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CONGRESSIONAL REDISTRICTING SUBCOMMITTEE MEETING

MONDAY, OCTOBER 17, 2011

Transcribed by:
CLARA C. ROTRUCK
Court Reporter

1 T A P E D P R O C E E D I N G S
2 THE CLERK: Representatives Abruzzo?
3 REPRESENTATIVE ABRUZZO: Here.
4 THE CLERK: Albritton?
5 REPRESENTATIVE ALBRITTON: Here.
6 THE CLERK: Brodeur?
7 REPRESENTATIVE BRODEUR: Here.
8 THE CLERK: Burgin?
9 REPRESENTATIVE BURGIN: Here.
10 THE CLERK: Chestnut?
11 REPRESENTATIVE CHESTNUT: Here.
12 THE CLERK: Fullwood?
13 REPRESENTATIVE FULLWOOD: Here.
14 THE CLERK: Goodson?
15 REPRESENTATIVE GOODSON: Here.
16 THE CLERK: Horner?
17 REPRESENTATIVE HORNER: Here.
18 THE CLERK: Legg?
19 REPRESENTATIVE LEGG: Here.
20 THE CLERK: Passidomo?
21 REPRESENTATIVE PASSIDOMO: Here.
22 THE CLERK: Plakon?
23 REPRESENTATIVE PLAKON: Here.
24 THE CLERK: Reed?
25 REPRESENTATIVE REED: Here.

1 THE CLERK: Taylor?

2 REPRESENTATIVE TAYLOR: Here.

3 THE CLERK: Trujillo?

4 REPRESENTATIVE TRUJILLO: Here.

5 THE CLERK: Chair Holder?

6 REPRESENTATIVE HOLDER: Here.

7 THE CLERK: You have a quorum.

8 REPRESENTATIVE HOLDER: Great. Thank you,
9 Katie.

10 Members, today we are going to delve
11 deeper into options for Florida's Congressional
12 map based on points raised by several of you at
13 our last meeting. Specifically we will be
14 hearing a presentation from our staff regarding
15 the following points that you raised:

16 Options for urban communities, high-growth
17 communities, minority communities, and options
18 for starting the maps in central Florida, which
19 I believe we have Representative Horner to
20 thank.

21 Today's topics will carry forward into our
22 meeting during the next interim committee week.
23 Today we will cover the Duval County area,
24 central Florida and Tampa area. During our
25 next meeting, we will cover south Florida.

1 Beyond that, members, we have a big task
2 in front of us. Chair Weatherford has asked
3 this subcommittee to approve three complete
4 options for a Florida Congressional map.
5 Realistically, Co-Chair Legg and I will --
6 would like to start work-shopping at least some
7 complete options before Thanksgiving. To get
8 there, I expect that we will be asking staff to
9 come up with at least three complete options,
10 maybe more, along with many member bills that
11 -- with any member bills that get filed.

12 So today and our next meeting and in
13 between -- today, our next meeting and in
14 between is the best time for you to shape what
15 our staff produces and ultimately what we vote
16 on as a subcommittee. The more substantive and
17 interactive these meetings are, the more likely
18 we can vote on options and send them to the big
19 Committee in a timely fashion. So I ask that
20 each of you -- I ask each of you to be ready to
21 ask questions and share your input today and at
22 our next meeting as we look to narrow what
23 options should be considered for Florida's
24 Congressional map.

25 With that being said, are there any

1 questions, members?

2 Representative Taylor, you are recognized
3 for a question.

4 REPRESENTATIVE TAYLOR: Yes, and thank
5 you, Mr. Chair, you do sound a lot better this
6 time.

7 REPRESENTATIVE HOLDER: I am almost
8 better. Hopefully I won't start coughing
9 again, but thank you.

10 REPRESENTATIVE TAYLOR: When you are
11 referring to the three bills that -- are these
12 the PCBs, or are these member bills, or are we
13 going to do three PCBs and additional member
14 bills?

15 REPRESENTATIVE HOLDER: We are going to
16 have at least three options to present to the
17 big Committee. It could be a combination, it
18 could be solely one or the other, but we are
19 going to have a minimum of three options to
20 take to the big Committee.

21 REPRESENTATIVE TAYLOR: And just to follow
22 up on that, Mr. Chair, so are you then
23 suggesting that the Committee -- those three
24 PCBs, or would they be PCBs? That is what I am
25 really trying to understand is that -- are we

1 as a Committee going to have -- initiate those
2 PCBs?

3 REPRESENTATIVE HOLDER: What I am trying
4 to -- and I don't mean this to sound
5 condescending in any way, but what I am trying
6 to convey is that it can be one or the other,
7 or a combination of the two, but we will have
8 three options to present to the big Committee
9 at a minimum, three minimum to take to the big
10 Committee. So it can be a member Bill, it
11 could be two PCBs, it could be three PCBs, it
12 could be three member bills. It just depends
13 on what we produce out of this Committee.

14 REPRESENTATIVE TAYLOR: Okay, Mr. Chair.
15 I am just trying to understand if the Committee
16 is going to go through the process of it being
17 a PCB as opposed to one of the members filing
18 --

19 REPRESENTATIVE HOLDER: If a member were
20 to bring forward a Bill that we agree should be
21 one of the three, then it will be included as
22 one of the three, or it could be a fourth.

23 REPRESENTATIVE TAYLOR: Okay.

24 REPRESENTATIVE HOLDER: Members, any other
25 questions? Representative Taylor, did I answer

1 your question okay?

2 REPRESENTATIVE TAYLOR: Not exactly, Mr.
3 Chair, with all due respect. I am just trying
4 to understand if we -- if a member has to file
5 a Bill, and we -- obviously that could be one
6 of the three, but if it is going to be a PCB,
7 then how will we end up constructing that
8 particular map for that PCB? Because, you
9 know, the member can just file it.

10 REPRESENTATIVE HOLDER: Sure. We would --
11 I would assume that in that situation, we would
12 workshop it to an extent, it would still be
13 considered that member's Bill, and it at that
14 point would be still considered a member's
15 Bill, but we would discuss it in this Committee
16 to workshop it and try to hone any issues that
17 this Committee feels that should be honed.

18 Okay, members, if you open your packets,
19 you will find the substance of today's
20 presentation that will be given by our staff
21 director, Alex Kelly, and during that
22 presentation, I want you to feel free to ask
23 questions, share your thoughts, so just get my
24 attention at any point if you want to comment,
25 and we will pause the presentation at the next

1 appropriate point.

