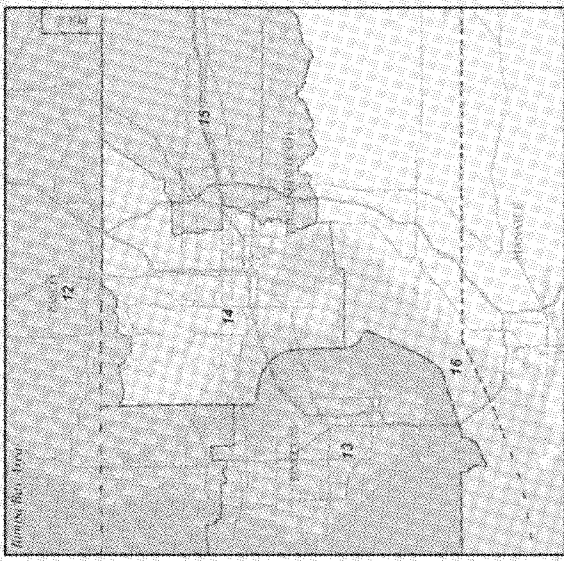
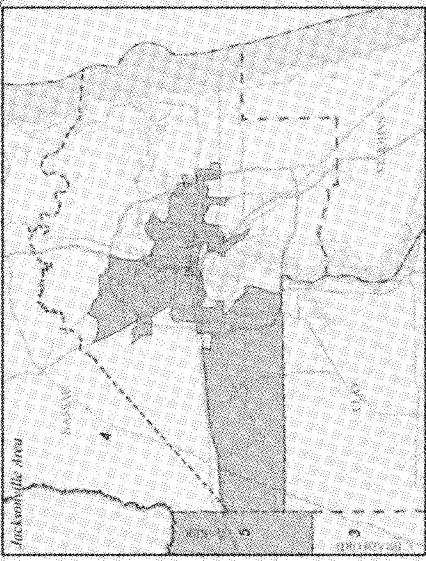
2016-2022  
 Florida  
 Congressional Districts

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Court Ordered on  
 December 2, 2015

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See *League of Women Voters  
 of Fla. v. Detzner*,  
 172 So. 3d 363 (Fla. 2015)



Map produced by professional staff  
 Florida Senate Committee on Reapportionment  
 404 S. Monroe St., Tallahassee, FL 32309-1100  
 Office: 2000 The Capitol, Phone: (904) 487-5853  
 Website: <http://www.flreapportioning.gov>



Plan FLCD2016

Dist.	Deviation		Voting Age Population:		Area (sq.mi.)	Perim. (mi.)	Convex Hull	Folsby-Popper Ratio	Counties:		Cities:		Political and Geographic Boundaries:						
	Total	%	Black	Hisp.					Whole	Parts	Whole	Parts	City	County	Road	Water	Rail	Non-Pol/Geo	
1	228,137	29.66%	15.54%	24.99%	2,644.6	289.8	0.77	0.36	49	50	373	84	18%	55%	10%	39%	1%	14%	
2	38,660	5.03%	13.23%	6.60%	5,393	412	0.82	0.40	4	1	21	0	3%	94%	0%	60%	0%	6%	
3	-41,365	-5.38%	12.42%	6.68%	14,594	942	0.68	0.21	14	5	21	3	7%	75%	11%	48%	1%	10%	
4	102,663	13.35%	10.36%	8.84%	3,844	303	0.89	0.53	5	1	27	1	19%	75%	14%	25%	0%	7%	
5	-20,311	-2.64%	16.20%	9.14%	1,963	379	0.72	0.17	1	2	9	1	9%	58%	18%	51%	1%	15%	
6	27,033	3.51%	10.12%	12.07%	3,910	711	0.71	0.10	4	4	15	3	7%	59%	17%	10%	2%	16%	
7	19,297	2.51%	12.19%	24.65%	2,682	316	0.77	0.34	2	2	22	3	8%	82%	4%	62%	0%	4%	
8	14,532	1.89%	9.68%	10.35%	436	122	0.81	0.37	1	1	7	4	16%	65%	10%	51%	0%	19%	
9	186,381	24.23%	14.26%	41.53%	2,412	271	0.76	0.41	2	1	21	0	0%	89%	2%	41%	0%	10%	
10	104,583	13.60%	26.70%	28.95%	2,620	268	0.87	0.46	1	2	12	4	17%	49%	14%	5%	6%	17%	
11	51,614	6.71%	7.22%	10.12%	516	115	0.89	0.49	0	1	9	4	19%	70%	15%	21%	0%	11%	
12	37,916	4.93%	5.83%	12.50%	3,202	375	0.74	0.29	3	2	16	8	14%	66%	14%	40%	0%	12%	
13	-41,756	-5.43%	11.88%	9.81%	1,288	187	0.82	0.46	1	2	8	3	11%	77%	11%	36%	0%	9%	
14	18,226	2.37%	17.89%	30.15%	610	106	0.93	0.68	0	1	19	3	38%	74%	2%	89%	0%	4%	
15	50,632	6.58%	15.39%	22.74%	366	101	0.82	0.45	0	0	2	8	43%	38%	10%	32%	1%	28%	
16	114,826	14.93%	9.33%	15.94%	1,170	240	0.76	0.26	0	3	2	8	25%	28%	13%	17%	0%	24%	
17	10,734	1.40%	7.15%	13.26%	1,910	213	0.90	0.53	1	2	7	0	12%	61%	10%	56%	0%	6%	
18	25,503	3.32%	12.95%	15.60%	6,546	433	0.77	0.44	6	3	15	1	4%	69%	9%	28%	3%	9%	
19	65,791	8.55%	6.78%	18.09%	1,889	228	0.82	0.45	0	2	14	4	10%	65%	3%	45%	0%	20%	
20	7,062	0.92%	52.37%	26.75%	1,972	249	0.79	0.40	2	2	8	0	4%	66%	9%	60%	0%	15%	
21	18,786	2.44%	14.97%	22.58%	2,405	387	0.75	0.20	0	2	14	12	30%	35%	10%	11%	1%	33%	
22	16,535	2.15%	15.22%	21.37%	353	123	0.64	0.29	0	1	16	5	29%	24%	12%	30%	1%	37%	
23	135	0.02%	15.21%	39.76%	253	119	0.73	0.22	0	2	12	5	25%	28%	12%	32%	2%	32%	
24	-26,679	-3.47%	43.62%	44.87%	115	69	0.65	0.25	0	2	12	6	58%	15%	13%	29%	3%	17%	
25	2,213	0.29%	4.86%	74.37%	44,877	357	0.77	0.30	0	2	9	2	64%	13%	15%	29%	7%	19%	
26	18,693	2.43%	11.34%	72.44%	3,674	594	0.68	0.36	1	2	11	1	8%	70%	12%	22%	0%	7%	
27	-29,396	-3.82%	5.95%	70.35%	6,710	91	0.55	0.24	0	1	7	0	1%	88%	6%	87%	0%	1%	
28					317		0.88	0.48	0	1	9	1	21%	26%	25%	61%	0%	8%	
													0%	0%	0%	0%	0%	0%	0%

