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CONFERENCE COMMITTEE ON
REAPPORTIONMENT/REDISTRICTING

NOVEMBER 5, 2015

11:15 a.m.

Transcribed by:
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Court Reporter

1 T A P E D P R O C E E D I N G S

2 SENATOR GALVANO: Good morning, let's call
3 to order the Conference Committee on
4 Reapportionment. Administrative assistant
5 please call the roll.

6 SENATE SECRETARY: Chair Galvano?

7 SENATOR GALVANO: Here.

8 SENATE SECRETARY: Chair Oliva?

9 REPRESENTATIVE OLIVA: Here.

10 SENATOR GALVANO: Thank you. Chairman, as
11 we have discussed we are both here.

12 REPRESENTATIVE OLIVA: A quorum is
13 present.

14 SENATOR GALVANO: We could have done that
15 on a voice vote, I think. All right, as we
16 discussed yesterday there was some questions
17 that had been raised on the floor of the Senate
18 when we went through the 9079 map that was sent
19 over from the House of Representatives.

20 And with your indulgence and I know the
21 House map drawers are here, we can spend some
22 time today just going -- going through the
23 changes and, you know, drilling into a couple
24 of areas and getting some questions answered so
25 that I am fully informed and can work with my

1 caucus in terms of the conference report.

2 REPRESENTATIVE OLIVA: We are in
3 agreement.

4 SENATOR GALVANO: Okay, so if your staff
5 is here, map drawers, oh, okay. I saw that
6 thing set up there. I would like to start, if
7 I may, just to have an understanding of how the
8 House amendment was put together and in terms
9 of who was involved in the drawing, reviewing,
10 directing and approving of the map.

11 MR. POREDA: Yes, thank you, Chairman.
12 The -- myself and Jeff Takacs who is sitting
13 next to me, we were the primary map drawers for
14 this map. Chairman Oliva was involved in
15 approving, as well as Andy Bardos, Matt Carson
16 and Jason Rojas.

17 SENATOR GALVANO: And what was the, if you
18 can in general terms share with me the process
19 that you used to create the amendment adopted
20 on the -- in the House and sent to the Senate.

21 MR. POREDA: Sure. On a direction from
22 Chair Oliva we took map 9124, which is the map
23 that the Senate sent to the House and the
24 CPS-1, the map submitted by the Plaintiffs just
25 before the Senate vote on the floor, we took

1 those two maps and found ways where we could
2 blend them together to create a map that was
3 more improved than -- or more compliant than
4 either of them separately.

5 SENATOR GALVANO: Did you have drafts of
6 this map, and if you did, did you share them
7 with anyone, and who?

8 MR. POREDA: We did. We had, as we were
9 working through trying to combine the two maps
10 and blend them together, I believe we ended and
11 then during the drawing process we had to
12 create some reports to make sure we didn't
13 accidentally split cities and things of that
14 nature. So we had to do several different
15 versions of that.

16 I believe it was seven or eight final
17 drafts. We shared kind of our final work
18 product with Chairman Oliva and the group that
19 I mentioned before, counsel.

20 SENATOR GALVANO: Did you receive any
21 specific instruction to change the drafts after
22 they were shared from anyone?

23 MR. POREDA: No, I think, at a certain
24 point when we were nearing completion I believe
25 Chairman Oliva gave us further direction to

1 explore a possible way to keep Alachua County
2 or Gainesville whole and we explored that idea
3 separately, but he did not say specifically how
4 to do that. Just like none of the direction
5 was any specific direction of how to move the
6 lines or why or where.

7 SENATOR GALVANO: Were you informed of or
8 did you take into consideration at any time the
9 address of any incumbent Senator?

10 MR. POREDA: No, sir.

11 SENATOR GALVANO: Did you -- were you
12 aware of where Senators lived in your
13 deliberation?

14 MR. POREDA: No, sir.

15 SENATOR GALVANO: Other than the
16 instructions from the Chairman, were you
17 instructed by any member of the process to make
18 a specific line change?

19 MR. POREDA: No.

20 SENATOR GALVANO: Okay, if you could walk
21 us through in general the changes between 9079
22 and the map that was sent over from the Senate,
23 and I know --

24 MR. POREDA: Absolutely.

25 SENATOR GALVANO: -- it would be easiest

1 if you start in the panhandle.

2 MR. POREDA: Sure. Real quickly I will
3 just, I will go through the map kind of in a
4 broad sense and I want to go through the
5 specific changes and I will be starting in the
6 panhandle.

7 So real quickly, as I presented to our
8 meeting of the Select Committee on
9 Redistricting there are -- when we were
10 combining these two maps together we discovered
11 that there were 14 districts that were the same
12 or very similar in both maps. Those districts
13 are highlighted here.

14 The Plaintiffs' map that was submitted was
15 very similar to the Senate map in many areas in
16 these 14 districts because they were the same
17 or very, very similar in both maps we kept them
18 that way in map 9079.

19 There are then as we were going throughout
20 the drawing process there ended up being 14
21 districts that are the same or very similar to
22 the map that came over to us from the Senate,
23 and there are 12 districts that are the same or
24 very similar to map CPS-1 that was submitted to
25 us from the Plaintiffs.

1 So as we went around the map and tried to
2 identify areas where we could blend the two
3 maps together, we also reviewed CPS-1 because
4 they had improved compactness overall
5 throughout the entire map. So we went through
6 an extensive process, going through each
7 district to try to look at what CPS-1 had done,
8 look at what map, which was primarily the base
9 map that came over to us from the Senate, the
10 one that the Senate selected, and tried to
11 combine those ideas and tried to improve
12 compactness throughout the map.

