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HOUSE REDISTRICTING COMMITTEE MEETING

MONDAY, MARCH 26, 2012

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 REPRESENTATIVE WEATHERFORD: Okay, if we
3 can get everybody to find their seats, we are
4 going to start in just a second. If we could
5 get everybody to grab a seat.

6 All right, everybody, welcome back to
7 Tallahassee. If we could, Ms. Katie, if you
8 could please call the roll.

9 THE CLERK: Representatives Adkins?

10 REPRESENTATIVE ADKINS: Here.

11 THE CLERK: Bernard?

12 REPRESENTATIVE BERNARD: Here.

13 THE CLERK: Chestnut?

14 REPRESENTATIVE CHESTNUT: Here.

15 THE CLERK: Dorworth?

16 REPRESENTATIVE DORWORTH: Here.

17 THE CLERK: Eisnaugle?

18 REPRESENTATIVE EISNAUGLE: Here.

19 THE CLERK: Fresen?

20 REPRESENTATIVE FRESEN: Here.

21 THE CLERK: Frishe?

22 REPRESENTATIVE FRISHE: Here.

23 THE CLERK: Holder?

24 REPRESENTATIVE HOLDER: Here.

25 THE CLERK: Horner?

1 REPRESENTATIVE HORNER: Here.
2 THE CLERK: Hukill?
3 REPRESENTATIVE HUKILL: Here.
4 THE CLERK: Jenne?
5 REPRESENTATIVE JENNE: Here.
6 THE CLERK: Jones?
7 REPRESENTATIVE JONES: Here.
8 THE CLERK: Kiar?
9 REPRESENTATIVE KIAR: Here.
10 THE CLERK: Legg?
11 REPRESENTATIVE LEGG: Here.
12 THE CLERK: Nehr?
13 REPRESENTATIVE NEHR: Here.
14 THE CLERK: Precourt?
15 REPRESENTATIVE PRECOURT: Here.
16 THE CLERK: Rogers?
17 REPRESENTATIVE ROGERS: Here.
18 THE CLERK: Rouson?
19 REPRESENTATIVE ROUSON: Here.
20 THE CLERK: Schenck?
21 REPRESENTATIVE SCHENCK: Here.
22 THE CLERK: Workman?
23 REPRESENTATIVE WORKMAN: Here.
24 THE CLERK: Chair Weatherford?
25 REPRESENTATIVE WEATHERFORD: Here.

1 THE CLERK: Quorum is present.

2 REPRESENTATIVE WEATHERFORD: All right.

3 Good afternoon, members. Thank you all for
4 taking the time to come back. We hope this
5 will be a very productive couple of days in
6 Tallahassee, and we appreciate y'all coming
7 back to do something I think is very important,
8 and that is to work on the Senate map that they
9 sent us last week.

10 Today we have one bill on the agenda. It
11 is Senate Joint Resolution 2B, which is the
12 reapportioning of Florida's Senate map.

13 In your packets, you will find that you
14 have both a binder and a separate amendment
15 packet. In the binder, tables 1, 2 and 3
16 contain the analysis maps and data report for
17 SJR-2B. Tabs four and five contain the maps
18 and the data report for the State Senate map
19 that was passed during the regular session and
20 later invalidated by the Court. In your
21 amendment packet, you will find tabs for the
22 maps and data -- and the data report for the
23 amendment. Alex is holding up the amendment
24 packet there.

25 With that, since I will be handling the

1 presentation of the map, I will now turn the
2 gavel over to Vice-Chair Representative
3 Precourt to conduct the rest of the hearing.

4 REPRESENTATIVE PRECOURT: Thank you, Chair
5 Weatherford, and I wish you all the best with
6 that, and with that, you are recognized to
7 present Senate Joint Resolution 2B.

8 REPRESENTATIVE WEATHERFORD: Thank you
9 very much, Mr. Chairman.

10 Members, the Joint Resolution before you
11 seeks to remedy the issues identified by the
12 State Supreme Court of Florida as being invalid
13 in the State Senate map that was passed during
14 the regular session. By my count, 17 of the
15 districts are near, if not exactly identical to
16 those that were passed during the regular
17 session, and two more districts only changed in
18 minor ways; therefore, the Senate's proposed
19 remedies to the Court's order in that their
20 residual impact on the districts substantively
21 affects 21 districts.

22 In a few moments, our staff is going to
23 elaborate on those districts that have had
24 substantive change. By omission, when staff
25 does not cover a certain district, you can

1 assume that that district did not change in any
2 significant way. In a few moments -- but for a
3 general overview, Jason, how about you go ahead
4 and pull up the PowerPoint, if you can, or Ben,
5 if you can do that. We've got a couple of
6 slides that illustrate some of the broad
7 metrics about how the State Senate map has
8 progressed from the benchmark in law today to
9 the map passed during session to the map before
10 you here today.

11 While we are looking at the slide, just a
12 recap of what the Senate did last week.
13 Saturday, the 17th, Senator Gaetz released a
14 proposal revision to the State Senate map.
15 Tuesday through Thursday last week, the Senate
16 considered numerous amendments and had hours
17 and hours of debate, which led to an amendment
18 last Thursday by Senator Latvala that changed
19 four of the districts originally proposed by
20 Senator Gaetz. Numerous points were raised
21 during the Senate's discussion, including the
22 scope of the proposed remedies to the State
23 Senate map. Ultimately, the Senate attempted
24 to limit the impact of the remedies to their
25 map to as few districts as possible; in other

1 words, an attempt to remedy those points raised
2 by the Court and not to draw the map -- redraw
3 the map in its entirety. In terms of the
4 results, big picture, I believe you will see
5 improvements to the eight specific districts
6 that were cited as invalid in the Court's
7 order.

8 The Senate performed a functional analysis
9 regarding the districts in the map that
10 historically performed for minority candidates.
11 The purpose of that analysis was to determine
12 whether or not those districts would -- could
13 better marry the standards in Tier 1 of
14 Amendment 5 and with the standards of Tier 2
15 while still maintaining the same statistical
16 likelihood of performing for minority
17 communities' candidate of choice; in other
18 words, not diminishing. The Senate renumbered
19 their districts, and in an abundance of caution
20 utilized a method that truly made it random
21 whether a district would be at an odd or an
22 even number, which, of course, affects whether
23 the district could have a two or a four-year
24 term beginning this November.

25 The Senate also went through a process of

1 better documenting for the Court how they
2 analyzed compactness and the use of political
3 and geographic boundary lines. Speaking of
4 which, looking at the slide in front of us now,
5 if we could get to it, you will see noteworthy
6 improvements in terms of county splits, city
7 splits and districts wholly located in a
8 county. Looking at the second slide, you will
9 see a continual decline in the perimeter, the
10 area, the width and the height and measurements
11 of the map, all evidencing improvements in
12 terms of compactness.

13 With that, Mr. Chairman, I would ask that
14 we recognize Jason Poreda to continue to walk
15 us through the rest of the presentation.

16 REPRESENTATIVE PRECOURT: Mr. Poreda, you
17 are recognized for presentation of the bill.

18 MR. POREDA: Thank you, Mr. Chairman.

19 As Chairman Weatherford just pointed out,
20 we are going to go through the presentation
21 kind of region by region, focusing on the areas
22 that changed in the new SJR-2B that came over
23 to us from the Senate. We will first briefly
24 start with what that area looks like today,
25 show how that area kind of changed with the SJR

1 1176 that we passed last month and how that
2 area is now further changed. Chairman
3 Weatherford also kind of went over some of the
4 basic metrics and how the overall map has
5 improved from the State Senate map that was
6 previously passed. Then we will move on to the
7 first slide.

