



THE FLORIDA SENATE COMMITTEE ON REAPPORTIONMENT

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MEMORANDUM

To: President Andy Gardiner, All Senators
From: Senator Bill Galvano, Chair of the Senate Reapportionment Committee
Subject: Schedule and Procedure for Special Session C on Senate Remedial Redistricting
Date: October 16, 2015

On Wednesday, legislative staff released six remedial base maps of Florida's Senate Districts. As outlined in the memorandum issued by President Gardiner and Speaker Crisafulli on July 28, 2015, the base map was the collaborative work product of the professional staff of the Senate Committee on Reapportionment and the House Select Committee on Redistricting. Staff worked with House and Senate legal counsel to develop six remedial maps that comply with the relevant legal standards contained in the Florida Constitution and federal law, including the Florida Supreme Court's recent interpretations of Tier 1 and Tier 2 of Article III, Sections 20 and 21 of the Florida Constitution. As with the Congressional map, I intend to provide ample opportunity for public comment, allow discussion and debate on the merits of alternative maps, and provide every opportunity for Senators to propose and consider amendments and debate the resolution before final passage.

As a reminder, the task before us is to adopt a remedial plan for which we carry the burden of demonstrating its constitutionality. Following the Supreme Court's decision on July 9, 2015, in the challenge to Congressional districts, it was apparent the Legislature would be unable to successfully defend the Enacted Senate Map in light of the Court's conclusions about the legislative process by which the redistricting maps were enacted. As part of the consent judgment, the Legislature is responsible for enacting a remedial plan for use in the 2016 elections. If the Legislature fails to do so, the Judiciary will impose a remedial plan of its choosing. I believe it is imperative that the Legislature fulfill its duty and enact a remedial Senate plan.

In order to facilitate the process for the upcoming Special Session, and to meet the timeline imposed by the trial court, it will be necessary for the Senate to proceed deliberately and

expeditiously. I have filed Senate Joint Resolution 2-C, a shell bill that I hope will serve as the vehicle through which the Senate shall enact its map. To ensure the Legislature fulfills its obligation set out in the Joint Proclamation, I respectfully request President Gardiner, the full Senate, and the Committee on Reapportionment consider and adopt the following proposed schedule with amendment deadlines:

- Monday, October 19
 - 12:00 p.m. – Special Session convenes. Chair Simmons and I will be available to address any questions concerning the process or a Senator’s conduct in the process.
 - 15 minutes after adjournment – Special Order Calendar Group meets to place Senate Bill 2-C on the Special Order Calendar, if received, for Tuesday, October, 27.
 - 2:00 p.m. – Concurrent meeting of the Senate Committee on Reapportionment and the House Select Committee on Redistricting in 412 Knott. At this meeting, the map drawers will present the six base maps prepared by professional staff, and hear public testimony. **This will be a workshop to allow members and the public to become educated on the six base maps. Senators not on the committee are invited to attend. To afford sufficient time for the presentation of the maps, I will request the Senate Rules be waived to allow the Senate Committee to continue meeting after 6:00 p.m., if necessary.**
- Wednesday, October 21
 - 9:00 a.m. – The Senate Committee on Reapportionment will workshop the six remedial base maps. Senators and the public will be able to submit alternative maps and any testimony regarding those maps for consideration. There will be an opportunity for full discussion and debate on the merits of the alternative maps. The committee will offer an opportunity for citizens to review and offer feedback regarding any proposed map before the map is finalized. It is my hope that at the conclusion of Wednesday’s meeting, the committee will identify a preferred base map that would be converted into an amendment to incorporate the remedial Senate map into Senate Joint Resolution 2-C. Additionally, as was noted in the memo from professional staff, the district numbering included by the mapdrawers was intended to be a placeholder. It would be my intention that the remedial districts be renumbered in the amendment to Senate Joint Resolution 2-C based upon the highest commonality with the corresponding districts from the Enacted Senate Map.
- Thursday, October 22
 - 6:00 p.m. – Amendment deadline for amendments to be filed to Senate Bill 2-C for the Senate Reapportionment Committee meeting on October 23. **Please give due consideration to the time it takes to draft, process, and file a redistricting plan as an amendment and allow members ample opportunity to review any proposed alternative maps.**

- Friday, October 23
 - 9:00 a.m. – The Senate Committee on Reapportionment will meet to consider Senate Bill 2-C and any corresponding amendments. Senators and the public will be able to submit alternative maps and any testimony regarding those maps for consideration. There will be an opportunity for full discussion and debate on the merits of the alternative maps. The committee will offer an opportunity for citizens to review and offer feedback regarding any proposed map before the map is finalized. If the circumstances warrant, consideration of Senate Bill 2-C will be continued to Monday, to permit a full vetting of the map and any proposed amendments, subject to the will of the committee.
- Monday, October 26
 - 5:00 p.m. – Amendment deadline for bills on the Special Order Calendar to be considered on October 27.
- Tuesday, October 27
 - 12:00 p.m. – The full Senate will convene to consider bills on the Special Order Calendar.

Given the Florida Supreme 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 Senate districts consisting of equal population.
2. Any Senator wishing to offer a bill or amendment should be prepared to explain in committee or on the floor:
 - a. the identity of every person involved in drawing, reviewing, directing, or approving the proposal;
 - b. the criteria used by the map drawers;
 - c. the source of any data used in the creation of the map other than the data contained in MyDistrictBuilder or District Builder;
 - d. a non-partisan and incumbent-neutral justification for the proposed configuration of each district;
 - e. 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
 - f. how the proposal satisfies all of the constitutional and statutory criteria applicable to a remedial Senate redistricting plan.

It is our intent to give thoughtful consideration to any meritorious proposal. Members of the public who would like the Senate to consider their maps should attend the Senate Reapportionment Committee meeting in Tallahassee to present their map in person. In order to comply with requirements set by the Florida Supreme Court, members of the public who submit maps will need to be prepared to provide the same information detailed above and respond to the same questions that would be posed to Senators

introducing an amendment. Failure to appear in person to present one's map may hamper the Legislature's ability to give due consideration to that map.

3. Senators 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. Senate staff will be available to all Senators to assist in drafting of Senate redistricting bills or amendments for consideration by the committee and on the floor. Senate staff will be available to assist Senators in determining whether their plan meets the requirements of contiguity and equal population; however, it is the responsibility of the Senator to ensure that any plan satisfies these requirements.

All meetings during which map lines are discussed between any two or more of the Governor, the Senate President, the Speaker of the House, the Chairman of the House Select Committee on Redistricting or the Chairman of the Senate Committee on Reapportionment will be noticed, open to the public, and recorded. Similar to the procedure followed during the recent redistricting session, we are requesting staff to record meetings with Senators that involve the drawing, revision, or amendment of Senate district lines. Meetings with staff that are only for the purposes of being briefed on proposals and do not involve the creation or revision of a map or amendment need not be recorded.

All Senators should retain all e-mails and other documents related to redrawing the remedial Senate map, including all draft maps. Due to the pending court case and because time is of the essence, it is respectfully requested that all members and staff 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, and upon request by the President, forward those communications to redistrictingrecords@flsenate.gov or, regarding written documents, forward those to the General Counsel for the Senate.

If you have any questions, thoughts, or concerns, please do not hesitate to contact any one of us.