

# THE FLORIDA LEGISLATURE



**MIKE HARIDOPoulos**  
*President of the Senate*



**DEAN CANNON**  
*Speaker of the House of Representatives*

June 20, 2011

Ellen Freidin  
Fair Districts Now, Inc.  
2665 South Bayshore Drive, M-103  
Miami, Florida 33133  
**VIA E-MAIL AND UNITED STATES MAIL**

Dear Ms. Freidin:

In light of recent correspondence from organizations that have commented on the Legislature's charted path for Florida's redistricting, we write to you today simply to ask that you reiterate your stated positions on this redistricting process.

When you spoke to a joint meeting of committees of the Florida Senate and the Florida House of Representatives on February 11, 2010, you were challenged by multiple legislators to draft redistricting plans that were examples of how to comply with Amendments 5 and 6. The meeting transcript from that day includes your word-for-word response, in which you stated,<sup>1</sup>

**"To draw a good plan,** to draw a map under any criteria you need census data, you need voting performance and registration data for minority districts. **You need the input of the public** and you need the collegial work of all of the legislative body. The answer is, I can't do that, because I don't have any of that."

You added: "I don't have a Legislature to work with me on this, **nor do I have public hearings.**"<sup>2</sup> And you stated that "the way it has always been done in the past is to do it **after public comment**"; otherwise, it would be impossible to draw "compliant" or "appropriate" maps.<sup>3</sup>

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<sup>1</sup> See pages 81-82 of the transcript at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit M.

<sup>2</sup> See page 82 of the transcript at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit M.

<sup>3</sup> See page 114 of the transcript at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit M.

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In 2009, former Speaker Jon Mills, who according to your testimony was one of roughly a dozen authors of Amendments 5 and 6,<sup>4</sup> concurred with your statements when he wrote,<sup>5</sup>

**“The public, the press and non-governmental organizations will have the opportunity to comment before and after the Legislature draws the initial maps and will be able to notify the Legislature of any failure to comply with the standards before the maps are finalized.”**

Your points were well taken.

Unfortunately, despite your comprehensive response, your legal counsel and other redistricting reform colleagues are now insisting that the Legislature prepare maps before it receives any public comment. What is equally concerning is that your colleagues, including your counsel, are now suggesting the Legislature should reduce the amount of time for public participation and rush the redistricting process unnecessarily, though our timeline is dictated by the Constitution.

As you repeatedly articulated on February 11, 2010, Amendments 5 and 6 were written to do what the plain words would require. You further noted the Legislature could rely on case law if it needed clarification.<sup>6</sup>

Nowhere in Amendments 5 and 6 is there a suggestion that the traditional redistricting timeline be altered. However, your colleagues now suggest that the Legislature reduce the time allotted for citizen input and instead create time for litigation. But when you spoke to our committee, you asked rhetorically whether Amendments 5 and 6 would “lead to increased litigation,” and stated that “the answer . . . is an emphatic no,”<sup>7</sup> and that “it is not the intent of Fair Districts Florida to have this end up in the courts.”<sup>8</sup> If so, our traditional, constitutional timeline will do.

To that end, we encourage you to share these plain facts with your counsel and colleagues:

- The Legislature intends to collect public input first and throughout the process, as you and former Speaker Mills persuasively suggested.

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<sup>4</sup> See page 126 of the transcript at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit M.

<sup>5</sup> See Fair Districts Political Advertisement at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit R.

<sup>6</sup> See pages 61 and 84 of the transcript at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit M.

<sup>7</sup> See page 16 of the transcript at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit M.

<sup>8</sup> See page 74 of the transcript at [www.flsenate.gov/Session/Redistricting/Legal](http://www.flsenate.gov/Session/Redistricting/Legal), as Exhibit M.

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- The Legislature intends to comply with Article III of Florida's Constitution, including the timeline set forth in Section 16 of Article III for state legislative redistricting.
- The Legislature has already advanced the start date of the 2012 Session nearly two months to January 10, 2012. To advance the process further, besides violating the Constitution, would be a denial of the public input that you and former Speaker Mills spoke so highly of.
- Amendments 5 and 6 in no way address the timeline for redistricting. If the timeline was such a concern, we can only assume that you would have addressed it in the Amendments.

As always, please know that you have an open door to speak with us, share any concerns or suggestions, and ask any questions that you may have. We look forward to working with all interested citizens and organizations as the public input phase for Florida's redistricting process officially kicks off with more than two dozen public input meetings throughout the state.

Sincerely,



Don Gaetz, Chair  
Committee on Reapportionment  
The Florida Senate



Will Weatherford, Chair  
Redistricting Committee  
Florida House of Representatives

C: Ms. Jackie Lee, Fair Districts Now  
Mr. Leon Russell, NAACP  
Ms. Deirdre Macnab, LWV of Florida  
Mr. Jorge Mursuli, Democracia  
Ms. Nathalie Shortal, Common Cause Florida