8 So the first area you can see is the
9 Panhandle with current Districts 2 and 4, and
10 you can see how they were kind of horizontally
11 drawn with one district kind of along the
12 coast. In the next slide, you will see that in
13 SJR 1176, a very similar orientation was used,
14 and the Court ruled these two districts
15 invalid. Now, the remedy for these two
16 districts were -- they were drawn in a way to
17 keep as many counties whole as possible, with
18 the exception of Okaloosa County, which had to
19 be split. The population of Escambia County
20 and Santa Rosa County combined is about 20,000
21 people too few for a whole Senate district, so
22 you have to go into Okaloosa County to get that
23 remaining population. The split within
24 Okaloosa County you can see goes along I-10 and
25 the Crestview city lines. It's -- you will

1 notice that it is actually very similar to
2 House Districts 1, 2 and 3 that we passed here.
3 It is not completely the same, but it is very
4 similar to that. This orientation of these two
5 districts is also very similar to what the
6 coalition suggested to the Court and previously
7 when they submitted their maps to us.

8 The next area is kind of the northeast
9 Florida and the Duval County area south. You
10 will notice right there in the middle, District
11 1, which is a district that traditionally
12 elects an African-American candidate of choice,
13 and now in SJR 1176 you can see that a similar
14 district was drawn to maintain that
15 opportunity. And then I will go back one
16 second. You are going forward. There we go.
17 Go back one more.

18 Okay. The Court ruled this district,
19 District 6, and its neighboring district,
20 District 9 along the coast, invalid. The
21 remedy to this problem on the Senate looked at
22 this region -- if you would go to the next
23 slide now -- the Court -- in the Court's
24 ruling, it cited the coalition's suggestion for
25 drawing a district more compactly entirely

1 within Duval County. The Senate also took this
2 suggestion and looked at drawing that district,
3 which traditionally elects an African-American
4 candidate of choice, entirely within Duval
5 County. Having done the functional analysis to
6 determine if that was possible, they ended up
7 drawing a district entirely within that one
8 county. This change is obviously going to
9 dramatically affect this whole northeast
10 portion of the state as that district now does
11 not run from Jacksonville all the way down to
12 Daytona Beach. The corresponding district,
13 District 6, now includes three whole counties,
14 St. Johns, Flagler and Putnam Counties, as well
15 as a portion of Volusia County.

16 Now, the -- this -- the ripple effect of
17 changing that one district and keeping it all
18 more compactly within Duval and changing
19 District 6 affected the districts south of that
20 as well. If you move quickly to the next
21 slide, you can see how the area south currently
22 situated was affected by that minority
23 district, and then move to the next slide and
24 you will kind of -- this is how those two
25 districts just to the south of that area were

1 drawn and had to be kind of oriented because of
2 how the districts to the north were drawn.

3 If you move one more slide, you will see
4 now, District 8 is mostly all in Volusia
5 County, 72 percent of the district is in
6 Volusia County. It also extends east into
7 Marion County and grabs -- or I shouldn't say
8 grabs -- it contains all of the City of Ocala,
9 including a small portion of Lake County.

10 District 11 you can also see has the
11 lion's share of Lake County, including every
12 municipality within Lake County, as well as
13 going up into Marion County, grabbing an area
14 to kind of keep The Villages whole, that area
15 known as The Villages whole. And that is how
16 that kind of ripple effect kind of came south.

17 Then moving further south, you will see
18 the Orange County area. This was an area that
19 the Court ruled one district invalid, District
20 10, which you will see in a moment. This is
21 how it currently looks on the current district
22 map on the next slide. You will see that the
23 Court ruled District 10 invalid. However, to
24 redraw this area to try to change that one
25 district that the Court ruled invalid, you

1 really needed to look at all the districts in
2 this area, including doing a more thorough
3 functional analysis of the district that
4 traditionally elects an African-American there,
5 District 12, and the new -- newly created
6 50 percent Hispanic seat that they created --
7 the Senate created in central Florida. Having
8 done that analysis, you can see that District
9 12 was able to be drawn entirely within Orange
10 County, as opposed to going up -- go back one
11 slide. Previously, it had gone up into
12 Seminole County. After kind of looking at that
13 area, trying to draw District 10 differently,
14 if you could go forward one, you can see that
15 it is now entirely all within Orange County,
16 not -- without that kind of extension that goes
17 up into Seminole County. Because of that,
18 District 10 was able to include all of Seminole
19 County, including a southern -- small portion
20 of Volusia, and District 13 now includes all of
21 eastern Orange and northern Brevard. You can
22 see that the boarder for District 14, which is
23 a 50 percent Hispanic district, changed
24 slightly, but really remains largely the same.

25 The next area that -- that was -- that

1 changed, you can see here on the current
2 benchmark plan is the Polk County area and a
3 lot of the inland, more rural counties in the
4 center part of the state. You can see this is
5 how it currently -- or, I'm sorry, this is how
6 it was passed in SJR 1176 that we passed last
7 month, and an area of note that the Court did
8 not find invalid was the Lakeland area and how
9 Lakeland was split, and the Court asked to kind
10 of look at that area, the Senate did that, and
11 now you can see in SJR-2B this is kind of the
12 new orientation of the districts in that area.

13 To look at that one problem, but also
14 because of how you had to -- how the Orange
15 County area had to be reconfigured, it did also
16 affect these areas as well. If you go back one
17 slide, you can see District 16, which contains
18 most of Osceola County, also went up into
19 Orange County as well. That obviously didn't
20 happen now, that kind of got pushed down, so
21 that kind of affected everything else, and now
22 on SJR-2B, you can see District 15 and District
23 21 have the majority of Polk County between
24 those two districts, the small portion,
25 District 14. Polk County is not a majority of

1 District 21, but it is a plurality. It is a
2 majority of District 15.

3 You can also see that District 24 is drawn
4 a little -- much more compactly within
5 Hillsborough County, and District 26 is three
6 whole counties, including the rest of Manatee
7 County that is not in the Section 5-covered
8 minority district there in Hillsborough County.

9 The next area is southwest Florida. You
10 can see the current District 37, which has the
11 coastal portions of Collier County, really the
12 remaining portions of Collier County that are
13 not connected to the Section 5-covered
14 districts just to its east that has all of
15 Monroe and Hendry County, and also goes up into
16 Lee and grabs kind of some coastal communities
17 there, including Ft. Myers.

18 On the next slide, you will see District
19 30 was drawn in a somewhat similar fashion.
20 The Court actually ruled this district invalid
21 as well. So when the Senate looked to redraw
22 this area in SJR-2B, you can see that District
23 23 doesn't go up the coast of Lee County. It
24 still has that same portion of Collier County,
25 but now goes up and contains all of Bonita

1 Springs and all of the area of Lehigh Acres.

2 Finally, the next -- the last area that
3 was really changed is the Palm Beach and
4 Broward County area. You can see here how it
5 is currently drawn in the benchmark. On the
6 next slide, you can see that SJR 1176, the
7 compactness of this area greatly improved, but
8 the two districts that the Court found invalid
9 was District 29, which is a majority-minority
10 district in Palm Beach and Broward County, and
11 District 29, its neighboring district along the
12 coast. This area has now been significantly
13 redrawn, and actually now five districts in
14 these two counties are entirely within
15 counties. There are two districts entirely
16 within Palm Beach County, and three entirely
17 within Broward County.

