

THE FLORIDA LEGISLATURE



ANDY GARDINER
President of the Senate



STEVE CRISAFULLI
*Speaker of the House of
Representatives*

MEMORANDUM

To: Members of the Florida Legislature
From: Senate President Andy Gardiner
House Speaker Steve Crisafulli
Subject: Tentative Procedure for Special Session on Congressional Reapportionment
Date: July 20, 2015

In preparation for the Legislature's important work during an expedited special session, we are instructing professional staff of the House Select Committee on Redistricting and the Senate Committee on Reapportionment to work collaboratively with House and Senate legal counsel to develop a base map that complies with the Florida Supreme Court's recent ruling and all of the relevant legal standards. This map proposal will be drafted solely by staff in collaboration with counsel, without our participation or the participation of any other member, and will be provided simultaneously to all members and the public prior to the convening of the Special Session. Our specific direction to staff is to begin their work by redrawing Congressional Districts 5, 13, 14, 21, 22, 25, 26, and 27 in compliance with the recent ruling of the Florida Supreme Court and to make any necessary conforming changes consistent with Article III, Section 20, of the Florida Constitution.

We believe that presenting a base map that follows the Supreme Court order to you and the public will make it easier to discuss all legislative actions in an open and transparent manner.

On Tuesday, August 11, the House Select Committee on Redistricting and the Senate Committee on Reapportionment will meet jointly to receive a briefing from legal counsel regarding the recent judicial determination that eight of Florida's 27 congressional districts must be revised. At the same meeting, committee staff will present and explain the base map developed to comply with the Supreme Court's ruling and all relevant legal standards.

We are specifically instructing staff of the House Select Committee on Redistricting and the Senate Committee on Reapportionment to avoid any assessment of the political implications of any map either before or during the Special Session, except where consideration of political data is legally required to assess compliance with state and federal minority voting-rights provisions. Consistent with Section 11.26(1), Florida Statutes, we are instructing redistricting staff to have no interactions with any member of the Legislature, a member's staff or aide, political consultants or others concerning their work on the base map prior to its public release.

Furthermore, staff will be instructed to have no interactions with any member of Congress, any Congressional staffer or aide, any political consultant, or any state or national political party personnel at any time before or during the Special Session. If any member of the House or Senate suggests to staff that a plan be changed with the intent to favor or disfavor any incumbent or political party, staff should disregard the suggestion entirely and report in writing the conversation directly to the Speaker or the President, respectively.

After the base map is introduced, every member will have a full opportunity to review, discuss, debate, and offer amendments to the base map. Any member wishing to offer a redistricting bill or amendment should recall the technical specifications used during the 2014 Special Session.

Given the Court's directive to justify district configurations, please note the following process for the submission of redistricting bills and amendments:

1. Any bill or amendment must be a contiguous and complete redistricting plan, such that the entirety of the State is assigned to Congressional districts consisting of population as nearly equal as practicable.
2. **Members of the Senate** wishing to file a bill or amendment should coordinate with staff of the Reapportionment Committee when submitting a block assignment file through the Senate's District Builder application for publication to the web and generation of language for submission to Senate Bill Drafting.
3. **Members of the House** should submit plan files for any bill or amendment on a CD or DVD to staff of the House Select Committee on Redistricting, who will review proposed bills or amendments to ensure that each plan satisfies the constitutional standards of contiguity and equal population and will communicate with House Bill Drafting to place compliant proposals in the proper legislative format.
4. Given the Court's concerns about external partisan influence, and its conclusion that the legislative privilege yields to the constitutional prohibition against partisan intent and that the Legislature bears the burden to justify its decision to draw the districts in a certain way, any member wishing to offer a bill or amendment should be prepared to explain in committee or on the floor of their respective chamber the identity of every person

involved in drawing, reviewing, directing, or approving the proposal; the criteria used by the map drawers; and the sources of any data used in the creation of the map other than the data contained in MyDistrictBuilder or District Builder. The member should also be able to provide a non-partisan and incumbent-neutral justification for the proposed configuration of each district, to explain in detail the results of any functional analysis performed to ensure that the ability of minorities to elect the candidates of their choice is not diminished, and to explain how the proposal satisfies all of the constitutional and statutory criteria applicable to a Congressional redistricting plan.

5. In order to have sufficient time to review and ensure amendments are in the appropriate technical form, both chambers will set amendment filing deadlines. Follow-up memos will be sent by the respective chambers to inform members and the public of the deadlines.

Again, both House and Senate staff will be available to all members to assist in drafting of congressional redistricting bills or amendments for consideration by the committee and on the floor.

In its recent decision, the Florida Supreme Court made procedural recommendations to conduct all meetings in which the Legislature makes decisions on the new map in public and to record any non-public meetings for preservation. While every citizen of Florida has a guaranteed constitutional right to petition their government, we encourage members to be circumspect and to avoid all communications that reflect or might be construed to reflect an intent to favor or disfavor a political party or an incumbent.

Finally, the Court has also asked that members retain all e-mails and other documents related to redrawing the Congressional map, including all draft maps. Due to the pending court case and because time is of the essence, we respectfully request that all members proactively compile all communications related to redistricting as they are received or made, including written correspondence and memoranda, emails, texts, or other forms of electronic communication.

Beginning today, please send all documents that you have compiled and transmit them in electronic format to your respective chamber's email address: redistrictingrecords@myfloridahouse.gov or redistrictingrecords@flsenate.gov. Going forward, please send all documents to the above email address every day. Members need not include mass communications from the Speaker or the President in their compilations.

Thank you for your attention to these important details.