Overall numbers of county and city splits:

Number of Counties	67
Counties with only one district	49
Districts with only one county	5
Counties split into more than one district	18
Counties with all population in a single district	49
Aggregate number of county splits	50
Aggregate number of splits with population	50
Number of Cities	412
Cities with only one district	373
Cities split into more than one district	39
Cities with all population in only one district	390
Aggregate number of city splits	84
Aggregate number of splits with population	67

City and County Boundaries	FLCD2016
District lines and	
In Plan	



Plan FLCD2016

County	Counties included in more than one district				Area%
	Dist.	Total Pop.	Pop%	Total Area	
Broward	20	519,827	26.7%	890.2	68.0%
Broward	22	645,095	33.2%	187.0	14.3%
Broward	23	691,006	35.5%	218.0	16.7%
Broward	24	88,447	4.6%	13.2	1.0%
Collier	19	168,394	44.8%	636.6	24.4%
Collier	25	207,358	55.2%	1,968.6	75.6%
Columbia	2	58,045	83.3%	431.0	53.8%
Columbia	5	11,653	16.7%	370.3	46.2%
Duval	4	542,200	94.5%	647.5	70.5%
Duval	5	453,367	45.5%	271.0	29.5%
Hillsborough	12	13,604	0.9%	21.4	1.6%
Hillsborough	14	787,447	53.9%	366.3	27.5%
Hillsborough	15	408,739	28.0%	376.5	28.3%
Hillsborough	16	249,372	17.1%	567.8	42.6%
Holmes	1	11,003	56.0%	388.6	79.5%
Holmes	2	8,650	44.0%	100.4	20.5%
Jefferson	2	1,154	8.0%	245.9	36.6%
Jefferson	5	13,356	92.1%	426.7	63.4%
Lake	6	93,240	24.3%	446.2	38.6%
Lake	11	171,856	44.8%	413.0	35.7%
Lake	15	118,880	31.0%	297.6	25.7%
Lee	17	94,204	12.4%	179.0	11.8%
Lee	19	666,618	87.6%	1,335.8	88.2%
Leon	2	125,721	43.0%	211.6	30.1%
Leon	5	166,477	57.0%	490.2	69.9%
Marion	2	53,370	14.2%	275.6	16.6%
Marion	3	151,649	40.3%	854.4	51.4%
Marion	11	170,889	45.5%	532.7	32.0%
Miami-Dade	23	78,350	2.9%	38.8	1.4%
Miami-Dade	24	654,095	24.2%	102.0	4.3%
Miami-Dade	25	524,457	19.4%	516.3	21.6%
Miami-Dade	26	705,040	26.1%	1,420.0	59.4%
Miami-Dade	27	739,825	27.4%	317.3	13.3%
Orange	7	317,662	22.2%	90.3	9.0%
Orange	8	17,353	1.2%	238.1	23.7%
Orange	9	221,089	15.5%	138.9	15.8%
Orange	10	873,804	61.1%	516.1	51.4%
Palm Beach	18	307,067	20.6%	448.3	18.8%
Palm Beach	20	256,056	17.2%	1,515.8	63.6%
Palm Beach	21	788,007	52.8%	353.0	14.8%
Palm Beach	22	140,861	9.4%	66.2	2.8%
Pinellas	12	231,642	24.2%	232.3	29.3%
Pinellas	13	727,465	75.9%	610.2	70.8%
Polk	9	345,857	47.7%	955.2	47.5%
Polk	15	292,234	40.3%	495.1	24.7%
Polk	17	86,955	12.0%	599.1	27.8%
Sarasota	16	234,365	54.0%	378.3	38.8%
Sarasota	17	199,641	46.0%	597.3	61.2%
St. Johns	4	239,332	87.5%	588.2	71.7%
St. Johns	6	34,093	12.5%	232.3	28.3%