18 District 31 is -- is that
19 majority-minority black VAP District, now drawn
20 entirely within Broward County. It does not go
21 up into Palm Beach County as it had previously.
22 The only district now that crosses the Palm
23 Beach County line -- Palm Beach/Broward County
24 line is District 34.

25 And with that, the remaining districts

1 remain largely the same as they did before.

2 REPRESENTATIVE PRECOURT: Okay. With
3 that, members, that is the bill. Are there any
4 questions on the bill?

5 Representative Kiar, you are recognized.

6 REPRESENTATIVE KIAR: Thank you,
7 Mr. Chair, and thank you for your testimony.

8 Did you -- I am just curious, did you as
9 part of the House staff have any say in drawing
10 this, or was this drawn completely by the
11 Senate staff?

12 REPRESENTATIVE PRECOURT: Mr. Poreda, you
13 are recognized.

14 MR. POREDA: Well, if we can, Mr.
15 Chairman, Representative -- Mr. Alex Kelly may
16 be better at answering that question.

17 REPRESENTATIVE PRECOURT: Okay. Mr.
18 Kelly, you are recognized to answer that
19 question.

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

21 Representative, Senate staff did consult
22 with us regarding the traditionally performing
23 African-American district in Duval County, the
24 district -- a similar district in Broward
25 County and the similar district in Orange

1 County, because to some degree they were
2 looking at building the components of those
3 districts based on some of the House seats that
4 were in similar geography. So we did share our
5 knowledge and expertise regarding those areas
6 and the data that we had looked at in terms of
7 building the House districts, and we shared
8 that with them.

9 REPRESENTATIVE PRECOURT: Further
10 questions, follow-up?

11 Representative Kiar, you are recognized.

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

14 So the Senate staff did not consult with
15 you, then, on the drawing of any other district
16 besides the minority districts?

17 REPRESENTATIVE PRECOURT: Mr. Kelly.

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

19 No, I can't say that they specifically
20 consulted with us on the rest of the map in
21 terms of the lines that they chose. I don't
22 recall any other.

23 REPRESENTATIVE PRECOURT: Follow-up?

24 REPRESENTATIVE KIAR: Yes, thank you, Mr.
25 Chair.

1 And under this map, under the Latvala
2 amendment, are there any two incumbent Senators
3 drawn in the same district together?

4 REPRESENTATIVE PRECOURT: Representative
5 Weatherford, you are recognized.

6 REPRESENTATIVE WEATHERFORD: Thank you,
7 Mr. Chairman.

8 Under the amendment that was passed on the
9 floor of the Senate on second reading, I don't
10 know who was drawn or not drawn out from that
11 district. I know our responsibility, I think,
12 as a committee and on the floor tomorrow would
13 be to look at the Tier 1 and Tier 2 standards
14 of the Constitution and make sure that this map
15 is in compliance, and I think it is a
16 significant improvement to the map that was
17 passed before and I do believe to be in
18 compliance. So I think as far as specifics of
19 who lived where and who was paired or not
20 paired, I don't have specific knowledge on
21 that.

22 REPRESENTATIVE PRECOURT: Follow-up? Why
23 don't we address our questions to the bill
24 sponsor, Chairman Weatherford, and if he wants
25 to redirect to staff, he will.

1 Representative Kiar, you are recognized
2 for a follow-up.

3 REPRESENTATIVE KIAR: Thank you, Mr.
4 Chair, and thank you, Speaker Weatherford, for
5 your response.

6 So my next question is, then, *The St. Pete*
7 *Times* on March 22nd stated that only two
8 Senators were drawn in the same district, two
9 Republican Senators drawn in the same district,
10 and I believe -- I have read from a prior
11 article, I believe, that one of those Senators
12 had -- already had indicated before the map was
13 passed that he would move and run for another
14 open seat. So my question is, due to the fact
15 that the Supreme Court throughout the first
16 maps, I believe in part because not one
17 incumbent Senator was drawn in a district with
18 another Senator, if this -- don't you believe,
19 then, that this map could potentially receive
20 the same fate from the Supreme Court since,
21 once again, there are no incumbent Senators,
22 Democrat or Republican, that are in jeopardy of
23 losing their jobs?

24 REPRESENTATIVE PRECOURT: Representative
25 Kiar, there will be opportunity for debate

1 later on in this committee meeting, but Chair
2 Weatherford, you are recognized to respond.

3 REPRESENTATIVE WEATHERFORD: Well, first I
4 would start by saying that we always believe
5 everything we read in *The St. Pete Times*, so
6 that would be my initial thought.

7 No, I think -- look, there's no way to
8 predict how a court is going to respond. If I
9 knew that, I would be a high-paid redistricting
10 attorney. I am obviously not, and I don't even
11 have a law degree, but I do think by the
12 metrics we have seen, and we just walked
13 through a bunch of slides, that significant
14 improvement has been made to the map and we
15 will let the Court be the final arbiter of
16 that.

17 REPRESENTATIVE KIAR: Thank you, Mr.
18 Chair.

19 REPRESENTATIVE PRECOURT: Further
20 questions on the bill?

21 Yes, Representative Rogers, you are
22 recognized.

23 REPRESENTATIVE ROGERS: Thank you,
24 Mr. Chairman.

25 Just to follow up and for just clarity as

1 to our role as members analyzing the maps
2 before us, did we perform any functional
3 analysis of the maps that we have in front of
4 us today?

5 REPRESENTATIVE PRECOURT: Chair
6 Weatherford, you are recognized.

7 REPRESENTATIVE WEATHERFORD: Thank you
8 very much, Mr. Chairman. I would like to ask
9 Mr. Kelly to speak to that, if I could.

10 REPRESENTATIVE PRECOURT: Mr. Kelly, you
11 are recognized.

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

13 Representative Rogers, we took a look at
14 the maps in the same manner that we did the
15 maps during session inputting the -- or
16 uploading the map into the My District Builder
17 software, looking at the data fields to also
18 have some level of comfort that the likelihood
19 of electing a minority candidate would still be
20 maintained to the same likelihood.

21 So yes, we did look at that data. We did
22 not do that in the same exact manner that the
23 Senate did, but we did look at that data to
24 make sure that there was that level of comfort.

25 REPRESENTATIVE PRECOURT: Further

1 questions? Follow-up, Representative Rogers.

2 REPRESENTATIVE ROGERS: Thank you, Mr.
3 Chairman.

4 That was a joint effort between the House
5 staff and the Senate staff?

6 REPRESENTATIVE PRECOURT: Chairman
7 Weatherford, you are recognized.

8 REPRESENTATIVE WEATHERFORD: I will defer
9 to Mr. Kelly again.

10 REPRESENTATIVE PRECOURT: Mr. Kelly.

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

12 Representative Rogers, no, we conducted
13 our own independent review.

14 REPRESENTATIVE ROGERS: Thank you. Next
15 question, Mr. Chairman, if you will indulge me?

16 REPRESENTATIVE PRECOURT: Representative
17 Rogers for an additional question.

18 REPRESENTATIVE ROGERS: Thank you.

19 As you -- in agreement with Amendments 5,
20 how do we speak to the current maps that is
21 presented as it relates to compactness? How
22 did you configure the maps?