13 Here in Okaloosa County you can see where
14 we ended up in map 9079, and if you look to the
15 right of that you can see the version of CPS-1
16 and version of 9124 that come over to us. You
17 see CPS-1 has kind of a bulge on the southern
18 part of District 2 that really goes through
19 mostly the Air Force base land there.

20 Now, that actually scores, in looking at
21 the compactness scores, better than that of the
22 map that came over to us in the Senate that has
23 that horizontal division along I-10 and around
24 the city of Crestview.

25 Despite the visual appeal of that or

1 following I-10, CPS-1 actually scored better.
2 We in the base map drawing process had drawn
3 another vertical division of Okaloosa County
4 that you see there as is in map 9070 or I
5 believe 9080 and one of the other base maps as
6 well. We then, because CPS-1 scored more
7 compactly we tried to take an idea that we had
8 used during the base map drawing process, that
9 vertical division and combined it with CPS-1
10 simply because we didn't really like how that
11 bulge looked at the bottom, despite its scoring
12 better and the result of that is what you see
13 in map 9079.

14 You can see that we have a very similar
15 bulge at the bottom, but we combine that with a
16 vertical division that we had in map 9070 and
17 some of the other base maps to create an even
18 more compact version than even what CPS-1 came
19 over or even what we drew during the base map
20 drawing process. And that was the -- how that
21 particular division of Okaloosa County came to
22 be.

23 We were trying to meet or beat the Tier 2
24 metrics of compactness with CPS-1 since that
25 was the most compact version that came over to

1 us. That was even more compact than the
2 straight up vertical split that we had in our
3 base map drawing process. So by combining idea
4 from CPS-1 and the base maps we were able to
5 beat the compactness of either -- either of
6 those two separately. So that is how that
7 particular division came to be.

8 SENATOR GALVANO: And what about city
9 splits?

10 MR. POREDA: There in Okaloosa County the
11 city of Crestview is kept whole. That is the
12 only incorporated city in the north part of
13 Okaloosa County and we keep it whole. It is
14 actually kept whole in all four of the versions
15 of that division that you see there.

16 In 9124 that kind of bulge right north of
17 I-10, that would be the city of Crestview where
18 we go around that, and in the other versions of
19 that we don't come as close to the municipal
20 lines so you don't see that bulge. But all of
21 the municipalities within Okaloosa County
22 including the ones down south are kept whole.

23 We then moved on to the Jacksonville area.
24 You can see in map 9124 there is a version of
25 Senate District 8 which is one of the minority

1 performing districts there in Duval County in
2 Jacksonville. That is a version that we had
3 throughout the base map drawing process. CPS-1
4 took the other version that we had used during
5 the base map drawing process and inserted that
6 into their map, which was a -- it scored better
7 in the compactness scores.

8 The version that we had in 9124 followed
9 I-95 in the county lines a little bit more
10 consistently, but the score of CPS-1 which is
11 the similar to in the base map drawing process,
12 that one scored better. We took this
13 opportunity seeing what CPS-1 did, especially
14 throughout the entire state with compactness,
15 we really tried to review all of our boundary
16 lines to find ways to improve compactness
17 overall throughout the entire map in a very
18 similar way that they did.

19 They made very small moves generally
20 throughout the whole map. So we took this
21 opportunity to look at kind of combining the
22 versions that we had in the base map drawing
23 process in CPS-1 and 9124 and even making
24 further improvements for that.

25 An example of that would be kind of on the

1 eastern side of Senate District 8. In 9124 you
2 see a little -- a little rectangular bulge
3 coming out of the district. In CPS-1 that
4 bulge is greater. So we wanted to explore a
5 concept of eliminating that bulge which would
6 in a Reock score sense condense the size of the
7 bounding circle that would be around the
8 district and you can see that we were able to
9 do that as well as fill in some of the area
10 that is kind of around the downtown
11 Jacksonville area which helped fill in that
12 circle and increase its compactness ratio.

13 We then, because this is a minority
14 district we performed a functional analysis.

15 SENATOR GALVANO: A functional impact,
16 sorry. Go ahead, I want to hear.

17 MR. POREDA: So despite in the more
18 compact version that we drew there was an
19 overall BVAP drop of about a percent. I don't
20 think it was quite a percent, maybe slightly
21 more, but that was acceptable because when we
22 did the functional analysis and looked at the
23 registered voter break down and turnout break
24 down both in the primary and general election
25 turn out the African-American community within

1 that district holds about a 65 percent control
2 of the Democratic side of the registration, as
3 well as turn out specifically in the primary.
4 And since that district is a lean Democrat seat
5 because the African-Americans hold a control of
6 that primary and that side of the equation,
7 they would have control over who is elected in
8 the primary on the Democratic side. So that
9 district would still solidly perform
10 African-American despite the overall BVAP drop.
11 When you look at the underlying numbers, that
12 opportunity still remains.

13 Moving on, the next area that we looked at
14 was Orange County. You can see the slight
15 difference that we have between the borders of
16 9124 and 9079. The borders that we primarily
17 used within Orange County are not a direct copy
18 but certainly borrowed from CPS-1.

19 CPS-1 you can see on kind of the north
20 side of Orange County the city of Maitland
21 which is right there in the kind of a notch
22 underneath Seminole County, excuse me. In 9124
23 and during the base map drawing process we had
24 included the city of Maitland with District 15,
25 but that kind of added a little extension on

1 the top of that district that decreased its
2 compactness slightly.

3 CPS-1 had combined Maitland with District
4 14 which decreased the compactness, I am sorry,
5 increased the compactness of Senate District
6 15, so we incorporated that change as well.
7 You can also see on the southern side of Senate
8 District 15 we followed the beach line, the
9 beeline all the way from the Brevard County
10 line all of the way through the county, but
11 then we follow some of the other major highways
12 to the south and Senate District 14 kind of
13 bends down.