County	Counties included in more than one district				Area%
	Dist.	Total Pop.	Pop%	Total Area	

County	Counties included in more than one district				Area%
	Dist.	Total Pop.	Pop%	Total Area	

County	Counties included in more than one district				Area%
	Dist.	Total Pop.	Pop%	Total Area	



Functional Analysis - Summary

Plan FLCD2016

Dist.	2020 Census			2020 General Election Registered Voters															
	Black	Hisp	VAP who are:	DEM	REP	OTH	RV who are:		Black Voters who are:		Hispanic Voters who are:		DEM who are:		REP who are:		NPA/Other who are:		
			Black				Black	Hisp	DEM	REP	NPA/OTH	DEM	REP	DEM	REP	Black	Hisp	Black	Hisp
5	46.20%	9.16%	46.07%	56.62%	24.04%	19.34%	46.07%	4.78%	84.27%	2.69%	13.03%	44.76%	19.87%	68.56%	3.78%	5.15%	3.95%	31.03%	8.62%
9	14.26%	41.53%	10.82%	39.35%	27.53%	33.12%	10.82%	36.46%	74.89%	3.67%	21.41%	45.38%	13.86%	20.60%	42.06%	1.44%	18.35%	6.99%	44.86%
10	26.70%	28.95%	23.22%	45.12%	24.69%	30.19%	23.22%	21.39%	77.55%	3.27%	19.17%	46.15%	15.09%	39.90%	21.89%	3.07%	13.07%	14.74%	27.45%
20	32.37%	26.75%	43.67%	62.04%	12.78%	25.18%	43.67%	18.33%	81.53%	2.49%	15.95%	43.62%	19.47%	65.28%	12.85%	9.69%	27.93%	31.47%	26.80%
24	43.52%	44.37%	45.16%	61.55%	12.12%	26.34%	45.16%	31.90%	82.95%	2.45%	14.68%	42.06%	21.48%	62.14%	21.80%	9.35%	56.56%	25.72%	44.13%
25	4.86%	74.37%	3.13%	27.57%	40.22%	32.21%	3.13%	87.81%	73.13%	5.88%	20.88%	27.47%	37.80%	8.29%	62.39%	0.46%	56.84%	2.03%	67.50%
26	11.94%	72.44%	10.02%	34.64%	32.40%	32.96%	10.02%	61.53%	78.51%	3.29%	18.16%	28.59%	35.99%	21.71%	51.67%	1.02%	69.53%	5.52%	67.25%
27	5.95%	70.43%	4.60%	35.31%	32.02%	32.67%	4.60%	68.39%	75.92%	4.50%	19.74%	29.35%	37.54%	9.89%	48.88%	0.62%	68.94%	2.78%	59.56%