23 REPRESENTATIVE PRECOURT: Chair
24 Weatherford, you are recognized.

25 REPRESENTATIVE WEATHERFORD: If we could,

1 Mr. Chairman, I think -- Ben, if you could
2 maybe go back to the slide that we had that
3 showed the improvements on the measurements.
4 There was improvement from county splits and
5 city splits, but there's also -- there was some
6 improvement -- these are all the different ways
7 that you could look at compactness. There's
8 actually more than just this, but if you look
9 at base perimeter, for example, or circle area,
10 or the convex hull was something specifically
11 referenced in the opinion by the Court, you
12 will see that the SJR 1176, which we passed off
13 the floor of the Florida House a month ago, is
14 -- there's been improvement to the SJR-2B,
15 which we are talking about here today. So we
16 have all that data here, and we would love to
17 share that with you and give you any other
18 detail you would like to have.

19 REPRESENTATIVE PRECOURT: Representative
20 Rogers for a follow-up.

21 REPRESENTATIVE ROGERS: I am going to take
22 a look at just one district, and I know that
23 was also referenced, District Number 19, and I
24 will speak to the compactness measures to that
25 district. Can you explain what we looked at

1 when we reviewed that map?

2 REPRESENTATIVE PRECOURT: Chair

3 Weatherford, you are recognized.

4 REPRESENTATIVE WEATHERFORD: Thank you,
5 Mr. Chairman.

6 We are going to look and see District 19,
7 and you want -- so you want to know the
8 specific data points on District 19 --

9 REPRESENTATIVE ROGERS: Yes.

10 REPRESENTATIVE WEATHERFORD: I think Jason
11 has that information, if we could recognize
12 Jason.

13 REPRESENTATIVE PRECOURT: Mr. Poreda, you
14 are recognized.

15 MR. POREDA: If you give me just one
16 moment, I will get back.

17 REPRESENTATIVE PRECOURT: Mr. Kelly, you
18 are recognized.

19 MR. KELLY: Mr. Chair, thank you very
20 much, Mr. Chair.

21 I just want to note, too, District 19 was
22 not a district that changed between when the
23 map was passed a month ago and this revision
24 was done.

25 REPRESENTATIVE PRECOURT: Mr. Poreda, do

1 you have anything to add?

2 MR. POREDA: I have those -- which
3 specific measures were you asking about,
4 Representative?

5 REPRESENTATIVE ROGERS: Okay. When I --

6 REPRESENTATIVE PRECOURT: Representative
7 Rogers, you are recognized.

8 REPRESENTATIVE ROGERS: Thank you, Mr.
9 Chairman. I'm so sorry. Thank you.

10 In viewing the map that we passed and the
11 one that is currently proposed, to me, it
12 doesn't look the same, so reason for my
13 question, okay, Senate 9030.

14 MR. POREDA: Mr. Chairman?

15 REPRESENTATIVE PRECOURT: Mr. Poreda, you
16 are recognized.

17 MR. POREDA: As Mr. Kelly previously
18 stated, District 19, which is the Hillsborough
19 County minority district, from SJR 1176 to
20 SJR-2B, that district did not change.

21 REPRESENTATIVE WEATHERFORD: If I could,
22 Mr. Chairman?

23 REPRESENTATIVE PRECOURT: Chairman
24 Weatherford.

25 REPRESENTATIVE WEATHERFORD: I think maybe

1 part of the confusion is the numbers have
2 changed, and so the district is the same
3 itself, but the number -- what was number 19,
4 District 19, is now not District 19. I don't
5 know the district number, we are looking it up
6 right now, but I think it is -- the numbers
7 changed, not necessarily the district.

8 REPRESENTATIVE ROGERS: Okay. To 12?

9 REPRESENTATIVE WEATHERFORD: Okay, I'm
10 sorry, Mr. Kelly says it is the same number and
11 it is the exact same district.

12 REPRESENTATIVE ROGERS: Okay. All right.
13 Final question, Mr. Chairman?

14 REPRESENTATIVE PRECOURT: Follow-up.

15 REPRESENTATIVE ROGERS: Okay. In light of
16 Justice Perry's opinion, what is the new
17 definition you would think that we are using
18 for retrogression?

19 REPRESENTATIVE PRECOURT: Chairman
20 Weatherford, you are recognized.

21 REPRESENTATIVE WEATHERFORD: Thank you
22 very much, Mr. Chairman.

23 I would like to have Mr. Meros get up and
24 maybe give us a refresher on what the Court's
25 thoughts were on that.

1 REPRESENTATIVE PRECOURT: Mr. Meros, you
2 are recognized.

3 MR. MEROS: Certainly. Thank you, Mr.
4 Chairman.

5 What the Court said about retrogression is
6 very much what we said in our briefs, and that
7 is you have to take a look at all of the data
8 and determine whether the minority population
9 in that area is less able to elect a candidate
10 of its choice. And so it is not a single
11 number by which you can go from 48 percent to
12 40 percent. If in fact a candidate is less
13 able -- or a minority candidate is less able to
14 be elected by that population, that is
15 diminishment. And what the Court also said is
16 sometimes you can make a slight reduction in
17 minority population, but it is -- but no more
18 than slight.

19 REPRESENTATIVE PRECOURT: Further
20 questions? Further questions? Okay. Well,
21 seeing none, there is one amendment by
22 Representative Jenne.

23 Representative Jenne, you are recognized
24 to explain your amendment.

25 REPRESENTATIVE JENNE: Thank you, Mr.

1 Chairman.

2 Members, this amendment that we have here
3 before you today I believe is an improvement
4 over the initial product. To put everyone at
5 ease, so you understand, at the end of this, I
6 will be withdrawing the amendment, but I do
7 believe, because I will be refiling it on the
8 floor, that we need to have the opportunity for
9 public input. That has been a goal of this
10 Committee set forth by our Chair from day one,
11 and I want to make sure that on something as
12 important as that, that we both agree upon
13 that, that we can try to stick to that. Also,
14 the expertise of having our staff here to
15 answer any potential in-depth questions
16 regarding sizes and thresholds and things of
17 that nature, we thought it would be better.
18 And really the third reason is because I want
19 to get your input to try to make this better
20 for the floor.

21 The eight things that I would like to talk
22 about are specifically the eight seats that
23 were brought up in the Supreme Court brief that
24 I am sure everyone on this Committee has had an
25 opportunity to go through.

1 First of all, I think no one can deny that
2 it is a better map, the one that we have in
3 front of us, than the one that we had to vote
4 for a couple months back, so I do want to give
5 credit where credit is due. While it is
6 better, I am not quite sure if it gets us over
7 the hump with the Supreme Court. What I hope
8 this amendment will do, and with your help,
9 potentially this amendment could get us to that
10 point where the Supreme Court doesn't have to
11 step in at all.

12 So now at this point, I will walk through
13 the -- some of the points raised by the Supreme
14 Court. First of all -- and due to the
15 numbering issue that we just kind of
16 experienced, I had decided ahead of time to
17 just talk about them regionally rather than
18 numbers so we don't confuse everyone at the
19 table.

