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SENATE REAPPORTIONMENT

OCTOBER 5, 2011

Transcribed by:  
CLARA C. ROTRUCK  
Court Reporter

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

2 SENATOR GAETZ: We are pleased today to  
3 welcome to this committee and to the Florida  
4 Senate the newest Senator of the State of  
5 Florida, Senate 1, Senator Audrey Gibson,  
6 formerly State Representative, now a member of  
7 the Senate. And, Senator Gibson, we know what  
8 we all did to be placed on this committee, good  
9 or bad, and we are not sure what you did, but  
10 in any case, we are glad you are here, and the  
11 Chair recognizes you for any introductory  
12 comments, Senator.

13 SENATOR GIBSON: Thank you, Mr. Chair, and  
14 I am extremely delighted and excited to be  
15 here, and all I did was ask.

16 SENATOR GAETZ: Well, ask, it shall be  
17 given, and knock, it shall be open unto you, I  
18 guess.

19 Good afternoon, members. First, a matter  
20 of just making sure that we are doing our due  
21 diligence properly here. I believe, I hope,  
22 that all of you received the memorandum which  
23 summarized the consensus determinations that we  
24 made at the last meeting, laid out procedures  
25 that the committee will follow.

1           Let me begin by asking, is there anything  
2 about that memo that lacks clarity? Is there  
3 anything that you wish to discuss? Is there  
4 anything that you believe was unfaithful to our  
5 conversations at the last meeting, any member?  
6 I'm sorry, Leader Rich, did you seek  
7 recognition?

8           SENATOR RICH: Yes, Mr. Chair, just to say  
9 that we don't have the memo with us, so if you  
10 would allow us to just take a look at it again  
11 to make sure that, you know, there's clarity --

12          SENATOR GAETZ: Of course. Why don't we  
13 return to that at the end of the meeting --

14          SENATOR RICH: Great.

15          SENATOR GAETZ: -- to make sure if there  
16 are any corrections that anybody wishes to  
17 make. And, John, can you -- do we have a copy  
18 for Leader Rich? Are there other members of  
19 the committee who have not had an opportunity  
20 to look at the memo? Senator Latvala, Senator  
21 Diaz de la Portilla. Do we have some extra  
22 copies? Don't be shy. We can make more. And  
23 I would like an extra copy, too, when you are  
24 finished.

25           And, Senators, the intent of this

1 memorandum, which was sent out on the 27th of  
2 September, was to summarize the discussion that  
3 we had at the last meeting to memorialize the  
4 agreements that we made about how we would  
5 proceed, and to try to be faithful to some of  
6 the cautions that members of the committee had  
7 for us to avoid last-minute amendments and  
8 those sorts of things. So if you have not had  
9 a chance to review the memo, please do, and as  
10 Leader Rich has suggested, we will come back to  
11 it later in the meeting to see if anyone has  
12 any corrections or additions.

13 Our purposes today are to go through the  
14 first region of Florida that we have identified  
15 for discussion of district lines and  
16 boundaries. Today and in our next three  
17 meetings, we will move through the state,  
18 region by region, discussing scenarios for  
19 drawing congressional and legislative maps  
20 based on suggestions and maps submitted by the  
21 public, by interest groups and by Senators.

22 The next time we meet, to give you  
23 previews of coming attractions, the next time  
24 we meet we will look at northeast and central  
25 Florida. Specifically in our next meeting, we

1 will be discussing the area from Suwannee River  
2 east to Jacksonville, and from Pasco County  
3 across to the east coast, including Orlando and  
4 the surrounding areas. So that will be a very  
5 substantial discussion. At our November  
6 meetings, as we mentioned before, we will be  
7 considering southeast and southwest Florida.

8 Let me just stop here so that we, again,  
9 don't have any unpleasant surprises, and let's  
10 discuss the practical application of what I  
11 will call the seven-day rule, which by  
12 consensus we adopted at our last meeting.

13 If any member of the public or any Senator  
14 has a plan for northeast or central Florida for  
15 our inclusion on the agenda for October 18th,  
16 please make sure to submit that plan no later  
17 than the first thing next Monday morning, which  
18 is October 10th, so it can be included at the  
19 meeting notice that is due before noon that  
20 day. The purpose is to make sure that we are  
21 not having any surprise maps, and that any  
22 suggestions and any proposals are publicly  
23 noticed so that the public and members of this  
24 committee and anybody else who cares has an  
25 opportunity to review what we will discuss

1 before we discuss it.

2 Today, as I indicated, we will start with  
3 scenarios for northwest Florida. These  
4 scenarios are drawn directly from the testimony  
5 that we have received at the three public  
6 hearings that we held in northwest Florida and  
7 the public hearing that we held here in  
8 Tallahassee to begin the hearing schedule that  
9 took us to 26 locations across the state.

10 We will begin with a staff presentation  
11 summarizing the scenarios that we have received  
12 from the public, and then giving us -- trying  
13 to draw together the themes from that testimony  
14 that we can use for drawing districts in this  
15 part of the state. After we have heard from  
16 the staff and they have reminded us of the  
17 scenarios that were presented, the themes that  
18 are drawn from those scenarios, then we do have  
19 a number of members of the public who have  
20 signed up to speak, and we are delighted that  
21 they are here. If you wish to speak before the  
22 committee, we want your testimony, but we would  
23 like to ask you to please fill out a blue  
24 appearance card. And who has the blue  
25 appearance cards? John has them, Mr. Guthrie

1 has the appearance cards. They are not blue  
2 today, they are white. So fill out an  
3 appearance card, they are sitting right there,  
4 and then we will call on you in order so that  
5 we will have a chance to hear from everybody  
6 who wants to speak today about northwest  
7 Florida. We are not going to take testimony  
8 today about south Florida or about the process  
9 or about, you know, any other topics. We are  
10 going to take testimony specifically about  
11 maps, districts, boundaries and borders for  
12 northwest Florida.

13 Following that, we will have a committee  
14 discussion and debate, and then I will ask the  
15 committee if they can provide some direction to  
16 our professional staff as they begin the  
17 process of developing a proposed committee  
18 bill. Obviously, as Henry Kelley, who is here  
19 today and who is one of the citizens who drew  
20 maps, as Mr. Kelley reminded me, the minute  
21 that you drop a pebble in the water in  
22 Choctawhatchee Bay, there are waves that wash  
23 up, you know, in south Florida. So when we  
24 begin to draw lines and develop guidance for  
25 our professional staff as to northwest Florida

1 and north Florida, we begin to implicate the  
2 other parts of the state. So we are not doing  
3 this in isolation or in silos, but we are  
4 trying to bite into the apple here region by  
5 region, understanding that we will have to come  
6 back and make sure that we have followed all of  
7 the laws and requirements that we have.

8 So unless there are other questions about  
9 our procedure for today's meeting, I would like  
10 to skip forward to tabs four, five and six, and  
11 recognize John Guthrie, who is our professional  
12 staff director for the Reapportionment  
13 Committee. And, Mr. Guthrie, would you please  
14 make a presentation on the congressional and  
15 legislative districts in northwest Florida?  
16 You are recognized.

17 MR. GUTHRIE: Thank you, Chairman, and if  
18 I may, what I would like to do is provide the  
19 committee a bit of an overview of the resources  
20 that your professional staff used for  
21 assembling the content that we delivered to you  
22 for the committee meeting today. Primarily it  
23 is the public record, all of which is available  
24 to you and to citizens through the Senate  
25 website.

1           The way you get to the Senate  
2           redistricting website is from the main Senate  
3           page, which is [www.flsenate.gov](http://www.flsenate.gov). Down in the  
4           lower left-hand corner, there is a link to  
5           redistricting, or under "Session," there is a  
6           tab for "Redistricting." If you choose that,  
7           you go to the redistricting home page. The  
8           front page is an invitation for the public to  
9           stay engaged in this interactive process. The  
10          "U.S. Census Data" tab provides a variety of  
11          ways of looking at and accessing the vast  
12          amount of census data that are available for  
13          redistricting.

14          The public hearings page includes a record  
15          of all 26 of the public hearings that this  
16          committee had during the summer. So we  
17          traveled to 26 locations, we heard from almost  
18          5,000 citizens, 1,700 people testified, and  
19          this is the record that was created. For each  
20          hearing, we have the handouts and displays that  
21          were available at the hearing site, a hearing  
22          report that tells you about what additional  
23          submissions the committee received, the hearing  
24          transcript -- now, not all of the hearing  
25          transcripts are present yet. We have not yet

1           gotten them back from the court reporting  
2           service, but as those hearing transcripts come  
3           available to us, we immediately post them  
4           on-line for you and the public. We also have  
5           podcast and video-cast for each of the  
6           hearings. So for all of the 26 hearings,  
7           there's a huge amount of resources that you can  
8           draw upon. And as Senator Gaetz said, that  
9           will be the basis for staff's work on proposed  
10          committee bills and for this committee's  
11          deliberations.

12                 The "Legal Submissions" tab on the Senate  
13          redistricting page right now has the  
14          pre-clearance submission that the Senate and  
15          House made to the U.S. Department of Justice,  
16          requesting pre-clearance approval for  
17          Amendments 5 and 6. As time goes on and the  
18          plans are passed by the Legislature, pending  
19          before the Supreme Court, or the plans are  
20          pending before the U.S. Department of Justice,  
21          those records will also be publicized on this  
22          site.

23                 The "District Builder" tab gets you to a  
24          form that you or constituents in your district  
25          or your staff can fill out to get an account to

1 use the on-line redistricting system.

2 "Submitted Plans" is where your staff  
3 spent most of their time preparing for this  
4 meeting. We have a listing of all of the 71  
5 plans that have been submitted to the  
6 Legislature so far. There are a couple other  
7 plans that were submitted to the House this  
8 week. There was one plan that was submitted to  
9 the Senate just an hour and a half or two  
10 before this meeting started. We will be  
11 getting those on-line later this week, very  
12 soon.

13 In order to navigate the submitted plans  
14 page, if you know who the sponsor of the bill  
15 is, you can type in the sponsor's name, so the  
16 Chairman mentioned Mr. Kelley, if we type  
17 "Kelley" as the "submitted by," and say  
18 "search," we see that Mr. Kelley so far has  
19 submitted four of the 71 plans. So that gives  
20 me an easy way of finding the plan that I am  
21 interested in.

22 To clear out this search form, I simply  
23 press the "Reset" button, and if I am looking  
24 for a plan by name, so if I want to know about  
25 plan number 37, I can type "zero, three,

1       seven," and say "Search," and in the search  
2       results, I get just that plan.

3               A word about the plan-naming convention,  
4       it is explained, if you click on the little  
5       question mark next to where it says "Plan  
6       Name," but basically for all of the plan names,  
7       the first letter is an S or an H, which  
8       indicates which Chamber processed the plan to  
9       put it on the web initially. The next several  
10      numbers -- in this case, it is 026, that would  
11      be indicating that it is the Senator from  
12      District 26 that proposed this plan. If it is  
13      a member of the public that submits a plan,  
14      those next three characters would be P-U-B, and  
15      then the fifth character in a plan name is a C,  
16      an S or an H, indicating whether it is a  
17      congressional, Senate or House plan, and the  
18      last four numbers indicate the plan ID. So for  
19      every plan that is submitted to the Senate,  
20      whether by the public or a Senator or a member  
21      of the House of Representatives, or the  
22      proposed committee bills that originate from  
23      this committee, each of those will have a  
24      unique name, and where plans are referred to in  
25      bills or amendments, the plan name will be the

1 cross-reference between the maps, the  
2 statistics, the Department of Justice -- the  
3 file -- block assignment file that will be  
4 submitted to the Department of Justice, and the  
5 legal description that is posted in the bill or  
6 the amendment. So that is our plan-naming  
7 convention, and we expect that new plans will  
8 be added to this directory all through the  
9 process. So it is a place that you will come  
10 back to often.

11 And finally on this page, we have a link  
12 to the "Find Your Legislator" application. I  
13 think you guys are familiar with it. Any  
14 member of the public can type in a ZIP code,  
15 and it will take them to a page which shows  
16 them who their Senator representative and  
17 congressional representatives are. If you  
18 click on one of the little maps, it will bring  
19 up an interactive map which you can use to zoom  
20 in to see the areas that you are interested in  
21 in greater detail. So that is a quick overview  
22 of the resources that we used for getting us to  
23 the point where we are today.

24 What I am going to do is walk through the  
25 set of maps that were posted in the committee

1 agenda for this meeting, and just briefly get  
2 them on the screen and walk through some of the  
3 conclusions that I and your professional staff  
4 came to in reviewing all the plans and the  
5 public testimony that was submitted to the  
6 committee through the summer and so far in the  
7 fall, and some of the conclusions that we reach  
8 from that.

9 So as the Chairman mentioned, we're going  
10 to be focusing today on the northwest part of  
11 Florida, which is the area west of and maybe  
12 including Baker County and including the Big  
13 Bend of Florida, through what I am calling the  
14 Capital region and the Emerald Coast.

15 So what you see on the screen at this  
16 moment is the current congressional districts  
17 for northwest Florida. District 1 is in  
18 Escambia, Santa Rosa, Okaloosa, Walton -- and  
19 my memory is giving out on me -- Washington and  
20 Holmes Counties. It joins up with District 2,  
21 and District 2 has all of Bay County, plus  
22 portions of Walton and Okaloosa Counties.

23 Another interesting feature of the current  
24 congressional map is that District 4, which is  
25 based in Jacksonville, extends west through

1 several whole counties to portions of Leon  
2 County -- portions of Jefferson and Leon  
3 County. So that is the current congressional  
4 district map for Florida.

5 Sarah and -- Sarah Gates and Dr. David  
6 Bradford submitted this proposal for -- excuse  
7 me, this -- where am I? Yeah, I have them in  
8 the wrong order here. Okay, submitted this  
9 proposal. It is -- of the proposals that were  
10 submitted to the committee so far, it is the  
11 one that most closely approximates the existing  
12 districts. The boundary between Districts 1  
13 and 2 resembles the current boundary, with  
14 District 2 picking up some additional territory  
15 in Walton and Okaloosa Counties, but the same  
16 general configuration for the boundary between  
17 1 and 2. The boundary between 2 and 3,  
18 however, is different. The extension of the  
19 Jacksonville district west to Leon County is  
20 not a feature of this map, but, rather, we have  
21 three districts that are predominantly in the  
22 Panhandle. So those are the features of the  
23 plan number 20.

24 Plan four, that is by Henry Kelley, and it  
25 has a -- it has a population deviation of

1 almost seven percent.

2 SENATOR GAETZ: Just a moment, John.

3 MR. GUTHRIE: Yes, sir.

4 SENATOR GAETZ: President Margolis is  
5 asking a good question that I am sure is on all  
6 of our minds. Do we have hard copies of this  
7 in our book, or should we follow along on the  
8 screen?

9 MR. GUTHRIE: Well, the map -- or the  
10 meeting packet for this meeting at tabs four,  
11 five and six, includes --

12 SENATOR MARGOLIS: The maps are --

13 MR. GUTHRIE: Yes.

14 SENATOR GAETZ: Yes, ma'am. Yes. Is  
15 everybody following here? Either in the  
16 meeting packet, which was provided to you, or  
17 follow on the screen or follow in your laptop  
18 computer in front of you. Everybody okay?

19 Okay, John, keep going, please.

20 MR. GUTHRIE: Okay. So we are on  
21 congressional plan four by Mr. Kelley. It has  
22 a deviation of almost seven percent. Typically  
23 what the courts are looking for with  
24 congressional redistricting is de minimis, very  
25 slight deviations.

1           The portion of District 24 in Dixie, Levy,  
2           Gilchrist Counties is not contiguous, and that  
3           is this area right here, 24, are not contiguous  
4           with the balance of District 24, which is on  
5           the east coast of Florida. So contiguity  
6           problems similar to that are something that we  
7           would want to resolve in the final version of  
8           the map reported by this committee.

9           And the two Panhandle districts, District  
10          26 and 27, generally follow county boundaries,  
11          making an exception only for as required to  
12          equalize populations.

13          SENATOR GAETZ: Let me just ask a question  
14          of clarification there. When you said that  
15          there is an 11 percent deviation, is that  
16          between what Mr. Kelley is calling 26 and 27,  
17          or where is the deviation?

18          MR. GUTHRIE: No, the deviation -- well,  
19          let's see, the deviation between those two  
20          districts is 4.2 percent.

21          SENATOR GAETZ: Okay. And for purposes of  
22          clarification, John, would you please remind  
23          everyone of sort of what the case law tells us  
24          about deviations, please?

25          MR. GUTHRIE: So on deviation with

1 congressional plans, the courts have  
2 interpreted the requirement that districts be  
3 as equal as practicable, to mean that almost no  
4 deviation in population is a good idea.

5 SENATOR GAETZ: So -- and, again, I am  
6 just using this as an example so that we can  
7 all kind of follow along the other plans that  
8 are being presented. So if one were to try to  
9 conform plan number four, Mr. Kelley's plan, to  
10 the case law, one would need to change the --  
11 one would need to resolve the equity problem  
12 and make sure that you have equal districts,  
13 you would have to resolve the four percent  
14 deviation down to just a handful of voters or  
15 less, right?

16 MR. GUTHRIE: Right.

17 SENATOR GAETZ: Okay, thanks.

18 MR. GUTHRIE: And were the Legislature not  
19 to do that, and somebody challenged it, there  
20 is -- based on current case law, there is a  
21 risk that that plan would be found to violate  
22 the equal protection clause. So that is the  
23 consequence of it.

24 The next plan that we want to look at --  
25 and, actually, most of the remainder of the

1 plans that we have here today are -- generally  
2 follow county lines, drawing vertical cuts  
3 between the districts through northwest  
4 Florida. So plan 31 was submitted by Sean  
5 Phillippi. His two Panhandle districts follow  
6 county boundaries pretty well. Only Holmes and  
7 Madison Counties are divided, Holmes County on  
8 the west, Madison County between Tallahassee  
9 and Gainesville. And Mr. Phillippi, and this  
10 is a good example, he got his population  
11 deviations down to one person, okay, not only  
12 for these two districts, but for the entire  
13 plan. So it is an example of how exact your  
14 population deviations can be made using the  
15 redistricting software.

16 SENATOR GAETZ: And, Mr. Guthrie, again,  
17 this is helpful because this is the sort of  
18 first run-through as we provide guidance for  
19 proposed committee bill. Am I correct to  
20 assume that in the area of northwest Florida  
21 that we are talking about, the Tier I mandate  
22 out of Amendments 5 and 6 to not reduce  
23 minority voting rights is a -- is not a  
24 substantial issue because of the low proportion  
25 of minorities in the population, so is that why

1           you are not talking about retrogression issues  
2           here, but rather talking about equity issues?