2 Mr. Kelly, you are recognized to present
3 the Congressional map options to the Committee.

4 MR. KELLY: Thank you, Mr. Chair. Thank
5 you, members.

6 Members, in today's presentation, as Chair
7 Holder said, I will be going through input as
8 it relates to the Duval County area, as it
9 relates to Orange County, central Florida and
10 as it relates to Hillsborough and Pinellas
11 counties, and then next week dealing with the
12 south Florida counties. And based on the
13 comments that you made, that you members made
14 at the last meeting, looking at different types
15 of communities around the state, there is some
16 overlap to these. So in several of the
17 different suggestions and public input and so
18 forth that we will be discussing today, some of
19 these overlap to a couple of the different
20 topic areas that you brought up at your last
21 meeting.

22 But just to throw out a couple qualifiers
23 for what is being covered here, when you
24 mentioned urban communities and options for
25 urban communities in your last meeting, that is

1 defined in this presentation as the seven
2 largest counties in the state of Florida:
3 Miami-Dade, Hillsborough, Broward, Palm Beach,
4 Orange, Pinellas and Duval Counties.

5 You mentioned high-growth communities. We
6 looked to the Legislature's Office of Economic
7 and Demographic Research, and essentially, if
8 you look in your packet or on the screen, the
9 reds and the blues are what is being covered.
10 Of course, there is some overlap with the first
11 list of counties that I mentioned.

12 In terms of looking at minority
13 communities and how they may be affected and
14 defining some initial points for the maps for
15 minority communities, looked at a number of
16 different communities, there is some overlap,
17 again, to what some of the other counties that
18 were mentioned, and then there are some that
19 were not mentioned like Leon County and Gadsden
20 County.

21 Then in terms of this presentation, we are
22 going to start in Duval County, and then in
23 covering that, we are going to cover also the
24 minority communities in Alachua, Gadsden and
25 Leon County as it relates to the Congressional

1 map. Today there is a minority access seat in
2 the northeastern region of the state that is
3 based out of Duval, goes down to Gainesville,
4 goes down to Orlando and picks up communities
5 along the way. That seat has approximately a
6 49 percent African-American voting age
7 population.

8 There were different suggestions from the
9 public that very specifically addressed this
10 seat and how to retain this seat in some
11 manner, and they were -- the suggestions
12 varied, and we will go through those here.

13 If you go to page six in your packet, the
14 actual very first map that the Legislature
15 received when it began accepting maps from the
16 public, this individual took that seat and
17 increased the voting age population beyond the
18 50 percent threshold for the African-American
19 community. The seat does actually take the
20 district out of Volusia County, so it does
21 reduce its impact on one particular county, and
22 to an extent, it actually -- while the
23 population seat grows, it actually thins the
24 district out to an extent.

25 On the same page, next slide, the 75th

1 plan that the Legislature received was actually
2 from a Broward County resident who offered a
3 unique set of suggestions for guarding this
4 district and a different approach to it. The
5 individual actually at the Davie meeting turned
6 in three handwritten or three hand-drawn maps,
7 and then eventually electronically submitted
8 this map. The district that this individual
9 submitted runs from Jacksonville all the way
10 over through Gadsden County. It is the
11 darker-colored district. As you probably
12 notice right away, this individual included all
13 of Franklin County, so, technically, what they
14 submitted would have to be reworked because it
15 divides then the Congressional district that is
16 south of that, so it would be non-contiguous.

17 This particular submission was around
18 about a 42 percent African-American voting age
19 population, so it reduces the African-American
20 voting age population. You could likely
21 increase that to the 44 or 45 percent range if
22 you took this seat down to the Gainesville
23 area. Again, that was -- the individual
24 actually submitted handwritten comments, too,
25 and that was one of his suggestions was to take

1 it down to the Gainesville area if your intent
2 was to increase its African-American voting age
3 population, but so it is distinctly different
4 than most other suggestions that relate to this
5 district.

6 And then coming back to more of the
7 similar form that the district takes -- takes
8 today, there were a couple of suggestions
9 received similar to this one, the 19th plan
10 that was received, that essentially redrew a
11 similar district, albeit it did slightly reduce
12 the African-American voting age population by a
13 percentage point to 48 percent. Now, this
14 person also, though, took the opportunity to
15 take the district out of Volusia County.

16 And so, moving on, there was a series of
17 suggestions regarding northeast Florida that
18 related to the prior that reduced the number of
19 Congressional districts that impact Duval
20 County, and that did seem to be a difference
21 between the suggestions, and if you put it in
22 the light of an either/or type of decision,
23 there was a distinction between those who
24 reduced the number of Congressional seats to
25 just two in Duval versus those who had more in

1 Duval County.

2 And, moving on, one of the points that
3 came up frequently throughout the state was how
4 exactly it is that a seat is anchored to an
5 area or a community, and it is relevant all
6 over the map, particularly though if you look
7 at these districts that were actually just
8 recently submitted this past week. This
9 individual -- when I say anchored, this
10 individual tied each of these seats in one
11 case, to the Alachua County community, in
12 another case, to Marion County, in another
13 case, to Volusia County. So each seat has a
14 significant population base that serves as the
15 focal point when you look at where the
16 population comes from. And it is a relevant
17 point to the extent that many times in the
18 public meetings, you heard from persons who
19 suggested that they wanted their elected
20 official to come from a particular area.
21 Drawing districts this way does increase the
22 likelihood that that is going to occur, so it
23 did correspond to -- this particular suggestion
24 corresponds to a lot of the public input just
25 as a sort of overarching point.

1 Moving on to page nine in your packets,
2 moving into central Florida where principally
3 we will talk about Orange County, but we will
4 also be talking about Lake, Polk and Osceola
5 Counties, of course, this district -- this
6 region of the state also encompasses some of
7 the territory that is in northeast Florida as
8 well. And so the Congressional District 3,
9 which, again, has a 49 percent African-American
10 voting age population, comes all the way into
11 Orlando.

12 For this region of the state, we look at
13 Districts 5, 6, 7, has approximately, just
14 within those three districts, something about
15 450,000 people that have to be moved into
16 another district. So the overpopulation of
17 just those three districts almost creates
18 two-thirds of another district in the northern
19 central part of the state.

20 There was a submission to the Legislature
21 that came actually at the Orlando public
22 hearing, and that submission was to create a
23 Hispanic access seat in Orange, Osceola and
24 Polk Counties, and this seat crosses into Polk
25 right around the Poinciana -- I hope I am

1 saying that correctly -- community, Poinciana
2 community. The submitted seat gets to a little
3 past the 43 percent threshold for the Hispanic
4 voting age population. There were other
5 versions of this seat submitted. It appears
6 that some of the map drawers who've submitted
7 seats within the last month were -- on more
8 than one occasion took this district and
9 incorporated it into their maps that they
10 submitted to the Legislature, albeit this is
11 amongst the higher Hispanic voting age
12 populations of the different variations that we
13 have seen of this suggestion.