Functional Analysis - Returns

		5	9	10	20	24	25	26	27
2018	Plan FICD2016 Primary Elections	BVAP	14.26%	26.79%	52.37%	43.63%	4.86%	11.34%	5.95%
		HVAP	9.14%	28.95%	28.75%	44.87%	73.47%	73.47%	73.35%
Governor (REP)	R_Baldair	0.67%	0.60%	0.73%	1.45%	2.49%	1.72%	1.79%	1.49%
	R_DeSantis	50.91%	43.76%	53.04%	60.72%	63.43%	55.96%	67.81%	67.52%
	R_DeVine	1.16%	1.26%	1.61%	2.07%	3.63%	2.79%	3.35%	3.02%
	R_Langford	1.21%	1.03%	1.61%	1.66%	2.18%	1.40%	1.69%	1.59%
	R_Mercadante	0.47%	0.75%	0.86%	1.54%	2.92%	1.78%	1.98%	2.15%
	R_Nathan	0.75%	0.66%	0.86%	1.49%	1.02%	1.02%	1.36%	1.55%
	R_Putnam	42.67%	49.98%	38.99%	25.91%	17.92%	21.75%	18.18%	19.02%
	R_White	1.63%	1.83%	2.10%	2.92%	4.65%	2.52%	3.59%	3.42%
	D_Gillum	58.51%	30.20%	45.10%	57.43%	53.26%	22.99%	34.50%	25.61%
	D_Graham	22.66%	31.00%	27.10%	11.98%	10.90%	23.62%	20.26%	23.07%
Governor (DEM)	D_Greene	5.55%	13.26%	9.56%	9.05%	10.02%	11.00%	10.07%	7.50%
	D_King	1.33%	3.87%	3.50%	0.88%	2.82%	2.82%	1.97%	1.52%
	D_Levine	10.24%	18.68%	13.36%	19.91%	23.97%	36.52%	31.17%	40.79%
	D_Lundmark	0.45%	1.15%	0.47%	0.27%	0.46%	1.50%	0.89%	0.71%
	D_Wetherbee	0.79%	1.60%	0.82%	0.32%	0.40%	1.43%	0.95%	0.62%
	R_Moody	58.32%	57.66%	55.16%	55.28%	51.95%	51.91%	54.79%	54.98%
Attorney General (REP)	R_White	41.59%	42.32%	44.85%	44.03%	47.82%	48.07%	45.11%	45.03%
	D_Shaw	79.03%	62.16%	72.79%	82.42%	82.19%	62.60%	71.18%	73.79%
Attorney General (DEM)	D_Torrans	20.91%	37.82%	27.22%	17.55%	17.80%	37.41%	28.82%	26.23%
	R_Caldwell	36.48%	28.61%	35.26%	42.40%	40.96%	42.29%	42.31%	39.76%
Agriculture Commissioner (REP)	R_Grimsley	22.86%	27.50%	31.60%	26.92%	30.65%	28.78%	31.19%	32.65%
	R_McCallister	9.16%	11.88%	15.39%	20.21%	17.38%	12.73%	16.58%	17.11%
	R_Troutman	30.93%	31.82%	17.64%	8.43%	10.37%	16.18%	9.67%	10.38%
	D_Fried	60.02%	53.62%	55.07%	62.94%	57.49%	50.87%	53.09%	61.30%
Agriculture Commissioner (DEM)	D_Porter	19.67%	18.77%	18.25%	16.26%	18.80%	19.65%	20.63%	13.91%
	D_Walker	20.19%	27.55%	26.87%	20.75%	23.70%	29.42%	26.23%	24.76%
	R_De La Fuente	11.04%	9.15%	11.06%	14.74%	17.08%	9.41%	12.22%	13.20%
	R_Scott	88.77%	90.79%	88.92%	86.33%	82.85%	90.58%	87.33%	86.78%
US Senate (REP)	R_Beruff	21.35%	19.39%	17.64%	13.07%	8.02%	9.59%	6.37%	6.02%
	R_Rivera	3.83%	3.05%	2.52%	4.45%	3.64%	2.20%	2.81%	1.99%
	R_Rubio	68.10%	70.54%	74.37%	72.02%	79.92%	84.40%	86.01%	88.05%
	R_Young	6.23%	6.82%	5.36%	8.29%	7.97%	3.74%	4.77%	3.79%
US Senate (DEM)	D_De La Fuente	4.17%	12.55%	4.89%	3.29%	6.37%	20.68%	12.73%	11.64%
	D_Grayson	18.26%	39.05%	42.68%	9.52%	10.12%	12.29%	11.19%	11.78%
	D_Keith	14.98%	10.52%	12.27%	14.91%	13.73%	14.57%	15.83%	17.86%
	D_Luster	11.29%	1.42%	2.23%	2.89%	2.89%	1.72%	1.85%	1.30%
	D_Murphy	50.92%	36.18%	37.83%	58.44%	66.77%	50.65%	58.14%	57.19%
	R_Adeshina	1.50%	1.58%	1.64%	2.45%	3.30%	1.26%	1.82%	1.88%
Governor (REP)	R_Cuevas-Neunder	8.71%	10.78%	9.92%	15.26%	15.62%	10.21%	14.79%	13.77%
	R_Scott	89.43%	87.50%	88.32%	80.79%	80.75%	88.46%	83.24%	84.26%
Governor (DEM)	D_Christ	73.18%	74.85%	80.06%	84.62%	84.92%	74.04%	78.65%	73.25%
	D_Rich	24.65%	24.92%	19.90%	15.25%	15.09%	25.79%	21.27%	26.63%
Attorney General (DEM)	D_Sheldon	61.06%	59.89%	50.11%	37.37%	44.20%	67.24%	58.97%	69.29%
	D_Thurston	38.89%	39.98%	49.91%	62.53%	55.81%	32.69%	40.88%	30.61%
US Senate (REP)	R_Mack	36.41%	47.68%	57.84%	65.27%	71.55%	73.61%	73.54%	76.92%
	R_McCallister	18.56%	12.36%	11.36%	12.26%	7.28%	8.49%	7.35%	5.34%
	R_Stuart	6.21%	6.68%	5.24%	7.54%	13.33%	11.71%	13.94%	12.65%
	R_Weldon	17.97%	32.91%	25.43%	12.50%	7.17%	6.17%	5.61%	4.86%
US Senate (DEM)	D_Burkett	21.27%	22.72%	13.74%	13.71%	14.80%	22.81%	18.27%	14.18%
	D_Nelson	78.59%	77.05%	86.18%	86.04%	85.18%	77.05%	81.63%	85.74%

