The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

REAPPORTIONMENT Senator Rodrigues, Chair Senator Broxson, Vice Chair

MEETING DATE:	Monday, September 20, 2021	
	3:45—5:45 p.m.	
PLACE:	Pat Thomas Committee Room, 412 Knott Building	

MEMBERS: Senator Rodrigues, Chair; Senator Broxson, Vice Chair; Senators Bean, Bracy, Bradley, Burgess, Gibson, Harrell, Rodriguez, Rouson, Stargel, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introduction of Committee Members and Staff	Ŧ	Presented
2	Overview of Committee Jurisdiction		Presented
3	Introduction to Redistricting Terminology and Timeline		Presented
4	Census/Census Data Explanation		Presented
5	Public Comments		Discussed
	Other Related Meeting Documents		

SENATE COMMITTEE ON REAPPORTIONMENT COMMITTEE OVERVIEW

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Senate Committee on Reapportionment 2022 Overview

- The Senate Committee on Reapportionment creates redistricting plans for Florida's congressional and state legislative districts to account for population shifts revealed by data from the 2020 Census.
- The Florida Constitution directs the Legislature to redraw district boundaries at its Regular Session in the second year following each decennial census, which will begin on January 11, 2022.
- According to apportionment data released by the U.S. Census Bureau in April 2021, Florida will gain 1 congressional district.
- As a result of various delays, the release of the population data from the 2020 Census was released on August 12th in a legacy format and on September 16th in a formal and more user-friendly format.

Constitutional Authority



- Congressional Districts:
 - Article I, Section 4 of the U.S. Constitution
 - "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof..."
- State Legislative Districts:
 - Article III, Section 16 of the Florida State Constitution
 - "The legislature...shall apportion the state...into not less than thirty nor more than forty consecutively numbered senatorial districts...and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts..."



Reapportionment vs. Redistricting

Although the terms "Reapportionment" and "Redistricting" are frequently used interchangeably, there are a few differences.

Redistricting

- Process by which boundaries of electoral districts are redrawn to adjust for uneven population growth revealed by the latest decennial census.
- State Legislatures, County Commissions, and City Commissions redistrict.

Reapportionment

- Process of assigning seats in a legislative body among established political subdivisions.
- Congressional seats are appointed to the states after each decennial census.



Why Redraw District Boundaries?

To comply with the equal population requirements of Article 1, Section 2 of the U.S. Constitution as interpreted by the U.S. Supreme Court in *Westbury v. Sanders* in 1964.

• The Court stated "...that Representatives be chosen 'by the People of the several States' means that as nearly as is practicable one person's vote in a congressional election is to be worth as much as another's."

The equal population standard for State Legislative Districts is based on the 14th Amendment's Equal Protection Clause as interpreted by the U.S. Supreme Court in *Reynolds v. Sims* in 1964.

- The Court stated that because "there is a significantly larger number of seats in state legislative bodies to be distributed within a State than congressional seats, it may be feasible to the use political subdivision lines...while still affording adequate representation to all parts of the State."
- The Court also stated that "mathematical nicety is not a constitutional requisite", but nevertheless states that "the overriding objective must be substantial equality of population among the various districts."



Redistricting Criteria

- U.S. Constitution
- Voting Rights Act (VRA)
- Florida Constitution
- Florida Statutes, Section 11.031



Voting Rights Act (VRA)

- The VRA prohibits:
 - any state or political subdivision from enacting a map that results in the denial or abridgement of any U.S. Citizen's right to vote on account of race, color, or status as a member of a language minority group; and
 - purposeful discrimination and protects against retrogression or backsliding in the ability of racial and language minorities to elect representatives of their choice.

Section 2 of the Voting Rights Act (VRA)

- Requires the creation of a district that performs for racial and language minorities where:
 - a minority population is geographically compact and sufficiently numerous to be a majority in a single district;
 - the minority population is politically cohesive;
 - the majority votes sufficiently as a bloc to enable it usually to defeat the minority-preferred candidate; and
 - under all of the circumstances, the minority population has less opportunity than others to participate in the political process and elect representatives of its choice.