20 First of all, in northwest Florida, there
21 were two districts that were brought up by the
22 Supreme Court. On the map up there, they are
23 labeled as 1 and 3, or 3 and 1. Basically on
24 this amendment, the seats are generally the
25 same as the Senate version that we are looking

1 at, but it doesn't split VTDS.

2 Moving on to the two seats in northeast
3 Florida, the one specific Duval seat, it is
4 Duval centered, we've now located it fully
5 within Duval County. It also increases the
6 odds of minority participation by about -- not
7 by very much, but by a little over a third of a
8 percent. The other northeast Florida district
9 to the south of Duval County, we believe it
10 makes it more visually compact, and it now
11 includes Clay, St. Johns and Flagler, getting
12 it to that point.

13 Next up we have the north and western
14 Orange County district. It is -- if you will
15 take a look at it, it is more visually compact,
16 I believe, and the district does lose that
17 tail, which had been somewhat of a concern.

18 Moving to the south now, on southwest
19 Florida, it basically adheres to the new Senate
20 amendment. Also in south Florida, the
21 originally coastal Palm Beach district, we
22 believe we have made it more compact, and then
23 the Broward County district that had that long,
24 long -- I don't have a Blackberry, so it is not
25 me, I apologize, but it -- rather than

1 extending that district all the way up into
2 Palm Beach County, it is now fully within
3 Broward County, and there's also increases the
4 chance of minority access by nearly two
5 percent, the black VAP increases.

6 There were some other areas of concerns
7 that this amendment touches on. The Palm Beach
8 County minority opportunity district, in
9 comparison to the Senate amendment, this seat
10 is going to take more territory in Palm Beach
11 than it was originally included in the
12 African-American majority Senate seat. We
13 increased the black VAP, and the school -- the
14 district will also loosely conform to the
15 boundaries of the Palm Beach County Commission
16 and school board seats, as well as 88 -- House
17 District 88, excuse me.

18 Moving on, the Hillsborough
19 African-American seat, the black VAP increases
20 by a little more than two percent, which gets
21 us much closer to the benchmark established by
22 the Department of Justice.

23 Polk County, we do not split Lakeland. I
24 believe that is the case in the new Senate map
25 as well, though, and Winter Haven stays whole.

1 There is some question, I believe, in the staff
2 analysis it says all but three people in Winter
3 Haven live within the district. That is
4 something that we were hoping, once we get off
5 line we can talk about trying to make sure, if
6 at all possible, that those three people that
7 live in Winter Haven should not be excluded
8 from the Polk County district. I don't believe
9 that would be fair. And really those are kind
10 of the regionally moving through the -- some of
11 the differences in this amendment to the
12 underlying map.

13 Also, just so we can bring it up now, if
14 there's any questions about it later, in terms
15 of seat numbers, our -- my and our intent is to
16 move forward trying to adhere to the eight is
17 enough term limit laws as much as humanly
18 possible, and also using the Senate's method of
19 random selection, and we will try to have all
20 that cleared up for the floor.

21 Mr. Chair, I don't know if it would be
22 appropriate if anybody wants to ask questions,
23 public input, but, again, it is my intention at
24 the end of this to ultimately withdraw this
25 amendment.

1 REPRESENTATIVE PRECOURT: Members,
2 Representative Jenne having explained his bill,
3 his amendment, are there any questions on the
4 amendment itself? Okay. Seeing none, we do
5 have some -- Chairman Weatherford, you are
6 recognized for a question.

7 REPRESENTATIVE WEATHERFORD: Thank you
8 very much, Mr. Chairman. Actually, just a
9 quick -- for information purposes, you talked
10 about increasing two percent. Two percent of
11 what? Was that two percent --

12 REPRESENTATIVE JENNE: In which --

13 REPRESENTATIVE PRECOURT: Representative
14 Jenne, you are recognized.

15 REPRESENTATIVE JENNE: I apologize. I
16 believe the two percent number that I was
17 referring to was the Broward County
18 majority-minority African-American seat. In
19 that one, according to our numbers, the black
20 VAP increases from 50.08 percent to 52.06.
21 That was the nearly two percent, 1.98 percent,
22 yes.

23 REPRESENTATIVE WEATHERFORD: Thank you.

24 REPRESENTATIVE PRECOURT: Further
25 questions?

1 REPRESENTATIVE JENNE: Quick -- and I
2 didn't know if you all -- I apologize.

3 REPRESENTATIVE PRECOURT: Representative
4 Jenne, you are recognized --

5 REPRESENTATIVE JENNE: If I could clarify
6 as well --

7 REPRESENTATIVE PRECOURT: -- for further
8 clarification.

9 REPRESENTATIVE JENNE: -- in terms of the
10 Hillsborough African-American opportunity
11 district as well. There it increases from
12 37.21 to 39.36. The benchmark, as I understand
13 it, established by the Department of Justice is
14 40.0 percent. So it moves us closer to that
15 point.

16 REPRESENTATIVE PRECOURT: Mr. Kelly, you
17 are recognized for further clarification.

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

19 I just wanted to note, the Winter Haven
20 split is 6,237 people are in a different
21 district in plan 9030.

22 REPRESENTATIVE JENNE: Okay.

23 REPRESENTATIVE PRECOURT: Representative
24 Rouson, you are recognized for a question.

25 REPRESENTATIVE ROUSON: Thank you very

1 much, Mr. Chair. I don't quite have a
2 question. Realizing that there may be no
3 debate because this may get withdrawn, I did
4 want you to note, Mr. Chair, that I received a
5 communication from a constituent organization
6 concerning the Hillsborough seat that
7 supports --

8 REPRESENTATIVE PRECOURT: If you could go
9 ahead and submit that for public testimony, if
10 we get to that point, we will.

11 REPRESENTATIVE ROUSON: Thank you very
12 much.

13 REPRESENTATIVE PRECOURT: Representative
14 Rogers, you are recognized for a question. No?
15 Any further questions?

16 Okay. Seeing no questions, we do have
17 some public testimony on the bill, on the
18 amendment. Ryan Terrell, representing himself,
19 will be speaking as a proponent of the
20 amendment.

21 Mr. Terrell, you are recognized.

22 MR. TERRELL: Thank you, Mr. Chair.

23 I just wanted to -- I did assist in the
24 drawing of this amendment, so I wanted to just
25 further explain some of the changes as related

1 to particular areas in this particular
2 amendment.

3 As far as the Tampa Bay region, because
4 this is going to be an important concern, our
5 understanding is that the amendment that was
6 passed by the Senate dropped the percentage
7 from the benchmark from 40 percent to about
8 37 percent. So what this amendment tried to do
9 is even though we went back and changed the
10 district that wasn't invalidated by the Supreme
11 Court, we felt that it might cause confusion
12 and issues when we are seeking Department of
13 Justice pre-clearance. So what we went -- what
14 we did is we went back and redrew the Tampa Bay
15 minority access seat so that we could better
16 get it closer to that benchmark. That, of
17 course, had a chain reaction. I don't know if
18 anyone wants to zoom into that particular
19 region so I can better explain what the impact
20 was.