Functional Analysis - Returns

		5	9	10	20	24	25	26	27	
2020	Plan RCD2016 General Elections	BVAP	14.26%	26.70%	32.37%	43.62%	4.86%	11.34%	5.95%	
		HVAP	9.14%	41.53%	28.95%	26.75%	44.87%	74.37%	72.08%	70.35%
2018	President	D_Biden	62.59%	52.99%	62.01%	77.32%	75.42%	37.85%	46.86%	51.18%
		R_Trump	36.27%	46.05%	37.02%	22.12%	24.00%	61.61%	52.55%	48.27%
	Governor	D_Gillum	64.88%	54.67%	63.26%	82.18%	83.57%	41.38%	53.02%	54.60%
		R_DeSantis	34.20%	43.91%	35.72%	17.25%	15.65%	57.27%	45.81%	44.34%
	Attorney General	D_Shaw	61.58%	51.49%	59.61%	80.60%	81.90%	39.54%	51.46%	53.50%
		R_Moody	36.88%	46.64%	38.78%	18.20%	16.58%	58.45%	46.41%	44.58%
	Chief Financial Officer	D_Ring	62.80%	54.02%	61.48%	81.86%	83.36%	40.97%	52.49%	54.18%
		R_Patronis	37.19%	45.98%	38.52%	18.14%	16.63%	59.03%	47.51%	45.82%
	Agriculture Commissioner	D_Fried	63.83%	55.52%	63.22%	82.12%	83.61%	42.21%	53.96%	56.28%
		R_Caldwell	36.15%	44.48%	36.78%	17.86%	16.38%	57.78%	46.04%	43.73%
US Senate	D_Nelson	64.78%	53.96%	62.75%	81.94%	83.27%	41.92%	54.00%	55.96%	
	R_Scott	35.22%	46.05%	37.24%	18.07%	16.73%	58.08%	46.00%	44.03%	
2015	President	D_Clinton	60.92%	54.79%	61.75%	80.18%	82.88%	47.70%	56.76%	58.46%
		R_Trump	36.15%	41.90%	34.88%	18.09%	15.35%	49.90%	40.56%	38.98%
US Senate	D_Murphy	55.43%	49.67%	55.92%	77.24%	77.67%	37.44%	48.20%	49.24%	
	R_Rubio	41.30%	46.03%	40.32%	20.99%	20.18%	60.34%	49.43%	48.63%	
2014	Governor	D_Crist	59.33%	47.91%	55.49%	81.52%	84.02%	37.15%	52.07%	51.41%
		R_Scott	37.10%	46.26%	40.09%	16.50%	14.28%	60.11%	45.05%	46.13%
Attorney General	D_Sheldon	35.70%	43.06%	52.45%	78.03%	81.43%	32.54%	46.83%	47.62%	
	R_Bondi	41.85%	54.00%	44.81%	20.66%	17.08%	65.13%	50.81%	50.30%	
Chief Financial Officer	D_Rankin	55.92%	43.89%	50.83%	77.67%	81.51%	33.79%	46.85%	44.48%	
	R_Atwater	44.08%	56.11%	49.36%	22.32%	18.49%	66.20%	53.13%	55.52%	
Agriculture Commissioner	D_Hamilton	57.80%	40.71%	50.50%	79.21%	81.92%	33.60%	47.07%	45.47%	
	R_Putnam	42.18%	59.29%	49.50%	20.77%	18.07%	66.39%	52.92%	54.53%	
2012	President	D_Obama	63.57%	55.67%	60.78%	82.50%	85.78%	44.91%	55.48%	53.07%
		R_Romney	35.62%	43.46%	38.48%	17.12%	13.88%	54.57%	43.97%	46.40%
US Senate	D_Nelson	67.35%	60.89%	65.14%	83.62%	85.64%	47.11%	57.03%	55.41%	
	R_Mack	30.31%	36.34%	33.01%	15.26%	13.24%	50.65%	41.37%	43.23%	

# Exhibit M

## District Compactness Report

District	Polygon Area (sq. mi)	Perimeter (mi)	Reock Hull	Area/Convex Hull	Polsby Popper	Holes
Unassigned	0	0	0	0	0	0
D1	4416.06	340.71	0.54	0.87	0.48	0
D2	15766.45	884.25	0.31	0.72	0.25	0
D3	3751.24	294.5	0.71	0.89	0.54	0
D4	1724.55	349.56	0.33	0.64	0.18	0
D5	3648.11	645.73	0.11	0.66	0.11	0
D6	2736.76	316.11	0.48	0.77	0.34	0
D7	913.57	168.76	0.5	0.82	0.4	0
D8	2262.97	272.03	0.29	0.81	0.38	0
D9	1955.93	269.59	0.48	0.86	0.34	0
D10	376.95	110.12	0.5	0.77	0.39	0
D11	2030.55	289	0.32	0.81	0.31	0
D12	2089	312.24	0.4	0.61	0.27	0
D13	624.89	111.75	0.68	0.91	0.63	0
D14	456.3	104.49	0.45	0.87	0.53	0
D15	825.72	145.57	0.47	0.84	0.49	0
D16	2198.42	255.05	0.52	0.92	0.42	0
D17	1953.31	206.84	0.6	0.92	0.57	0
D18	5826.8	403.65	0.48	0.82	0.45	0
D19	1866.66	246.89	0.33	0.78	0.38	0
D20	2397.14	329.94	0.5	0.77	0.28	0
D21	1888.21	218.95	0.5	0.82	0.49	0
D22	345.34	101.59	0.44	0.74	0.42	0
D23	254.27	105.32	0.5	0.79	0.29	0
D24	182.83	68.92	0.48	0.9	0.48	0
D25	236.65	88.29	0.42	0.81	0.38	0



District	Polygon Area (sq. mi)	Perimeter (mi)	Reock	Area/Convex Hull	Polsby Popper	Holes
D26	3684.28	364.78	0.4	0.67	0.35	0
D27	280.69	69.66	0.71	0.95	0.73	0
D28	6709.61	591.41	0.22	0.55	0.24	0

# Exhibit N

Robert D. Popper  
Senior Attorney  
Director, Voting Integrity  
Judicial Watch, Inc.