3           MR. GUTHRIE: Well, what we can say with  
4           the congressional plan is that it -- for  
5           congressional districts, the incumbent members  
6           of Congress -- in fact, we've never had an  
7           African-American incumbent, never, you know, in  
8           recent Florida history, representing the  
9           Panhandle. So there is -- there is no  
10          incumbency effect that would indicate that it  
11          would be a retrogression to do the districts in  
12          one way or another.

13          SENATOR GAETZ: Okay.

14          MR. GUTHRIE: But it is turning out that  
15          District 2 in this case -- let's look at  
16          Mr. Phillippi's map. District 2 is -- and  
17          these figures are all in the report that we  
18          prepared for your meeting packet. District 2  
19          is 23 and a half percent black voting age  
20          population. So if you take the black citizens  
21          or persons over age 18 in District 2 in this  
22          plan, 23.5 percent of those persons would be  
23          African-American, or would indicate they are  
24          African-American.

25          SENATOR GAETZ: But since there has been

1 no minority representation for 100 years or  
2 more in Congress from that area, and since you  
3 don't -- you haven't hit the threshold for a  
4 majority-minority district, that is why it is  
5 not an issue in this part of the state as it  
6 will be an issue in other parts of the state,  
7 is that correct?

8 MR. GUTHRIE: It will be an issue in other  
9 parts of the state, yes.

10 SENATOR GAETZ: Okay. The reason I am  
11 asking these questions of clarification is just  
12 so you understand that the -- you know, we have  
13 to look at Tier 1 mandates from Amendments 5  
14 and 6, and the Tier 1 mandate is to avoid any  
15 dilution of minority voting rights, but that is  
16 not an issue here for the reasons Mr. Guthrie  
17 has mentioned.

18 Okay, John. I'm sorry to interrupt you,  
19 but --

20 MR. GUTHRIE: No.

21 SENATOR GAETZ: -- I think if we sort of  
22 do this on the first run, we won't have to do  
23 it on each run.

24 MR. GUTHRIE: That is very helpful. Thank  
25 you, Senator.

1           The next plan we are featuring here today  
2           is congressional plan 33 submitted by Joseph  
3           Russo, and what is unique about this plan is he  
4           followed county boundaries exactly. So his --  
5           his district lines follows here the boundary of  
6           Jackson and Bay Counties, his line between  
7           Districts 2 and 4 follows exclusively county  
8           boundaries, mostly the Suwannee River and --  
9           but because Mr. Russo kept counties whole in  
10          the Panhandle, he has a deviation in the  
11          Panhandle districts of almost 10 percent, okay.  
12          So keeping counties whole is going to be -- or  
13          following county boundaries exclusively is  
14          going to have the consequence of making it very  
15          difficult, if not impossible, to keep your  
16          districts equal in population.

17          The next plan we are going to look at is  
18          plan -- congressional plan 36 submitted by  
19          Jeffrey Carman, and this and really all of the  
20          remainder are -- what -- the difference you see  
21          between them are different ways of creating the  
22          boundary between District 2 and the district to  
23          the east of District 2. So it shows you just  
24          the variety of creative ways that maps can be  
25          drawn, and no clear preference for where that

1 line should be drawn in -- between the Big Bend  
2 and the Capital region.

3 And that is my take-away from -- I --  
4 really, the remainder of the plans they  
5 submitted for Congress.

6 Are there any questions on the  
7 congressional scenarios?

8 SENATOR GAETZ: Excuse me, member  
9 Senators, what we will do now is we will move  
10 to Senate plans that have been submitted, House  
11 plans that have been submitted. Then we will  
12 take public testimony, then we will have  
13 discussion and debate. But questions about the  
14 professional staff's presentation are in order  
15 now. Are there questions? Are there questions  
16 at this point? If not, move to the Senate  
17 plans, please.

18 MR. GUTHRIE: Okay. So here is -- on the  
19 screen we have the current Senate districts for  
20 Florida. We are going to move to the northwest  
21 Florida area, because that is our concentration  
22 today. The current District 2 runs along the  
23 northern tier of the -- above the Emerald  
24 Coast. District 4 comprehends the Emerald  
25 Coast of Florida. The current Senate District

1           6 is represented by Senator Bill Montford,  
2           formerly was represented by Al Lawson. It  
3           includes the -- most of Leon County and the  
4           surrounding counties, mostly to the west. It  
5           has a section that goes into Bay County. That  
6           was necessary in order to equalize the  
7           populations of Districts 2 and 4 with District  
8           6.

9                     And then current District 3, which is  
10           represented by Senator Charlie Dean, is a --  
11           includes the coastal area of the Big Bend, it  
12           stretches into Leon County, almost to Capital  
13           Circle, and it -- almost -- why do I keep --  
14           there I was, okay -- and it includes some  
15           districts, or counties, Hamilton, a portion of  
16           Columbia and Baker, along the Georgia county  
17           border west of Jacksonville.

18                     And then District 14, represented by  
19           Senator Oelrich, is Alachua County and some of  
20           the surrounding areas. So that is the current  
21           Senate district map.

22                     The chart in front of me here, which we  
23           took to each of the 26 hearings and which is  
24           also available on the Senate website, shows you  
25           how the current districts are over or

1 under-populated. For Senate districts, unlike  
2 congressional districts -- with congressional  
3 districts, Florida gets two new seats in the  
4 United States Congress, and, therefore, by and  
5 large, congressional seats in Florida will be  
6 under-populated. With Senate districts, we  
7 will not be increasing the 40 seats that we  
8 currently have, that is the constitutional  
9 maximum. So if districts that grew faster in  
10 terms of population than the state average are  
11 now over-populated and those districts need to  
12 contract in order to equalize population,  
13 districts that grew slower than the state  
14 population need to add additional territory in  
15 order to come up to equal population.

16 So that is the work of the committee for  
17 the Senate, some scenarios that we have for you  
18 to consider, and really this quick run-through  
19 that we are giving, these maps today, bears a  
20 lot more thought and a lot more study on your  
21 part and on our part than we are going to be  
22 able to invest in it at today's meeting.

23 But the first map that we wanted to focus  
24 on is plan 64 by Mr. Libby. What he does is  
25 provides for vertically-drawn districts. So I

1 mentioned earlier that the existing districts  
2 in -- along the Emerald Coast have followed  
3 more of a horizontal orientation. What Mr.  
4 Kelley and some other proposers did is took  
5 more of a vertical orientation to district maps  
6 through the Panhandle, and Mr. Kelley's map is  
7 nearly exact. In fact --

8 SENATOR GAETZ: Excuse me, is this Libby  
9 or Kelley? Which -- give us the number.

10 MR. GUTHRIE: I'm sorry, Mr. Libby's map.

11 SENATOR GAETZ: What number is this,  
12 please?

13 MR. GUTHRIE: This is plan number 64.

14 SENATOR GAETZ: Plan 64, we are looking at  
15 the Libby plan. Okay.

16 MR. GUTHRIE: And the screen that I happen  
17 to be on here, this is the District Explorer  
18 screen. The plan number is always indicated in  
19 the upper left-hand corner of the map if you  
20 are working in District Explorer, and if you  
21 click on that link, it will take you to a sheet  
22 of -- where you can get the statistics and  
23 downloads and all the information we have about  
24 a plan.

25 So what Mr. John Libby was able to do is

1 get his population deviations virtually  
2 identical, down to one person, for the Senate  
3 districts.

4           You inquired, Mr. Chairman, earlier about  
5 what the population deviation requirement is  
6 under case law, and what we have heard from  
7 Mr. Bardos and others is that while virtual  
8 exactitude is the norm for congressional  
9 districts, with state legislative districts,  
10 variances as high as plus or minus five  
11 percent, or a total deviation of 10 percent,  
12 have been allowed by the courts for purposes of  
13 achieving a legitimate state purpose. So if  
14 there is a rationale that makes sense for  
15 deviating as much as five percent from the  
16 ideal, courts have granted leeway to do that.  
17 And what we are going to see in some of the  
18 other plans is they did -- worked harder to  
19 follow county boundaries without splitting  
20 counties, but by doing so, it resulted in  
21 higher deviations than what you have in  
22 Mr. Libby's plan.

23           The second map, plan number 56 by Ryan  
24 Terrell, is interesting because instead of  
25 equalizing the population of the Pensacola

1 district with northwestern Okaloosa County, he  
2 came along the coast. He also extended  
3 District 4 west to include all of Franklin  
4 County, and so the District 6, the Capital  
5 district, is more -- is more along the Georgia  
6 border, just has a small section along the  
7 coast. The --

8 SENATOR GAETZ: And, excuse me, just if  
9 you could summarize as to this plan, which is  
10 plan 56, are there any remarkable -- is there  
11 anything remarkable about this plan in terms of  
12 potential problems that you would see in  
13 conforming with Amendments 5 and 6 or  
14 conforming with the Voting Rights Act,  
15 conforming with any case law that we are aware  
16 of?

17 MR. GUTHRIE: Well, this plan has higher  
18 deviations than others, although deviations  
19 that, with some fiddling, could be brought into  
20 range of acceptability under that plus or minus  
21 five percent rule that we were talking about.

22 It has a -- this District 6 has a black  
23 voting age population of 30.5 percent, which is  
24 higher than some of the other alternatives that  
25 were submitted by the public. So including the

1 counties away from the coast all together in a  
2 district had the result of slightly increasing  
3 the African-American percentage --

4 SENATOR GAETZ: And I would ask you,  
5 Mr. Guthrie and Mr. Bardos, if you would care  
6 to comment as well, or in addition, and that is  
7 -- here is the question: At what point -- and  
8 I realize that this -- you know, courts  
9 interpret this in somewhat different ways and  
10 for different reasons at different times, but  
11 you talked here now about a minority population  
12 that would be in the magnitude of 30 percent.  
13 At what point do we reach a statistically  
14 interesting number of minority persons in that  
15 district where we need to begin to look at  
16 minority-majority issues?

17 MR. GUTHRIE: It is -- there is no bright  
18 line number. It varies from region to region  
19 based on the historical patterns and voting  
20 patterns of the -- of citizens or persons who  
21 happen to live in those areas. So the -- I  
22 don't mean to be ducking the question, but  
23 there is no single figure that we can point to  
24 as indicating that this is an effective  
25 minority access district, whereas this is not.

1           We know -- the one thing that we do know  
2           is a majority-minority district has more than  
3           50 percent of the affected minorities' voting  
4           age population. So majority-minority, we have  
5           a bright line definition, but for minority  
6           access or opportunity districts, there is no  
7           such bright line. It really depends on  
8           conducting analyses of past elections to  
9           determine how the voters of the minority and  
10          how the voters of the majority behave in  
11          elections.

12           SENATOR GAETZ: Mr. Bardos, do you have  
13          any comment? And then Senator Lynn. Mr.  
14          Bardos?

15           MR. BARDOS: I would just add to that that  
16          Section 2 of the Voting Rights Act we know from  
17          Bartlett versus Strickland requires that there  
18          be at least a majority of a minority in a  
19          relatively compact area before Section 2 would  
20          apply. So a 30 percent district would not  
21          qualify for Section 2 protection, and we know  
22          the Panhandle region is not protected by  
23          Section 5.

24           Under the amendments, that is a little  
25          less clear at this point, so -- but under

1 Section 2, we know that there is a clear, hard  
2 and fast rule. So that would be my only  
3 addition.

4 SENATOR GAETZ: Thank you, Mr. Bardos.

5 Senator Lynn, you are recognized.

6 SENATOR LYNN: Thank you, Mr. Chairman. I  
7 guess I had two questions. First of all, the  
8 geographic areas 2 and 4 are so different. Are  
9 the populations the same in those -- each of  
10 those areas?

11 MR. GUTHRIE: So if we look at the table  
12 in your meeting packet for this plan, the  
13 population of -- the two are very, very  
14 similar. Two -- the population of District 2  
15 is about 470,000 people, a little bit less, and  
16 it is 206 people less than the ideal or target  
17 population. District 4 is 470, 500, so it is  
18 500 over the ideal population. So very close  
19 to equal population between those two districts  
20 in this plan.

21 SENATOR LYNN: And in District 6, that  
22 seems to have the larger minority population,  
23 and I guess it is a question to Mr. Bardos  
24 perhaps. Compared to 2 and 4, it would have a  
25 much larger minority population, and is that a

1 good thing or a bad thing in terms of the  
2 Constitution?

3 SENATOR GAETZ: Mr. Bardos, any comment?

4 MR. BARDOS: I think constitutionally the  
5 comparison of the minority population from one  
6 district to another is not -- is not really the  
7 driving issue. I think you would look at what  
8 minority population exists within any  
9 particular locality of the state, and then  
10 determine to what extent the constitutional  
11 provisions apply to those. So I don't think  
12 that the fact that Section 6 has a larger  
13 minority population than Section -- I'm sorry,  
14 that District 6 has a larger minority  
15 population than District 2 is itself a  
16 constitutional issue.

17 SENATOR GAETZ: Senator Lynn?

18 SENATOR LYNN: I guess my question is,  
19 when I see a map like this, it seems to be  
20 trying to push an issue perhaps of protecting  
21 white districts as opposed to a large majority  
22 district.

23 MR. BARDOS: Well --

24 SENATOR LYNN: I mean, it is protecting  
25 the majority numbers, I understand that. It

1 can be looked at, I guess, the other way as  
2 well. Are you protecting majority on the white  
3 side with 2 and 4?

4 SENATOR GAETZ: Why don't we answer  
5 Senator Lynn's comment and then finish up with  
6 the Senate districts, if you can. Very good  
7 question, Senator Lynn.

8 Mr. Bardos, Mr. Guthrie, either one.

9 MR. BARDOS: Well, I think -- I think to  
10 some extent it is unavoidable to -- in  
11 Districts 2 and 4, because it would -- to bring  
12 the minority populations which live around the  
13 Capital region into Districts 2 and 4, you  
14 would be required to extend those districts  
15 quite a distance.

16 What we do know is that districting based  
17 predominantly on race to the -- to the  
18 exclusion or -- while subordinating other  
19 race-neutral redistricting principles could  
20 create an equal protection problem, but in  
21 districts which simply move along the Panhandle  
22 for race-neutral reasons and happen to take in  
23 differing minority populations, that doesn't  
24 seem to raise any immediate constitutional red  
25 flags.

1           SENATOR GAETZ: Other comments at this  
2 time? If not -- I'm sorry, Senator Lynn, did  
3 you wish --

4           SENATOR LYNN: No.

5           SENATOR GAETZ: Mr. Guthrie, why don't you  
6 go forward, please?

7           MR. GUTHRIE: Thank you, Mr. Chairman.

8           The next plan we wanted to feature here  
9 this afternoon for northwest Florida is Senate  
10 Plan 66 submitted by Bruce King. Bruce King,  
11 in fact, submitted a Senate plan, a  
12 congressional plan and a House plan. He also  
13 provided the committee a detailed report that  
14 explains the method he used for creating  
15 districts was to lay a grid over the state and  
16 put together pieces of that grid in order to --  
17 once he got to the requisite district  
18 population. So he started with Senate  
19 districts using this grid methodology, then he  
20 subdivided those into House districts, there  
21 being three House districts to each Senate  
22 district, and then he reconstituted the House  
23 districts as congressional districts. So his  
24 Senate plan is the neatest and tidiest of the  
25 three, but what this shows you is the

1 consequences in terms of political boundaries  
2 and in terms of other objectives of Amendments  
3 5 and 6 if you strictly adhere to compactness  
4 or grid properties as your driving force for  
5 making a redistricting plan. So it was a very  
6 interesting and very instructive exercise that  
7 Mr. King provided for the committee, one that I  
8 think we will want to look back at more as we  
9 move to other regions of the state.

10 The remainder of the maps that we have for  
11 Senate districts vary from what we have seen  
12 previously in that they follow the same  
13 arguments that we heard a lot of public  
14 testimony on at our meetings in Pensacola and  
15 Ft. Walton and Panama City, that being that  
16 districts should continue to recognize coastal  
17 interests versus rural interests, and provide  
18 the rural communities an opportunity to elect  
19 one of their own or somebody that is  
20 sympathetic to their issues to the Senate.

21 So plan number seven was submitted by  
22 Henry Kelley, and you see the orientation that  
23 he has for Districts 1 and 2. Plan number 28  
24 -- now, this is a different take on it. It --  
25 the coastal areas of Pensacola, Santa Rosa and

1 Okaloosa County are put in one district, and  
2 then the rural areas of those three counties  
3 are put together with the whole counties  
4 extending east through Bay County to Gulf  
5 County.

6 And plan number 25 was submitted by David  
7 Kolesar, and again, he has an orientation with  
8 a coastal district and a rural district along  
9 the Emerald Coast.

10 SENATOR GAETZ: And could you remark,  
11 Mr. Guthrie, if appropriate, as you go through  
12 those plans, are there -- are there population  
13 deviations that are troublesome in those plans,  
14 or not, in your judgment?

15 MR. GUTHRIE: With plans that do not set  
16 as an objective keeping -- if you are not  
17 dogmatically following county lines or other  
18 political subdivision lines, you normally are  
19 able to come fairly close in terms of  
20 population deviations. So these plans may  
21 have -- depending on how much effort the plan  
22 drafter put into trying to equalize all of the  
23 populations, and as Mr. King pointed out in his  
24 report to us, that is very, very difficult and  
25 tedious work, balancing the population is a

1 time-consuming process. Some people worked at  
2 it more diligently than others. Even those who  
3 did not, I believe that the population  
4 deviations could be addressed without a huge --  
5 without huge technical problems.

6 And plan number 34 was presented by Keith  
7 Laytham. In the Panhandle, he is very similar  
8 to plan 28. So these are -- I think you get  
9 the picture here.

10 Here is a partial plan. It only -- plan  
11 number 71 was submitted by -- oh, it is here  
12 because it came in lately, it was not even in  
13 your meeting packet, by Maxwell Bradley of Leon  
14 County. He had three districts, which are --  
15 include an orientation very similar to the  
16 current districts.

17 So that is our -- and then we are back to  
18 the current plan. So that is our northwest  
19 scenarios for Senate plans.

20 SENATOR GAETZ: Any specific factual  
21 questions? We will have time for discussion  
22 and debate, but any specific questions of  
23 Mr. Guthrie about the Senate plans before we  
24 move on to the House plans, and then we will  
25 come back, take testimony and discuss, debate

1 and give guidance to the committee?