Section 5 of the Voting Rights Act (VRA)

- Prohibits purposeful discrimination and protects against retrogression—or backsliding—in the ability of racial and language minorities to elect representatives of their choice.
- Contains a coverage formula that was applied to determine if there was a history of discrimination against racial or language minorities in a particular jurisdiction.
- In Florida: Collier, Hardee, Hendry, Hillsborough, and Monroe counties were covered jurisdictions until the coverage formula was invalidated in 2013 in *Shelby County v. Holder*.



Florida Constitution

- Article III, Section 16
 - "The legislature at its regular session in the second year following each decennial census...shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial ...and into not less than eighty nor more than one hundred twenty consecutively numbered representatives..."



Florida Constitution

- Article III, Sections 20 & 21
 - (a) "No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory."
 - (b) "Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries."
 - (c) "The order in which the standards within subsections (a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection."



Redistricting Criteria

The redistricting criteria in the Florida Constitution is broken out into two tiers:

Tier 1:

- Protections against diminishment, or reduction in the ability of racial or language minorities to elect representatives of their choice.
- Prohibition on drawing a plan or district with the intent to favor or disfavor a
- political party or incumbent.Districts must be contiguous.

Tier 2:

- Districts shall be as nearly equal in population as is practicable.
- Districts shall be compact.
- Districts shall, where feasible, utilize existing political and geographic boundaries.

The order in which the standards are listed in each Tier shall not be read to establish any one priority over another within that Tier.

REDISTRICTING TERMINOLOGY

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Redistricting Concepts and Definitions

- Equal population Requirement of the United States Constitution to ensure an equally weighted vote, districts must consist of populations as nearly equal as practicable (also known as: one person, one vote).
- **Ideal population** The total state population divided by the number of districts.
- Voting age population The number of people over 18 years of age.
- **Population deviation** Calculated for individual districts and a redistricting plan as a whole (often expressed as a percentage).
 - At the district level, population deviation is measured as the amount of a district's total population minus its ideal population.
 - At the plan level, population deviation is the numeric range between the smallest total population and largest total population of a district.

Redistricting Concepts and Definitions (cont.)

- **Benchmark Plan** –The last legally enforceable redistricting plan in force or effect. A proposed redistricting plan is compared to benchmark plan to analyze its compliance with protections for racial and language minorities under federal and state law.
- **Retrogression** Retrogression occurs when a redistricting plan reduces the opportunity of a racial or language minority to participate in the political process or elect representatives of their choice when compared to the benchmark plan. Retrogression can apply to a whole redistricting plan or to an individual district.
- **Diminishment**—Occurs when a redistricting plan eliminates a majority-minority district, or potentially weakens a historically performing minority district where doing so would actually reduce the ability of racial or language minority groups to elect candidates of their choice when compared to the benchmark plan.
- **Geographic Boundaries**—Easily ascertainable and commonly understood features, such as rivers, railways, and primary and secondary roads. Primary and secondary roads include interstates, U.S. highways, and state highways.
- **Political Boundaries** Boundaries of a county or incorporated municipality (city, town, village, etc).

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Redistricting Concepts and Definitions (cont.)

- **Census Block**—The smallest level of census geography used by the U.S. Census Bureau to collect census data. Census blocks are formed by streets, roads, bodies of water, other physical features and legal boundaries shown on U.S. Census Bureau maps.
- **Census Block Group**—A cluster of census blocks within a census tract.
- **Census Tract**—Small, relatively permanent statistical subdivisions of a county delineated by local participants as part of the U.S. Census Bureau's Participant Statistical Areas Program.
- **County** The primary legal divisions of most states are termed counties. County subdivisions are the primary divisions of states for the reporting of decennial census data.



U.S. Census Bureau Geography Hierarchy

Redistricting Concepts and Definitions (cont.)

- **Majority-Minority District** A district in which a racial or language minority group comprises a majority (50% plus 1 or more) of the voting age population of the district.
- **Effective Minority District** A district containing sufficient voting age population to provide the minority community with an opportunity to elect a candidate of choice.
- **Crossover District** A district in which a racial or language minority group is not a numerical majority of the voting age population, but is potentially large enough to elect its preferred candidate by persuading enough majority voters to cross over to support the minority's preferred candidate.
- **Coalition District** A district in which more than one racial or language minority group, working together, can form a majority to elect their candidates of choice.
- **Influence District** A district in which the racial or language minority community, although not sufficiently large enough to elect a candidate of its choice, is able to influence the outcome of an election and elect a candidate who will be responsive to the interests and concerns of the minority community.