14 Moving on, in Orange County, in central
15 Florida, one of the interesting points or
16 themes that you could see, again, kind of
17 getting into the either/or type of decisions
18 that you might be able to make, is the
19 relationship that Orange County has with its
20 surrounding counties, and, likewise, the
21 relationship that, for example, Osceola County
22 has with its surrounding counties, and there
23 were different and contrasting proposals that
24 were made. There were a number of proposals to
25 link Osceola with Orange, but there were a

1 number of proposals that only suggested to do
2 so in part, and so there's definitely some
3 difference in terms of what the public was
4 asking you to consider.

5 In this particular case, on page 11 in
6 your booklet, this particular individual
7 connected Osceola with Polk County, Orange with
8 Lake, Orange with Seminole, and then attempted
9 to create something of the Hispanic access
10 seat, although did not cross into Polk County.
11 That left the Hispanic voting age population at
12 under 40 percent.

13 Moving on to page 12 in your packet, the
14 suggestion here was similar in that, again, it
15 attempted to create that Hispanic access seat.
16 The voting age population of that seat was a
17 little higher, it was 38 percent and, again,
18 did not cross into Polk County. This
19 individual, though, connected Osceola with
20 Orange and Brevard Counties, again, Orange with
21 Lake, and then, again, Orange with Seminole.
22 In this sense, comparing the two, Orange is
23 somewhat more regionalized in terms of its
24 connection to the various communities around
25 it.

1 Moving on to the next point, there is --
2 in terms of access for the African-American
3 community, there is the seat coming down from
4 Duval County and there is an interesting
5 relationship in how different persons of the
6 public presented that with other ideas, and
7 what those ideas may -- they may overlap, may
8 conflict. In the case of the Hispanic access
9 seat that was submitted, there is a small
10 overlap, not significant that would be to the
11 detriment, but there is a small overlap of the
12 two seats.

13 On page 14 in your packet, what you will
14 see is if you -- the first example that is on
15 the slide here, if you basically covered the
16 Hispanic access seat with the African-American
17 Congressional District 3, if you covered it,
18 what it would do is it would shift the voting
19 age population down just slightly to 43 percent
20 for the Hispanic access seat, and you would
21 have about -- just under 40,000 residents to
22 add to the seat.

23 In the reverse, going to the next slide,
24 if you took that Hispanic seat and put that on
25 top of the territory, on top of the geography

1 of the existing Congressional -- or, actually,
2 I shouldn't say the existing District 3. This
3 is the redrawn District 3 that was in plan 62.
4 If you put the Hispanic access seat on top of
5 that, it reduces the African-American voting
6 age population just down to 48 percent. So,
7 again, not a great conflict in terms of the
8 effects, but there is a slight overlap.

9 In terms of Lake and Polk Counties, they
10 share an interesting relationship in how
11 Congressional districts are divided in this
12 region, because essentially they are down your
13 middle corridor of the state. So when you are
14 building districts, it is not just substantive
15 issues, but there's a technical issue of what
16 you do with Lake County, what you do with Polk
17 County can dramatically affect what you do to
18 the east and west in the map, regardless of the
19 substance of it. And so in this particular
20 case, this individual grouped together Lake,
21 Sumter, a good portion of Marion, including
22 Ocala, and then a little bit of Hernando County
23 as well. The intent may have been to perhaps
24 wrap in The Villages community or so forth,
25 but, again, the point being that this

1 particular decision, if this is something where
2 you heard at The Villages meeting, "Keep The
3 Villages community together," if that was a
4 decision you wanted to make, it has this effect
5 then of changing your path down the state and
6 what you will do in the Orlando area and
7 potentially in the Tampa area as well.

8 And then looking to Polk County, some of
9 the prior -- some of the prior examples we
10 looked at before connected Polk County with
11 either Osceola, or connected Polk County with
12 Hillsborough. We included this example from
13 plan 19 just to show how some individuals did
14 take the southern half of Polk County, Bartow
15 was suggested as a theoretical, I won't say
16 perfect dividing line, but the southern half of
17 Polk County with some of the rural counties to
18 the south of it, although in this particular
19 example, the individual then takes it all the
20 way down into Charlotte and Lee Counties as
21 well, which could be argued it could defeat the
22 point of it being a rural district, but,
23 nonetheless, again, there was a clear signal
24 from some individuals that they were okay with
25 taking the southern half of Polk and putting it

1 into a different district.

2 In terms of the question of starting --
3 starting the map-building process in Orange
4 County, the way we choose to look at this is it
5 seemed that the question was rooted in central
6 Florida being divided up and having more county
7 divisions and more geographical division. So
8 we looked for a suggestion from the public that
9 for the most part didn't divide up the Orange
10 County area much. In this case, this plan only
11 divided Orange County three different ways.
12 Essentially it took a lot of downtown Orlando,
13 put that into a district. In fact, this
14 individual only divided four cities in the
15 entire state, which was -- which was a rather
16 remarkable thing, but downtown Orlando into one
17 district, going somewhat into Osceola County,
18 taking east Orlando, putting that into Brevard,
19 taking west Orlando and combining that with
20 some of Seminole and Osceola and Polk.
21 However, looking at this suggestion and
22 thinking about how to build this forward, this
23 does eliminate -- at least on its face, this
24 does eliminate the African-American access
25 seat. So if your intent then was to keep that

1 seat, what we did was we took the access seat
2 submitted in plan 62 and meshed it with -- this
3 seemed to be the driving force behind the plan
4 that was submitted in 31, so essentially this
5 brings the access seat into Orlando. The
6 county then has to be divided four ways,
7 because the population wouldn't work out
8 otherwise. And so what this does here is
9 this -- again, thinking about building in
10 central Florida first and building out, this
11 takes a large portion of western Orange County,
12 combines it with Lake and with Sumter, not all
13 of Lake though. That district is relatively
14 close in population. This district takes -- or
15 this configuration takes most of Seminole,
16 combines it with some of Orange, and then it
17 keeps pieces -- it keeps Brevard whole, Polk
18 whole, Volusia whole, and then in terms of how
19 you would carry forth something like this if
20 you wanted to follow this through, I would
21 suggest that you would want to take these
22 districts and go directly south or directly
23 north, because your way of building and
24 completing your map, any flexibility you may
25 have, you need those western then Florida

1 counties, so you need the Tampa area in case
2 you go through the process of building this and
3 you realize you need to make corrections and
4 make adjustments. If you go directly west, you
5 have essentially cut the state in half, and
6 then you have to hope your population works
7 out. So, again, to build this out, you'd want
8 to basically go directly south and directly
9 north to leave yourself some flexibility in
10 building your map.