2 SENATOR BULLARD: I have.

3 SENATOR GAETZ: Senator Bullard, you are  
4 recognized.

5 SENATOR BULLARD: Senator Lynn asked a  
6 question regarding the minority populations  
7 versus majority. When you answered that  
8 question, the response to that, there is no  
9 real line, is that correct, to determine  
10 whether that exists or whether it will exist?  
11 And I ask this question because I want to know  
12 in drawing these districts as we did before and  
13 as they were -- it could be very confusing for  
14 those of us, of some of the members who have  
15 not gone through this redistricting process.  
16 So when you draw the line -- when the last  
17 lines are drawn, there was some districts with  
18 75 percent, 85 percent, and then there were  
19 other districts with 25 percent, 58 percent or,  
20 you know, whatever number to make up the  
21 balance. I want to be certain that that is not  
22 happening, and I would hope that you could help  
23 me by understanding.

24 At this point, where are we in terms of --  
25 although these lines will not affect the south

1 -- the southern districts, I am speaking to the  
2 districts that it will affect just all  
3 Floridians.

4 SENATOR GAETZ: Mr. Guthrie, any comment?

5 MR. GUTHRIE: So what the committee must  
6 do is follow the requirements of Section 2 and  
7 Section 5 of the Voting Rights Act of 1965 as  
8 amended, you must follow the requirements of  
9 the new Sections 20 and 21 of the Florida  
10 Constitution, which require equal opportunities  
11 for minority voters --

12 SENATOR BULLARD: Thank you.

13 MR. GUTHRIE: -- and no reduction in the  
14 ability to elect candidates of their own  
15 choice, and you must follow the requirements of  
16 the 14th Amendment to the United States  
17 Constitution, the equal protection clause.

18 SENATOR BULLARD: Thank you very much.

19 SENATOR GAETZ: Thank you, Senator  
20 Bullard.

21 Any other questions at this point,  
22 technical, factual questions about the Senate  
23 maps that are under consideration?

24 I'm sorry, Senator Storms.

25 SENATOR STORMS: Thank you, Mr. Chair. I

1 received correspondence from -- an e-mail  
2 correspondence from some citizens who are  
3 interested in the process in the Panhandle, and  
4 they were talking about the representation.  
5 They wanted to see their representatives from a  
6 north/south perspective. Their concern was  
7 that if you configured the maps to be  
8 north/south, then you would concentrate the  
9 metropolitan areas and necessarily give more  
10 political influence to the metropolitan areas  
11 than they thought was warranted and they  
12 thought was appropriate from a democracy  
13 perspective. And so I wasn't sure, because all  
14 they said was north/south, so I wasn't sure if  
15 they were talking about drawing the lines  
16 north/south so that -- so that you -- whereas  
17 this is -- I would consider this to be the  
18 yellow district to be parallel with the water  
19 instead of perpendicular, I didn't know if they  
20 were talking about making the districts  
21 themselves perpendicular, or -- so that the  
22 lines are perpendicular, or were they talking  
23 about dividing it in a parallel way so that you  
24 have a north district and a south district. I  
25 didn't understand from the e-mail which was

1           which, and do you know that?

2           MR. GUTHRIE:   Let me -- Mr. Chairman?

3           SENATOR GAETZ:   Of course, Mr. Guthrie,  
4           and then, Senator Storms, we do have a number  
5           of folks from that area of the state who have  
6           signed up to testify, and their testimony may  
7           help us understand, you know, their  
8           perspective, but, Mr. Guthrie, please go ahead.

9           MR. GUTHRIE:   Yeah, Henry Kelley, who is  
10          one of the submitters, is here this morning and  
11          is intending to speak, so we will get to hear  
12          from him directly.   But to answer your question  
13          briefly, the concern is that if the district  
14          boundary is along a north/south orientation,  
15          you will have some rural voters in a district,  
16          together with the more urban areas along the  
17          coast, and the fear that your constituent was  
18          expressing in that e-mail is that the greater  
19          density of population along the coast would  
20          dominate the elections, just -- yeah.

21          SENATOR GAETZ:   Did that help, Senator  
22          Storms, or did we lose you on the -- okay.

23          Any other questions or comments before we  
24          go to House districts?   If not, Mr. Guthrie,  
25          please, let's go to tab six in your committee

1 packet and go to the screen. And, Mr. Guthrie,  
2 I see that there are more House members than  
3 Senators. How did this happen?

4 MR. GUTHRIE: That --

5 SENATOR GAETZ: Senator Gibson must be  
6 able to help us with that.

7 MR. GUTHRIE: We do, and even in the  
8 Panhandle where districts are larger  
9 geographically than they are in other parts of  
10 the state, you still have three times as many  
11 House members as you do Senators. As a  
12 consequence of that, the -- you don't have as  
13 strict a dichotomy between the north/south and  
14 the coastal interest. For instance, if we look  
15 at Districts 1, 2 and 3 of the current House  
16 plan, the District 1 is more rural, District 2  
17 is downtown -- excuse me, is mostly the coastal  
18 areas, and District 3 is downtown Pensacola.  
19 District 4 runs along the coast. District 5 is  
20 more rural. So we did hear at the public  
21 hearings a lot of comments about District 7,  
22 which currently stretches from Okaloosa County  
23 to the east side of Leon County.

24 So this is your current Senate map. We've  
25 got several examples we are going to look at.

1           The first one is plan number 45 by Keith  
2           Laytham, and from this we see that we have a  
3           number of districts, particularly District 1  
4           and 7 that run along the coast, then some urban  
5           districts and some rural districts. So Mr.  
6           Laytham's plan is a good example of with the  
7           House plan trying to follow that strain of  
8           thought that came out of the public hearings of  
9           providing for both coastal and more rural  
10          interests.

11                 The District 47 -- or, excuse me, House  
12          Plan 47 by Stacy Graham is a -- one thing that  
13          -- excuse me, that Graham Stacy did was  
14          numbered his districts from the south rather  
15          than from the north. So all the Panhandle  
16          districts got big numbers instead of little  
17          numbers. And an interesting feature of this  
18          plan is even with the House districts, Graham  
19          Stacy was able to achieve nearly equal  
20          populations among his districts, but you can  
21          see that he did not pay a whole lot of  
22          attention to following political subdivision  
23          lines.

24                     SENATOR GAETZ: It is very helpful, I  
25          think, Senators, if you look at the committee

1 notes that follow each plan in your committee  
2 packet, you will see that the committee staff  
3 has indicated where there may be issues or  
4 problems in conforming with Amendments 5 or 6,  
5 or where there may be other problems in terms  
6 of equity of population, that sort of thing.  
7 So those comments are very helpful to me, and I  
8 would encourage you to look at them as John  
9 goes through these plans so that you can see if  
10 you like a particular plan, if there needs to  
11 be some de-burring or some refining, where that  
12 refining or de-burring might have to take place  
13 in order for the plan to be legally compliant.

14 MR. GUTHRIE: The same individual, Graham  
15 Stacy, submitted House Plan 48. It is -- well,  
16 one thing he did is he changed his numbering  
17 scheme. You see that he goes from big numbers  
18 in the Panhandle to numbers starting with one  
19 in the Panhandle.

20 The other significant change that he made  
21 with this second submission is that he paid  
22 more attention to following municipal boundary  
23 lines. With the exception of Crestview in  
24 Okaloosa County and Tallahassee in Leon County,  
25 this map does not split any municipalities.

1           Plan number 27 by David Kolesar is very,  
2           very similar to the prior plan. We can look at  
3           them side by side and see there's not a whole  
4           lot of difference between them.

5           Plan number 18 by Mr. Henry Kelley is  
6           another example of paying heed to the public  
7           sentiment that coastal interests and rural  
8           interests ought to be uniquely respective with  
9           different districts, and Mr. Kelley will be  
10          here to speak to that himself.

11          Map 67 by Bruce King, you remember  
12          Mr. King also submitted a Senate plan and a  
13          congressional plan, here is how his grid is  
14          applied to the House districts, and the impact  
15          of using that grid method is that you don't  
16          very closely follow political and geographic  
17          boundaries. The attention is more on creating  
18          these grid-like, compact shapes. But Mr. King,  
19          even for his House plan, achieved deviations of  
20          single digits, so very, very close to exact  
21          population on this map.

22          And that is the last of the scenarios for  
23          House plans that we wanted to look at this  
24          afternoon.

25          SENATOR GAETZ: Are there any technical

1 questions or comments about the House plans?

2 Senator Sobel, you are recognized.

3 SENATOR SOBEL: Thank you, Mr. Chair.

4 What role do we play as Senators in creating a  
5 House plan, whereas we know the House is going  
6 to create their own plan?

7 SENATOR GAETZ: That is a very good  
8 question, Senator Sobel, and let me -- let me  
9 take a shot at an answer, and then let me yield  
10 to our Vice-Chair, President Margolis, who has  
11 been a veteran of these processes and ask her  
12 to comment as well.

13 There is a -- there is an obligation that  
14 the House has to draw Senate plans, and there  
15 is an obligation that we have to draw House  
16 plans. Now, there will come a point in time  
17 when our two committees work together. And I  
18 personally, speaking just as one Senator, plan  
19 to give great deference to the House as to  
20 plans that they have developed for the House.  
21 However, we have an obligation to make sure  
22 that if there are -- if there are legal issues  
23 or if there are common-sense issues that we see  
24 in House plans, that we point them out. And,  
25 similarly, we will ultimately have a proposed

1           committee bill that will include a Senate plan,  
2           but our House colleagues can come forward and  
3           say, look, we see two or three problems here  
4           that, you know -- or five or 50 problems that  
5           you are going to have to correct before we will  
6           accept the Senate plan. But at some point in  
7           time, these plans have to meld together. But  
8           let me yield to President Margolis, because she  
9           is a veteran of the wars here.

10                    SENATOR MARGOLIS: Actually, ultimately,  
11           the Senate does the Senate, and the House does  
12           the House, but you have to -- you have to play  
13           back and forth before that happens. It is --  
14           it is a matter of -- it is a matter of you have  
15           to -- you have to express your feelings as a  
16           Senate, and they have to express their feelings  
17           as a House, and that we are both doing both is  
18           very helpful. It's -- that we -- you know, it  
19           is very helpful, because it is a dose of  
20           reality. You will see.

21                    SENATOR GAETZ: We have the advantage of  
22           having a sanity check for ourselves on the  
23           other side of the Capital, and we are the  
24           sanity check for the other team.

25                    If there are no other factual questions at

1           this point, why don't we go to public  
2           testimony? Thank you, Mr. Guthrie, for your  
3           presentation and good work of the professional  
4           staff. We have a number of individuals wishing  
5           to testify, and many of them, based on the --  
6           based on the addresses, have come a good way.  
7           So I am going to take the prerogative of the  
8           Chair, and Tallahassee lobbyists I am going to  
9           put last, because you can be with us anytime,  
10          and I am going to put those individuals who  
11          have driven a fair distance first in the order  
12          in which they were presented to me. In order  
13          that we will give -- can give everybody an  
14          opportunity to speak and then give the members  
15          of this committee a chance to debate and  
16          discuss and then give guidance to the committee  
17          as to a proposed committee bill and its effect  
18          on northwest Florida congressional, Senate and  
19          House districts, we would ask members of the  
20          public who are speaking if you can please come  
21          to the point, if you can limit your testimony  
22          to about three minutes. That way, we will give  
23          everybody a chance.

24                    Let us begin with Mr. Ryan Terrell, and  
25          Mr. Terrell has come all the way from Weston.

1 And thank you for being here and thank you for  
2 your submission of plans, and we look forward  
3 to your testimony.

4 MR. TERRELL: Thank you, Mr. Chairman, and  
5 thank you to the committee members for viewing  
6 my plan and seeing some of the different key  
7 elements that were addressed in those northwest  
8 Florida districts.

9 My testimony is going to be very limited  
10 today. It is just basically clarifying a few  
11 points of that plan and certain questions that  
12 were raised during the back and forth --

13 SENATOR GAETZ: And, Mr. Terrell, to be  
14 fair to you, John, what is Mr. Terrell's plan  
15 number so that if --

16 MR. TERRELL: Senate.

17 SENATOR GAETZ: Why don't we put that up  
18 on the screen so that we can all see what  
19 Mr. Terrell is referring to? I'm sorry,  
20 Mr. Terrell, you are recognized.

21 MR. TERRELL: Thank you. Senate.

22 Basically, one of the main issues that  
23 were obviously brought up is that my plan will  
24 mainly focus on following county boundaries and  
25 municipal boundaries. That I felt was

1 important because of the second tier status of  
2 Amendments 5 and 6, which do ask that the  
3 Legislature try to follow city and county  
4 boundaries as much as possible.

5 That being said, there is a population  
6 deviation because of the software I was using.  
7 Obviously the Legislature, I would hope, would  
8 be able to tinker with the boundary lines a  
9 little bit to bring that population deviation  
10 up to parity.

11 As far as the actual geographic I guess  
12 characteristics of the three districts that we  
13 were looking at, the main thing that needs to  
14 be understood is why District 6 turned out the  
15 way it did and became 30.5 percent  
16 African-American. The reason why is when you  
17 start including the rest of Tallahassee,  
18 Jefferson, Madison and Hamilton Counties that  
19 were not in the district before, those counties  
20 have a significantly larger African-American  
21 population, and when you add them because those  
22 counties were split under the previous  
23 Legislature's Senate plan, when you actually  
24 make those counties whole, you are going to  
25 marginally improve the African-American

1 population.

2 I did mostly agree with staff's comments,  
3 except there is one slight thing I would like  
4 to add about case law in that regard, and that  
5 is that, yes, the requirements are that it has  
6 to be over 50.1 percent of a voting age  
7 population in order for it to be considered a  
8 majority-minority protected district. The only  
9 difference is that there's also the Gingles  
10 criteria, which basically says that when you  
11 are looking at a coalition district, in this  
12 case, the only thing that you can do in  
13 northwest Florida for minority protection is  
14 create a coalition district which would be  
15 majority, non-white population. I attempted to  
16 do that on several maps. The only thing is  
17 that you would end up having a Tallahassee to  
18 Gainesville or a Tallahassee to Pensacola  
19 district. The lines would look very ugly and  
20 very non-conformant to city and county  
21 boundaries. So that is why you don't see a  
22 minority district in north -- a  
23 minority-protected district in northwest  
24 Florida that I could reasonably create.

25 That being said, those districts mainly

1 follow county lines. The only cases where it  
2 doesn't in that particular area is in Taylor  
3 County, I chose to include the City of Perry,  
4 because I felt it was more characteristically  
5 similar to the other counties in the district  
6 compared to the rest of Taylor County because I  
7 couldn't split some of the rural precincts. If  
8 the Legislature would like to change that in  
9 terms of making those lines a little bit more  
10 nicer-looking, by all means, go ahead, but  
11 basically that is why it has that kind of  
12 weird-looking hook into the City of Perry,  
13 because I couldn't split those precincts. But  
14 I think Senator Storms brought this up at the  
15 last redistricting hearing that you guys had  
16 two weeks ago, if you are using VTDs, you might  
17 be able to make those lines look a little bit  
18 more compact-looking.

19 And that is pretty much the only issues I  
20 wanted to address in the Senate map, if anyone  
21 has any questions for me.

22 SENATOR GAETZ: Thank you, Mr. Terrell,  
23 and thank you for your commitment to helping us  
24 with this process and the time you have put  
25 into it.

1           Questions for Mr. Terrell? Senator Lynn.

2           SENATOR LYNN: Go back one. I guess I am  
3 wondering -- you were very perpendicular with 2  
4 to 4, and I wondered why you didn't try to  
5 remain at least even slanted perpendicular  
6 between 4 and 6, and then extend 6 down further  
7 into 14?

8           MR. TERRELL: Okay. I guess the answer to  
9 your question is I tinkered with the State  
10 Senate maps about five different times, and the  
11 difference that I came up with is that when you  
12 try and start adding counties like Calhoun or  
13 Franklin, the population is going to get a  
14 little bit harder for you to maintain county  
15 compactness and to maintain a sizeable  
16 deviation between District 4 and District 6.  
17 So, in that case, by putting Calhoun and  
18 Franklin County in District 4, I was able to  
19 make districts that are -- that were more  
20 similar population wise while maintaining a  
21 kind of north -- a kind of Georgia border -- I  
22 am trying to think of a word, but just a flavor  
23 in that -- in the District 6 that you wouldn't  
24 see in District 4, because District 4 becomes  
25 more of the coastal district, and District 2

1 becomes more of the rural district in that  
2 case.

3 SENATOR LYNN: Thank you.

4 SENATOR GAETZ: We are very, as I said,  
5 pleased to have you all the way from Weston,  
6 and your Senator is here of the distinguished  
7 minority leader, Senator Rich, who is  
8 recognized.

9 SENATOR RICH: Thank you, Mr. Chair. I  
10 think his address is Weston, but I think he  
11 lives in Tallahassee right now.

12 MR. TERRELL: Yes.

13 SENATOR RICH: He goes to FSU. So -- but  
14 anyway, I just -- I have to say I am very proud  
15 of Ryan. He was a wonderful student at Cypress  
16 Bay High School, a friend of my grandson's, and  
17 I think it is just wonderful that he's been  
18 very involved in political affairs and things  
19 for many years throughout high school and that  
20 he decided to participate in this process. So  
21 I just want to congratulate him. Thank you  
22 very much.

23 MR. TERRELL: Thank you.

24 SENATOR GAETZ: Thank you very much,  
25 Mr. Terrell. We appreciate your being here.

1           Our next testifier is Mike Godwin from  
2 Walnut Hill, Florida. Mr. Godwin?

3           And on deck will be Brett Ward, also from  
4 Walnut Hill, and then Mark Casson from Walnut  
5 Hill. We are emptying out Walnut Hill today.  
6 So if you will all be on deck to follow  
7 Mr. Godwin.

8           Mr. Godwin, thank you for being here,  
9 welcome to the Senate, and you are recognized,  
10 sir.

11           MR. GODWIN: Thank you, Mr. Gaetz. I am  
12 from the north end of Escambia County. I am a  
13 farmer, aerial applicator and member of the  
14 Florida Farm Bureau Board.

15           We would like to see agriculture  
16 protected. Our rights, or our vote we seem to  
17 think would be severely diluted with the  
18 north/south boundaries. We need to keep more  
19 agricultural areas looped together. We have  
20 more -- our concerns are completely different  
21 from the coastal concerns. And as far as  
22 splitting northwest Florida geographically,  
23 the -- it is all ready split. We have the  
24 coastal areas and we have the agricultural  
25 areas, and the concerns are totally different.

1           So in this committee, I would like for you  
2           to consider that, that we would like to keep it  
3           more as it is presented, the older method or --  
4           it was laid out for that reason before for a  
5           reason. So if we can keep it more east/west,  
6           we would greatly appreciate it.