14 In CPS-1 they had taken Sand Lake Road
15 which kind of continued that straight line from
16 the beach line and we incorporated that idea as
17 well because that helped improve the
18 compactness of not just Senate District 15, but
19 14 and 16, I believe, and I think there was
20 some other small change in between District 14
21 and 16, but --

22 SENATOR GALVANO: Was there a functional
23 analysis done on 14?

24 MR. POREDA: Yes. And very similarly to
25 the district in Jacksonville we determined that

1 those changes that in Maitland and some of the
2 area to the south would not effect that
3 district's ability to elect a candidate of the
4 minority community's choice, which in this case
5 also would be the African-American.

6 So in all of those changes that we made
7 there within Orange County helped improve
8 compactness of I believe all three of those
9 districts, but definitely District 15 and I
10 believe 14 actually went up as well.

11 Now looking at --

12 SENATOR GALVANO: Before you move on.

13 MR. POREDA: Yes, sir.

14 SENATOR GALVANO: -- some questions were
15 raised with regard to Lake County and, you
16 know, how that configuration was arrived at and
17 specifically I a question about splitting The
18 Villages. Can you generally explain what the
19 thought process was?

20 MR. POREDA: Sure. So with Lake County
21 and we discussed last night among the three map
22 drawers kind of going back through our decision
23 here, keeping Lake County whole was something
24 that we explored throughout the base map
25 drawing process, and I believe three of the

1 base maps actually do keep Lake County whole.

2 Excuse me.

3 In this particular map we keep Marion
4 County whole, and generally Marion County, Lake
5 County, because they are in between both the
6 north and the south areas of the state and kind
7 of in between the Tampa and Orlando areas, they
8 end up kind of being in the middle and kind of
9 the a keystone of how areas can come together.

10 You can generally keep one whole and not
11 the other. We did explore a version where we
12 tried to keep both of them whole, but while
13 doing that that affects how the rest of the
14 region and a lot of how the north and central
15 part of the state comes together.

16 In this particular draft, because we or
17 this particular base map that we started from,
18 because we held the sandbox of Orange and
19 Osceola County together as well as the sandbox
20 of holding Hillsborough, Pinellas, Pasco and
21 Hernando together, that created a funnel in
22 between those two areas where Marion, Lake and
23 Polk County were combined with some of the
24 other rural counties, Putnam, Hardy and
25 Highlands, and that created a funnel there when

1 you put three districts there the populations
2 you kind of work from the bottom and work from
3 the top and up in the middle and there is a
4 district where Lake County ends up being split.

5 And because CPS-1 borrowed and continued
6 how the east side of this map looks with
7 Orange, Osceola, Volusia, Flagler at the rest
8 of these posts, we thought it was important to
9 keep that consistent since there seemed to be
10 some agreement between what the Plaintiffs had
11 submitted and what the Senate had passed over
12 to us we felt strongly that those districts
13 should remain the same.

14 So last night the three map drawers when
15 we met we, well, if we kept that the same, if
16 we were to try to keep Lake County whole in
17 this draft, what would be the effect to the
18 map.

19 We, knowing that we could not go east we
20 kind of explored what the math would be in
21 trying to do that. District 7 which is the
22 district to the north that has Marion and
23 Putnam County and has about 72,000 people of
24 north Lake County. So if you were to remove
25 that from District 7 and move District 12 up to

1 take all of Lake County, District 7 would then
2 be about 70,000 people under populated.

3 The place where we -- you could kind of
4 envision them going, that district going to get
5 that remaining population would be Sumter
6 County. Sumter County has about 93,000 people
7 in it. So that is about 20 too many. So if
8 you included all of Sumter County to that,
9 removing that county from District 5, District
10 5 could get some of that population back by
11 splitting Marion County and getting about
12 20,000 people back which would create District
13 7 which would be a complete district.

14 But then District 5 would still have to go
15 someplace else to get more population. At that
16 point they would be 70,000 people under. So
17 you can see this is end up going -- this is
18 going to end up being a rotation of about
19 70,000 people, but you would have to break
20 Hernando County going south, because that is
21 the only place you can go there which would
22 then move District 10 into District 20 down
23 into Hillsborough. Eventually 21 would have to
24 go from Hillsborough into Polk.

25 So the net effect of within this draft of

1 trying to keep Lake County whole would be the
2 splitting of two other counties, whether that
3 would be Sumter or Marion and Hernando, two of
4 those three. It would also add another
5 district into Hillsborough County in all
6 likelihood.

7 SENATOR GALVANO: And 9079 keeps these
8 same number of counties whole as 90 -- 9124, I
9 believe, correct?

10 MR. POREDA: That is correct.

11 SENATOR GALVANO: Okay.

12 MR. POREDA: Yes. So if we were to keep
13 Lake County whole we would have a net effect of
14 going, it would increase the number of counties
15 that are split by one. It would add, in all
16 likelihood a split to Hillsborough and most
17 certainly one into Polk because eventually
18 District 12 moved up into Lake you would have
19 to -- some district, some other district would
20 have to come into Polk County to take up that
21 population there.

22 So you can see between Districts 12, 7, 5,
23 10, 20 and 21 there would be a rotation among
24 them and more county lines would be broken and
25 more districts would be added. So you would

1 have -- to keep Lake County whole in this map
2 it would have a net negative effect to the map.

3 SENATOR GALVANO: Okay, let's go to the
4 Tampa Bay area.

5 MR. POREDA: Sure. Real quick before I do
6 that, there is another area right here in
7 Central Florida where we made a change after
8 reviewing CPS-1, and this is in District 11
9 between District 11 and 13, which is in Volusia
10 County.