11 In terms of the Tampa area, these are the
12 current Congressional districts in the Tampa
13 area, and for the purposes of this, we are
14 including Pasco County as a high-growth area in
15 this part of the discussion.

16 Congressional District 5, which actually
17 was mentioned before in another region, again,
18 is a high-growth area as a whole and is
19 33 percent over-populated, so that is going to
20 affect what options you may have in a region
21 like this.

22 Congressional District 11 is a point of
23 discussion in that today, Congressional
24 District 11 has almost a 27 percent black
25 voting age population and almost a 26 percent

1 Hispanic voting age population; however, it
2 does not actually elect a candidate from either
3 group. So it is a discussion point in terms of
4 candidate of choice and whether or not you
5 would want to still maintain something similar
6 to that in terms of the voting age population
7 of those groups.

8 Looking at the different public
9 suggestions that came forward, what was clear
10 in a number of suggestions was an attempt to
11 give a singular or near singular voice in terms
12 of a seat almost entirely located, or entirely
13 located in Pinellas and Hillsborough Counties.
14 And so, for example, this map has a seat that
15 is nearly all in Pinellas County, has another
16 seat that is all in Hillsborough County,
17 Pinellas and Hillsborough then split another
18 district, and then because of that decision,
19 what the map drawer was able to do was give a
20 seat that is almost entirely, not completely,
21 but almost entirely Pasco, Hernando and Citrus
22 Counties, and then to the south, a seat that is
23 almost all of Manatee and Sarasota. It is
24 missing a little bit of the bottom of Sarasota
25 because Manatee plus Sarasota is just

1 slightly -- about 5,000 people over the size of
2 a Congressional district. But so the intent
3 that the map drawer had, at least seemed to
4 have, of having districts that were very much
5 wholly in a county or near wholly in a county
6 ended up then allowing the map drawer to do the
7 same as they went north and south in the
8 region.

9 Looking at the next suggestion, this was
10 an interesting suggestion along similar lines
11 in that the map drawer seemed to wish to give,
12 again, Hillsborough and Pinellas dedicated
13 seats in Congress. What is interesting here is
14 the map drawer does not cross any bridges. To
15 do this, if your intent was you didn't want to
16 cross the waterway in Pinellas County and
17 Hillsborough County, you effectively have to
18 build the district in southern Pinellas first
19 and work your way around the region. Then if
20 you pulled back and looked at the whole map, it
21 appears that's what the map drawer did was
22 build southern Pinellas and around, and then
23 came back down through Manatee and Bradenton --
24 Manatee and Sarasota Counties.

25 Now, in the prior examples, though, none

1 of those examples came close to the current
2 minority voting age populations for a
3 Congressional -- that Congressional District 11
4 has today. In terms of just finding an example
5 that did, map number 69 was slightly below in
6 both regards, but was close to the current
7 minority populations of that district, both for
8 African-Americans and for Hispanics. And that
9 is the district that crosses from Hillsborough
10 into Pinellas.

11 In terms of Pasco County, there was -- it
12 was interesting to see the different
13 suggestions that came up, of course, in many
14 ways, a bedroom county to Hillsborough into
15 Pinellas. This was a different suggestion that
16 came up actually in the third map that was
17 received and was actually presented at the
18 Duval County meeting. In this particular case,
19 the individual put all of Pasco, all of
20 Hernando, a bit of Tampa -- a bit of
21 Hillsborough, actually, I should say -- I think
22 it is actually outside the City of Tampa -- and
23 then southern Sumter County into a district.
24 The individual didn't perfectly exclude The
25 Villages out of this, although in terms of

1 Sumter County, there are two dynamically
2 different populations in that county, so if
3 someone was going down that path of putting The
4 Villages in one district and the rest of the
5 county in another, they could do that. So this
6 was a different look at what happens to outside
7 the Tampa/St. Pete area in a high-growth area.

8 And with that, Mr. Chair, that is the
9 presentation.

10 REPRESENTATIVE HOLDER: Thank you, Mr.
11 Kelly.

12 Members, this being a good place to stop,
13 why don't we open it up for any questions or
14 comments. Representative Bernard, you are
15 recognized.

16 REPRESENTATIVE BERNARD: Thank you, Mr.
17 Chair. Alex, I want to thank you for your
18 presentation.

19 Going to, I guess, page five of the
20 presentation, Congressional District 3, my
21 question is -- I have a series of questions,
22 Mr. Chair.

23 REPRESENTATIVE HOLDER: Yes. Go ahead and
24 continue.

25 REPRESENTATIVE BERNARD: Thank you, Mr.

1 Chair.

2 Is District 3 protected by the Section 2
3 of the Voting Rights of 1965, or is it -- or
4 under any federal law?

5 REPRESENTATIVE HOLDER: Mr. Kelly.

6 MR. KELLY: To the best of my -- thank
7 you, Mr. Chair.

8 To the best of my understanding, it falls
9 under the threshold that was referenced in the
10 Bartlett v. Strickland case of being a
11 majority-minority community. So in that sense,
12 I don't believe that Section 2 explicitly
13 protects it, but to what extent it could be
14 diminished and whether the Voting Rights Act
15 kicks in at any point, I would probably prefer,
16 if it is okay, to ask our counsel to give a
17 more comprehensive answer.

18 REPRESENTATIVE HOLDER: Would that suffice
19 at this point, or would you rather move on to
20 other questions and --

21 REPRESENTATIVE BERNARD: I would move on
22 to other questions.

23 REPRESENTATIVE HOLDER: Okay. Go ahead.

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

1 Going along with -- thank you, Mr.
2 Chair -- with that question, we heard the term
3 of, you know, minor- -- do we know like an
4 exact percentage, or have we analyzed the
5 percentage for -- to determine how -- in the
6 Jacksonville area, how a minority -- what would
7 be the percentage sufficient for a minority to
8 elect a Representative of their choice?

9 REPRESENTATIVE HOLDER: Mr. Kelly.

10 MR. KELLY: Thank you, Mr. Chair.

11 We haven't done an analysis of that
12 generally, seat by seat. That is a
13 fact-specific type of analysis that you would
14 have to do. The answer may be different in
15 Jacksonville as compared to other parts of the
16 state, but we haven't done an analysis of that.

17 REPRESENTATIVE BERNARD: Follow-up,
18 Mr. Chair?

19 REPRESENTATIVE HOLDER: Follow-up.

20 REPRESENTATIVE BERNARD: So the analysis
21 would be different based on the different
22 regions of the state?

23 REPRESENTATIVE HOLDER: Mr. Kelly.

24 MR. KELLY: Thank you, Mr. Chair.

25 Based on the different regions and a

1 number of circumstances, yes, sir. The
2 analysis is a very fact-specific type of
3 analysis. You look at elections history in a
4 community, you look at history of partisan
5 primaries where you maybe have African-American
6 versus white candidates and so forth, and in
7 other instances where you may determine whether
8 or not there is a particular voting pattern in
9 the community.