FLORIDA REDISTRICTING TIMELINE

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2020-2022 Redistricting Timeline

- April 1, 2020: Census Day
- April 26, 2021: Census Bureau released statewide population totals for apportioning the seats in the U.S. House of Representatives
- August 12, 2021: Census Bureau published tabular population, demographic, and housing data for all 50 states
- September 16, 2021: Census Bureau's formal delivery of formatted PL 94-171 Redistricting Data to the states
- September 2021: Launch of joint Florida Redistricting website and free, publicly available map-drawing application



2020-2022 Redistricting Timeline

- September 20-24, 2021: Interim committee meetings
- October 11-15, 2021: Interim committee meetings
- October 18-22, 2021: Interim committee meetings
- November 1-5, 2021: Interim committee meetings
- November 15-19, 2021: Interim committee meetings
- November 29-December 3, 2021: Interim committee meetings



2020-2022 Redistricting Timeline

- January 11, 2022: 2022 Regular Session convenes
- March 11, 2022: 60th Day of 2022 Regular Session
- June 13 17, 2022: Qualifying for state and federal offices
- July 9, 2022: Primary Election overseas ballot mailing
- August 23, 2022: Primary Election
- September 24, 2022: General Election overseas ballot mailing
- November 8, 2022: General Election



Judicial Review of Legislative Apportionment

• Article III, Section 16 of the Florida Constitution

- (c) "Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court...shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment."
- (d) "A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment...during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court."



Judicial Review of Legislative Apportionment (cont.)

• Article III, Section 16 of the Florida Constitution

- (e) "Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session."
- (f) "Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the custodian of state records an order making such apportionment."







Introduction to the Census

- Established by the U.S. Constitution, the census has been conducted every 10 years since 1790 to determine the number of people living in the United States.
- Article 1, Section 2 of the U.S. Constitution requires an "actual enumeration" of all people in the United States.
 - "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct."





Geographical Data and Hierarchy

- Geographical data used for redistricting comes in the form of TIGER/Line Shapefiles released by the Census Bureau.
 - TIGER/Line shapefiles extracts of selected geographic and cartographic information from the U.S. Census Bureau's Master Address
 File/Topologically Integrated
 Geographic Encoding and
 Referencing (MAF/TIGER) database.
 - The TIGER/Line shapefiles are linked to data from censuses and surveys though a standard geographic identifier.





Race and Ethnicity in Census Data

- U.S. Office of Management and Budget's minimum categories for data on race and ethnicity for Federal statistics, program administrative reporting, and civil rights compliance reporting:
- Race:
 - American Indian or Alaska Native A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
 - Asian A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
 - Black or African American A person having origins in any of the black racial groups of Africa.
 - Native Hawaiian or Other Pacific Islander A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
 - White A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Ethnicity:
 - Hispanic or Latino A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
 - Not Hispanic or Latino.



Group Quarters

- The 2020 Census continued to count prisoners, college students, and people in other residence situations (group quarters) at the group location where they live and sleep most of the time, as it has been done in the past.
- A handful of states have changed their procedures for allocating incarcerated persons for redistricting purposes. In these states, when possible, they reallocate prisoners from the prison location to their residence prior to incarceration.
- To date, nine states (California, Colorado, Delaware, Maryland, Nevada, New Jersey, New York, Virginia, and Washington) have passed laws modifying how incarcerated persons are counted and allocated during the redistricting process.



Protecting Privacy in Census Data



- "All acts of the Florida Legislature based upon population and all constitutional apportionments shall be based upon the last federal decennial statewide census." (Section 11.031, F.S. 2020)
- Since 2000, the U.S. Census Bureau has used "data swapping" between census blocks as its main disclosure avoidance technique. The details for the person would be aggregated with others, and therefore not identifiable, and yet the total population in both census blocks would remain accurate.
- Mid-decade testing showed it was possible to take Census data products and cross-reference them with each other or with outside data sources to the point that individual privacy, or confidentiality, could be compromised.
- The Bureau reviewed disclosure avoidance methods that could replace the data swapping method, and in 2018 selected differential privacy for use in the 2020 Census.