21 The numbers on this particular amendment
22 closely conform to the numbers that -- to the
23 numbering system that was invalidated by the
24 Supreme Court, because as the Representative
25 said, we did not want to go into the

1 particular, you know, numbering system, because
2 it wouldn't have an impact on the actual map
3 drawing. So that being said, the District 15
4 and District 21 had to change as a result of
5 that redrawing of the metric system. District
6 15 is now located entirely within Hillsborough
7 County. It contains almost all of the City of
8 Tampa lines, minus any of the African-American
9 neighborhoods that are in central and eastern
10 Tampa. It also includes some of the northern
11 Hillsborough area, such as the City of Lutz, I
12 believe the City of Carrollwood Village, I
13 can't particularly see what is in the district,
14 but those areas of northern Hillsborough
15 County. And District 21 now conforms with the
16 Pasco County issue that was brought up on the
17 floor before the Supreme Court issued its
18 ruling. That had to deal with the north-south
19 split. It now goes east-west generally using
20 the -- I think it is called the Suncoast
21 Parkway as a dividing line, and it now includes
22 the eastern rural part of Pasco County, and as
23 a -- this isn't a constitutional issue, but as
24 a community of interest issue, it now unites it
25 with agricultural communities in Plant City and

1 eastern Hillsborough County. So that was one
2 of the type of ripple effects that had to be
3 addressed when we were dealing with the actual
4 amendment.

5 I just wanted to offer that little bit of
6 insight as to why the Hillsborough County area
7 looks a bit different from the original map.

8 REPRESENTATIVE PRECOURT: Thank you for
9 your testimony.

10 Members, any questions? Representative
11 Clarke-Reed, you are recognized for a question.

12 REPRESENTATIVE CLARKE-REED: Thank you,
13 Mr. Chair.

14 I want to know, in this area, you said
15 there was a minority access district. Which
16 district are you referring to?

17 REPRESENTATIVE PRECOURT: Mr. Terrell, you
18 are recognized.

19 MR. TERRELL: Now, staff can correct me if
20 I am mistaken on this, but District 19 is a
21 historically African-American performing
22 district. It remains so under this amendment.

23 Now, an interesting point about this
24 particular amendment is in drawing that
25 particular configuration of that

1 African-American historically performing seat,
2 we actually now have a substantial Hispanic
3 population in District 15 which didn't
4 previously exist. It is a 27 percent VAP for
5 the Hispanic population of that particular
6 district. So in better conforming with the
7 benchmark for the African-American seat, we
8 were also able to potentially establish an
9 opportunity for Hispanics in District 15, and I
10 don't know what the functional analysis would
11 be on that particular district, but it does
12 have a substantial twenty -- about 27 percent
13 Hispanic VAP in District 15 now. So now we're
14 -- instead of just one district having all the
15 African-Americans and Hispanics of the Tampa
16 Bay region in Hillsborough and Pinellas, you
17 are now giving the African-Americans the seat
18 that they -- that they have historically
19 elected an African-American in, and now you are
20 allowing those Hispanic communities to be in
21 their own district where they can potentially
22 affect either the primary or the general
23 election in that particular district.

24 REPRESENTATIVE PRECOURT: Further
25 questions? Thank you for being here -- oh, I'm

1 sorry, Representative Bernard, you are
2 recognized for a question.

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

5 Mr. Terrell, going to Districts 6 and 9, I
6 see that in District 9 you included Clay
7 County. Can you tell me the rationale behind
8 including drawing -- how that district was
9 drawn?

10 REPRESENTATIVE PRECOURT: Mr. Terrell, you
11 are recognized.

12 MR. TERRELL: My understanding with what
13 the Supreme Court ruling said, and I am not a
14 lawyer, full disclosure, I am not a lawyer, so
15 I am not going to legally speak about anything,
16 but in my relation with looking at that
17 particular area, they said -- the Supreme Court
18 generally said that the communities of interest
19 argument couldn't be used as a standard for
20 deviating from the constitutional standards.
21 So at the point when you are actually following
22 the some constitutional standards and you are
23 keeping the same number of counties together
24 and the same number of cities together, that is
25 when, in my personal view, you should be

1 looking at communities of interest. So in that
2 particular area, you can -- based off of the
3 ruling of the Supreme Court, you can still keep
4 Clay and Putnam Counties together, no matter
5 how you draw it, either with the Senate's
6 amendment or with this amendment that is before
7 you right now.

8 The difference, however, is that in this
9 particular configuration, in my personal view,
10 you would actually be uniting Jacksonville
11 suburbs together, suburban counties together,
12 because Clay County and St. Johns County, those
13 communities that are on the northern part of
14 those -- of those counties would be closer to
15 the Jacksonville area of influence compared to
16 Clay County and Gainesville and Alachua. So
17 the only reconfiguration we did in that
18 particular area is we had to put Putnam County
19 together in one of the districts, so what we
20 did is we took Clay County out of the
21 Gainesville-centered seat and put it with a
22 Jacksonville suburban seat, which allows you to
23 put Palatka, which has a high African-American
24 percentage, and Putnam County and connect it
25 with African-Americans in Gainesville and

1 connect it more to the Alachua County district
2 as opposed to combining it with heavily white
3 Jacksonville suburban counties.

4 REPRESENTATIVE PRECOURT: Representative
5 Kiar, you are recognized.

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

8 Mr. Terrell, with regard to District
9 Number 10, which pertains to north and western
10 Orange County, there was testimony that the
11 district loses the tail and is now more
12 visually compact. Was that done in an effort
13 to more thoroughly comply with the direction of
14 the Supreme Court, because I believe that was
15 one of the districts they invalidated?

16 REPRESENTATIVE PRECOURT: Mr. Terrell, you
17 are recognized.

18 MR. TERRELL: Thank you.

19 Yes, and my -- the rationale behind that
20 particular configuration is that with District
21 12, which is a historically performing seat for
22 African-American candidates, that particular
23 district -- and even in the staff analysis on
24 the Senate's amendment even says that you -- it
25 can't include that downtown Orlando portion,

1 because it would dilute the ability of
2 minorities to elect candidates of their choice.
3 So that being said, that particular tail that
4 is in District 16, that would be the downtown
5 Orlando area that would dilute the minority
6 opportunity. So really the choice was either
7 you create an Orange County district with the
8 historically black performing district, but
9 what are the implications of just doing it
10 wholly within Orange County? And the
11 implication is that then you end up having to
12 split Lake County, then you end up having to
13 include a portion of southern Orange County in
14 a Polk County-based seat, which would dilute
15 the ability of the Orange County residents to
16 elect the Senator of their choice, and then it
17 would -- it would also have a ripple effect
18 with the Osceola section, the Celebration area
19 that is also included in that Polk County seat.
20 So by us taking the District 10 and
21 reconfiguring it so that it includes that
22 Celebration area, the Disney World section of
23 southwestern Orange County, and bringing it
24 north to also include some of Seminole, it
25 allows you to keep Lake County together, so

1 that's an additional county that isn't split,
2 it allows you to make a Polk County -- entirely
3 Polk County-based seat where the citizens of
4 Polk County could elect the Senator of their
5 choice, while not diluting the power of the
6 Orange County residents in western Orange
7 County to elect the Senator of their choice.
8 So in this case, that particular decision was
9 made because it didn't affect the minorities --
10 the minority ability to elect the candidate of
11 their choice, but at the same time uniting more
12 counties, keeping similar communities together
13 and making sure that you are not diluting
14 county strength in electing the Senators of
15 their choice. So those three factors
16 contributed to that type of configuration as
17 opposed to the Senate map.