10 REPRESENTATIVE BERNARD: One more
11 follow-up, Mr. Chair.

12 REPRESENTATIVE HOLDER: Follow-up.

13 REPRESENTATIVE BERNARD: Thank you, Mr.
14 Chair.

15 The last question is, given recently
16 that -- I know in the Duval area they elected
17 Mayor Alvin Brown, an African-American. How
18 can the other voters in that region get to
19 participate in the political process if we are
20 only -- if we only concern ourself with just --
21 just that District 3 minority access seat? Can
22 we -- how can we determine -- I guess what I am
23 trying to say is, how can the other voters in
24 the whole Duval area get to elect -- you know,
25 to get to participate in the political process?

1 REPRESENTATIVE HOLDER: Mr. Kelly, it is
2 kind of a tough question to answer, but if you
3 would like to take a stab at it, you are
4 welcome to.

5 MR. KELLY: Thank you, Mr. Chair. I am
6 not sure I could answer that question. It
7 probably really be best to turn to our counsel
8 to give a more informative answer on that kind
9 of question.

10 REPRESENTATIVE HOLDER: At this point, why
11 don't we do that to answer this question and
12 your previous question, or your first question.

13 REPRESENTATIVE BERNARD: Thank you,
14 Mr. Chair.

15 MR. KELLY: George Meros is here, if that
16 is okay.

17 REPRESENTATIVE HOLDER: Sure, great.

18 MR. MEROS: Thank you. George Meros on
19 behalf of the House.

20 If I understand your question -- well,
21 could you ask it again to make sure I
22 understand it?

23 REPRESENTATIVE BERNARD: Well, the first
24 one was just what -- I think --

25 REPRESENTATIVE HOLDER: Yes, go ahead.

1 REPRESENTATIVE BERNARD: Thanks, Mr.
2 Chair.

3 Was whether that District 3 was protected
4 by Section 2 of the Voting Rights of 1965 or
5 any federal law?

6 REPRESENTATIVE HOLDER: Mr. Meros.

7 MR. MEROS: Because it is less than a
8 50 percent majority, it is not protected by
9 Section 2 of the Federal Voting Rights Act.
10 There is protection under Amendment 5 and
11 Amendment 6 to the Florida Constitution passed
12 last year, and that is a very important issue
13 with regard to whether or not and the extent to
14 which you can diminish the opportunity of
15 minorities to elect a candidate of their choice
16 in given districts.

17 REPRESENTATIVE BERNARD: The second -- may
18 I follow up, Mr. Chair?

19 REPRESENTATIVE HOLDER: Sure, absolutely.

20 REPRESENTATIVE BERNARD: The second
21 question was -- which is given the fact that,
22 you know, in Duval County, in Jacksonville,
23 they elected Mayor Alvin Brown, and what I am
24 concerned about is if we are focusing on just
25 that District 3 being a minority access seat,

1 how can the other voters in that region get to
2 participate in the political process also?

3 MR. MEROS: You are talking about
4 non-minority citizens?

5 REPRESENTATIVE BERNARD: Non-minority.

6 MR. MEROS: Okay. Well, non-minority
7 citizens -- in theory, the racial protections
8 are there because of the inability over many
9 years to participate equally in the political
10 process, as non-minority residents and citizens
11 have had, and so they will participate as they
12 have before.

13 The real issue for purposes of what this
14 Legislature must do is in implementing the
15 Federal Voting Rights Act, wherever it may be
16 in the state, and Amendments 5 and 6. The
17 first tier issue in Amendments 5 and 6 which
18 the voters voted on was that minorities shall
19 continue to have the ability to elect
20 Representatives of their choice, equal
21 opportunity to do that, and that districts
22 shall not diminish the ability of minorities to
23 elect a candidate of choice. Those are --
24 those are two separate but -- standards, both
25 of which apply. And so the question with

1 regard to Congressional District 3 and other
2 districts in the state is when might the
3 Legislature be diminishing the right of
4 minority citizens to elect a candidate of
5 choice if they were to take a district such as
6 Congressional District 3 from whatever the
7 percentage is now, say 48 percent, down to some
8 lower percentage, and that -- that is a -- it
9 is fact-intensive and fact-specific, but that
10 is a -- there is a mandate in the Florida
11 Constitution that one not do that. And so that
12 is one of the challenges that this Legislature
13 will have.

14 REPRESENTATIVE BERNARD: Mr. Chair?

15 REPRESENTATIVE HOLDER: Yes,
16 Representative Bernard.

17 REPRESENTATIVE BERNARD: Mr. Meros
18 mentioned something, I just want to ask him
19 another question.

20 REPRESENTATIVE HOLDER: Sure, absolutely.
21 Go ahead.

22 REPRESENTATIVE BERNARD: Thanks. Thanks,
23 Mr. Chair.

24 Now, you mentioned like the tier system.
25 Is there -- like I remember reading the

1 Constitution. Is it -- does it create a tier
2 system or -- I thought it -- based on Section C
3 of Section 20 and 21, it says there is no
4 priority of preference given for either Section
5 A or B --

6 MR. MEROS: No -- forgive me. The way it
7 is is there are two tiers, and within each
8 tier, subsection 3 says there is no priority.

9 REPRESENTATIVE BERNARD: Okay.

10 MR. MEROS: But there is clearly a Tier 1,
11 which is first priority, and then the second
12 section says to the extent not inconsistent
13 with Tier 1, you will apply these standards.

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

16 REPRESENTATIVE HOLDER: Representative
17 Bernard, thank you for all of your very
18 thoughtful questions.

19 Moving on, Co-Chair Legg has a question.

20 REPRESENTATIVE LEGG: Thank you, Mr.
21 Chair.

22 REPRESENTATIVE HOLDER: Is this for -- I'm
23 sorry, is it for Mr. Meros or --

24 REPRESENTATIVE LEGG: Probably Mr. Meros
25 can probably address these first, if that is

1 okay with you.

2 REPRESENTATIVE HOLDER: Okay, great.

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

5 Can you, for instance, highlight what are
6 the number of access seats right now if they
7 are -- I have different numbers that have been
8 floating around. What are the number of
9 different access seats, and, you know, are they
10 Hispanic, are they African-American, if you can
11 kind of distinguish between them?

12 MR. MEROS: And are you talking about in
13 the present Congressional map?

14 REPRESENTATIVE LEGG: Presently.

15 MR. MEROS: And, first of all, access
16 seats are not -- are not clearly defined. And
17 so if it is 35 percent, 40 percent, that really
18 is fact-specific to some extent, to the extent
19 to which that minority population can have a
20 real impact on the policy that goes on in a
21 district.