11 In 9124 we followed the Seminole County
12 line, Seminole Volusia County line. You can
13 see in CPS-1 they moved the line between, in
14 their map, Districts 10 and 13 up to the
15 municipal line of Deltona which is a relatively
16 minor change but that actually had a
17 significant impact in compactness, I believe
18 for both districts but certainly for District
19 11.

20 We did not follow their example exactly,
21 but we did decide to change that line and go up
22 to Deltona to that municipal line in order to
23 increase the compactness of District 11. So
24 that is another idea in that Central Florida
25 area that we borrowed from CPS-1.

1 Going to Tampa Bay, in and idea that while
2 looking at CPS-1, they did not split any
3 municipalities within Pinellas County. We, in
4 the base map and which stayed the same map 9124
5 when it came over to us, we split the city of
6 Largo.

7 We, Mr. Takacs and myself, we explored
8 ways of trying to keep that, trying to match
9 them on city splits as much as we can. We
10 tried to revisit how we -- why that split was
11 and how, what changes we would have to make.

12 We ended up in 9079 being able to keep
13 Largo whole by taking District 19 slightly more
14 into St. Petersburg than it had before. You
15 can see that I believe it ended, the amount of
16 people in District 17 in 9124 that are in Largo
17 I believe were somewhere between, about 20,000
18 people, between 20 and 25,000 people.

19 So when you add that population to
20 District 22 you have to take District 19, a
21 corresponding amount further into St.
22 Petersburg and you can see we still have some
23 nice straight boundary lines there. We were
24 able some major roads to follow there, while
25 not splitting any other additional cities and

1 keeping that split just within St. Petersburg.

2 We then added that population to District
3 22 in Largo, staying out of any other
4 municipalities so we can keep all of the
5 municipalities in Pinellas County whole. That
6 obviously took some population out of District
7 17. So then District 17 had to go further and
8 get that population to the north and on the
9 next slide you can see in map 9124 District 17
10 goes up into Pasco County and follows I believe
11 a small river or creek as it goes up north.

12 When -- part -- and in 9079 when we had to
13 add that population you can see the north side
14 of the district where we thought about going,
15 but that would increase the size of the -- of
16 the circle around the district and decrease the
17 compactness scores if we made that district any
18 longer because the point --

19 SENATOR GALVANO: Can you walk me through,
20 will you walk me through the north eastern
21 boundary and explain the methodology and the
22 political or geographical boundaries that were
23 followed to create that wind on the northeast
24 side that has that bulge?

25 MR. POREDA: Yes, sir. As I was just

1 explaining we were trying to find areas to add
2 population. We didn't want to take it north,
3 so the only way that we could take that
4 district would be to that northeast side that
5 you are now describing.

6 Our goal was to try to follow the Pinellas
7 Hillsborough County had line further up into
8 Pasco going straight, kind of make the district
9 much more rectangular. I believe that is Road
10 1, maybe County Road 1 that has part of that
11 line coming down in Pasco County going towards
12 the Pinellas County line.

13 We had to, when we followed that down
14 there was still, more population that we needed
15 to add, and when you get right in that area
16 where the three counties meet between
17 Hillsborough, Pinellas and Pasco, there is just
18 not a very -- there is not very good block
19 lines to follow there.

20 That is an area of the state for, it just
21 happens that the block lines there don't
22 generally follow a lot of the roadways like
23 they do in other areas of even Pasco County.
24 So there we had to follow as good a boundary
25 lines as we could.

1 SENATOR GALVANO: Which were what?

2 MR. POREDA: Getting back to the major
3 lines.

4 SENATOR GALVANO: Where are the boundary
5 lines?

6 MR. POREDA: Well, they are primarily
7 block lines there. I believe that part of that
8 diagonal line happens to -- the block lines
9 there happen to correspond with a power line
10 that goes through there. I am not saying that
11 power lines are a boundary line that we would
12 generally pick, but there we were -- we were
13 limited in the choices that we could make
14 before we could get back to a major roadway.

15 SENATOR GALVANO: Did we follow power
16 lines anywhere else in the map that you know
17 of?

18 MR. POREDA: I don't know off the top of
19 my head, but I --

20 SENATOR GALVANO: Mr. Takacs? Yes, you
21 are recognized.

22 MR. TAKACS: Thank you, Mr. Chairman, Jeff
23 Takacs for the record. I don't know the
24 specific answer regarding power lines, but I
25 did want to add a little bit something to what

1 Mr. Poreda was saying. Our initial hope and
2 goal was to try to use that County Road 1 all
3 of the way north to be the boundary of the two
4 districts.

5 However, when we tried that it was one of
6 the districts was about 10,000 people too many.
7 And so we weren't able to follow that roadway
8 all the way up and so we had to depart from
9 that road in order to achieve appropriate
10 population deviation for the two districts.

11 MR. POREDA: Thank you, Mr. Takacs. That
12 is -- that is correct, and trying to keep the
13 shape of that district as rectangular as
14 possible while trying to keep its Reock score
15 and Convex Hull score high.

16 SENATOR GALVANO: Does that bulge though
17 would impact negatively the compactness,
18 correct?

19 MR. POREDA: Go ahead, Jeff.

20 MR. TAKACS: Thank you, Mr. Chairman. It
21 would not, and the reason for that is when you
22 think about a Reock score you want to pick the
23 two points of the district that are the
24 furthestest away from each other, and in this
25 particular district looking at District 17, it

1 is not all on your screen but if you look to
2 the very north where there is that little kind
3 of rectangle or square shape there kind of to
4 the northeast, that is the top point and the
5 bottom point is down near the municipalities of
6 Belleair Bluffs and Belleair Beach and in that
7 area.