7           SENATOR GAETZ: Questions for Mr. Godwin?

8           Thank you, sir, for your testimony. I'm  
9           sorry, Senator -- Mr. Godwin, could you come  
10          back, please, for a second? Senator Sachs had  
11          a question for you.

12          Senator Sachs, you are recognized.

13          SENATOR SACHS: Thank you very much,  
14          Mr. Chair. Sir, have you submitted a map that  
15          would indicate those preferences that you have  
16          in keeping agricultural together, those  
17          communities, and separate from the coastal  
18          communities, sir?

19          MR. GODWIN: No, ma'am. It was our  
20          understanding we had to 1st of November.

21          SENATOR SACHS: Okay. So that is what you  
22          want to do, all right.

23          MR. GODWIN: And it changed apparently,  
24          but I saw -- it is pretty much this map that is  
25          on the board now, would be presentable.

1           SENATOR GAETZ:  And, Mr. Godwin, you do  
2           have until the 1st of November to submit any  
3           additional maps that you would like.

4           Was there another question or comment?  If  
5           not, thank you very much, sir.

6           And our next testifier is Brett Ward.  
7           Mr. Ward.

8           And following Mr. Ward will be Mark Casson  
9           and then Mr. Jeff Sessions.

10          Mr. Ward, welcome to the Florida Senate.  
11          We are glad you came all this way, anxious to  
12          hear your testimony.  You are recognized.

13          MR. WARD:  Thank you, Mr. Chairman.

14          I appeared before this committee when it  
15          met in Pensacola, and I must apologize to you.  
16          You asked about a map, I promised you a map,  
17          but as Mr. Godwin said, we were told -- we sent  
18          for help up the line to Gainesville to get  
19          Florida Farm Bureau to help us.  They put us in  
20          contact with someone down south that was going  
21          to help us draw a map, and they told us it was  
22          too late, we could not get a map, that there  
23          would be a meeting held today and the best  
24          thing we could do was attend the meeting.  That  
25          is why we have not presented a map.

1           Getting to the district lines, if Escambia  
2 County -- and I am going to speak for Escambia  
3 County, because that is where I am from -- was  
4 united and spoke with one voice on how the  
5 lines should be drawn, I would say you should  
6 listen. Escambia County is not united. It is  
7 divided. You have the rural area up north and  
8 the urban areas down south.

9           Now, as a member of the Escambia County  
10 Farm Bureau Board, I speak for more than 4,000  
11 members. We want rural areas represented. We  
12 want our voice heard. Do not disenfranchise us  
13 by looping us together with the urban south,  
14 for no matter what we would like, sheer numbers  
15 tell you, a map will tell you, we cannot  
16 overcome the population in the south end of the  
17 county. The south end of the county, through  
18 various means over the past few years, or  
19 longer than that, has tried through charter  
20 government, consolidated government, and then  
21 lately through the 2030 land use map, to  
22 silence us up north. They do not -- for some  
23 reason, they want us under their thumb. I have  
24 not figured that out. We want nothing they  
25 have, and they seem to want to lord over us.

1           Don't let them take our voice out of  
2 Tallahassee. It is important for us to have a  
3 voice, and I will give you a prime example.  
4 Three, four years ago, I can't remember, the  
5 Florida DOT was writing farm equipment tickets  
6 for moving up and down the road, because some  
7 well-meaning person with no rural background  
8 had written a law or passed a rule stating how  
9 big something could be moving up and down the  
10 road. Now, we had a voice in Tallahassee. At  
11 that time, he was Representative Evers. We  
12 came down here and explained our position, and  
13 he was well aware of our position, because he  
14 was in it also. He was a farmer trying to move  
15 equipment up and down the road. But you don't  
16 have to be a farmer to be our Representative.  
17 If you live in a rural area, you see this  
18 equipment moving up and down the road and you  
19 are aware of what it is. So when we come to  
20 Tallahassee to talk to you about something that  
21 involves us, you are aware of it. At the same  
22 time we were down here and talked to him about  
23 that, we had a loop to make, had to meet  
24 everyone that was on the committee. Most did  
25 not even know what farm equipment -- what a

1 peanut combine was. That is what you run into  
2 when you have urban people representing rural  
3 areas.

4 Right now, we have a voice. I can pick up  
5 the phone, I have the personal phone numbers  
6 that I can call Representative Broxson or I can  
7 call Senator Evers, and they know who I am.  
8 They talk, they listen. Do not take that voice  
9 away from us. Keep the rural area and the  
10 urban area separate by keeping an east/west  
11 line. Thank you.

12 SENATOR GAETZ: Thank you, Mr. Ward.

13 Any questions for Mr. Ward? Thank you  
14 very much, sir, for coming all this way.

15 Mark -- is it Casson or Cason, sir?

16 Casson. Mr. Casson, thank you for coming. And  
17 following Mr. Casson's testimony, Jeff Sessions  
18 and then Henry Kelley.

19 Mr. Casson, welcome to the Senate. You  
20 are recognized.

21 MR. CASSON: Thank you. The -- much to  
22 what Mr. Godwin and Mr. Ward were talking  
23 about, basically I have lived in Pensacola and  
24 I currently live in the north end of the  
25 county. The issues that affect people who live

1 in a city and the issues that affect people  
2 living out in the rural areas are very  
3 different.

4 It was -- you asked for a map that would  
5 show basically these lines. Map number seven,  
6 could you pull up map number seven? I  
7 appreciate it. Sorry, I don't mean to -- but  
8 map number seven does show the lines that  
9 basically -- the current lines that exist and  
10 my understanding is with the adjustments for  
11 population that have been required.

12 The -- when they talk about the voice,  
13 basically, you know, some of what is trying to  
14 be addressed from the minority policies and  
15 some of the statutes that are in place now are  
16 trying to make sure that groups of population  
17 do have a voice in Tallahassee, and there are  
18 discussions previously in this meeting as to  
19 how to make sure that some minority groups have  
20 a voice.

21 The reality is if you take and draw a  
22 north/south line to create these districts, the  
23 rural areas will become a minority within a  
24 larger district and they will not have any  
25 voice. The -- I mean, the population --

1 population will dictate that. You currently  
2 have across most of the Panhandle of Florida,  
3 you have the rural districts all the way across  
4 the north. Each one of those rural districts,  
5 which currently geographically are a large  
6 area, really would lose their voice here in  
7 Tallahassee. And, to me, it doesn't make  
8 sense. I understand, you know, some of the  
9 things that people looking at with the maps are  
10 saying, "Well, the maps look better, they are  
11 easier for people to understand what district  
12 they fall in," but the purpose of having these  
13 districts and having for representation is that  
14 the individuals have representation here. That  
15 should be the main and most important factor in  
16 redistricting is making sure that Floridians  
17 have a voice in Tallahassee.

18 If we draw north/south lines, there will  
19 be a population that will lose its voice in  
20 Tallahassee, and I think that needs to be held  
21 ahead of county lines and the continuation,  
22 kind of the way the map looks, those issues  
23 should fall behind making sure that Floridians  
24 have a voice, that all Floridians have a voice  
25 here. So that is my concern and hopefully the

1 end result.

2 SENATOR GAETZ: Thank you, Mr. Casson.

3 Any questions for Mr. Casson? If not,  
4 thank you very much, sir. And next, Jeff  
5 Sessions and following Mr. Sessions, Henry  
6 Kelley and then David Pleat.

7 Mr. Sessions, thank you for coming, and  
8 you are recognized, sir. We are anxious to  
9 hear your testimony.

10 MR. SESSIONS: All right. Thank you,  
11 Mr. Chairman and members of the committee. My  
12 name is Jeff Sessions, and for over a decade I  
13 have served as an appraiser with the Santa Rosa  
14 County Property Appraiser's Office. My  
15 experience working with constituents,  
16 appraisals and maps has given me a unique  
17 perspective of northwest Florida.

18 Northwest Florida's coastal communities  
19 are very different from the northern  
20 agricultural communities. Each community is  
21 worthy of its own representation in the Florida  
22 Senate.

23 Drawing on my experiences, I have  
24 submitted a partial Senate map reflecting  
25 northwest Florida for your consideration. My

1 map --

2 SENATOR GAETZ: Excuse me, Mr. Sessions,  
3 let's -- have we got that map, Mr. Guthrie?

4 MR. SESSIONS: I don't know what my number  
5 is.

6 SENATOR GAETZ: S-e-s-s-i-o-n-s, that is  
7 what we have here, if that helps. Here we go.

8 MR. SESSIONS: If you will pull up Mr.  
9 Kelley's map, it is very similar.

10 SENATOR GAETZ: That is map number 12 if  
11 you are following along in your hard copies.  
12 Is that correct? Or is it map number four?  
13 Map number four if you are following in your  
14 hard copies; otherwise, look at the screen.

15 MR. SESSIONS: That looks like -- well,  
16 yes.

17 SENATOR GAETZ: Map number seven. Okay.  
18 I apologize, Mr. Sessions, I'm sorry to  
19 interrupt you.

20 MR. SESSIONS: That is okay.

21 My map is similar to the map you are  
22 considering today drawn by Mr. Henry Kelley.  
23 Both my map and Mr. Kelley's map draw a  
24 southern and northern Senate district. My map  
25 strictly adheres to municipal and geographical

1 boundaries as required by the Constitution. My  
2 map starts on the western Florida/Alabama  
3 border, using Highway 98 as the border between  
4 the two Florida Panhandle Senate districts.  
5 Highway 98 is a major, well-identified traffic  
6 way. The border then travels along Blue Angel  
7 Highway to the city limits of Pensacola. While  
8 the city limits of Pensacola look like a jigsaw  
9 puzzle, the Constitution requires adherence to  
10 political boundaries where practical. My map  
11 does this. The boundaries for my map then  
12 follow Interstate 10, the Eglin Reservation,  
13 the city limits, the City of Freeport, the  
14 Intracoastal Waterway and the bay system in  
15 southern Bay County. Every border in my map is  
16 either a waterway, a political boundary, a  
17 major highway or the Eglin Reservation  
18 geographical boundary.

19 I have one central point to make, which is  
20 the purpose of my map submission and my driving  
21 with you here today. The State Senate seats in  
22 northwest Florida cannot be divided by a  
23 north/south line. The northern and coastal  
24 communities of northwest Florida are very  
25 different culturally and economically.

1 Virtually all the testimony given at the public  
2 hearings from both Republicans and Democrats  
3 has called for a northern district and a  
4 coastal district. The map I have submitted  
5 accomplishes what the community wants within  
6 the confines of the Constitution. I hope you  
7 will consider my map, along with Mr. Kelley's  
8 map, and that you will drop consideration of  
9 any map that divides the Panhandle Senate  
10 districts with a north/south line. Thank you.

11 SENATOR GAETZ: Questions for  
12 Mr. Sessions? Senator Sachs.

13 SENATOR SACHS: Thank you, Mr. Sessions.  
14 Is it my understanding that you are the  
15 property appraiser for that area?

16 MR. SESSIONS: No, no, ma'am, I was  
17 employed with the property appraiser's office  
18 for ten years, and now I work for the center as  
19 a county tax collector's office.

20 SENATOR SACHS: Tax collector's?

21 MR. SESSIONS: Yes, ma'am.

22 SENATOR SACHS: So you -- if I -- can I --

23 SENATOR GAETZ: Of course, Senator Sachs.

24 SENATOR SACHS: Thank you, Mr. Chair. So  
25 you are very much aware of the natural

1 boundaries, as well as the city and county  
2 boundaries for that area?

3 MR. SESSIONS: Yes, ma'am, I am.

4 SENATOR SACHS: And is this the map that  
5 we are looking at right now, is this one that  
6 is either your map specifically or something  
7 that is pretty similar to it?

8 MR. SESSIONS: This is not my specific  
9 map, but --

10 SENATOR SACHS: But similar to it?

11 MR. SESSIONS: -- very similar, yes,  
12 ma'am.

13 SENATOR SACHS: And the way that it is  
14 drawn now as we see it today, is that -- you  
15 are saying that is representative of the -- of  
16 not only the natural boundaries, but the city  
17 and county boundaries, as well as the  
18 population occupation for that area?

19 MR. SESSIONS: Yes, ma'am.

20 SENATOR SACHS: Very good. All right.  
21 Thank you very much, sir.

22 MR. SESSIONS: You are welcome.

23 SENATOR SACHS: Thank you for testifying.

24 SENATOR GAETZ: Thank you, Senator Sachs.

25 Other questions for Mr. Sessions? If not,

1           thank you for your testimony, sir.

2           Henry Kelley, whose name has been intoned  
3 here many times, cussed and discussed.

4           Mr. Kelley, thank you for coming all the  
5 way from Ft. Walton, and you are recognized,  
6 sir.

7           MR. KELLEY: Thank you, Mr. Chairman.

8           A few comments as Mr. Guthrie pulls up the  
9 congressional map. I want to thank the  
10 committee for their service on this, and also  
11 Mr. Guthrie and his staff here, but also on the  
12 House side, the staff, Mr. Kelley, Parada and  
13 Mr. Tackus were a great help to me in drawing  
14 these maps and learning the software.

15           I attended the initial meeting here in  
16 Tallahassee, Ft. Walton. I also attended  
17 meetings in south Florida in Boca, Davie, Miami  
18 and Dade, and I watched several more meetings  
19 on-line. I have also lived in Ft. Walton,  
20 Orlando, Gainesville, Jacksonville and Margate,  
21 Florida, and this gives me a unique  
22 perspective, having lived in almost every  
23 corner of the state.

24           Earlier it was made mention of the  
25 variations on the map, and I want to say

1 something as an amateur cartographer. Don't do  
2 this on a four-year-old laptop that has one gig  
3 of memory running Windows Vista. It is very  
4 hard for the computer to process the different  
5 layers of doing this. So those of us that did  
6 attempt this, the variance sometimes just is  
7 simply a function of the computer that we use.  
8 So if anybody wants to buy me one of the six  
9 gig computers, I won't say no.

10 But I just wanted to call it -- most of  
11 the congressional lines in northwest Florida  
12 are very similar. The population is what the  
13 population is. The reason I asked Mr. Guthrie  
14 to pull this map up, and even though it is not  
15 relevant to this conversation today, map --  
16 Congressional District 3, I copied in total,  
17 and this has something to do with the Senate  
18 maps that I drew, and the House maps, but I  
19 copied Congressional Districts 3 and 21, which  
20 were involved in the lawsuit, and started with  
21 those geographies, put in place, got them as  
22 near to the size as I could, and then I drew  
23 the surrounding congressional districts  
24 emanating from Districts 3 and 21. And that is  
25 the reason some of the variances and stuff

1           occurred is simply when you started with those  
2           very irregular shapes, you get irregular  
3           shapes. And as you said at the start,  
4           Mr. Chairman, this is what I referred to, you  
5           throw a pebble in a pond, it is going to create  
6           a wave on the far side. It may be a small  
7           wave, but it has an effect. And so when you  
8           start with those districts --

9                     SENATOR GAETZ: And I apologize, Mr.  
10           Kelley. We are throwing around a lot of  
11           numbers, numbers of districts as they would be  
12           numbered in proposed plans, and the numbers of  
13           districts as they are now. I think, and  
14           correct me if I am wrong, Mr. Kelley, when you  
15           referred to using Congressional Districts 3 and  
16           21 as your starting point, you meant the  
17           current numbering of 3 and 21. You have  
18           numbered them differently in your plan, but the  
19           existing 3 and 21 were sort of where you  
20           started, is that correct, sir?

21                     MR. KELLEY: Yes, Mr. Chairman, that is  
22           correct.

23                     SENATOR GAETZ: I'm sorry.

24                     MR. KELLEY: Thank you.

25                     So I bring that up because of those

1 communities of interest in Districts 3 and 21,  
2 and now as we shift to the Senate map, the  
3 reason I brought up the communities of interest  
4 is because one of the guidelines -- and I read  
5 the Florida redistricting website, which was a  
6 great tool. There was this very handy guide,  
7 "The Impact of Redistricting Your Community,"  
8 published by the NAACP, the Asian-American  
9 Justice Center and the Mexican-American Legal  
10 Defense and Educational Fund, discusses the  
11 roles of community interest in drawing maps.  
12 And I argued when the Fair Districts  
13 conversations were going on that that was a  
14 very important subject left out of Fair  
15 Districts, but it is addressed all over the  
16 documentation that the Legislature has provided  
17 to the public to become educated about this.

18 The gentlemen that spoke in front of me  
19 have already addressed the rural orientation  
20 versus the beach orientation, but I would like  
21 to add a couple of additional comments to what  
22 they have already said.

23 The Highway 98 is the main access on the  
24 south side from east to west, and I-10 is the  
25 main access, and for generations, that is the

1 direction of the flow of commerce, that is the  
2 direction of the flow of communications within  
3 the region, not north/south.

4 Now, if you look at the county in the  
5 center, Okaloosa County, my home, and you  
6 notice a large blip in the middle, that blip is  
7 Eglin Air Force Base. The only thing that  
8 resides there is pine trees and alligators.  
9 There's not a lot of population in there. But  
10 I bring that out because I live due south,  
11 almost where the mouse is, a little further  
12 south. It is a two and a half hour drive  
13 east/west from my House to the Capital, so Leon  
14 County, which is barely on the map on the side.  
15 However, to go due north to Alabama, there is a  
16 geographical quirk. If you look on my map as I  
17 look at it on the right side of Leon County,  
18 you see there is a green that goes up about,  
19 you know, yea much above the rest of the state.  
20 It is two and a half hours from my house to the  
21 Capital. It is almost two hours from my house  
22 due north to Alabama without ever leaving my  
23 own county. And people who don't live there or  
24 you don't drive that way don't grasp just how  
25 big of a geography we really are. Most people

1 pass through our region going on I-10 and never  
2 get that far off the highway. But if you look  
3 at how much -- how large our districts are  
4 north/south, it is very telling. And so when  
5 you look at this and you say, you know, the  
6 districts are elongated east/west, I have  
7 sisters -- I have six sisters, all of whom live  
8 along Highway 98, and I can be to my sister in  
9 Mobile, which is just on the other side of  
10 Pensacola, in two hours, and to my sister over  
11 in Mexico Beach, which is near where the mouse  
12 is, in less than two hours, along the  
13 east/west. The sister that I have -- the one  
14 that got off the reservation that lives just  
15 north of Tallahassee in Georgia, takes me  
16 nearly three and a half hours, because there is  
17 no real way to move north/south, and I urge you  
18 to consider that as you think about the  
19 counties, that we are structurally built to  
20 move east/west, we are not structurally built  
21 north/south, and frankly, that is a concern  
22 every time there is a hurricane.