Geographical Boundary Changes

- During the 2020 Legislative Session, the Florida Legislature passed two bills that made changes to political subdivisions.
 - SB 716 adjusted the boundary lines of Indian River and Martin Counties, which took effect on June 9, 2020.
 - CS/HB 1215 abolished the City of Weeki Wachee, a city of one square mile and a population of nine and transferred all assets and legitimate liabilities to Hernando County, which took effect on June 9, 2020.
- Because these changes took effect after the deadline for submitting geographical updates (January 1, 2020) and after Census Day (April 1, 2020), they are not reflected in the geographical, population, and demographic data received from the Census Bureau.



Census Delays

- In 2020, external factors impacted the Census Bureau's collection, processing and release of data:
 - COVID-19 March 18
 - Significant Hurricane Season
 - Tropical Storm Marco landfall on August 24
 - Hurricane Laura landfall on August 26
 - Hurricane Sally landfall on September 16
 - Tropical Storm Beta landfall on September 21
 - California, Oregon, and Washington Fires and Air Quality September 7 to October 15
 - Civil Unrest May 25
 - Legal Challenges
- The state population counts for apportionment were delivered to the President on April 26, 2021.
 - Originally due December 31, 2020.
- The U.S. Census Bureau provided redistricting data as legacy format summary files (tabular data) for all states on August 12, 2021.
 - Originally due April 1, 2021.
- The full redistricting data toolkit was delivered to all 50 states and the public on Sept. 16th, 2021.
 - Originally due April 1, 2021.





Population Changes Across the Country Since the 2010 Census

- The 2020 Census Data shows changes in the size and distribution of the population across the United States.
 - The population of U.S. metro areas grew by 9% from 2010 to 2020, resulting in 86% of the population living in U.S. metro areas in 2020, compared to 85% in 2010.
 - Around 52% of the counties in the United States saw their 2020 Census populations decrease from their 2010 Census populations.
- County and metro area highlights:
 - The largest county in the United States in 2020 remains Los Angeles County with over 10 million people.
 - The largest city (incorporated place) in the United States in 2020 remains New York with 8.8 million people.
 - 312 of the 384 U.S. metro areas gained population between 2010 and 2020.
 - The fastest-growing U.S. metro area between the 2010 Census and 2020 Census was The Villages, FL, which grew 39% from about 93,000 people to about 130,000 people.
 - 72 U.S. metro areas lost population from the 2010 Census to the 2020 Census. The U.S. metro areas with the largest percentage declines were Pine Bluff, AR, and Danville, IL, at -12.5 percent and -9.1 percent, respectively.


Florida Facts from the 2020 Census

- In the 2020 Census, Florida officially passed New York to become the third-largest state in the Union.
- 99.9% of Florida's housing units were enumerated in the 2020 Census.
- Florida saw a growth of 2,736,877 people from 2010 to 2020, approximately a 15% increase.
- The fastest-growing metro area in the United States between the 2010 and 2020 Census was The Villages, which grew 39% from around 93,000 people to about 130,000 people.
- Florida improved its self-response rate from 63% in 2010 to 63.8% in 2020.
- The City of Jacksonville is the largest incorporated place in Florida, with 949,611 people within its jurisdiction.
- Osceola County had the largest county growth rate at 45%, growing approximately 120,000 people from 2010 to 2020.
- Florida Senate District 15 had the largest growth rate at 51%, growing approximately 241,000 people from 2010 to 2020.
- Florida House District 44 had the largest growth at 51%, growing approximately 80,000 people from 2010 to 2020.
- Florida Congressional District 9 had the largest growth at 37%, growing approximately 259,000 people from 2010 to 2020.