8 And so that -- those are the two points
9 that creates that circle that would bound the
10 district. So that, that actual, that bulge as
11 you put it there does not have a negative
12 impact on its compactness score because it is
13 not enlarging that circle. It is actually
14 filling in more of that circle.

15 SENATOR GALVANO: So most -- that follows
16 a power line and a block line? How often are
17 block lines used in the map?

18 MR. POREDA: I can't speak to how often
19 they are, but occasionally in parts of the map
20 where the geography is simply does not follow,
21 the census geography simply does not follow
22 major roadways we are forced to follow lines
23 such as that.

24 We try to minimize that as much as
25 possible throughout the map, but I could not

1 speak to exactly how many other times that
2 happens.

3 SENATOR GALVANO: Is that consistent with
4 the methodologies established?

5 MR. POREDA: I would say so because with
6 the methodologies we try to follow as good a
7 political and geographical boundary lines where
8 feasible and we take that to heart and we
9 follow all of those political and geographical,
10 major political and geographical boundary lines
11 as much as we possibly can, except for where we
12 are limited by the census geography that we
13 have to draw with.

14 SENATOR GALVANO: Go on.

15 MR. POREDA: So then in District 20 we
16 also made some corresponding changes. You can
17 see the point that Mr. Takacs was referring to
18 earlier for District 20 is kind of the
19 northeast. If you look at 9124 there is a
20 point up on the very northwest side of the
21 district. That was a point we kind of pulled
22 that back to reduce the size of the circle with
23 that district.

24 District 20 also needed to go and get some
25 remaining population because you remember in

1 the beginning of the rotation District 19 went
2 more into St. Petersburg than 22, and it went
3 to 17 and 17 went into 20. So 20 had to get
4 some population from District 19 and you can
5 see at the very top of 9124, the very top of
6 the Orange district, which is District 19, then
7 look over in 9079 you can see a portion of that
8 top was taken by District 20 and that actually
9 helped the Reock score for both District 20 and
10 19, because District 19's circle decreased
11 slightly and the area of the circle since the
12 two points were on the north and south ends of
13 District 20, that helped fill in more area
14 there.

15 So it was a very small change to
16 compactness, but it did help improve the score
17 of both districts, and that kind of completes
18 the changes that we made in the Tampa Bay area
19 which kind of reviewing really quick is the
20 result of trying to keep Largo whole and the
21 other corresponding population changes that
22 have to be made because of that particular
23 change, which is an idea that we borrowed from
24 CPS-1.

25 Now moving down to the Lee, Collier area,

1 keeping those two counties together, you can
2 fit two districts entirely within it. We keep
3 it a district entirely within Lee, as did
4 CPS-1, but as you can see, they changed the
5 boundary very slightly to what we had in 9124.
6 They really borrowed that idea from us, but you
7 can see that the boundary line is very slightly
8 different and we, by and large, borrowed that
9 boundary line from CPS-1 almost exactly.

10 And you can see those very minor changes.
11 Instead of following I-75 like we do in 9124,
12 all the way up north to Ft. Myers to the county
13 line, we followed another state road kind of
14 more vertically. That decreases the size of
15 that circle and increases the compactness of
16 that district.

17 We had to make a slight corresponding
18 change down the area just north of Bonita
19 Springs to even out the population again, but
20 other than that it was no other changes here
21 and that was made primarily from compactness
22 and borrowed almost exactly from CPS-1.

23 Now, another change we made you can see
24 her in Sarasota County, this is something that
25 we discovered. I will actually give Mr. Takacs

1 credit. He is the one that discovered this
2 small change. You see the boundary line in
3 9124 comes to a point out there in the water.
4 So those are unpopulated blocks within the
5 water within Sarasota County. If you add more
6 of that area to District 23 and kind of cut off
7 that point, that actually significantly reduces
8 that circle that you would put around the
9 district to calculate the scores or the Reock
10 score anyway, in addition to eliminating some
11 of the rubber band that goes around the
12 district and that increased the compactness I
13 believe of 26 for sure rather dramatically.

14 I think it either didn't effect 23 at all
15 or slightly improved it. And that was a change
16 that we found that we could make to improve the
17 compactness of that district. So now here in
18 South Florida we were trying to borrow --

19 SENATOR GALVANO: Yes. When you go into
20 South Florida, as you recall yesterday we had a
21 discussion about doing some comparisons. And
22 so I think I would present that as you go
23 through South Florida and then we -- I may have
24 some questions.

25 MR. POREDA: Okay. I will go through what

1 we did in 9079 and then we can go to --

2 SENATOR GALVANO: And you recall and just
3 confirm for me that you did go back and look at
4 the base maps to see if a base map juxtaposed
5 into South Florida and we were really focusing
6 on Miami-Dade actually performed better.

7 MR. POREDA: We did explore that, yes. So
8 here in 9079 we were attempting to incorporate
9 CPS-1 in South Florida, because in South
10 Florida they did do a very good job with
11 compactness and keeping cities whole. So we
12 tried to borrow their version of South Florida
13 as much as we can.

14 Part of the reason why District 28
15 incorporates more of Palm Beach County than it
16 does in CPS-1 is because we held that Palm
17 Beach Martin County line whereas they connected
18 Martin and St. Lucie County to Palm Beach,
19 because we were changing that, incorporating
20 that into our map that came over, the base map
21 because we held that sandbox together we had to
22 make a slight change in order to make the maps
23 blend together.