22 With regard to the specifics as to which
23 one, Mr. Kelly would be much more better to
24 describe that right now.

25 REPRESENTATIVE HOLDER: Thank you,

1 Mr. Meros. Mr. Kelly.

2 MR. KELLY: Thank you, Mr. Chair.

3 There are -- in Florida today, there are
4 three seats that are a majority Hispanic, there
5 are two seats that are a majority
6 African-American and then there is the one seat
7 that you have been discussing that is just
8 slightly below majority. So, in total, there's
9 five seats that are majority-minority, and then
10 there's one that is just slightly below that
11 number.

12 REPRESENTATIVE LEGG: So, in essence, we
13 have two African-American with a potential of a
14 third that is just underneath the threshold,
15 and three Hispanic, is that correct?

16 REPRESENTATIVE HOLDER: Mr. Kelly.

17 MR. KELLY: Thank you, Mr. Chair.

18 Yes, that is correct.

19 REPRESENTATIVE HOLDER: Follow-up?

20 REPRESENTATIVE LEGG: Thank you, Mr.
21 Chair.

22 In regards to Congressional District 3,
23 if -- and I am trying to just get the terms
24 correct and follow along with making sure that
25 I am -- we're calling things correctly, or I am

1 calling things correctly. When we are talking
2 about Congressional District 3 and preserving
3 that as a seat, an access seat, is it the
4 number that we are preserving, Congressional
5 District 3, is it the region that we are
6 preserving, or is there is a specific base that
7 we are preserving? Let me walk you through
8 what I mean by that. If you look at the
9 district that runs from basically Jacksonville
10 to Orlando, if for argument's sake we kept the
11 number the same and run from Orlando to Tampa,
12 but yet the population number remains the same,
13 have we -- is that seat still considered a
14 minority access seat even though we have
15 completely changed the location of that seat,
16 or is it the actual number?

17 REPRESENTATIVE HOLDER: Mr. Kelly.

18 MR. KELLY: Thank you, Mr. Chair.

19 In terms of the number, as Mr. Meros was
20 saying, there's not necessarily -- if you go
21 from 49 percent to 48 percent, there's not
22 necessarily a clear definition as to whether
23 dropping that one percentage point is in error,
24 but if you take the seat from one region to
25 another and you still essentially have your

1 minority access seat, you could have an
2 issue -- if let's say you took that seat out of
3 Jacksonville, you could have an issue with what
4 you did with the population in Jacksonville,
5 what seat they ended up in. There's not a
6 perfect answer to the question, but you do have
7 to consider the population that's no longer in
8 the district. So if you go back to the
9 suggestion that one individual submitted of,
10 well, take the seats from Jacksonville to
11 Gadsden County, you would have to factor in the
12 African-American community in Orlando, in
13 Gainesville, and what you have done, where that
14 a community or communities have ended up in
15 other districts. So, again, there's not a
16 perfect answer to that, but it does matter in
17 your analysis.

18 REPRESENTATIVE HOLDER: Members, any other
19 questions? Representative Jones, you are
20 recognized.

21 REPRESENTATIVE JONES: Thank you, Mr.
22 Chairman, and I do have a series of questions.
23 Alex, thank you for your presentation.

24 When we look at map -- at page ten of your
25 presentation, you talk about the Hispanic

1 access seat in Orange, Osceola and Polk
2 Counties. Are we currently required by Federal
3 Voting Rights Act to draw a Hispanic seat in
4 central Florida?

5 REPRESENTATIVE HOLDER: Mr. Kelly.

6 MR. KELLY: Sure, thank you. No.

7 REPRESENTATIVE JONES: Are we required to
8 draw a minority seat in central Florida?

9 REPRESENTATIVE HOLDER: Mr. Kelly.

10 MR. KELLY: Mr. Chair, thank you.

11 Not to my -- to my knowledge, that would
12 be a matter of legislative discretion, whether
13 it fit with, you know, the parameters of state
14 law, but to my knowledge, that would be a
15 matter of legislative discretion.

16 REPRESENTATIVE JONES: Follow-up, Mr.
17 Chairman?

18 REPRESENTATIVE HOLDER: Representative
19 Jones.

20 REPRESENTATIVE JONES: When we look at the
21 maps and the presentation that you have
22 provided to us today, what racial data was used
23 to draft these maps?

24 REPRESENTATIVE HOLDER: Mr. Kelly.

25 MR. KELLY: Mr. Chair -- thank you, Mr.

1 Chair.

2 When you ask that question, are you -- in
3 terms of the people from the public who
4 submitted these maps, what racial data did they
5 use?

6 REPRESENTATIVE JONES: I heard you
7 indicate that you took a part from one map that
8 someone created and put it with another map
9 that either you or somebody else created. So
10 as you were putting together the presentation
11 that we have seen today, how do you determine
12 the racial makeup, and where did that racial
13 makeup come from?

14 REPRESENTATIVE HOLDER: Mr. Kelly, let me
15 just take a little bit of a stab at this.

16 Basically what you are seeing here are
17 suggestions that have come in from the public,
18 and then our staff has taken that information
19 and tried to manipulate it a little bit to
20 where it would fit within the maps that we are
21 currently looking at. Is your question -- and
22 I just want to make sure that I understand the
23 question. Are you asking when staff took the
24 information from the public and transposed it
25 onto a map so that we could see it and discuss

1 it, what did -- what information did they use
2 in order to do this other than general census
3 information?

4 REPRESENTATIVE JONES: Right, if that was
5 the only information that was used, or what
6 information was used. Was it previous history
7 in voting or whether it was census data,
8 whether it was just a stab at it.

9 REPRESENTATIVE HOLDER: Great. Mr. Kelly.

10 MR. KELLY: Thank you, Mr. Chair, thank
11 you.

12 To change anything in the maps, to -- in
13 that particular example, to take two districts
14 and combine them and see what would happen and
15 see if they -- see if they overlapped with each
16 other at all, we just used the My District
17 Builder application and literally cut and paste
18 the district from one individual submission and
19 put it into a map and cut and paste the other
20 individual's and put it into the map. My
21 District Builder has all the census data, so it
22 is census data. We didn't look at anything
23 related to voter registration, we haven't done
24 that kind of analysis. We just looked at the
25 census data, and the census data indicates --

1 and data from the American Community Survey,
2 although for this, it was just census data --
3 it indicates the voting age population by race
4 and ethnicity, and then -- and you can break
5 that down even further by looking at ACS data,
6 but -- so it is all census-related data.