February 18, 2022

My name is Robert D. Popper. I am a Senior Attorney and Director of voting integrity efforts at Judicial Watch, Inc. Judicial Watch is a Washington, D.C.-based public interest nonprofit dedicated to promoting transparency, accountability, and integrity in government, politics, and the law.

I was admitted to the Bar in New York in 1990, and I have been practicing as a litigator for 32 years. I have special knowledge and expertise in the area of voting law and have written both popular and scholarly articles on the subject.<sup>1</sup> I have particular expertise in the areas of racial and political gerrymandering. In 1991, with Professor Daniel Polsby, I wrote an article describing a mathematical way to measure the geographic compactness of congressional districts.<sup>2</sup> This standard is now known as the “Polsby/Popper” criterion and is one of the most widely used tests of district compactness. In 1997, I brought a lawsuit that ultimately led to New York’s 12th Congressional District being enjoined as an unconstitutional racial

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<sup>1</sup> See, e.g., *How H.R.1 Intends to Overturn Supreme Court Rulings on Elections*, THE HILL, March 21, 2021; *The Voter Suppression Myth Takes Another Hit*, WALL ST. J., December 28, 2014; *Florida Gets Another Chance to Appeal for the Right to Clean Voter Rolls, They Should Take It*, THE DAILY CALLER, December 11, 2014; *Political Fraud About Voter Fraud*, WALL ST. J., April 27, 2014; *Little-Noticed Provision Would Dramatically Expand DOJ’s Authority at the Polls*, THE DAILY CALLER, March 28, 2014; and, with Professor Daniel D. Polsby, *Guinier’s Theory of Political Market Failure*, 77 SOC. SCI. Q. 14 (1996); *Racial Lines*, NAT. REV. 53, February 20, 1995; *Ugly: An Inquiry into the Problem of Racial Gerrymandering Under the Voting Rights Act*, 92 MICH. L. REV. 652 (1993); *Gerrymandering: Harms and a New Solution*, Heartland Institute Monograph (1990).

<sup>2</sup> Daniel D. Polsby & Robert D. Popper, *The Third Criterion: Compactness as a Procedural Safeguard Against Partisan Gerrymandering*, 9 YALE L. & POL’Y REV. 301 (1991).

gerrymander.<sup>3</sup>

In 2005, I joined the Voting Section of the Civil Rights Division of the U.S. Department of Justice, where I worked for eight years. In 2008, I received a Special Commendation Award for my efforts in enforcing Section 7 of the National Voter Registration Act of 1993 (“NVRA”), which requires state offices providing public assistance to offer those receiving it the opportunity to register to vote. That same year, I was promoted to Deputy Chief of the Voting Section. In my time at DOJ, I managed voting rights investigations, litigations, consent decrees, and settlements in dozens of states. I helped to enforce all the statutes the Department is charged with enforcing, including the NVRA, the Help America Vote Act of 2002, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, and the Military and Overseas Voter Empowerment Act of 2009. I managed lawsuits enforcing the Voting Rights Act of 1965, as amended, including the minority language provisions of Section 203; the preclearance provisions of Section 5; the anti-intimidation provisions of Section 11; and both vote denial and vote dilution claims under Section 2.

In 2013, I joined Judicial Watch. In my time there, I have filed voting rights lawsuits in federal and state courts alleging claims under the First, Fourteenth, and Fifteenth Amendments, Section 2 of the Voting Rights Act, the NVRA, and a number of state constitutional provisions. Among other things, I am currently representing plaintiffs pursuing gerrymandering claims in Maryland State court.

In preparation for my testimony, I looked at Florida’s proposed congressional districts in maps drawn by the Florida House Redistricting Committee (*see* H000C8011, dated

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<sup>3</sup> *Diaz v. Silver*, 978 F. Supp. 96 (E.D.N.Y. 1997) (three-judge court), *aff’d mem.*, 521 U.S. 801 (1997).

2/10/2022; H000C8003, dated 11/29/2021; H000C8001, 11/29/2021, available at <https://redistrictingplans.flsenate.gov/>). In sum, my testimony is that proposed Congressional District 3 is highly vulnerable to being enjoined in a lawsuit that could be filed in federal court on the basis of principles embodied in the landmark ruling of *Shaw v. Reno*, 509 U.S. 630 (1993) and its progeny.

In *Shaw*, the Supreme Court first held that “redistricting legislation that is so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles and without sufficiently compelling justification” states a federal, constitutional claim “under the Equal Protection Clause.” 509 U.S. at 642. Two years later in *Miller v. Johnson*, 515 U.S. 900 (1995), the Supreme Court upheld a lower court ruling invalidating a Georgia district on the basis of *Shaw*. The Court explained that “the essence of the equal protection claim recognized in *Shaw* is that the State has used race as a basis for separating voters into districts.” 515 U.S. at 911. Assigning voters on that basis “embod[ies] stereotypes that treat individuals as the product of their race, evaluating their thoughts and efforts—their very worth as citizens—according to a criterion barred to the Government by history and the Constitution.” *Id.* at 912.