24 If we didn't do that what really ends up
25 happening is Okeechobee County kind of gets

1 separated from any other district and having to
2 add it to the rest of the state affects the
3 population deviations and will have a much more
4 dramatic impact throughout the rest of the map.
5 So in an effort to keep the map looking as much
6 like those two maps as we can without creating
7 anything new that wasn't in either of the maps,
8 this is how we had to do that.

9 So you can see district, in 9079 you can
10 see District 30 and 33 match very similarly to
11 District 25 and 27. District 28 went up and
12 grabbed the rest of Palm Beach County.

13 Now, adding the rest of Palm Beach County,
14 we had it to make one minor change in Broward
15 County. You can see the city of Parkland had
16 to be kept with District 31 to kind of
17 correspond some of that population shift from
18 28.

19 That population kind of went through
20 District 35 and into 32. So you can see 32
21 coming a little bit further into the city of
22 Davie. That also gets to the point looking at
23 35 and 31. District 35 in 9079 is in the
24 benchmark map, so the map passed in 2002, with
25 using the 2010 census information is a

1 majority/minority district in that benchmark.
2 So that is an opportunity that with our new
3 constitutional standards and with the Federal
4 Voting Rights Act, Section II, we have clear
5 protection there and would have to remain at
6 50 percent.

7 In the benchmark district that district is
8 very non-compact and actually goes all the way
9 north into Palm Beach County, and in that
10 benchmark district its black voting age
11 population is approximately 65 percent.

12 Here in 9079 we are able to keep that
13 district entirely within one county, entirely
14 within Broward County, and its black voting age
15 population is still above 50 percent, but I
16 believe is at 50.1 percent. So it is already
17 reduced compared to the benchmark but we still
18 keep its majority/minority status.

19 In CPS-1 they reduce it even further to
20 47 percent which would be a clear diminishment
21 and a clear reduction in the opportunity for
22 that African-American community to elect a
23 candidate of its choice when compared to the
24 benchmark, especially considering it was a
25 minority -- a majority/minority district.

1 So we pack a change there to keep District
2 35 at that majority/minority status. We
3 started with their District 31 and made some
4 changes to it. As a result of that there are
5 three cities that are split in Broward County
6 that are kept whole in CPS-1 as a result of
7 that change with Tier 1. Those cities are
8 Tamarac, Deerfield Beach and then because
9 Deerfield Beach had to be split, District 32
10 had to get more population from the city of
11 Davie to the south. So those are the three
12 cities that are split that are separate from
13 CPS-1.

14 SENATOR GALVANO: How did 35 compare to
15 9124?

16 MR. POREDA: It is very similar to 9124.
17 It is very similar to several of the base map
18 versions that we drew of that district, and in
19 the base map we drew different versions of that
20 district every time, and it is very similar to,
21 I forget which map we primarily looked at when
22 we were drawing that.

23 I think it is closest to the District 35
24 in map 9074 and of the other corresponding
25 district map with that, it, that --

1 SENATOR GALVANO: 9074 as I recall is the
2 South Florida configuration sandboxes, like
3 9080.

4 MR. POREDA: I believe so, that is
5 correct.

6 SENATOR GALVANO: Okay.

7 MR. POREDA: And that -- and the reason
8 why we went with that is because that wind up
9 position closely with the Plaintiffs' District
10 31. So we were able to kind of combine those
11 two ideas to keep District 35 at its
12 majority/minority status and incorporating the
13 rest of CPS-1. So you can see there was minor
14 changes to 31 and 32 for those population
15 shifts that we talked about.

16 Now looking at Miami-Dade and after I
17 present this we will go back and look at some
18 of those comparisons. So we tried to borrow
19 District 33 from CPS-1. It is a little bit
20 different on the north side because of what was
21 happening in Broward County in District 35, but
22 the boundary line within -- within Miami-Dade
23 County is extremely similar.

24 There is one little bulge that we cut off
25 to help improve compactness, but we keep all of

1 the cities whole except for Miami as they do in
2 CPS-1. The only other change we make from
3 CPS-1 to 9079 is between, on map 9079 between
4 Districts 37 and 40, and if you look at
5 Districts 36 and 35 in CPS-1, there is a notch
6 that District 36 takes out of 35.

7 We were able to simply in order to improve
8 compactness we simply took that divided line
9 and evened it out. So it is kind of a straight
10 up and down line. That moved the city of West
11 Miami from what would be District 35 in CPS-1
12 to 36 or District 37 in 9079 to District 40,
13 but other than that it was a very minor change
14 and helped greatly improve the compactness of
15 District 40 and on a very minor way District 37
16 as well.

17 But that is the extent of the changes that
18 we have in 9079 and now I think I will turn it
19 over.

20 SENATOR GALVANO: Yes, if you can go back.
21 We have had some questions raised with regard
22 to retrogression, with regard to Hispanic
23 performing districts in South Florida. This
24 morning I met with counsel and asked them
25 actually to even meet with an expert on it. I

1 don't know if you are the appropriate person to
2 comment on it, but I would like to vet that
3 issue a little bit as well.

4 MR. POREDA: Absolutely. I can speak a
5 little bit to the numbers in some of our
6 initial analysis, but then I would like to turn
7 it over to counsel to get their further --
8 House counsel to further explain part of that.

9 SENATOR GALVANO: All right.

10 MR. POREDA: So going real quickly in
11 determining whether there is not a diminishment
12 is a comparison to the benchmark districts like
13 we had done throughout the map for the other
14 minority districts, and in this case that is
15 the 2002, map using the 2010, updated census
16 information.

17 When we look at that and look at map 9079,
18 District 37 in map 9079 is the district that
19 has the lowest Hispanic, total Hispanic voting
20 age population at 72.1 percent. The analogous
21 district looking at the numbers in the
22 benchmark district would be benchmark district
23 36, which is at 77.5 percent whole Hispanic
24 voting age population.