7 REPRESENTATIVE JONES: Thank you, Mr.
8 Chairman.

9 REPRESENTATIVE HOLDER: Thank you,
10 Representative Jones.

11 Representative Chestnut, you are
12 recognized for a question.

13 REPRESENTATIVE CHESTNUT: Thank you, Mr.
14 Chair.

15 I guess my question earlier -- I think the
16 attorney had stated that District 3 does not
17 meet the Bartlett versus Strickland case, but
18 it does meet the Amendment 5 and 6 case. So
19 how do you move forward with drawing a map that
20 probably would not be challenged in court?

21 REPRESENTATIVE HOLDER: Mr. Meros.

22 MR. MEROS: Let's make sure that we
23 understand each other.

24 REPRESENTATIVE CHESTNUT: Okay.

25 MR. MEROS: There are federal requirements

1 for minority districts, and then there are
2 state constitutional requirements.

3 REPRESENTATIVE CHESTNUT: Right.

4 MR. MEROS: Certainly if the state
5 constitutional requirements conflicted with the
6 federal requirements, the federal requirements
7 prevail. However, these operate --

8 REPRESENTATIVE CHESTNUT: Differently.

9 MR. MEROS: No, they -- they operate
10 differently, but they operate at the same time.

11 REPRESENTATIVE CHESTNUT: Time, okay.

12 MR. MEROS: And so you are just as bound
13 by the Florida constitutional requirements as
14 you are by the federal requirements. And so
15 if, in fact -- and remember, as a part of this
16 process and a part of the discussions and what
17 has happened thereafter, the framers of
18 Amendment 5 and 6 made it very clear that there
19 are requirements with regard to not diminishing
20 the opportunity of minorities to elect a
21 candidate of --

22 REPRESENTATIVE CHESTNUT: Of their choice.

23 MR. MEROS: -- their choice, and in
24 addition, that the ability of minorities to
25 elect a candidate of their choice shall not be

1 diminished. Now, what that partakes of is
2 Section 5 of the Federal Voting Rights Act, and
3 the proponents of Amendment 5 and a plain
4 reading of 5 and 6 -- and 6 applies to
5 Congressional -- is that that effectively has
6 imposed a Section 5 non-retrogression standard
7 to all 67 counties, and that goes to
8 Representative Legg's question also. Section 5
9 is both complex and exceedingly fact-specific,
10 but there are -- there are certain instances
11 where, if you took one minority population and
12 replaced it with another minority population,
13 what happened with the other minority
14 population would be very relevant to a
15 fact-specific evaluation as to whether it
16 caused a diminishment. But clearly, in every
17 district, one is going to have to look at
18 racial data, whether Hispanic or
19 African-American, and make a determination,
20 does that diminish their opportunity, does that
21 make them worse off, as Section 5 describes,
22 than they were previously.

23 REPRESENTATIVE CHESTNUT: Thank you, Mr.
24 Chair.

25 REPRESENTATIVE HOLDER: Thank you for your

1 question.

2 Representative Taylor, do you have a
3 question?

4 REPRESENTATIVE TAYLOR: Yes, thank you,
5 Mr. Chair, and that brings up -- no, you, yes,
6 sir, don't go anywhere.

7 As general counsel, how are you
8 interpreting -- because we -- basically staff
9 is going to be under the direction of how to
10 move forward with drawing the maps. How are
11 you interpreting the language, because that is
12 important to me?

13 MR. MEROS: Sure, sure. I think the plain
14 wording of the language is consistent with what
15 the framers suggested to the Department of
16 Justice in its pre-clearance process, and that
17 is the diminishment language is effectively
18 creating a Section 5 non-retrogression standard
19 statewide. And so what that means is that when
20 you take a minority population, you have to
21 look at that minority population as it
22 presently is based on the 2000 lines and say,
23 is that population worse off in its ability to
24 participate in the electoral process than it
25 was under the prior map, and that worse off is

1 a fact-specific matter as to whether there has
2 been some -- some diminishment of the ability
3 to participate in the electoral process. In
4 some instances -- and so let's take if you have
5 a 40 percent district, then -- and it is a
6 38 percent district now. That will be
7 fact-specific based on what is the likelihood
8 that that -- that minority population, Hispanic
9 or African-American, would be able to
10 participate in the electoral process and elect
11 a candidate of choice. That number as to when
12 a district -- you can call it performs -- is
13 not, in my view, by any stretch, a certain
14 number. That number is an estimation on best
15 guesses as to when a minority candidate or when
16 a minority's candidate of choice might be
17 elected in a given area.

18 If, in fact, you take a district that is
19 less than 50 percent and you reduce the chances
20 of that district performing in a substantive
21 way, then that, in my view, violates the
22 non-diminishment provision of Amendments 5 and
23 6. It is not, in my view, the rational
24 interpretation of that to suggest that you can
25 say, okay, at X percentage, 35 percent, the

1 minority candidate of choice will prevail, and,
2 therefore, you can go to 35.1 percent. If you
3 take the chances of prevailing from 70 percent
4 and reduce it to 50 percent, you have reduced
5 it 20 percent and it makes it that much more
6 difficult for a minority candidate of choice to
7 prevail. So it is a -- that is a sliding
8 scale, and you have to assess each district to
9 see, are you really diminishing that
10 opportunity.

11 REPRESENTATIVE TAYLOR: Follow-up, Mr.
12 Chair.

13 REPRESENTATIVE HOLDER: Follow-up,
14 Representative Taylor.

15 REPRESENTATIVE TAYLOR: Thank you, Mr.
16 Chair.

17 And you bring up a very interesting
18 scenario, and I want to go back to Chairman
19 Legg's question that pertained to that. In
20 particular, let's go back to District 3.

21 If the numbers in District 3 didn't change
22 percentage wise -- and I am just going to -- I
23 don't know the exact number right off-hand, so
24 I will just use -- let's just say 48 percent,
25 and within that you create a district that was

1 48 percent; however, it didn't include areas
2 that -- let's just say Orlando, but it did
3 include 48 percent minority participation. The
4 folks in Orlando would then be subject to that
5 same rule, because they would not be eligible
6 or able to elect someone of their choice or
7 liking. So are you suggesting or saying that
8 it has to stay the exact same as far as the
9 topo- --

10 MR. MEROS: The percentage --

11 REPRESENTATIVE TAYLOR: Percentage wise.

12 REPRESENTATIVE HOLDER: Mr. Meros.

13 REPRESENTATIVE TAYLOR: Or is it the land,
14 is it the area? Because I am a little confused
15 now by what you are saying.