The racial intent behind the district challenged in *Miller* was apparent “when its shape is considered in conjunction with its racial and population densities.” *Id.* at 917. Because “[r]ace was ... the predominant, overriding factor” in its design, the district could not be “upheld unless it satisfies strict scrutiny, our most rigorous and exacting standard of constitutional review.” *Id.* at 920. “To satisfy strict scrutiny, the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest.” *Id.* The Court noted in particular that “creating a third majority-black district to satisfy the Justice

Department’s preclearance demands” under Section 5 of the Voting Rights Act was not enough under the circumstances to justify the challenged district:

As we suggested in *Shaw*, compliance with federal antidiscrimination laws cannot justify race-based districting where the challenged district was not reasonably necessary under a constitutional reading and application of those laws. ... The congressional plan challenged here was not required by the Voting Rights Act under a correct reading of the statute.

*Id.* at 921.

More recently, in *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 797-98 (2017), the Court made clear that a plaintiff challenging a district under *Shaw* was *not* required to “establish, as a prerequisite to showing racial predominance, an actual conflict between the enacted plan and traditional redistricting principles.” The Court recognized that “the ‘constitutional violation’ in racial gerrymandering cases stems from the ‘racial purpose of state action, not its stark manifestation.’” *Id.* at 798 (citation omitted). *Bethune-Hill* is also noteworthy in that the Court, under a deferential review for “clear error,” did not overturn the district court’s finding that a district with 55% BVAP was necessary to avoid liability under Section 5 of the Voting Rights Act. But the Court in another case summarized *Bethune-Hill*’s findings as follows:

[W]here we have accepted a State’s “good reasons” for using race in drawing district lines, the State made a *strong showing of a pre-enactment analysis with justifiable conclusions*. In *Bethune-Hill*, the State established that the primary mapdrawer “discussed the district with incumbents from other majority-minority districts[,] ... considered turnout rates, the results of the recent contested primary and general elections,” and the district’s large prison population. ... The State established that it had performed a “functional analysis,” and acted to achieve an “informed bipartisan consensus.”

*Abbott v. Perez*, 138 S. Ct. 2305, 2335 (2018) (emphasis added). Significantly, the Court in *Abbott* rejected a proposed justification for a race-based district where the State of Texas

argued that it was necessary to comply with Section 2 of the Voting Rights Act, but had not made the required strong showing. *Id.* at 2334. Similarly, in *Cooper v. Harris*, 137 S. Ct. 1455, 1470 (2017), the Court rejected a claim that a race-based district was necessary to comply with Section 2 when the State of North Carolina could not show the preconditions required to make such a claim.

Turning to Congressional District 3 in the proposed plan, I believe it will be vulnerable to a serious—and probably a winning—*Shaw*-type claim under the Fourteenth Amendment. I understand that there will be little dispute that the district was drawn with its racial characteristics as the predominant consideration. I also understand that the shape of the district will be well-explained by the effort to include African-American populations around Tallahassee and Jacksonville. Moreover, the district clearly violates traditional districting criteria. Its Popper-Polsby score is 10%, and its Reock score is 11%. These are very low compactness scores for any U.S. congressional district, and in both cases these are the lowest compactness scores in the State of Florida.<sup>4</sup>

I also believe that the defenders of District 3 will be unable to justify the district so as to satisfy their burden of strict scrutiny. To begin with, I am unaware of the existence of any sort of “a strong showing of a pre-enactment analysis with justifiable conclusions.” *Abbott*, 138 S. Ct. at 2335. But further, even if the race-based character of the districts could be justified under federal or Florida law, the district’s noncompactness will compel the legal conclusion that it is not “narrowly tailored” to achieve its goals, as it must be to satisfy strict

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<sup>4</sup> District 3 also has the third worst Area/Convex Hull score in the State. However, I do not consider the Area/Convex Hull test to be a reliable compactness measure. There are too many district indentations and distortions it simply cannot “see.” Accordingly, it is too forgiving.

scrutiny. *See Miller*, 515 U.S. at 921 (“The congressional plan challenged here was not required by the Voting Rights Act under a correct reading of the statute.”).

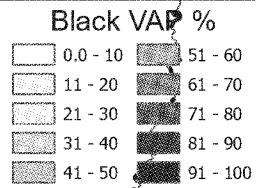
As a final point, the fact that the BVAP in District 3 is at around 44% according to the House Committee’s online information (or 42% according to the Princeton Gerrymandering Project) will defeat the State’s ability to justify the district. The Supreme Court has held that no Section 2 claim is possible where the minority VAP is less than 50%. *Bartlett v. Strickland*, 556 U.S. 1, 19-20 (2009) (“It remains the rule ... that a party asserting § 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.”). The Supreme Court has at least suggested that the same rule applies in the context of Section 5. *Perry v. Perez*, 565 U.S. 388, 398-99 (2012) (“The court’s order suggests that it may have intentionally drawn ... a ‘minority coalition opportunity district’ in which the court expected two different minority groups to band together to form an electoral majority”; and, if so, “it had no basis for doing so. *Cf. Bartlett ...*”). *See also In re Senate Joint Resolution of Legislative Apportionment* 1176, 83 So. 3d 597, 625 (2012) (“Just as Section 2 jurisprudence guides the Court in analyzing the state vote dilution claims, when we interpret our state provision prohibiting the diminishment of racial or language minorities’ ability to elect representatives of choice, we are guided by any jurisprudence interpreting Section 5.”).