25 Now, looking at the more underlying

1 numbers there, because you cannot just look at
2 the overall HVAP to determine whether or not
3 there is a diminishment. You have to determine
4 what the ability to elect is for the community
5 in that district. So we look at that, compared
6 to the benchmark, both the benchmark and this
7 particular district are very competitive
8 politically, meaning depending on the election
9 either a Democratic candidate or a Republican
10 candidate could win that particular district.
11 It is a very competitive district.

12 So looking at both sides of whether or not
13 a Hispanic candidate could win either the
14 Democratic or the Republican primary and have a
15 chance to win in the general as existed in the
16 benchmark in this particular district, looking
17 at voter registration break down, it is very
18 consistent with the -- with the benchmark, and
19 then looking at the Republican side of this
20 equation there is a clear path to nomination
21 for a Hispanic Republican candidate who then
22 would have a chance to win in the general.

23 In the Democratic side it is slightly less
24 clear opportunity, but it is an opportunity
25 that is very consistent with what the benchmark

1 district had.

2 Looking for example at the 2010 primary
3 information in the benchmark district,
4 Republicans who were Hispanic have 77.5 of that
5 turnout. So again that kind of leads to the
6 clear path of nomination for a Republican
7 candidate there.

8 On the Democratic side, looking at the
9 benchmark district, Hispanics had 31 -- 34.1
10 percent of Democrats who were Hispanic there.
11 Looking at the district that we have drawn it
12 is at 29.2 percent, and looking at blacks who
13 are Democrats just to compare the other
14 minority groups in the benchmark, it is 10.9
15 and the district here in 9079 it is 11.6. So
16 that opportunity would be very consistent,
17 certainly in the same ballpark as what existed
18 in the benchmark.

19 So the opportunities for both Republican
20 and Democrats to nominate a Hispanic and then
21 either one would have a chance of winning the
22 general would be consistent with that as is in
23 the benchmark. So it would be my determination
24 that there is not diminishment with District
25 37, but to kind -- which would be consistent

1 with how the Supreme Court ruled in
2 Apportionment 7 in determining diminishment of
3 Congressional District 5.

4 SENATOR GALVANO: Let me --

5 MR. POREDA: But for more on that I would
6 turn that to counsel.

7 SENATOR GALVANO: Yes, if counsel would
8 comment on that, and then I hadn't received a
9 report on the expert analysis.

10 I would be interested to make sure that
11 occurred and what was -- what was the result.

12 Mr. Meros, good morning, welcome.

13 MR. MEROS: Can you hear me?

14 SENATOR GALVANO: Here it is.

15 MR. MEROS: In Apportionment 7 the Supreme
16 Court rejected the Legislature's assertion that
17 we believed that the Florida Constitution
18 required that if there was any limitation on
19 the voting strength of a minority district,
20 that that would constitute a legal
21 diminishment. The Court rejected our argument.

22 The Court essentially said using the
23 Congressional District 5 that went east/west,
24 that if the minority voting strength in a
25 minority district is essentially in the same

1 ballpark as the benchmark district, that that
2 was -- that was both sufficient and then that
3 required the Legislature to draw a minority
4 district with some greater compactness.

5 And so our argument which we believed very
6 strongly to be that any limitation on minority
7 voting strength was a legal diminishment was
8 rejected. What we have here is a district that
9 is District 37 that is as strong or stronger
10 than Congressional Districts 26 and 27 that
11 both the House and the Senate approved.

12 And as Mr. Poreda said and I agree with
13 everything he has said, the Hispanics are 72.2
14 percent of the Republican primary, and the
15 Republican primary is all but certain to
16 nominate a Hispanic candidate.

17 We have had testimony in the congressional
18 case, unrebutted testimony, that in an instance
19 like that, independent Hispanics will vote
20 ethnicity over party. And so Hispanics would
21 tend to rally around the Republican Hispanic
22 candidate. And so the Hispanic candidate has a
23 fair path to nomination.

24 Are the numbers somewhat decreased from
25 the benchmark? Yes. Did we believe at some

1 period of time that even slight reductions
2 would constitute illegal diminishment? Yes.
3 But the Court rejected our analysis.

4 Further, because the Court rejected our
5 analysis and said if it is in the same ballpark
6 of minority voting strength then Tier 2 is
7 implicated. I would like to tell you the
8 differences in both the benchmark compactness
9 and the compactness numbers between 9024 and
10 9079.

11 In the comparative District 37 in the
12 benchmark, the Reock score was .19 and the --
13 not Polsby-Popper.

14 SENATOR GALVANO: You can help.

15 MR. MEROS: Convex Hull was .53. In this
16 map Reock was .66 and Convex Hull, .84, a
17 dramatic increase. In 9024 Reock was .48, and
18 Convex Hull .75, again, which is less than the
19 .66 and .84. So by virtue of what the Florida
20 Supreme Court has held, by virtue of the
21 obligations for Tier 2 requirements we are
22 confident that this is not a legal
23 diminishment.

24 SENATOR GALVANO: Okay, let's go into the
25 analysis that was requested yesterday.

1 Mr. Ferrin, you were part of that team and
2 again, Mr. Chair, I will recognize Mr. Ferrin
3 to start out.

4 MR. FERRIN: Thank you, Mr. Chairman. And
5 part of the instruction, I guess two main
6 instructions to us last night. One was to look
7 into the Lake County issue and I think
8 Mr. Poreda has covered that adequately at this
9 point.

10 And the other one was to go back to some
11 of the base map configurations in South Florida
12 and in particular Miami-Dade County and look at
13 I believe the word that was used was
14 juxtaposing.