23 SENATOR GAETZ: And, Mr. Kelley, I  
24 apologize, you have been very gracious with  
25 your time --

1 MR. KELLEY: Yes.

2 SENATOR GAETZ: -- but if you could  
3 summarize, we would be grateful.

4 MR. KELLEY: Yes, sir, I wanted to move to  
5 the House map real quick, because I wanted to  
6 address a comment Senator Sobel made about  
7 drawing, you know, the House. I don't think  
8 you can effectively do this if you don't draw  
9 all three maps to understand the  
10 inter-workings, and what I drew here in the  
11 House map is, if you notice my districts, the  
12 north districts are generally all within the  
13 confines of one Senate district, and the three  
14 beach communities are generally within the  
15 confines of a beach Senate district, and  
16 several members have presented this about  
17 nesting, and this is really -- I didn't do it  
18 precisely, but it is to put the Senate  
19 districts with the House districts in a manner  
20 to us that makes sense, where the beach  
21 communities are really represented Senate and  
22 House together, the rural communities are  
23 represented Senate and House together, and this  
24 sort of continues throughout my maps through  
25 the rest of the state.

1           SENATOR GAETZ: Thank you very much, Mr.  
2 Kelley.

3           MR. KELLEY: Thank you, Mr. Chairman.

4           SENATOR GAETZ: Any questions for Mr.  
5 Kelley?

6           Thank you for hanging with us throughout  
7 this whole process, and, you know, we are not  
8 done yet, we are just getting started.

9           MR. KELLEY: Thank you.

10          SENATOR GAETZ: Thank you. Next is David  
11 Pleat. Mr. Pleat, thank you very much for  
12 coming over, and you are recognized, sir.

13          MR. PLEAT: Thank you, Mr. Chairman, and  
14 thank you, members of this committee, for this  
15 opportunity to speak to you.

16          I am David Pleat. I am from Destin,  
17 Florida. I am also affectionately known  
18 locally as one of the three Democrats in our  
19 town, and I also feel uniquely qualified to  
20 talk about this issue, because I ran for House  
21 District 7 last fall, which is one of the  
22 craziest districts in the state. It is the  
23 second-largest geographic district in the  
24 state. It covers parts of nine counties, two  
25 different time zones, and I put 20,000 miles on

1 my truck during the course of that year. And  
2 what stood out to me the most during that year  
3 of campaigning is the glaring difference in  
4 issues of importance to the coastal communities  
5 in south Walton County, Bay County, Panama City  
6 Beach, versus, for example, Marianna, what was  
7 important in Marianna or Crawfordville or in  
8 Tallahassee, because part of that district was  
9 in Tallahassee.

10 The other net effect of a district like  
11 that is that voters are very confused. I think  
12 we forget that one of the goals is to make sure  
13 we get people out to vote. And when your  
14 districts are so confusing, as I found out at  
15 every meeting I went to when people said "What  
16 district am I in, Mr. Pleat," and we all know  
17 the more confusion, the less likely they are  
18 going to vote. So I think common sense  
19 boundaries are so important for this process.

20 And as a result, as I went through the  
21 proposed maps, I concur with the comments made  
22 by Mr. Kelley and the folks from Escambia  
23 County. Everybody in our area along the coast  
24 knows that there is a distinct difference  
25 geographically south of Choctaw Bay, for

1 example, south of the Eglin Preserve, versus  
2 north of those geographic boundaries. Good  
3 people in the north, good people in the south,  
4 but very different communities. So as Senator  
5 Gaetz, being the coastal Senator for our area,  
6 gets to concentrate on the unique interests and  
7 needs, tourism, environment, et cetera, those  
8 interests are different for Senators from the  
9 north county who have a more rural county to  
10 worry about.

11 As I went through the proposed plans, it  
12 just happened, and I have never met Mr. Kelley  
13 before, but I ended up finding three different  
14 maps that I think make the most sense for our  
15 area which acknowledges and represents the  
16 difference between the north and the south. So  
17 if you look at Senate district proposed map,  
18 Mr. Kelley's map, number seven, which I think,  
19 Senator Gaetz, is very similar to the existing  
20 district that you serve, it preserves that  
21 coastal community interest and again goes  
22 east/west and not north/south, as has been  
23 proposed in some other maps. State House map  
24 18, which is also Mr. Kelley's, I think best  
25 concentrates those same philosophies for the

1 House seats and then Congressional District 4,  
2 which also is Mr. Kelley's.

3 So I would respectfully request that the  
4 committee recognize what us locals in that area  
5 understand is this unique north/south  
6 difference, and give those voting areas and  
7 those communities a voice that is concentrated  
8 and collectively theirs. Thank you.

9 SENATOR GAETZ: Thank you, Mr. Pleat. Any  
10 questions for Mr. Pleat? I have one, sir.

11 As a candidate for the Legislature, and I  
12 know you put a lot of miles on your vehicle and  
13 you were everywhere, as a -- and you happen to  
14 be a Democratic candidate, so let me ask this  
15 question with asking you to speak from your  
16 experience as a candidate: Do you believe that  
17 the maps that you just referred to, which you  
18 said were preferable, would have -- would have  
19 resolved some or all of the problems that you  
20 described, which is a -- and if I  
21 mischaracterize, I know you will correct me --  
22 a substantial divergence of issues between  
23 communities in the current House district that  
24 you ran for? And then the second part of the  
25 question -- and if you want to dodge this, you

1           sure can -- do you believe that you would have  
2           had a fairer chance as a candidate with the  
3           districts that you are suggesting would be  
4           preferable for other reasons, would you or  
5           another Democrat have had a fairer chance in  
6           that district?

7           MR. PLEAT:  As to the first part of your  
8           question, Senator, I think it is just easier  
9           for voters to understand in our area, if their  
10          district is District 6 and it is south of the  
11          bay, everyone knows where the bay is, it is  
12          going to make it easier for them to understand  
13          where they are going to vote and where they --  
14          given where they reside.

15          As to the second question, was it fairer,  
16          I think Representative Coley would probably  
17          share this thought as well.  Being on the  
18          coast, I was more privy to the interests of the  
19          coastal communities and their -- what they felt  
20          was paramount -- of paramount concern.  When I  
21          get up to Marianna in Calhoun County, for  
22          example, Representative Coley had a much better  
23          grip on those issues, because that is where she  
24          is from.  So I think if you allow the  
25          candidates the opportunity to concentrate more

1 in the area where they live, you just give them  
2 a better chance to speak to the issues that  
3 they are familiar with. So I think, yes, if  
4 you align it like these maps show, candidates  
5 on both sides, Democratic candidate and  
6 Republican, will be able to focus more on a set  
7 of issues as opposed to a great -- a great list  
8 of issues across nine counties.

9 SENATOR GAETZ: Thank you, sir.

10 Any other questions or comments? If not,  
11 thank you very much, Mr. Pleat.

12 MR. PLEAT: Thank you.

13 SENATOR GAETZ: Dawn Moliterno is next,  
14 and then following Ms. Moliterno, Dr. Don  
15 Riley.

16 Ms. Moliterno, are you here? There you  
17 are. For those who don't recognize  
18 Ms. Moliterno, let me just take a prerogative  
19 of the Chair to say that she was the leader of  
20 the coalition of counties in coastal northwest  
21 Florida that worked with the Governor to bring  
22 an extraordinary amount of funding from BP to  
23 help promote tourism in our area in the period  
24 of recovery from the Deep Water Horizon oil  
25 spill, and all of Florida is thankful to you

1           because those revenues now can be shared with  
2           the entire state, and certainly our areas,  
3           thankful to you. So you are recognized, ma'am.

4           MS. MOLITERNO: Thank you, Mr. Chairman,  
5           and committee members.

6           I don't have maps. I don't have programs.  
7           I am going to just speak from experience that  
8           having been at the Tourist Development Council  
9           in south Walton for over a year and a half, but  
10          previous to that, being the Chamber President  
11          for Walton County for five years, clearly got  
12          to see the difference in issues from not only  
13          business, but geographical to cultural issues  
14          that were very different, different concerns.  
15          You learn very quickly that the issues that  
16          face those in the coastal communities are very  
17          different than those that are faced in the  
18          north end.

19          We are a little bit different from the  
20          standpoint, Walton County, most of our  
21          population is in the north end of the  
22          community. So the rural community actually has  
23          the predominant population; however, the  
24          coastline has the largest share of business.

25          So the coastal communities is one that is very

1 important for us to preserve. We think it is  
2 important that the coastal Senate districts be  
3 preserved, and that we do continue to have that  
4 representation along the coast.

5 We did learn during the oil spill, which  
6 none of us were prepared for, or had any  
7 experience, that there was great benefit in  
8 having leadership that understood that  
9 coastline and those issues in a time of crisis.

10 The one thing that in Walton County the  
11 people of Walton County do agree on is the fact  
12 that we need to four-lane 331. I'm sorry, you  
13 knew I had to do it. I know it is a different  
14 committee. It is your slowest evacuation route  
15 in the state of Florida, but beyond that, very  
16 different needs, different issues.

17 So we think that map -- I believe it was  
18 seven and 71 are the best maps. They should  
19 serve as the guiding maps going forward.  
20 Senate maps 56, 64 and 66 are not good for  
21 northwest Florida.

22 We have with us today also is our  
23 Vice-Chairman of the county commission and our  
24 TDC Chairman, Mr. Scott Brannon, and Special  
25 Counsel Atkinson, and so on behalf of Walton

1 County constituents, we do hope that you will  
2 continue to preserve the Senate districts as  
3 they currently are.

4 SENATOR GAETZ: Thank you, ma'am. Is  
5 there -- is there any comment or question?

6 Thank you, Ms. Moliterno, for being here  
7 today and for your service to coastal northwest  
8 Florida.

9 MS. MOLITERNO: Thank you.

10 SENATOR GAETZ: Next we will have  
11 Dr. Riley. Dr. Riley, are you here, sir? And  
12 following Dr. Riley, Jim Bagby, the Honorable  
13 Jim Bagby from the City of Destin, and then  
14 Seegar Swanson from Navarre.

15 Dr. Riley, you are recognized, and thank  
16 you for coming today.

17 DR. RILEY: Thank you, Chairman Gaetz and  
18 members of the committee. I traveled here  
19 today from Walton County. I reside in Miramar  
20 Beach. And this is my second opportunity to  
21 give testimony before this committee. In Ft.  
22 Walton Beach, I shared with you my desire that  
23 the redistricting of northwest Florida reflect  
24 the unique coastal and northern communities in  
25 our part of the state. We should have a state

1 Senate district for the northern portions of  
2 the Panhandle, and we should have a separate  
3 state district -- Senate district for the  
4 southern portions of the Panhandle.

5 During our meeting in Ft. Walton Beach,  
6 the vast majority of people spoke in favor of  
7 Senate districts similar to those in existence  
8 today, and with perhaps one exception thus far.  
9 I think the same sentiments have been and will  
10 continue to be echoed here today. Virtually  
11 everyone wanted a northern district and a  
12 coastal district, irrespective of their  
13 political affiliation.

14 Today the committee is considering eight  
15 Panhandle state Senate maps. Five of those  
16 maps accurately, I believe, reflect the will of  
17 the people as measured by the prior testimony,  
18 both in Ft. Walton Beach, as well as here  
19 today. All five of those maps of which I speak  
20 preserve both those coastal and northern Senate  
21 districts. The most desirable of these, I  
22 believe, was submitted by Mr. Kelley. However,  
23 three of the maps being considered today would  
24 mark radical and I believe totally unwanted  
25 shift in how northwest Floridians are

1 represented in the state Senate, maps numbers  
2 56, 64 and 66 submitted by Messrs. Terrell,  
3 Libby and King, respectively.

4 SENATOR GAETZ: I apologize, Doctor.  
5 Would you give us those numbers again?

6 DR. RILEY: Fifty-six, 64 and 66 --

7 SENATOR GAETZ: Thank you, sir.

8 DR. RILEY: -- would harm our community.  
9 These maps neglect to use the Eglin Reservation  
10 boundary as the primary geographical, cultural  
11 and political boundary in northwest Florida.  
12 The Eglin Reservation is the true boundary that  
13 separates rural agricultural northwest  
14 Floridians from the tourism-driven coastal  
15 neighbors to the south.

16 The Constitution requires the Legislature  
17 to adhere to geographic and political  
18 boundaries where practical. It is neither  
19 practical nor desirable to adhere solely to  
20 county boundaries when municipal and geographic  
21 boundaries could create -- guide the creation  
22 of constitutional districts that the community  
23 clearly wants.

24 I have reviewed some of the maps that have  
25 been submitted to the Florida redistricting

1 website, and the map submitted by Mr. Sessions  
2 should also be considered as it uses the Eglin  
3 Reservation and key roadways and municipal  
4 lines to draw district boundaries. Please do  
5 not neglect the Eglin Reservation boundary, and  
6 please don't forget the overwhelming testimony  
7 that northwest Floridians have given.

8 I have driven here today at my expense  
9 because I am very concerned that maps 56, 64  
10 and 66 are being considered. I would ask that  
11 this committee instruct their staff to exclude  
12 those maps from consideration as other  
13 constitutional submissions clearly reflect the  
14 will of the people. Thank you.

15 SENATOR GAETZ: Thank you very much,  
16 Doctor. Any comments or questions? If not,  
17 thank you very much for coming today.

18 Jim Bagby. Mr. Bagby is a member of the  
19 City Council, City of Destin, and we are  
20 delighted to welcome him to the Florida Senate.  
21 Mr. Bagby, you will be followed by Seegar  
22 Swanson and then by Rich Templin.

23 And you are recognized, sir.

24 MR. BAGBY: Thank you, Senator Gaetz and  
25 members of the redistricting members and any

1 other members -- distinguished members of the  
2 Legislature. It is good to see you again. I  
3 had the opportunity to speak before some of you  
4 in Ft. Walton Beach, and it is my pleasure to  
5 come back and speak again today.

6 I want to thank you, first of all, for the  
7 process that you've put in place. That meeting  
8 in Ft. Walton Beach, I know the meeting in  
9 Pensacola, the meeting in Panama City and all  
10 over the state, people appreciate that, and the  
11 transparency that you have provided in the  
12 hearings and the ability to submit and draw  
13 plans. I did not submit or draw any plans. I  
14 have a full-time paying job as the Town Manager  
15 of Rosemary Beach down in the far eastern end  
16 of Walton County, I also have a part-time city  
17 councilman's job, and like a lot of you, I  
18 serve on committees, commissions, boards,  
19 councils, in our region. But I want to thank  
20 you for the openness of this process.

21 I have some recommendations though. I did  
22 review all the plans that I think you were  
23 going to review today, with the exception of  
24 one, and I don't know, Mr. Guthrie, if it was  
25 41 or 71, I couldn't hear over there, but where

1 I think most of the people in northwest Florida  
2 agree, all the congressional plans, with the  
3 exception of 20, are acceptable, and 20 is not  
4 acceptable because, as I remember, it splits  
5 the City of Destin, and as you may remember, or  
6 some of you may remember from the meeting in  
7 Ft. Walton Beach, that was one of the things --  
8 the Mayor spoke, I spoke and others spoke.  
9 Destin right now, a city of 13,000 people, sits  
10 in two congressional districts and two state  
11 legislative districts, and it is just wrong  
12 that a town that small that is on a little spit  
13 of land is split like that, and so hopefully  
14 you will address that issue.

15 The Senate plans, we prefer number seven,  
16 I haven't seen Mr. Session's plan, 25, and then  
17 maybe that 41 or 71, I couldn't tell, and I  
18 didn't have that map printed out when I was  
19 reviewing the plans, but those are the Senate  
20 plans.

21 And, again, I will speak to the  
22 north/south issue as one of the people from the  
23 south. I have friends, a lot of friends, on  
24 the north end of the county, and they are  
25 concerned about the south taking control of

1 legislative districts, because the majority of  
2 the population is there along the coast. They  
3 deserve their representation. They have great  
4 representation now, we have great  
5 representation now, and it falls into the if it  
6 is not broken, please don't fix it category.  
7 And our state Senate districts are not broken  
8 in northwest Florida.

9 With respect to the House plans, I  
10 strongly urge you to support number 27 or 45,  
11 and maybe 18, I couldn't tell from my map where  
12 it -- if it split Destin or not on 18. If it  
13 does split Destin, then obviously I could not  
14 support that.

15 And the big question is why. The statute  
16 is now very clear, and we have talked about the  
17 Voting Rights Act and the various sections  
18 Mr. Guthrie covered, but when I was reading the  
19 sections, the new additions to the  
20 Constitution, I guess, I was struck by there  
21 seems to be a lot of emphasis in a lot of these  
22 plans on political boundaries, i.e., county  
23 boundaries, and not a lot of emphasis on  
24 geographical boundaries. And I think those of  
25 you who were at Senator Gaetz' ceremony for

1 the -- to be the Senate President remember the  
2 story about Senator Gaetz campaigning in  
3 Alabama, okay, and that applies here, okay,  
4 because people don't know necessarily the  
5 county line is on this property or on that  
6 property, unless they live right there. But  
7 they know where Interstate 10 is, they know  
8 where Highway 98 is, they know where the  
9 Choctawhatchee Bay is, okay, everybody knows  
10 that, so they know in an instant where they  
11 are. But if they are looking at property up by  
12 Alabama or over by Walton County line or over  
13 by the Okaloosa County line, they may not know.  
14 We have a lot of prominent citizens in Destin  
15 who don't vote in Destin because they are  
16 actually on the wrong side of the county line,  
17 and they all think they live in Destin, but  
18 they don't. And we have the same problem in  
19 Destin, because that little spit of land, there  
20 is an unincorporated part of the county there  
21 that everybody thinks they are in Destin.

22 But I would just remind you of  
23 subparagraph c that says, "The order in which  
24 standards within subsections 1a and b of this  
25 section are set forth shall not be read to

1           establish any priority of one standard over the  
2           other within that subsection."

3                        So please look at the geographical  
4           boundaries, the bays, the rivers, the highways,  
5           Eglin Reservation, when you are drawing the  
6           lines in northwest Florida. And I just want to  
7           thank you again. You all are doing a great  
8           job, and I appreciate the opportunity to speak.

9                        SENATOR GAETZ: Questions for Mr. Bagby?

10                      Well, now the public record will show that  
11           Senator Gaetz doesn't know where Alabama and  
12           Florida are, which will not be a surprise to  
13           members of this committee.

14                      Seegar Swanson, and then following  
15           Mr. Swanson, Rich Templin, and then Phyllis  
16           Garrett.

17                      Sir, thank you for coming, and we are  
18           delighted to have you before the Florida Senate  
19           today. You are recognized.