In sum, if I were asked by a client whether Congressional District 3 complies with the federal constitution, my answer would be an emphatic no.

R. D. P.



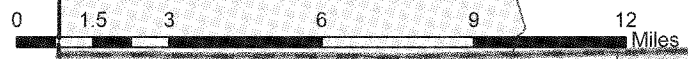
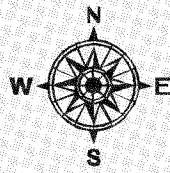
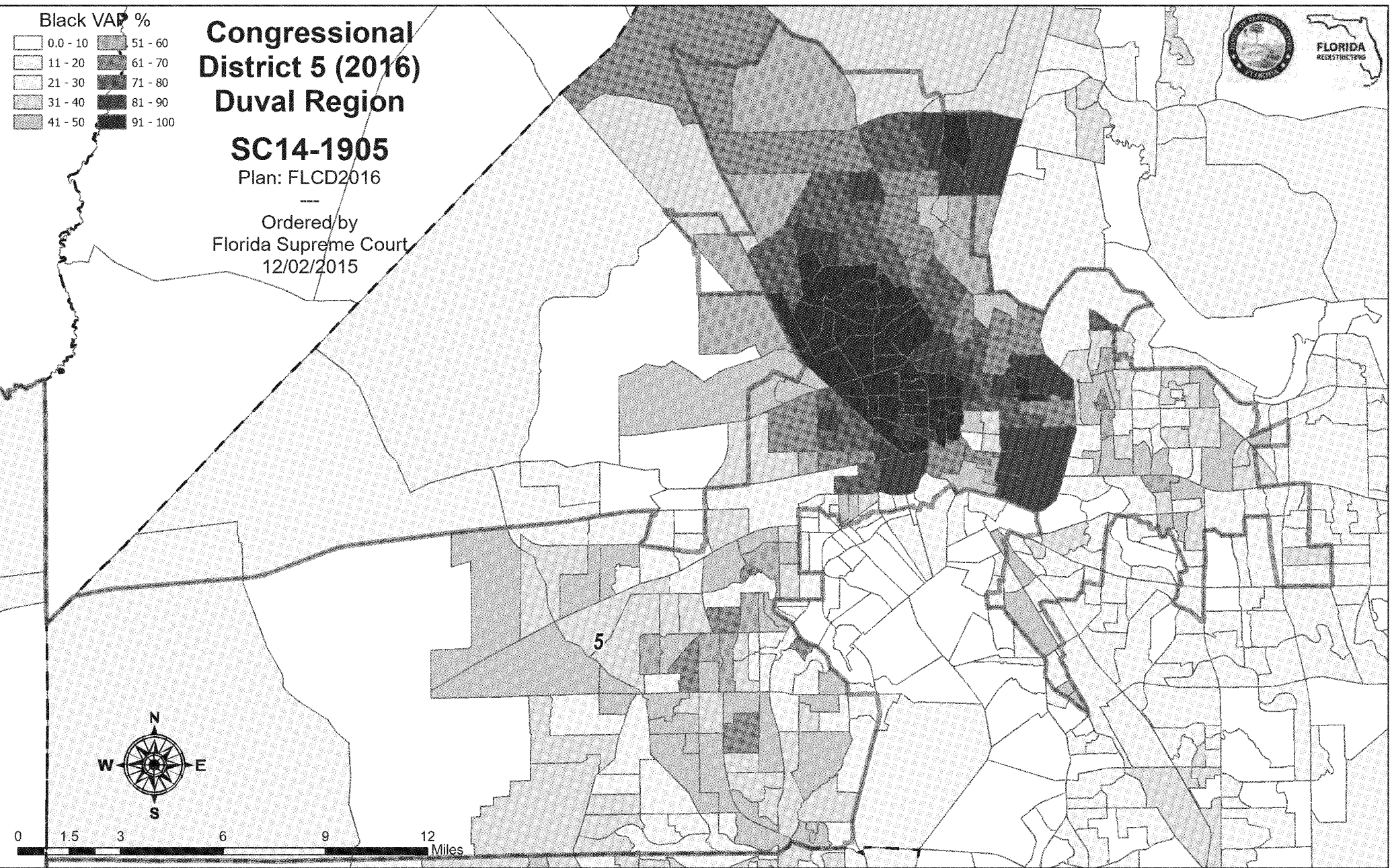
# Exhibit O



# Congressional District 5 (2016) Duval Region

**SC14-1905**  
Plan: FLCD2016

Ordered by  
Florida Supreme Court  
12/02/2015



## Exhibit P

# Congressional District 5 (2016) Tallahassee Region

**SC14-1905**

Plan: FLCD2016



Ordered by  
Florida Supreme Court  
12/02/2015

Black VAP %

0.0 - 10	51 - 60
11 - 20	61 - 70
21 - 30	71 - 80
31 - 40	81 - 90
41 - 50	91 - 100