15 SENATOR GALVANO: Right.

16 MR. FERRIN: The base map districts into
17 the House plan 9079. So we spent some time
18 last night working on that. We came up with
19 six different drafts. The first three of which
20 were simply plugging in the 12 districts, South
21 Florida sandbox from each of the base map
22 configurations into 9079.

23 And then the second three were focused on
24 -- on inserting the Hispanic districts from
25 Dade County into the Dade County Hispanic

1 districts from the base maps into 9079.

2 That we had to make some slight conforming
3 changes to the surrounding districts in order
4 to get that to work, but we were able to do
5 that. And so those reports for all of that
6 were distributed to the -- all of the members
7 of the Legislature and the public and have been
8 published I know on the Senate website, and I
9 think the House has them probably posted them
10 as well.

11 So the statistics for all of those plans
12 have been shared and provided. The net impact
13 is that we were not quite able to match some of
14 the Tier 2 scores that were present in plan
15 9079. We can walk through those and go into
16 that if you want.

17 SENATOR GALVANO: If you would in general.

18 MR. FERRIN: Yes. So the first three
19 iterations we did as I mentioned were the 12
20 district sandboxes. The first one we took the
21 Monroe, Miami-Dade, Broward and Palm Beach
22 districts from plan 9070 which is the same as
23 9076, I believe, and inserted those into the
24 plan 9079.

25 Where we wound up was the same number of

1 whole counties. That is going to be consistent
2 throughout the -- all of the work we did last
3 night because we weren't changing any other
4 areas of the state outside of South Florida.
5 We didn't split or keep any other counties
6 whole.

7 In the iteration with 9070's sandbox we
8 overall had 392 whole cities. We had an
9 average, statewide average Reock score of .44.
10 The Convex Hull was .80, Polsby-Popper was .39.
11 The plan 9079's scores for that was again 51
12 whole counties, 397 whole cities, .48 on the
13 are Reock, statewide average Reock score, .81
14 on Convex Hull and .41 Polsby-Popper.

15 The next one we did was the 9072 and 9078
16 sandbox in South Florida. And the effect of
17 inserting that into 9079 was to keep the total
18 of 395 cities whole, have a statewide average
19 Reock score of .45, .81 for Convex Hull, .40
20 for Polsby-Popper.

21 Again, that compares to 397 whole cities
22 in 9079, .48 on the Reock, .81 on the Convex
23 Hull and .41 on the Polsby-Popper.

24 The last sandbox iteration that we did was
25 from 9074 and 9080. When we plugged in all of

1 those 12 districts in those four counties we
2 wound up with 397 whole cities, which is the
3 same as in 9079. The statewide average Reock
4 score for that whole sandbox was .45 versus .48
5 in 9079, .80 Convex Hull versus .81 in 9079 and
6 .40 Polsby-Popper as compared to .41 in 9079.

7 So then our next task was to focus more on
8 the Hispanic Tier 1 districts in Dade County,
9 Miami-Dade County, and so we plugged in
10 basically we had to take the four most
11 southern, southern most districts that it would
12 include the one that encompassed Monroe County
13 and southern Miami-Dade as well as the three
14 others in that region.

15 So in doing that first with 9070's
16 versions of those districts, we wound up with,
17 in the entire state 396 cities whole in that
18 plan, a statewide Reock of .45, a statewide
19 Convex Hull of .80, and Polsby-Popper, .39. So
20 we are a couple of points lower on all those
21 scores in that plan.

22 The next one we did was 9072, and again we
23 moved those four districts and made a slight
24 conforming changes where necessary to make the
25 pieces fit together, and we wound up with again

1 396 whole cities, which is one less than the
2 9079's. A .46 in the statewide average Reock
3 .80 on Convex Hull and .40 on Polsby-Popper.

4 The final one that we did was the 9074 and
5 9070 -- 9080 Hispanic districts in Miami-Dade
6 County and when we did that, when we plugged
7 those in we matched the number of whole cities
8 at 397. We fell just short on the statewide
9 average Reock score of .47 versus .48, matched
10 the Convex Hull of .81 and .81 and
11 Polsby-Popper as well as .41 and .41. So we
12 did not quite get there in terms of the Reock
13 score, sir.

14 SENATOR GALVANO: What about regionally?

15 MR. FERRIN: Regionally, when you drill
16 down and looked closer at the four districts
17 that we moved in, in Miami-Dade, again, the
18 most compact configuration of those from the
19 base maps came from 9074 and 9080, and it
20 didn't quite get there. If you will bear with
21 me I will find the right page in my notes here.

22 In 9074 and 9080's configuration it was
23 .47, for those four districts was .47 Reock,
24 .76 Convex Hull and .47 Polsby-Popper. We
25 compared that to 9079's, .59 Reock ratio, .79

1 Convex Hull and .49 Polsby-Popper. And I think
2 I may have said that that was the most compact
3 configuration, I think it was very, very close
4 between that and 9072's configuration of those
5 four districts.

6 SENATOR GALVANO: Do you have anything to
7 add? No, we are good?

8 Okay, well, I appreciate you all taking
9 the time to go through this. Chairman, I would
10 like to take some time now and digest it and
11 regroup with counsel and reconvene at a later
12 time that we can discuss and take up the
13 conference report.

14 REPRESENTATIVE OLIVA: Are we making a
15 motion to recess or to adjourn?

16 SENATOR GALVANO: Let's -- let's adjourn
17 for right now.

18 REPRESENTATIVE OLIVA: Very good, we are
19 adjourned.

20 (Whereupon, the proceedings were
21 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 47 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 9th day of November, 2015.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037