16 MR. MEROS: Well, there is no clear answer
17 to that. Among the factors are what happens to
18 the minority population, say in Orlando versus
19 Tampa. Where are they? How significant is
20 that population? And one of the reasons for
21 that is in 2000, the House map was not
22 pre-cleared because of a Section 5 county and a
23 Section 5 district that took a relatively small
24 population in Collier County, the Section 5
25 population, I think it was 15 or 16 percent,

1 that was tied to -- I think it was Broward --
2 it was either Dade or Broward that had a
3 majority-minority population and moved it to a
4 minority -- to less than 50 percent, and
5 Justice refused to pre-clear it because of the
6 16 percent that once was part of a 50 percent
7 plus and now is left on their own.

8 Now, one can argue very much about whether
9 that is an appropriate interpretation of
10 Section 5. That is what Justice did, and the
11 House redrew the map and did not fight that.
12 So there is nothing clear in Section 5
13 jurisprudence that would lend itself to clear
14 answers to some of these issues. It really is
15 going to be very fact-specific.

16 REPRESENTATIVE HOLDER: Thank you.

17 Representative Legg, co-Chair Legg, do you
18 have a question?

19 REPRESENTATIVE LEGG: I am afraid to ask
20 it in terms of -- because I think it just -- it
21 opens up back to where we are going, and you
22 may say -- just repeat what you are saying is
23 that there is no clear answer, but just kind of
24 highlighting the decision-making process we
25 have to make.

1 You said that it was the statewide number.
2 I thought I heard you say the statewide number
3 for the minority access seat. Maybe I
4 misunderstood. Are you saying that we have to
5 look at the statewide number and ensure that we
6 don't diminish, or are you saying district by
7 district --

8 MR. MEROS: District by district. I
9 apologize if I suggested that.

10 REPRESENTATIVE LEGG: No, I may have just
11 misunderstood that.

12 MR. MEROS: No, it is not the statewide,
13 there's not a matter of, you know, proportional
14 representation. There are no requirements of
15 that in federal or state law.

16 REPRESENTATIVE HOLDER: Members, any other
17 questions? Okay. Any comments?

18 Representative Taylor, you are recognized
19 for a comment.

20 REPRESENTATIVE TAYLOR: Thank you, Mr.
21 Chair.

22 This kind of clouds up everything going
23 forward, so I just want to make sure that the
24 members of the Committee understand the rules,
25 and this is what I was referring to in our last

1 meeting was that we need to make sure we have
2 the rules defined as we move forward with what
3 we are coming forward with with the -- either a
4 PCB or a members' Bill. And much of this
5 information, if there are members out there who
6 are not a part of this subcommittee, they need
7 to know it that as they are filing a specific
8 Bill. So I just wanted to make sure that we
9 have some clear, defined language as we move
10 forward.

11 REPRESENTATIVE HOLDER: Representative
12 Taylor, that is one of the reasons why you were
13 chosen to be on this Committee. Bringing those
14 suggestions to light, you, from the very
15 beginning, have made suggestions that we have
16 taken very seriously and have helped determine
17 what those rules are. So I appreciate you
18 continuing to bring those suggestions and
19 issues to light. And as you know, this is a
20 work in progress and we are early in the
21 process, and, again, thank you for your input,
22 and look forward to working very closely with
23 you on more suggestions as we move forward.

24 Members, are there any other comments that
25 need to be made? Representative Albritton.

1 REPRESENTATIVE ALBRITTON: Yes, thank you,
2 Chair.

3 I am not sure, it seems like today that
4 we've kind of worked our way around the
5 discussion about best practices and those types
6 of things. And listening to the comments here
7 today and the input that we've got through the
8 public process, it seems reasonable to me that
9 really when you start talking about, you know,
10 kind of best management practices, that it
11 really is about setting priorities and I know
12 that understanding the law, and as per
13 Representative Taylor's comments, I think it is
14 important, but potentially right now we talk a
15 little bit, we back away at 30,000 feet and
16 think a little bit about kind of the fairness
17 measure, and I think simplicity has something
18 to do with fairness.

19 So should we consider building our -- the
20 boundaries of our maps maybe around something
21 like county boundaries so that it is
22 well-defined and it is simplistic? That is
23 something we should discuss.

24 REPRESENTATIVE HOLDER: Representative
25 Brodeur, you are recognized.

1 REPRESENTATIVE BRODEUR: Thank you, Mr.
2 Chairman.

3 I like the idea of doing that, but I think
4 the law states that we also need to make sure
5 that we look at geographic and political
6 boundaries as well. So as we walk around -- or
7 as we traveled around the state, we know that
8 there are roadways and waterways and city lines
9 and all kinds of other boundaries that I think
10 we should consider. Plus, you know, I think it
11 is tough, I like the idea of counties, but I
12 think the Voter Rights Act will force us in
13 many ways to split the counties. So I want to
14 make sure we are looking at all those, too.

15 REPRESENTATIVE HORNER: Mr. Chairman?

16 REPRESENTATIVE HOLDER: Representative
17 Horner.

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

20 I don't think what Representative
21 Albritton was saying is that we shouldn't look
22 at the other boundary choices, I think those
23 are legitimate, but as a preferred choice, we
24 look at county boundaries. I mean, it jumps
25 right off the page on all these maps. You see

1 the county lines, on any map that you purchase,
2 you see the county lines. At all of the public
3 hearings, folks used county lines. And folks,
4 frankly, know what county they live in. Even
5 you are not sure you are an unincorporated or
6 inside a city, you know the county lines. So I
7 think it is a reasonable practice for this
8 Committee to use county lines as the preferred
9 line where there's not some other legal
10 justification or legal requirement where we
11 have to use a different line. I think that if
12 we are looking for the rules of the road as
13 Representative Taylor was asking for, I think
14 county lines is a good direction to staff, and
15 it makes these maps meaningful and easy to
16 understand for the citizens.

17 REPRESENTATIVE HOLDER: Any other comments
18 or suggestions?

19 Members, what you have just experienced is
20 exactly what we are here for, to discuss all of
21 these issues, to agree and disagree on
22 different parts of suggestions that are made
23 and try to massage these suggestions and make
24 them work as we go through this long process.
25 And as we have heard from Mr. Meros, it is a

1 very complex situation to make sure that we are
2 able to do all of this within the letter of the
3 law.

4 So I thank you all for your participation,
5 and for our next meeting, beyond continuing
6 today's discussion, we will hear from staff
7 regarding redistricting data, giving us a quick
8 tutorial on the data that will be available to
9 us when we analyze redistricting bills. And as
10 always, I thank all of you for your
11 participation and your input, and seeing that
12 there is no additional business, Representative
13 Brodeur moves we rise. We are adjourned.

14 (Whereupon, the proceedings were
15 concluded.)

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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF LEON)

I hereby certify that the foregoing transcript is of a tape-recording taken down by the undersigned, and the contents thereof were reduced to typewriting under my direction;

That the foregoing pages 2 through 55 represent a true, correct, and complete transcript of the tape-recording;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this 20th day of February, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014