18 REPRESENTATIVE PRECOURT: Representative
19 Fresen, you are recognized.

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

22 Mr. Terrell, this is just a question that
23 popped in my head as you were describing what
24 you did in Hillsborough County regarding the
25 African-American seat, and it seems your

1 intention there was to protect -- or to ensure
2 that that seat that was historically performing
3 as African-American was not retrogressed, and
4 in that exercise, you realized that there was
5 a -- another growing minority population that
6 had taken place over the last ten years, and as
7 such, you kind of recognized that so they could
8 start providing towards potentially electing a
9 minority of their choice. Did you apply that
10 same analysis anywhere else, or just in
11 Hillsborough?

12 REPRESENTATIVE PRECOURT: Mr. Terrell, you
13 are recognized.

14 MR. TERRELL: Thank you.

15 I believe, if you scroll down to
16 Miami-Dade County, in this particular area,
17 District 35 was very close to being 50 percent
18 Hispanic VAP under the original map that was
19 proposed by the Senate. Now, there is an
20 argument as to if you bring it over 50 percent,
21 will it still perform as a Hispanic seat. That
22 I can't answer. But as far as the actual
23 numbers, that District 35 is now over 50
24 percent Hispanic voting age population. So,
25 technically speaking, there is a fourth

1 Hispanic majority seat being created in
2 Miami-Dade County.

3 REPRESENTATIVE PRECOURT: Follow-up,
4 Representative Fresen.

5 REPRESENTATIVE FRESEN: Thank you.

6 Mr. Terrell, with your answer, when you
7 said will it still perform Hispanic, are you
8 basing that on the assumption that it is
9 currently or has ever actually been represented
10 by a Hispanic?

11 REPRESENTATIVE PRECOURT: Mr. Terrell, you
12 are recognized.

13 MR. TERRELL: I'm sorry, can you -- if you
14 can clarify?

15 REPRESENTATIVE FRESEN: Your answer on
16 District 35, you said we are not sure, taking
17 it over 50, if it will still perform Hispanic.
18 Are you basing that under the assumption that
19 it is currently performing or has performed
20 Hispanic?

21 REPRESENTATIVE PRECOURT: Mr. Terrell, you
22 are recognized.

23 MR. TERRELL: No. The statement was
24 basically saying that if you have a district
25 that is over 50 percent of a particular

1 minority group, there is an argument with
2 Hispanics that if a district is 50 percent
3 Hispanic, it won't necessarily perform as a
4 Hispanic majority seat. There is a case in
5 Illinois where they had that ten years ago and
6 they were saying if you have a district that is
7 65 percent Hispanic, why couldn't you create
8 two 51 percent Hispanic seats, and my
9 understanding from reading it, and it is my
10 layman's reading of the opinion, is that the
11 court was arguing that you couldn't necessarily
12 guarantee that the second district would still
13 perform as a minority seat just because it is
14 over 50 percent.

15 So my argument with this particular
16 district is we got it over 50 percent, so it is
17 Hispanic majority voting age population, but
18 will those Hispanics actually turn out and
19 elect a candidate of their choice is a whole
20 different argument, and that is what I was
21 trying to clarify that distinction.

22 REPRESENTATIVE PRECOURT: Further
23 questions of Mr. Terrell? Thank you very much
24 for being here. We appreciate it.

25 I don't believe we have any other public

1 testimony on this amendment. So seeing none,
2 is there any debate on this amendment?

3 Okay. Seeing no debate, Representative
4 Jenne, you are recognized.

5 REPRESENTATIVE JENNE: Thank you. Well,
6 it was nice to do a duet with Mr. Terrell there
7 for a second, and I really do appreciate all
8 the hard work that he has put into this. And,
9 look, at this point, there are some things that
10 I think need to be changed on the underlying
11 map, but I am a man of my word and I am going
12 to withdraw it at this point and look forward,
13 if anyone has any discussions that they would
14 like to be implemented on this amendment for
15 when it comes to the floor, please don't
16 hesitate. The door to my empty office is
17 always open.

18 REPRESENTATIVE PRECOURT: Okay. So
19 without objection, show Representative Jenne's
20 amendment withdrawn.

21 That takes us back to the bill. Members,
22 is there any public testimony on the bill? I
23 don't have any in front of me. I don't see
24 anybody approaching the -- you don't see any
25 other, Alex? Okay, great.

1 So is there any debate on the bill?

2 Representative Kiar, you are recognized in
3 debate.

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

6 I am going to oppose this map today, and I
7 will tell you why. I have a grave concern
8 that, once again, the map is nothing more than
9 an incumbent protection map. The voters passed
10 Amendment 5 by an overwhelming majority, which
11 basically stated that you cannot draw a map to
12 benefit a political party or an incumbent. And
13 the first map that the Court invalidated was
14 clearly drawn to benefit incumbents. It was
15 thrown out by the Court, and one reason, I
16 believe, that the Court saw that it was drawn
17 to benefit an incumbent was because not one
18 incumbent was drawn in the same district with
19 another incumbent. It didn't happen. In our
20 House maps, there are a number of incumbents,
21 both Democrats and Republicans, that have to
22 run against each other. In the Senate map,
23 there wasn't. The Court invalidated it.

24 This new map with the amendment that was
25 put on by the Senate that we are looking at

1 today, *The St. Pete Times* said that only two
2 Senators in the entire map are drawn into the
3 same district with each other, which, to me,
4 shows it is an incumbent protection map, and
5 the reason being -- and south Florida is a good
6 example. You have Senators that live only a
7 couple miles from each other. And to have 40
8 people, or to have a number of folks that live
9 within the state of Florida and not -- and only
10 two of them to actually be drawn in the same
11 district shows me that it was clearly drawn to
12 benefit and protect incumbents, and I
13 believe -- I can't remember, but I believe I
14 read a report, a news report, that said that
15 one of the Senators that was drawn into another
16 district with the other was going to move to an
17 open district elsewhere and run.

18 So it appears to me that, once again, the
19 Senate has been unable to draw a map that
20 complies with Amendment 5, it appears they
21 probably could not get the votes to pass a map
22 that would comply with the will of the voters,
23 and as a result, I think it is incumbent upon
24 us, the House, to do the right thing, to stand
25 up for what the voters passed, to -- and to

1 draft a map that does not benefit political
2 parties or incumbents and one that is fair for
3 the people of Florida. So that is why I am
4 asking that we vote this map down, because once
5 again, it doesn't comply with the voters' will.
6 Thank you.

7 REPRESENTATIVE PRECOURT: Representative
8 Nehr, you are recognized in debate.

9 REPRESENTATIVE NEHR: Thank you, Mr.
10 Chairman.

11 The debate so far has been pretty good,
12 but I think, members, what we need to do
13 basically is to focus what our task is here
14 today. Our task is to respond to the Court's
15 order. So what exactly did the Court ask us to
16 do as a committee and as a Legislature? The
17 Court said that the Districts 1 and 3 in the
18 Panhandle, 6 and 9 in the northeast, 10 in
19 Orange County, 29 and 30 in Palm Beach County,
20 and 34 in Collier and Lee Counties were
21 invalid. The Court said in its order that the
22 Senate failed to perform a functional analysis
23 of its minority district, the kind of analysis
24 that the House used in drawing its districts,
25 to determine how and when Tier 1 and 2

1 principles and law could both be met. And the
2 Court said that the Senate numbered its
3 districts with improper intent.