20                      MR. SWANSON: Thank you, Mr. Chairman and  
21           members of the Senate and the House that are  
22           here. My Senator, you may know him, he is  
23           Senator Gaetz, the -- I am here to speak  
24           because I have some concerns about the House  
25           districts, and I would like to say my expertise

1           lies in the fact that I worked on a campaign  
2           committee for the present Representative from  
3           that district for the last three campaigns, and  
4           we lost three times, and we are talking about  
5           Representative Ford who lives in Santa Rosa  
6           County, precinct 22, the only precinct in that  
7           House district that isn't in Escambia County.  
8           Now, you would think that somebody working on a  
9           campaign for a candidate from Escambia County  
10          would be a slam dunk to beat a guy that lives  
11          in the orphan district that is geographically  
12          removed by a three-mile bridge across the bay,  
13          but the truth of the matter is, as I can bring  
14          some attention to the problems with Escambia  
15          County, if you look in the population and the  
16          voting -- number of voting people in Escambia  
17          County on the first chart with the  
18          congressional -- existing congressional  
19          district, almost half of the population of the  
20          first congressional district lives in Escambia  
21          County, but their Congressman doesn't.  
22          Congressman Miller is from Santa Rosa County.  
23          There aren't any Senate -- State Senators from  
24          Escambia County. One of them is from Okaloosa  
25          County and the other one is from Santa Rosa

1 County. The -- when it comes to the House  
2 representation, District 2 is 100 percent in  
3 Escambia County, they got one. District 3 is  
4 99 percent in Escambia County, they don't get  
5 that one.

6 So this is my concern. I think -- I don't  
7 know that that was the intention that that was  
8 gerrymandered that way ten years ago to see  
9 that the Escambia County was denied  
10 representation in the House with that  
11 configuration, but that seems to be the way  
12 that it has worked out. And if you people have  
13 a conscience and you are interested in giving  
14 the minority a possible seat in the House from  
15 the Panhandle, your best chance is with  
16 District 3. And if you would look at those  
17 minority statistics precinct by precinct when  
18 you draw these lines, the -- it would be very  
19 possible to have a House district that is not  
20 50 percent minority, but close to 50 percent,  
21 very close to 50 percent minority. And that is  
22 the end of my comments, thank you.

23 SENATOR GAETZ: Comments or questions for  
24 Mr. Swanson?

25 I have a question, sir. As you -- if you

1 have had a chance to look at the maps that we  
2 are considering, the House maps, because that  
3 is what you focused your testimony on, are  
4 there House maps by number or by name that you  
5 like better?

6 MR. SWANSON: Yes.

7 SENATOR GAETZ: And which are those,  
8 please, sir?

9 MR. SWANSON: Sixty-seven, 18 and 27.

10 SENATOR GAETZ: Okay. Other comments or  
11 questions? Senator Negron, you are recognized,  
12 sir.

13 SENATOR NEGRON: Thank you, Mr. Chairman.  
14 I just, with your permission, had a brief  
15 rhetorical question just for all of us to be  
16 thinking about as we go forward.

17 Where it says -- I think there is an  
18 inherent tension between the directive that we  
19 have here in subsection b that we are to  
20 utilize existing political and geographic  
21 boundaries, and then it says "where feasible,"  
22 which I am not sure what that means, but -- so  
23 that is going directly against what citizens  
24 are telling us and we're -- you know, we're --  
25 I am inclined to default to what the citizens

1 want and to give that great weight in our  
2 deliberations, and yet I wonder what "where  
3 feasible" means. Like could we say, "Well, the  
4 reason why we didn't put Okaloosa all in one  
5 state Senate district, it wasn't feasible  
6 because of the flow of commerce didn't allow  
7 it," or could we say, "There were unique  
8 characteristics," or there was -- "There is --  
9 98 goes through Escambia County in such a way  
10 that it wasn't feasible"? I just think there  
11 is this inherent tension between using these --  
12 you know, if you are just going to use these  
13 geographic and political boundaries, this will  
14 be a very easy process, you could just get a  
15 magic marker and a thing and just start doing  
16 counties until you have the right number. So I  
17 just -- I am wrestling as I'm -- I don't live  
18 in northwest Florida, but I listened to the  
19 citizens, and they clearly do not want us to  
20 just use strict geographic boundaries in doing  
21 these districts, and so I am wrestling in my  
22 mind to what "where feasible" means. Do I have  
23 the flexibility as a legislator to say, "It  
24 wasn't feasible in northwest Florida to do it,  
25 and here is why," or are we bound by the strict

1 language of the amendments?

2 So I think as we go forward, I would love  
3 to hear what other members and our staff think  
4 about what seems to me to be this inherent  
5 tension between wanting to follow the clear  
6 directions of our constituents, while at the  
7 same time being bound to follow the letter of  
8 the Constitution.

9 SENATOR GAETZ: Thank you, Senator Negron.

10 Yes, sir, did you wish recognition,  
11 Senator Braynon? Just waving?

12 SENATOR BRAYNON: You know, yes.

13 SENATOR GAETZ: You would like  
14 recognition? Please.

15 SENATOR BRAYNON: Listening to what  
16 Senator Negron said, someone got up and said  
17 that one of the lines was drawn using  
18 geographical -- because when you say  
19 geographical or political lines, geographical  
20 could mean a river, could mean -- you know, it  
21 could be a list of different things. Doesn't  
22 particularly have to be a county line. So  
23 someone said that before us, so, I mean, I  
24 guess the tension is there if you only  
25 constrain it to that definition, but there's

1 maps that have different things on it than just  
2 the county.

3 SENATOR GAETZ: Thank you, Senator  
4 Braynon.

5 Any other comments at this point? If not,  
6 Mr. Swanson, thank you for coming all this way,  
7 and we really appreciate your testimony.

8 Next is Rich Templin, and then Phyllis  
9 Garrett, and then Chris Moore.

10 Mr. Templin, thank you for being here  
11 today, and we recognize you.

12 MR. TEMPLIN: Good afternoon,  
13 Mr. Chairman, thank you very much. And first  
14 just let me make it clear that I am actually  
15 here this afternoon representing myself, not my  
16 employer. I guess if I am representing  
17 anybody, it is Grace and Aster and Roland over  
18 at 2038 Talaheni here in Tallahassee. And,  
19 Mr. Chairman, if I may beg your pardon, I would  
20 very much like to say congratulations to  
21 Senator Gibson. It is very exciting to see you  
22 here serving in this most august body. Thank  
23 you, and congratulations.

24 As an individual citizen, I am fortunate  
25 enough through my employer to be able to be a

1 Union member. And first let me say that I am  
2 very proud to be one -- maybe one of the few  
3 fourth-generation Floridians that you will  
4 meet. My daddy's side of the family settled in  
5 what is now Delray Beach in the 1800s, and my  
6 mom's side of the family settled in south  
7 Georgia and the northern part of the Panhandle  
8 in the early 1900s.

9 As a Union member here in this area, I am  
10 fortunate enough to be part of the Northwest  
11 Florida Federation of Labor, and as such, I  
12 have Union brothers and sisters between here  
13 and Pensacola. And one of the things that I  
14 have learned simply through fellowship with  
15 them and working with them on different  
16 projects and just in my free time, barbecues  
17 and picnics and such, is a lot of what you have  
18 heard here today, that their fundamental  
19 experience, their work experience, their life  
20 experience, is north of I-10 and in those areas  
21 in the rural communities where most of them  
22 reside. It is far different than the  
23 experience of those folks who live in the  
24 coastal areas. You know, they may travel to  
25 the coastal areas to work, but they can't

1       afford to live there, so they turn around and  
2       drive back north to their homes. And I think  
3       that it is just -- it is just really important  
4       when you are looking at this part of the state,  
5       to just always keep that in mind, that there is  
6       a fundamental difference between the  
7       experiences of the folks living in these two  
8       geographic areas, regardless of how close in  
9       proximity on a map they may appear, and just  
10      that you do everything that you can to look out  
11      for them, to look out for the folks that work  
12      perhaps in the prisons there or the folks that  
13      work in the other state institutions in that  
14      part of the state, to look out for the folks  
15      that work for the farmers, there's Union  
16      members who do agriculture work in that area,  
17      and to just really keep an eye out when looking  
18      at these maps, when you look at maps 64, 66,  
19      map number 56, I believe, that really tries to,  
20      you know, force those two disparate groups of  
21      people together. I think that you should be  
22      real concerned when looking at those, whereas  
23      when you look at a map similar to the map  
24      represented in number seven that maintains that  
25      distinction between those two disparate

1 economic and socioeconomic groups of people, I  
2 would just encourage you as an individual to  
3 just really keep that in mind.

4 The folks over there have gone through a  
5 lot lately, and I think that we don't want to  
6 do anything to shut out their ability to have  
7 representation that is truly accountable to  
8 their needs, their interests. And I know a lot  
9 of folks have said that today, and, you know,  
10 just to even drive the point home, I mean, I am  
11 a registered Democrat, I don't have a big  
12 partisan interest in that part of the state at  
13 all, but I am very concerned about -- about my  
14 Union brothers and sisters that live there, and  
15 I would hope and I am confident that you will  
16 look out for their interests when going through  
17 this important process. Thank you very much.

18 SENATOR GAETZ: Thank you, Mr. Templin.

19 Questions for Mr. Templin? If not -- I'm  
20 sorry, did someone have a question? Thank you  
21 very much, sir. We appreciate your testimony.

22 MR. TEMPLIN: Thank you.

23 SENATOR GAETZ: Phyllis Garrett, and then  
24 Chris Moore, and then Joe, and I apologize,  
25 Joe, I know I am not going to do this well,

1 Bourassa.

2 MR. BOURASSA: Correct.

3 SENATOR GAETZ: All right. I got one  
4 right.

5 Ms. Garrett, thank you for being here, and  
6 you are recognized, ma'am.

7 MS. GARRETT: Thank you, Mr. Chair. I am  
8 a little conflicted with just filling out my  
9 appearance card today, because even though I am  
10 representing myself, I am a registered  
11 lobbyist. But I am -- I live at -- I don't  
12 even know where I live. I live at 1335  
13 Castenau Court here in Tallahassee because of  
14 my job. My family lives 5867 Quintet Road,  
15 Santa Rosa County.

16 I found out just a minute ago that I have  
17 something in common with Rich Templin. I am a  
18 fourth-generation Floridian. My grandfather's  
19 family came to Santa Rosa County and settled in  
20 Chumucka, which had a population growth of I  
21 think one about five years ago.

22 It is -- I was happy to see -- I don't  
23 want to repeat anything, so I will say that I  
24 was happy to see the gentleman from the  
25 northern part of Escambia County, I was happy

1 to see the lady say that she represented the  
2 business interests along the coast. We are  
3 very different populations. My family is very  
4 proud of their rural heritage. My grandfather  
5 was a farmer. I have a very small plot of a  
6 farm, about a half-acre. That is something  
7 that we take pride in. The gentlemen who are  
8 farmers, they take pride in that. They don't  
9 have anything in common with the people that  
10 live along the beaches and want to see those  
11 areas developed to their maximum potential. We  
12 like to have trees in our backyard and we like  
13 to have gardens, and we don't want to see  
14 high-rises everywhere, and we have that because  
15 we are in north Florida -- the northern part of  
16 the Panhandle. My grandson, sixth generation,  
17 I want him to have those same things. I don't  
18 want him to be represented by someone along the  
19 coast -- and, no, please understand that I have  
20 something that goes way back in my family,  
21 which is the ability to put my foot in my  
22 mouth, so don't think that I am trying to say  
23 anything against anybody's opinions, but I do  
24 know there is a big difference. I like to go  
25 to the beach about once a year. That is all I

1 can stand. I prefer the northern part of the  
2 county, again. I say that over and over. My  
3 family has been there forever. I have a  
4 husband who lives at 5867 Quintet Road. He is  
5 a registered Democrat. I am happy to say that  
6 two of my children are registered Democrats.  
7 So we don't have a lot of say in the political  
8 process, but we do have say in that little bit  
9 of land that we own, and we like to know that  
10 we are represented by somebody who has the same  
11 interests.

12 And something I have heard, even though  
13 people talk north/south, like north of I-10,  
14 north of 98, nobody has said community of  
15 interest today, and I believe that is in the  
16 amendments as well. And the rural community of  
17 interest in the Panhandle is nothing like the  
18 southern community of interest in the  
19 Panhandle. So those are my comments.

20 SENATOR GAETZ: Thank you very much,  
21 Ms. Garrett.

22 Comments or questions for Ms. Garrett? If  
23 not, we really appreciate your testimony.  
24 Thank you for being here.

25 Chris Moore. Mr. Moore represents the

1 Leon County Supervisor of Elections Office, and  
2 is here for information. Do you have some for  
3 us?

4 MR. MOORE: Good afternoon, Mr. Chairman,  
5 thank you for having me.

6 I would like to say, first of all, I am a  
7 professional cartographer. I guess I am lucky  
8 enough that I get paid to do this. I look at  
9 these districts every day, all the time, the  
10 precincts and the districts. And I first want  
11 to congratulate the technical team and  
12 Mr. Guthrie with the software that you've put  
13 together. It is extraordinary, it is a very  
14 good piece of software and it is very easy to  
15 use.

16 Our mission at the Leon County Elections  
17 Office is to clean up after this party. When  
18 we get all the districts from all the different  
19 bodies, we have to make a precinct plan and we  
20 have to educate the voters on where they are  
21 supposed to go and what these district lines  
22 are.

23 One thing that would make that a lot  
24 easier is by using what the census calls  
25 visible landmarks. I think there was some

1 discussion about using geographic boundaries as  
2 opposed to, you know, political boundaries, and  
3 the census defines visible landmarks, you know,  
4 as something like a railroad or a river or  
5 something you could describe to a person. I  
6 would probably shy away from trying to use city  
7 boundaries, because cities change, they annex  
8 property frequently, and some of the city  
9 boundaries in Tallahassee in the south part of  
10 town are some of the very hardest to describe.

11 So, you know, the ability to do that and  
12 to use the visible features when you are  
13 drawing these districts, I don't think it is  
14 mutually exclusive between what you are hearing  
15 from the discussion of the beach communities  
16 versus the rural communities. When I look at  
17 it, I look at Leon County amongst another  
18 district, and there are opportunities to really  
19 clean up the line work in the local area.

20 I looked at plan number 67, a House plan,  
21 and I took that and, you know, was able to make  
22 some adjustments to it and submitted a plan. I  
23 think I was the one that submitted one earlier  
24 this morning that wasn't quite ready, but there  
25 are lots of opportunities to make that a better

1 plan for, you know, a micro-geography of Leon  
2 County within a district. And from someone  
3 like me who can look at this and knows what we  
4 can do with it, you can get to the deviations  
5 in the House and the Senate plan. The  
6 congressional plan, you may be, you know, bound  
7 by the deviations, have to do what you have to  
8 do, but on those other two, I think you do have  
9 the leeway to make some of those adjustments so  
10 that you can have landmarks that are visible,  
11 easy to describe and still fall within your  
12 deviation and meet the social criteria that  
13 other people are talking about. I think it is  
14 achievable. You just have to find the right  
15 people.

16 And so one of my questions is, how does  
17 someone like me get that information to you  
18 across all the plans? There's a lot of plans  
19 that do the same thing. What is my best avenue  
20 of communication to get information to you?

21 SENATOR GAETZ: Your best avenue is any of  
22 the four people who are sitting at the table  
23 next to you. If you have the time, we've got  
24 the time to sit down with you and have you show  
25 us where you believe some of those issues can

1 be best addressed and the lines can best be  
2 drawn, and we would welcome your expert advice,  
3 particularly given your position working with  
4 the Supervisor of Elections.

5 MR. MOORE: Right. I know that you have  
6 heard from many different representatives from  
7 elections offices on your tour, and I think we  
8 as a group are looking for some of the same  
9 things. We are in part of a smaller district  
10 and what we are looking at most of the times,  
11 but you can submit partial plans, you can go in  
12 and edit full plans, but there are so many of  
13 them, you know, we need to kind of focus our  
14 time on what is the most productive way to  
15 communicate what some of these things are. And  
16 I've found mostly they are by using major  
17 roadways, that is the easiest thing you can do,  
18 easy to describe and still, you know, fit your  
19 needs. So --

20 SENATOR GAETZ: We would welcome your  
21 expert advice. Please make an appointment with  
22 our professional staff. We would welcome your  
23 help.

24 MR. MOORE: All right. Thank you very  
25 much.

1           SENATOR GAETZ: Thank you.

2           Any questions for this gentleman? If not,  
3 thank you very much for your testimony.

4           Joe Bourassa. Bourassa?

5           MR. BOURASSA: Bourassa.

6           SENATOR GAETZ: Bourassa.

7           MR. BOURASSA: I --

8           SENATOR GAETZ: From Daytona Beach, from  
9 Daytona Beach, all the way from Daytona Beach,  
10 Senator Lynn.

11          MR. BOURASSA: Of course, I didn't come  
12 here for this meeting. My primary interest  
13 historically has been water, and, you know,  
14 I've branched out --

15          SENATOR GAETZ: We are not the most  
16 important thing on your plate today?

17          MR. BOURASSA: Pardon?

18          SENATOR GAETZ: You didn't come here just  
19 to talk to us?

20          MR. BOURASSA: No, I don't want to talk  
21 water. I said our primary case --

22          SENATOR GAETZ: Well, you are recognized.

23          MR. BOURASSA: Historically.

24          SENATOR GAETZ: If you have anything to  
25 say about these districts in northwest Florida,

1 fire away.

2 MR. BOURASSA: The one thing I want to say  
3 is first I want to meet after the meeting John  
4 Guthrie, but I put together an interesting  
5 subject that has population as its base, okay.  
6 Typically, you know, you are dealing with the,  
7 you know, U.S. Census numbers here, but  
8 important to all of you people here are what  
9 are the projections relative to the, you know,  
10 potential historical growth of the population,  
11 right.

12 Anyway, I put together some material here,  
13 I want to see if you people might want to see  
14 it, you know, at some other time. I am not  
15 prepared to, you know, to really address the  
16 issue here. All I want to bring up, though, is  
17 BEBA, who is the official state-approved  
18 population source, historically and growth wise  
19 here, really has to depend upon the FDEC, the,  
20 you know, Florida Demographic Estimating  
21 Commission here, and somehow that is a  
22 Legislature body here, you know, BEBA has a  
23 seat on it, the Governor has a member on it,  
24 the House and Legislature have members on it  
25 here. And you know what, they've really gone

1           astray, okay, that I want to show, if you  
2           people eventually are interested, going to show  
3           that this afternoon.

4           I just wanted to bring the subject up that  
5           the population growth rate that people keep  
6           talking about, we are going to go way back to  
7           where we are, has had no validity in what's  
8           happened the last three years, okay. And with  
9           the economic conditions the way they are and  
10          appearing to deteriorate worldwide, okay, I  
11          don't think we're going to see much population  
12          growth in Florida in the next ten years, okay.