2020 Census Findings on Race and Ethnicity

- Race and ethnicity highlights:
 - The White population remained the largest race or ethnicity group in the United States, with 204.3 million people identifying as White alone. Overall, 235.4 million people reported White alone or in combination with another group. However, the White alone population decreased by 8.6% since 2010.
 - The "two or more races" population (also referred to as the Multiracial population) has changed considerably since 2010. The Multiracial population was measured at 9 million people in 2010 and is now 33.8 million people in 2020, a 276% increase.
 - The "in combination" multiracial populations for all race groups accounted for most of the overall changes in each racial category.
 - All of the races alone or in combination groups experienced increases. The Some Other Race alone or in combination group (49.9 million) increased 129%, surpassing the Black or African American population (46.9 million) as the second-largest race alone or in combination group.
 - The next largest racial populations were the Asian alone or in combination group (24 million), the American Indian and Alaska Native alone or in combination group (9.7 million), and the Native Hawaiian and Other Pacific Islander alone or in combination group (1.6 million).
 - The Hispanic or Latino population, which includes people of any race, was 62.1 million in 2020. The Hispanic or Latino population grew 23%, while the population that was not of Hispanic or Latino origin grew 4.3% since 2010.









Over/Under Florida State House District Populations $\sqrt{\frac{1}{2}}$ $\sqrt{\frac{1}{2}$						
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Florida State House Ideal Population	156,678	179,485	+22,807	10% to 15% underpopulated 69 70 50 54 6% to 10% underpopulated 71 73 55 84 2% to 6% underpopulated 71 74 55 82 +/- 2% of ideal populated 75 85 88 81 2% to 6% overpopulated 76 77 89 81 6690		
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Committee				Amendment Barcode (if applicable)		
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	Monroe St.	#11-286	Email Tw	EBBEN @ FCUDTERS. Drg		
Street TANAMISEC City	FL	32303 Zip		·		
Speaking: For Against Information OR Waive Speaking: In Support Against						
PLEASE CHECK ONE OF THE FOLLOWING:						
l am appearing without compensation or sponsorship.		I am a registered lobbyist, representing:		I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.),		
FLORIDA CONSERVATION VOTERS						

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/20	The Florida Senate APPEARANCE RECORD	
Meeting Date	Deliver both copies of this form to Senate professional staff conducting the meeting	Bill Number or Topic
Committee Name Dr. Rich Ter	n plin Phone	Amendment Barcode (if applicable) SSO - 224 - 6526
Address 135 S. Mor		
Tallchassee /	E 32301 tate Zip	
Speaking: For Agair	ist Information OR Waive Speaking	: 🗌 In Support 🗌 Against
I am appearing without compensation or sponsorship.	PLEASE CHECK ONE OF THE FOLLOWING: I am a registered lobbyist, representing: Flowlde $AFZ - CIO$	I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

Sept 20, 21 Meeting Date Senable Comm. Reapportion	The Florida Senate APPEARANCE RECORD Deliver both copies of this form to Senate professional staff conducting the meeting	Amendment Barcode (if applicable)		
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Address 25 E StR Street Parama Cake City State Speaking: For Against	St, Email $@$ FL 32401 Zip Information OR Waive Speaking			
PLEASE CHECK ONE OF THE FOLLOWING:				
I am appearing without compensation or sponsorship. President Lee	I am a registered lobbyist, representing:	I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: CHERS HERS		

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. <u>2020-2022. JointRules.pdf (flsenate.gov)</u>

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES: Appropriations Appropriations Subcommittee on Criminal and Civil Justice Ethics and Elections Rules Transportation

SENATOR RANDOLPH BRACY 11th District

September 15, 2021

The Honorable Ray Wesley Rodrigues Chair, Senate Committee on Reapportionment 2000 The Capitol 404 South Monroe Street Tallahassee, FL 32399-1100

Dear Chairman Rodrigues:

I write to respectfully request that my absence for the Sept. 20th Reapportionment Committee hearing be excused due to an unavoidable scheduling conflict that will preclude my attendance. I regret that I cannot be present for the meeting during that day, and appreciate your consideration.

Sincerely,

Senator Randolph Bracy

cc: Jay Ferrin, Staff Director Danna Ivey, Committee Administrative Assistant

REPLY TO

□ 6965 Piazza Grande Avenue, Suite 302, Orlando, Florida 32835 (407) 297-2045 FAX: (888) 263-3814 □ 213 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: www.flsenate.gov

CourtSmart Tag Report

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