4 Now, I personally think that the Senate
5 has answered these questions. They've pretty
6 much adopted the League of Women Voters'
7 positions on the Panhandle and northeast
8 Florida districts, they have articulated
9 improvements to the districts in Orange County,
10 they have articulated improvements to Palm
11 Beach and even Broward County in southwest
12 Florida, and they have also provided a
13 functional analysis for the minority districts,
14 which they didn't do before. I don't find
15 anything objectionable in the process that the
16 Senate went through. So far I think they have
17 answered their points raised by the Courts,
18 and, frankly, at this point, members, I believe
19 that we should move this map forward and allow
20 the Court to do its constitutional duty, and
21 that is to judge the Senate's fixes to the map.

22 Thank you, Mr. Chairman.

23 REPRESENTATIVE PRECOURT: Representative
24 Workman, you are recognized in debate.

25 REPRESENTATIVE WORKMAN: Thank you, Mr.

1 Chair.

2 I just want to add to what Representative
3 Nehr said. In the court order, the Court found
4 concerns with the Senate's adherence to the
5 political and geographical boundaries and how
6 the Senate defined "compactness," and, in fact,
7 to a large degree the Court very much adopted
8 the House's approach, which I am very proud of.

9 I followed the Senate over the past week
10 or so and I even took a look at what they did
11 through the committee process, and what I
12 observed is they made a much improved effort to
13 document how they assessed these important
14 legal questions.

15 I am comfortable with saying at this point
16 that the Senate was responsive to what the
17 Court asked, and that is important. I think
18 they were responsive to the questions the Court
19 asked.

20 Would we have kept different counties and
21 cities intact and blah, blah, blah? Yes,
22 probably, maybe, but that is not important,
23 that is not the question to ask. The Senate
24 has responded to what the Court asked, and it
25 is time to send this map on to the Court.

1 REPRESENTATIVE PRECOURT: Representative
2 Hukill in debate.

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

5 I actually want to thank Representative
6 Jenne for bringing forward his amendment. I
7 think it has been helpful for us to have an
8 alternative to look at, and I think that
9 when -- I have tried to follow the Senate
10 somewhat when they went through their process
11 recently, and I think it was helpful to them
12 when they saw some amendments.

13 Actually, in looking at this amendment, I
14 think it gives me more comfort to be able to
15 cast my vote for the map that is before us,
16 because I feel that actually the map that is
17 before us actually pays greater deference to
18 city boundaries and to a very significant
19 degree, and that is pointed out by the
20 amendment that we saw today.

21 So while the Court has said, yes, there's
22 more than one way to draw a legally compliant
23 map, there's not just one map, I think that the
24 map that is before us is a far superior map,
25 and I would urge everyone to support this map.

1 REPRESENTATIVE PRECOURT: Further debate?
2 Representative Bernard -- Representative
3 Rouson.

4 REPRESENTATIVE ROUSON: Thank you very
5 much, Mr. Chair.

6 I want to emphasize the communication that
7 I received from one of my constituent groups
8 that refers to the African-American VAP in
9 District 19. I am going to vote against this
10 bill. I believe that the amendment presented
11 is a much better amendment. Sorry that
12 Representative Jenne withdrew it and did not
13 give us an opportunity to vote on it. Thank
14 you.

15 REPRESENTATIVE PRECOURT: Further debate?

16 Okay. Seeing no further debate,
17 Representative Weatherford, or Chairman
18 Weatherford, you are recognized to close on the
19 bill.

20 REPRESENTATIVE WEATHERFORD: Thank you
21 very much, Mr. Chairman.

22 Members, this has been a long process, and
23 I am just happy we are not having to do this
24 for the House map, first of all, but we are
25 here, we do have a job to do, and I think it is

1 also important that we recognize that, you
2 know, making sure that the House has the
3 responsibility, and the Senate, to draw the
4 maps, and we certainly do not want to advocate
5 that authority to any other body or any other
6 governmental entity. And when you look at the
7 data and you look at the numbers and you look
8 at the improvements that have been made, it is
9 far superior to the map that we passed out just
10 a month ago.

11 And so I appreciate everyone's indulgence,
12 I appreciate your comments and your debate.
13 Representative Jenne, we certainly appreciate
14 you bringing forth a new idea and appreciate
15 your withdrawal of that, but we look forward to
16 working with everyone as we go to the floor.
17 And if there's any questions that anybody has
18 about this map or any data that we can get to
19 you, our staff is available to do so. So with
20 that, I would ask that you support this map.

21 REPRESENTATIVE PRECOURT: Members,
22 Chairman Weatherford having closed on the bill,
23 will the administrative assistant please call
24 the roll on Senate Joint Resolution 2B?

25 THE CLERK: Representatives Adkins?

1 REPRESENTATIVE ADKINS: Yes.
2 THE CLERK: Bernard?
3 REPRESENTATIVE BERNARD: No.
4 THE CLERK: Chestnut?
5 REPRESENTATIVE CHESTNUT: No.
6 THE CLERK: Dorworth?
7 REPRESENTATIVE DORWORTH: Yes.
8 THE CLERK: Eisnaugle?
9 REPRESENTATIVE EISNAUGLE: Yes.
10 THE CLERK: Fresen?
11 REPRESENTATIVE FRESEN: Yes.
12 THE CLERK: Frishe?
13 REPRESENTATIVE FRISHE: Yes.
14 THE CLERK: Holder?
15 REPRESENTATIVE HOLDER: Yes.
16 THE CLERK: Horner?
17 REPRESENTATIVE HORNER: Yes.
18 THE CLERK: Hukill?
19 REPRESENTATIVE HUKILL: Yes.
20 THE CLERK: Jenne?
21 REPRESENTATIVE JENNE: No.
22 THE CLERK: Jones?
23 REPRESENTATIVE JONES: No.
24 THE CLERK: Kiar?
25 REPRESENTATIVE KIAR: No.

1 THE CLERK: Legg? Sorry, Nehr?

2 REPRESENTATIVE NEHR: Yes.

3 THE CLERK: Precourt?

4 REPRESENTATIVE PRECOURT: Yes.

5 THE CLERK: Rogers?

6 REPRESENTATIVE ROGERS: No.

7 THE CLERK: Rouson?

8 REPRESENTATIVE ROUSON: No.

9 THE CLERK: Schenck?

10 REPRESENTATIVE SCHENCK: Yes.

11 THE CLERK: Workman?

12 REPRESENTATIVE WORKMAN: Yes.

13 THE CLERK: Chair Weatherford?

14 REPRESENTATIVE WEATHERFORD: Yes.

15 REPRESENTATIVE PRECOURT: So, members,

16 please show Senate Joint Resolution 2B as
17 passing. Now I had will hand the gavel back
18 over to Chairman Weatherford.

19 REPRESENTATIVE WEATHERFORD: Thank you
20 very much, Chairman Precourt. We appreciate
21 your assistance there.

22 Members, that concludes today's meeting.
23 House and Rules Committee will be meeting at
24 5:30 to set the special order for tomorrow so
25 that we can take up SJR-2B on the floor

1 tomorrow at 1:00 p.m. If you have any
2 questions or assistance, like I stated earlier,
3 please let us know.

4 With that, Representative Dorworth moves
5 we rise.

6 (Whereupon, the proceedings were
7 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 60 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 17th day of April, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014