13          Thank you very much for your indulgence  
14          for my --

15          SENATOR GAETZ: No, thank you, sir, for  
16          being here and for your testimony.

17          Is there anyone else who came today who  
18          would like to offer public testimony who has  
19          not had the opportunity to testify? If so, we  
20          would welcome your testimony. We would invite  
21          you to fill out an appearance card. Is there  
22          anyone else who would like to testify?

23          Yes, sir, Mr. Lux. Paul Lux is the  
24          Supervisor of Elections from Okaloosa County,  
25          and, Mr. Lux, if you will fill out an

1 appearance card, we would be delighted to hear  
2 from you.

3 You are recognized, sir. And you can fill  
4 out the card later. Thanks for being here,  
5 Paul.

6 MR. LUX: Thank you, Mr. Chairman. My  
7 Senator, Mr. Evers, is up here on the Board as  
8 well, as is, from my county, Senator Gaetz.  
9 And I just wanted to echo from a supervisor's  
10 standpoint the comments made by the gentleman  
11 from the Leon County office, and that is, when  
12 you are drawing these lines, when you are  
13 looking at these maps, make sure that you are  
14 using boundaries that we can point to people,  
15 because anyone who has seen where the  
16 Congressional District 2 line jumps over into  
17 the -- when it goes across Choctawhatchee Bay  
18 and goes up into the Niceville area, it is  
19 really hard to explain to people why the guy on  
20 the other side of the street, or actually not  
21 even on the other side of the street, is not in  
22 Congressional District 2, and he is, because  
23 the -- as soon as it crosses -- I was going to  
24 say I hope that is not the current map, because  
25 that doesn't even show it crossing the bay.

1           There we go. So it is really hard to explain  
2           to somebody why that got picked the way it did.  
3           If we can point to highways, roads,  
4           railroads -- we have some district lines that  
5           seem to follow, you know, power lines, and that  
6           is not a good thing to have to point to  
7           somebody to say, "Well, you know, you live on  
8           the wrong side of the power line, that is why."

9                   And so it is just very important that as  
10           the person who has to explain to these  
11           people -- well, there's two groups of people I  
12           have to explain this to. First are your  
13           constituents when they don't understand why  
14           they are or aren't in your district, and the  
15           second group of people we have to explain how  
16           the lines ended up where they are are  
17           candidates for those offices who say, "Well,  
18           what do you mean I don't live in that district,  
19           I have to run over in this district? Now I  
20           don't want to run in that district."

21                   So, again, just please make sure that you  
22           do as a consideration follow no -- you know,  
23           geographic features like Chris described,  
24           because it really does make our job a lot  
25           easier. I understand it is going to mean that

1 the skew, plus or minus five percent, is going  
2 to -- is going to make things maybe not quite  
3 as even as we might like them to be, but just  
4 -- and thank you for your time today.

5 SENATOR GAETZ: Yes, sir, Mr. Lux. Before  
6 you leave, any questions for Paul Lux?

7 Mr. Lux, I apologize if I am catching you  
8 unawares here, but you've sat patiently and  
9 listened to the testimony today, I know you  
10 have been at others of our hearings. As you  
11 have looked at the maps that have been  
12 submitted, assuming you have looked at them,  
13 are there maps for northwest Florida, either as  
14 to congressional, Senate or House districts,  
15 that you believe are troublesome given the  
16 important point that you've just made, or you  
17 believe are remedial in terms of the points  
18 you've made?

19 MR. LUX: Thank you, Senator, and I don't  
20 have a specific number to point to, but what I  
21 can say feature wise, I see as very important  
22 congressional maps that follow county lines,  
23 that sort of political boundary, if you will.  
24 I understand that occasionally it may have to  
25 creep over one side or the other, but as long

1 as the -- those boundary lines for  
2 congressional maps are following -- you know,  
3 most everyone knows what county they live in.  
4 Maybe when you get into some of the larger  
5 municipal areas like in Orange County where  
6 people can cross over into other counties  
7 without, you know, moving from one apartment  
8 complex to another and not realize it, but for  
9 the most part, people know what counties they  
10 live in. And so I prefer congressional maps  
11 follow those type of boundaries where possible.

12 I understand the argument for, you know,  
13 north/south, but I think that the argument for  
14 east/west -- or, sorry. I understand the  
15 argument for districts that are divided  
16 horizontally, but I think the -- or vertically,  
17 but I think the horizontal divide keeps the  
18 rural interests well-represented, and Senator  
19 Evers, former House member Evers, is a product  
20 of that. I think that that is important when  
21 considering Senate and House maps, that the  
22 ones that have the district lines drawn  
23 vertically I think are less preferred than the  
24 ones that are drawn horizontally, just to keep  
25 those community -- and someone else said

1 communities of interest, and I am not even  
2 talking about it from that perspective, but  
3 just the socioeconomic commonality of the  
4 people who live north of Eglin Reservation and  
5 the people who live south of Eglin Reservation  
6 is important, and that representation, knowing  
7 that, you know, you don't have the potential  
8 for all of the Representatives to come from the  
9 south who represent the entire north/south  
10 corridor. So I think those are important  
11 features.

12 SENATOR GAETZ: Thank you very much, sir.

13 Senator Braynon, did you wish recognition,  
14 sir? Other Senators? If not, thank you very  
15 much, Mr. Lux.

16 We -- I apologize to members for the  
17 length of the meetings that we are having, but  
18 these are meaty issues, and, therefore, we  
19 really do need to have thorough debate and  
20 discussion. And we are now at that point in  
21 our session today where we are in order for  
22 debate and discussion on congressional, Senate  
23 and district boundaries for northwest Florida,  
24 and we are at the place where we want to give  
25 guidance to our professional staff as they

1 begin to develop a proposed committee bill.

2 Senator Latvala, you are recognized, sir.

3 SENATOR LATVALA: Thank you, Mr. Chairman.

4 I thought maybe I'd just try to lead off here  
5 since I am a long way from the northwest  
6 Florida, and therefore don't have any really  
7 personal stake in it, and that is obviously  
8 what the people wanted --

9 SENATOR GAETZ: Not according to the map  
10 that I have drawn, no.

11 SENATOR LATVALA: Right. My district --  
12 my district does not go up there.

13 You know, we have had a very compelling  
14 series of testimony today on, you know,  
15 continuing the pattern of representation that  
16 we have had for the last at least 20 years in  
17 the Panhandle of a coastal district and an  
18 interior district, and, you know, to me, you  
19 know, I think we need to listen to that  
20 testimony, but it is a little bit of a  
21 conundrum, because we have all this testimony  
22 that really sort of in some respects  
23 contradicts the compactness and county  
24 boundaries and some of that sort of thing that  
25 we have been talking about before, and I am

1           wondering if our attorney can give us any  
2           guidance on that. I mean, you know, I would be  
3           ready to do what these people want to do, and I  
4           think a lot of us would. You know, what kind  
5           of path are we on if we do that?

6           SENATOR GAETZ: Mr. Bardos, now you will  
7           justify your salary.

8           MR. BARDOS: Or not. I think that the  
9           Constitution says what it says, and we really  
10          have no case law here in Florida interpreting  
11          it, and I think it is for this body to  
12          interpret it in as reasonable a way as it can,  
13          in good faith, and to apply those words to  
14          every factual situation it comes across, but we  
15          really don't have case law in this state as to  
16          what those terms mean.

17          We have some case law in other states as  
18          to what "compact" means, and those states tend  
19          to differ from one another. There are  
20          different schools of thought. And so -- and it  
21          would take probably more time than we have  
22          remaining to go through those schools of  
23          thought.

24          But I think we are writing on a clean  
25          slate, we have to apply the terms in a way that

1           this body believes is reasonable and makes  
2           sense according to their -- to their clear and  
3           sort of common-sense interpretation, and beyond  
4           that, I can't really justify my salary.

5                     SENATOR GAETZ: You may just have.  
6           Senator Latvala.

7                     SENATOR LATVALA: To continue that just a  
8           little bit, then, Mr. Chairman, I mean, from a  
9           compactness standpoint, you know, these two  
10          districts, or these three districts in the  
11          Panhandle aren't going to be compact no matter  
12          how we really try to do it, because they are  
13          huge districts, there's a lot of counties  
14          involved. But what we have had here today is  
15          we've had Republicans, Democrats and a  
16          Supervisor of Elections, who is generally very  
17          knowledged to be kind of non-partisan, even  
18          though they are elected as partisan officers,  
19          but most of them take very seriously the  
20          non-partisan nature of their job and try to do  
21          things to the best of their ability, and the  
22          response has been overwhelming from all those  
23          people that we have heard of to have the  
24          interior and have the coastal district. So for  
25          what it is worth, which is very little, I

1           guess, but for what it is worth, I say let's do  
2           what the people want to do.

3                    SENATOR GAETZ: I'm sorry, other comments  
4           or questions? Senator Lynn, and then Senator  
5           Hays and then President Margolis.

6                    SENATOR LYNN: I asked a question just to  
7           the attorney here by my side earlier. As we  
8           look at this, I guess in my mind we need to  
9           look at the whole map in terms of what is our  
10          philosophy approaching the map, and it is,  
11          number one, fair districts. And I agree, I  
12          think there is a very important issue here in  
13          terms of the interests of the coastal as  
14          opposed to the interests of the northern areas,  
15          the agricultural. And while we are dealing  
16          with that here, and I certainly approve that  
17          and support that, we have a lot of other  
18          districts as we get down further into the state  
19          where I would like to do the same thing, and it  
20          may not be possible and it may not be easy.  
21          And I just wanted to establish -- I hope that  
22          we can establish that we can treat one area in  
23          one way, and it may not be the way we treat  
24          other areas in other areas of the state. And I  
25          just wonder -- there are some rural areas that

1 are close to city areas, very different kinds  
2 of interests, and I wonder how we will be able  
3 to accommodate those people when we get down  
4 further into the intricacies of the map. That  
5 is one concern that I have, although up here, I  
6 like the fact that we would protect that, and  
7 certainly the maps that show that we can  
8 protect the minority interests, according to  
9 one map, and that seemed a feeling as well.

10 I also think that we have to be very  
11 careful that we are not protecting seats. I  
12 think as we approach this, it's a whole new  
13 ball game, and though everybody likes to have  
14 the same seats, or the people would like to  
15 have their same people representing them, that  
16 may not be the best interest of drawing up a  
17 map for fair districts.

18 So while I want to do exactly what Senator  
19 Latvala suggested, in this area, I think it is  
20 the way to go, but I also hope that we will  
21 find a way to address the fact that we are not  
22 doing it to protect something that exists and  
23 something that the people have been quite  
24 unsatisfied with.

25 SENATOR GAETZ: Thank you, Senator Lynn.

1 Senator Hays?

2 SENATOR HAYS: Thank you, Mr. Chairman. I  
3 think we have, not only today, but in our  
4 meetings across the Panhandle earlier this  
5 summer, heard very clearly and very distinctly  
6 from the people of northwest Florida that we  
7 have two distinct communities of interest out  
8 there: The coastal areas and the inland areas.  
9 I think it is our responsibility to do  
10 everything we can to respond to the wishes of  
11 these people and draw the district lines  
12 horizontally, taking into effect the various  
13 highways and reservations, et cetera, that have  
14 been noted today. But I just feel like that in  
15 our representative form of government, it is  
16 our obligation to give the people what they  
17 want when they so clearly asked for it, and at  
18 the same time, try to stay within the  
19 boundaries that statutes may impose on us, and,  
20 of course, the Constitution, but it is hard for  
21 me to understand how anybody would challenge in  
22 a proceeding, the wishes of the people. I know  
23 there are people out there that might do it,  
24 but at the same time, I think that our  
25 obligation is to go ahead and draw the lines

1 the way the people have asked for us to.

2 SENATOR GAETZ: Thank your, Senator Hays.  
3 Madam President.

4 SENATOR MARGOLIS: Yeah, the issue seems  
5 to be communities of interest, and I think that  
6 there is a lot of case law dealing with  
7 communities of interest. I don't know about  
8 how the Constitution fits with the case law,  
9 and that is something that I really want to ask  
10 our attorneys to comment on.

11 SENATOR GAETZ: Thank you, Madam  
12 President. And Mr. Bardos stops me from  
13 practicing law just about every day, but let me  
14 just say that whatever plan we come up with for  
15 whatever part of the state, whether it is  
16 congressional, Senate or House plan, has to be  
17 legally defensible. We have to have a reason  
18 why we are doing what we are doing, and that  
19 reason must draw from the testimony that we  
20 have received, the maps that have been  
21 presented, but also from the -- from the laws  
22 that we have to abide by.

23 Yes, sir, Senator Montford.

24 SENATOR MONTFORD: Thank you, Mr. Chair.

25 First of all, I guess, an observation. I

1           didn't understand anything our attorney said,  
2           so I guess he's earned his salary. So -- but  
3           maybe -- I would like just what -- maybe what  
4           the definition, when you are talking about  
5           "compact." What is -- I've got my definition,  
6           but I want to hear what his is before I get too  
7           far out there on a limb.

8                     SENATOR GAETZ: Mr. Bardos, back in the  
9           Senate ring.

10                    MR. BARDOS: I apologize, I was in a  
11           conversation and I --

12                    SENATOR GAETZ: Senator Montford wants to  
13           know -- he has his definition of "compactness."  
14           He wants to know what yours might be.

15                    MR. BARDOS: Well, we don't have one in  
16           Florida, and we have -- there are a number of  
17           states that have compactness standards, and  
18           their courts have interpreted it in different  
19           ways. Some of them are pretty similar in their  
20           definition. Some of them describe compactness  
21           as a closely united territory. Others focus on  
22           the regularity of their shape. There is a  
23           different school of thought that describes  
24           compactness as mandating effective  
25           representational units, so those would be

1 districts in which travel and communication and  
2 transportation are easy.

3 So there are different schools as to what  
4 one focuses on territory and shape, another on  
5 functionality. And there are some states which  
6 tend to blend those a little bit and say that  
7 they will allow a little more discretion as to  
8 shape if it makes the district more functional,  
9 others that emphasize functionality and then to  
10 a lesser degree limit that by looking at the  
11 shape or the territory of the district.

12 So there are different interpretations,  
13 and I don't have one yet, because the Florida  
14 courts don't have one yet, and that's in part  
15 the responsibility of this body to begin to  
16 develop what it believes it means in the  
17 context of this Constitution and in the context  
18 of the facts.

19 SENATOR MONTFORD: Thank you, Mr. Chair.  
20 He deserves a raise, because I --

21 SENATOR GAETZ: Yes, sir.

22 SENATOR MONTFORD: -- I am totally  
23 confused now.

24 SENATOR GAETZ: All my life I have prayed  
25 for a one-handed lawyer.

1           SENATOR MONTFORD: He's good.

2           SENATOR GAETZ: Senator Sachs, did you  
3 wish recognition, ma'am?

4           SENATOR SACHS: I always like recognition,  
5 Mr. Chairman, but I don't have a --

6           SENATOR GAETZ: I'm sorry, I misunderstood  
7 you. I thought you were seeking recognition.

8           SENATOR SACHS: I will take your  
9 recognition anytime. Thank you very much.

10          SENATOR GAETZ: Senator Montford, had you  
11 concluded, sir?

12          SENATOR MONTFORD: Let me -- and I am  
13 certainly not an attorney, far, far from it,  
14 but when you talk about -- couldn't you  
15 consider this whole argument today as being one  
16 that would support compactness? I mean, if  
17 you've got a -- if you've got an entire  
18 community that is alike and similar, whether it  
19 is north and south, could you not consider  
20 that, not compact in terms of tightness, but at  
21 least compact in terms of similar interest?

22          SENATOR GAETZ: I gather that was a  
23 question for Mr. Bardos, or is that --

24          SENATOR MONTFORD: I guess it's more of a  
25 statement.

1           SENATOR GAETZ: A statement, okay. Yes,  
2           sir, Senator Diaz de la Portilla.

3           SENATOR DE LA PORTILLA: It seems to me  
4           that given the various definitions of  
5           "compactness," that we can reconcile the  
6           testimony with a number of those definitions,  
7           because the fact of the matter is that if you  
8           draw horizontal lines, that creates a uniform  
9           shape, if you will, or close to uniformity in  
10          shape, and, therefore, I could argue that that  
11          is compact.

12          The other part is that compactness is just  
13          one of the things that we look at, one  
14          criterion, it is not the only, and then all  
15          these things, you have to balance competing  
16          criteria. You have to balance them out against  
17          each other and come to a fair conclusion based  
18          on the testimony that we have received, and it  
19          seems that the testimony has been consistent,  
20          at least as far as the Panhandle is concerned,  
21          that, you know, folks do believe and think that  
22          they are best represented when you have a --  
23          boundaries that divide among social economic  
24          interests and activities, agriculture versus  
25          the more urban setting.

1           So I think the testimony fully supports,  
2           to quote Senator Latvala, giving the people  
3           what they want, because it does fall in the  
4           definition of "compactness," at least one or  
5           two of the definitions of "compactness" that  
6           Mr. Bardos discussed. So that would be --  
7           that's my observation based on what I have seen  
8           and heard, not just here today, but also in  
9           reviewing the transcripts of meetings that I  
10          didn't go to in the Panhandle.

11           SENATOR GAETZ: Other comments or  
12          questions? Senator Braynon.

13           SENATOR BRAYNON: Earlier I was talking  
14          about geographic lines, and I just wanted to  
15          get an opinion from our attorney about -- about  
16          geo- -- is a bay considered a geographic line,  
17          is a river considered a geographic line, a  
18          geographic boundary? Are those considered  
19          that?

20           SENATOR GAETZ: Mr. Bardos.

21           MR. BARDOS: And I will have to give  
22          probably an equally imprecise answer to that as  
23          I gave to the last one, and for the reason that  
24          the Florida courts have not interpreted it. We  
25          know as to political boundaries, that the

1 ballot language for the Fair Districts  
2 amendments said cities and counties, and so  
3 political boundaries probably begins with  
4 cities and counties. Geographical boundaries,  
5 we didn't have a similar explanation of. So I  
6 think, again, at this point, it is something  
7 that the committee just needs to look at and  
8 apply common sense to it, and so probably  
9 rivers and lakes and bays might be good  
10 examples, but there might be others as well.

11 SENATOR BRAYNON: Can I --

12 SENATOR GAETZ: Senator Braynon.

13 SENATOR BRAYNON: So on map seven, I don't  
14 know if you can pull that up --

15 SENATOR GAETZ: Would you -- which,  
16 congressional or --

17 SENATOR BRAYNON: Senate.

18 SENATOR GAETZ: Senate map seven, please.  
19 Is that the one you are looking for?

20 SENATOR BRAYNON: Yeah, one of the  
21 gentlemen that came up and spoke said that this  
22 map -- or maybe it was the person that drew  
23 this map said it was along rivers, bays and the  
24 edge of a park. Is that correct?

25 SENATOR GAETZ: My notes say that was

1 Mr. Sessions, yeah.

2 SENATOR BRAYNON: Would that -- could that  
3 be considered a geographic boundary?

4 SENATOR GAETZ: Mr. Bardos, do you have --  
5 do you believe that's -- let's put it this way:  
6 In the questions that you are getting from  
7 committee, and I know everyone wants you to be  
8 the judge as opposed to being our counsel, but  
9 let's file the question this way: Do you  
10 believe that the elements in Senator Braynon's  
11 question are legally defensible?

12 MR. BARDOS: I think it is an argument  
13 that an attorney could make, and in that sense,  
14 it would be legally defensible, yes.

15 SENATOR BRAYNON: Mr. Chair, may I ask  
16 where we are in process as far as what we  
17 are -- what we -- what we should be doing right  
18 now in process?

19 SENATOR GAETZ: Well, we wanted to take  
20 comments that were inspired by the testimony  
21 and by the staff's presentation. Before we  
22 conclude today, what I would like to be able to  
23 do, if we can, if we can, I don't want to rush  
24 anybody, I don't want to cut off debate, but if  
25 we are able to, I would like the committee to

1 give our professional staff guidance as to the  
2 congressional districts in northwest Florida,  
3 how you want -- how you want the proposed  
4 committee bill to be developed, Senate  
5 districts and House districts. If we are ready  
6 to do all of that, if we -- if there is a point  
7 of view that most of the committee members  
8 have, then the professional staff can take that  
9 and use it as a building block as we go  
10 forward, recognizing that what Mr. Kelley said  
11 is true, if you drop a pebble in Choctawhatchee  
12 Bay, you know, there is some effect, you know,  
13 in Hobe Sound.

14 SENATOR BRAYNON: The -- so if we've  
15 gotten testimony from people that are saying  
16 that they wanted something specific, and I  
17 am -- and if I am not mistaken, we have had  
18 people talk about east/west, north/south lines,  
19 and we are trying to find definitions for  
20 "compactness" and "geographic," because it said  
21 "compactness" and "geographic," I think that  
22 was on one -- that was on one -- one tier, and  
23 we found one that has compactness and  
24 geographic, so the next step would be to say  
25 something similar to this would be what we as a

1 committee want, is that where we are heading  
2 towards?

3 SENATOR GAETZ: Yes, sir.

4 SENATOR BRAYNON: And we have had people  
5 talk about it, and this has geographic lines,  
6 not implying anything, but I -- whenever we are  
7 ready.

8 SENATOR GAETZ: Well, we are ready.  
9 Again, I don't want to cut off any questions or  
10 any discussion or debate that any member of the  
11 committee might have, but, you know, if anybody  
12 would like to advance a statement that could be  
13 termed guidance for the professional staff and  
14 then we will see what folks think. We are not  
15 going to take roll call votes, but we want to  
16 find out what people think.

17 SENATOR BRAYNON: I think that was my next  
18 question. We are not going to do a vote, we  
19 are just saying, hey, what do you think about  
20 this?

21 SENATOR GAETZ: Well, yeah, I mean, we  
22 haven't scheduled on the agenda any roll call  
23 votes, but we developed procedures, which were  
24 rather ground-breaking procedures for this  
25 committee by consensus, and I would like to be

1           able to do that. I would like this to be  
2           bipartisan.

3           SENATOR BRAYNON: And what do you think  
4           about this -- Chair, hey, what do you think  
5           about this, all right, that is what I am  
6           asking.

7           SENATOR GAETZ: Yes, sir.

8           SENATOR BRAYNON: That is what -- I said  
9           that was the next step, so I am asking you,  
10          hey, what do you think about this.

11          SENATOR GAETZ: What do I think?

12          SENATOR BRAYNON: To the body.

13          SENATOR GAETZ: What do we think about  
14          what? I apologize, Senator.

15          SENATOR BRAYNON: Well, I just made a  
16          point that people talked about it, this has  
17          geographical lines. What do we think about  
18          this configuration for northwest Florida?

19          SENATOR DE LA PORTILLA: Mr. Chairman?

20          SENATOR GAETZ: And now we have some  
21          takers, Senator Lynn and then Senator Diaz de  
22          la Portilla, then Senator Hays.

23          SENATOR LYNN: I have a question first.  
24          What appeared to be the one priority that stood  
25          out is separating north/south, the ag from the

1 coastal. That seemed to be what stood out for  
2 me as the most important to the people who  
3 spoke. We also mentioned the numbers and the  
4 priorities for minorities. Would that be -- if  
5 we decided that we would like to make sure that  
6 those people were accommodated, would we be  
7 able to do that constitutionally? Would that  
8 be one of the reasons that we can use as a  
9 constitutional backup? Would it be  
10 constitutionally correct to have that as our  
11 priority?

12 SENATOR GAETZ: Mr. Bardos, would you like  
13 to opine on that?

14 MR. BARDOS: I'm sorry, I didn't quite  
15 understand the questions.

16 SENATOR LYNN: Okay.

17 SENATOR GAETZ: Senator Lynn, would you  
18 please restate your question?

19 SENATOR LYNN: Yes. Basically Senator  
20 Latvala, several of the people have said, you  
21 know, everybody seems to be looking so hard at  
22 the northern part, which is more agricultural,  
23 from the southern part, which is more coastal,  
24 they are very different, and that would be  
25 communities of interest, and I am saying if

1 we -- several of us seem to be thinking that  
2 that is really important to people in this  
3 area, would we be constitutionally supported by  
4 making that kind of a decision or  
5 recommendation?

6 MR. BARDOS: Well, I think one thing to  
7 keep in mind is that communities of interest is  
8 not in the Constitution, it was not one of the  
9 mandates in Amendments 5 and 6. It was in  
10 Amendment 7, which the Legislature proposed,  
11 but that was not -- didn't make it to the  
12 ballot. So communities of interest cannot in  
13 its own right be used as a constitutional  
14 justification, and so if this committee wants  
15 to form districts that protect communities of  
16 interest, it still is obligated to ensure that  
17 the district is compact and follows political  
18 and geographic boundaries. And that is the  
19 judgment which the committee is really called  
20 upon to make, whether that -- whether the  
21 districts that it is looking at are compact and  
22 follow political and geographic boundaries.

23 SENATOR LYNN: Well --

24 SENATOR GAETZ: Senator Lynn to follow up,  
25 please.

1           SENATOR LYNN: Then I would like to have  
2           us recommend, and I can only suggest if it's  
3           what I believe, we should look at this  
4           communities of interest, which seems to be such  
5           a high priority, while taking into  
6           consideration how you would do that, looking at  
7           the requirements of the Constitution, which is  
8           compactness and boundaries.

9           SENATOR GAETZ: Thank you, Senator Lynn.  
10          Senator Diaz de la Portilla.

11          SENATOR DE LA PORTILLA: Mr. Chairman, in  
12          terms of responding to Senator Braynon's  
13          question and to give some guidance, at least  
14          one Senator's guidance to staff on this issue,  
15          it seems to me that given the testimony that we  
16          heard here today and the testimony that was  
17          received by the traveling committee that you so  
18          ably presided over, Mr. Chairman, when you were  
19          up here in the Panhandle, it seems to me that  
20          we can guide staff and instruct staff to try to  
21          draw districts in the Panhandle that are  
22          divided along the lines that you can most  
23          closely use to have agricultural areas in one  
24          part and the coastal areas in another, and do  
25          so in a way that is compact, defined as, of a

1 regular shape, as regular a shape as feasible,  
2 and that is in the Constitution. I would just  
3 like, you know, to point out that Article III,  
4 Sections 20 and 21, guiding us in drawing these  
5 district boundaries, part b, when it talks  
6 about compactness, it says, "Unless compliance  
7 with the standards of this subsection conflicts  
8 with the standards in subsection a" -- which is  
9 the one of not favoring party, an individual,  
10 so on and so forth -- it says, "or with federal  
11 law, districts shall be as nearly equal in  
12 population as practicable, districts shall be  
13 compact, and districts shall, where feasible,  
14 utilize existing political and geographical  
15 boundaries."

16 So in reading b, the language there allows  
17 for interpretation. We have heard that you can  
18 define "compact" as being of similar shape. I  
19 think that testimony is right on line with what  
20 b allows us to do, or Article -- subsection b  
21 of Article III, Sections 20 and 21 of the  
22 Constitution.

23 And so my guidance, if I were to give any  
24 to staff, and I am not from the Panhandle,  
25 would be to try to accommodate what the people

1 requested, and it is easily supported by the  
2 testimony, in my opinion.

3 SENATOR GAETZ: Senator Hays.

4 SENATOR HAYS: Thank you, Mr. Chairman,  
5 and basically I want to echo what my colleague  
6 here just said, and I am reading a paragraph  
7 here under the district help, labeled  
8 "Districts are compact," and it refers to  
9 those -- the Article III of the Constitution,  
10 and it says, "while functional" -- well,  
11 "Geometric compactness looks exclusively at the  
12 shapes of particular districts, while  
13 functional compactness looks to commerce,  
14 transportation, communication and other  
15 practical measures that unite communities and  
16 promote the integrity and cohesiveness of each  
17 district for representational purposes. A  
18 district need not be compact if its compactness  
19 would cause a conflict with any of the  
20 standards outlined above."

21 I think that right there tells us to ask  
22 the staff, very capable, professional staff  
23 that's been here today, heard the whole  
24 discussion, "Guys, go do what you do best, draw  
25 the lines horizontally, keeping the

1 agricultural interests and the beach interests  
2 in their separate communities."

3 SENATOR GAETZ: Senator Montford, and then  
4 Senator Gibson.

5 SENATOR MONTFORD: Thank you, Mr. Chair.

6 If I may take discussion back to a former  
7 life I had, and that was being involved in  
8 rezoning of school districts. And if you think  
9 this is -- may be contentious, you start moving  
10 children around from one school to another, you  
11 get the mamas' and daddies' attention real  
12 quick. And I understand the need to follow  
13 geographical boundaries, if you will, rivers,  
14 creeks, railroads, lakes, whatever, but I also  
15 know how important it is to keep those  
16 communities whole and not split them up.

17 And I think what I heard today, the  
18 testimony today, is in line with my -- with my  
19 thinking, and that is, whether it is horizontal  
20 or vertical, in this case, it is horizontal,  
21 that that is important. To me, being compact  
22 means keeping those communities together,  
23 whether they are on one side of a railroad  
24 track or another, or one whatever, whatever  
25 that boundary might be. And I think it is

1           critically important, and I think what we heard  
2           today was don't split our communities. To me,  
3           that is what being compact is.

4           And so what I would suggest to staff, to  
5           take -- at least my preference is to take a  
6           look at, where you can, follow those  
7           geographical boundaries, but not at the expense  
8           of splitting up communities. And then you get  
9           into the definition of what's a community. I  
10          would suggest to you that the beach is a  
11          community along, the rural areas is a  
12          community. There are different definitions of  
13          "community," but, to me, that is what's most  
14          important, people that have a common interest  
15          and, you know -- and just look for the same  
16          type of representation, whomever that person  
17          might be, to best represent them in this body.

18                 SENATOR GAETZ: Thank you, Senator  
19          Montford.

20                 Senator Gibson, you are recognized, ma'am.

21                 SENATOR GIBSON: Thank you, Mr. Chair, and  
22          first I hope we won't vote on anything until  
23          after the 19th, so I can have an opportunity to  
24          officially weigh in, and secondly, I am trying  
25          to understand a little bit more of the process.

1 I hear you're saying that you are looking for  
2 recommendations today only on the northwest  
3 Florida districts. So my question has to do  
4 with then -- and I know it is a very large  
5 state, so this committee is going to take each  
6 region, if you will, and give recommendations  
7 on specifically how to draw that region  
8 independent of any other decisions there are to  
9 use rivers, lakes and lines and counties and  
10 cities in the other areas that are drawn, is  
11 that what I am hearing?

12 SENATOR GAETZ: Excellent question,  
13 Senator Gibson, and we have the disadvantage of  
14 not having had your guidance at our preceding  
15 meeting where we developed by consensus a way  
16 forward for this committee's operation, and it  
17 is enshrined in a memo that I hope by now our  
18 professional staff has provided to you, but in  
19 answer to your question specifically, the  
20 answer is yes. What we decided was that we  
21 would ask the professional staff to make  
22 presentations to us and we would hear testimony  
23 that would try to synthesize what we had heard  
24 at public hearings around the state, but first  
25 in the northwest Florida area, that if we felt

1           that there was a direction we could give to the  
2           staff, that they -- they have to begin drawing  
3           lines somewhere, and for a proposed committee  
4           bill.  If we could provide that guidance to  
5           them today for northwest Florida, then at our  
6           next meeting, we will discuss scenarios for  
7           northeast and central Florida, your area, as  
8           well as central Florida, and work our way in  
9           the meetings of October 31st and November 14th,  
10          respectively, to the southeast and southwest  
11          portions of the state.  And then, Senator  
12          Gibson, our plan is that then prior to  
13          Thanksgiving, we would have provided direction  
14          to the professional staff on all areas of the  
15          state.

16                 Now, you are absolutely right that at some  
17          point this has to be then knitted together, and  
18          when it is knitted together, there may be  
19          changes that we might have to make.  In other  
20          words, we might offer guidance about a  
21          particular area of the state and say, "Please  
22          go do this, this seems to be what we want to  
23          do, it derives from the testimony we have  
24          heard," but then the professional staff may  
25          come back to us at the end, on or about

1 December 5th and say, "Well, we could do -- we  
2 could do what you guided us to do, except in  
3 these areas, it didn't fit. Now please help us  
4 reconcile that." And then ultimately there  
5 would be a proposed committee bill, and that  
6 proposed committee bill would be -- would be  
7 advertised well in advance so that you can  
8 offer amendments to it, any Senator can offer  
9 amendments to it, and then we would vote --  
10 according to the discussion we had at the last  
11 committee meeting, we would vote following the  
12 Hanukkah/Christmas recess on a proposed  
13 committee bill so that our presiding officer  
14 and our rules Chair would have that bill to  
15 schedule early in the legislative session,  
16 which begins, as you know, in January.

17 So in answer to your other question, no,  
18 ma'am, it would not be our intention to cast  
19 any votes until after November, I think you  
20 said 16th -- October 19th. There are no  
21 committee votes -- no formal committee votes  
22 scheduled until then, but until then, you have  
23 a voice here, and your voice is just as  
24 important as anybody else's voice in forming  
25 the consensus of this committee, if there is a

1 consensus on any particular issue.

2 Does that help, Senator Gibson, or did  
3 I -- I apologize if I have confused you or led  
4 you astray.

5 SENATOR GIBSON: No, thank you very much,  
6 that is helpful.

7 SENATOR GAETZ: Okay. Thank you, ma'am.

8 And now our minority leader, Senator Rich.

9 SENATOR RICH: Thank you, Mr. Chair. I  
10 think I want to incorporate what I want to say  
11 and connect it back to the -- to the memo that  
12 you sent out that we didn't have before,  
13 because I have reread the memo, and it does  
14 reflect what I would consider to be a  
15 procedural consensus on the operation of the --  
16 you know, of the committee, and I think we did  
17 have a consensus on those aspects, but I have  
18 to say the discussion here right now about  
19 compactness would lead me to believe we don't  
20 have a consensus on what defines compactness.

21 I think, you know, one thing we can say  
22 for sure, is, you know, that clearly there are  
23 different measures and people can look at it in  
24 very different -- in very different ways. The  
25 one thing that I would like to say is that, to

1 me, if something is what you would consider to  
2 be -- and it is partially in that same  
3 paragraph, I believe, that Senator Hays quoted  
4 from, that even though there are differences in  
5 compactness, low compactness is considered to  
6 be a sign of potential gerrymandering.

7 So whether we do it with the geographical  
8 boundaries or political boundaries or whatever,  
9 all the things we have been discussing today,  
10 the one thing, you know, I think we need to  
11 really focus on to be in line with Amendments 5  
12 and 6 is, you know, not to have low  
13 compactness. So I just wanted to say that.

14 And the other part is that I certainly do  
15 agree with much of what has been said here,  
16 that we have heard a lot of testimony about how  
17 the people from all walks of life in northwest  
18 Florida would like to see their districts  
19 drawn, and clearly they have made a  
20 recommendation to us reflecting the difference  
21 in the coastal and rural communities and the  
22 preference for east/west. So I would say  
23 that -- you know, that is the direction we  
24 should give to our staff, and I think the  
25 compactness, somewhere else I read that you

1 know it when you see it, and I happen to think  
2 that is probably what is going to happen here.

3 SENATOR GAETZ: Thank you very much. You  
4 have heard the minority leader's suggestion as  
5 to how we might go forward. I gather you were  
6 talking about House and Senate districts, or  
7 were you talking about congressional districts  
8 as well, or would you reserve comment on that,  
9 ma'am?

10 SENATOR RICH: I personally was referring  
11 more to the Senate, but I assume that the  
12 House, you know, could be done in the same  
13 manner, you know, the reflection of what the  
14 people said when they came here.

15 The congressional districts, it doesn't  
16 appear to be that much of an issue from the  
17 maps that we have here, they are much larger,  
18 and I don't think there's that much of a kind  
19 of a -- when you look at the Senate map, the  
20 difference is in the way districts are drawn in  
21 the coastal areas. That doesn't appear to be  
22 as much of a factor, I think, in the  
23 congressional district, but, you know, maybe  
24 some people from north Florida would weigh in  
25 differently on that as well.

1           SENATOR GAETZ:  You have heard the  
2           minority leader's suggestion.  Is there anybody  
3           on the committee who would disagree with the  
4           comments of the minority leader at this point  
5           as to how we might go forward?  Yes, sir,  
6           Senator Siplin.

7           SENATOR SIPLIN:  I apologize, I didn't get  
8           the gist of her recommendation.

9           SENATOR GAETZ:  Leader, would you --  
10          Senator Siplin would like you to restate your  
11          views.

12          SENATOR RICH:  Basically I was listening  
13          to all the people that came before us, and I  
14          know that Senator Gaetz held -- and the  
15          committee held the testimony up in the  
16          northwest, and it seems fairly clear that  
17          the -- there was a big issue with urban versus  
18          rural, coastal versus rural, and that there was  
19          a common theme that the lines be drawn  
20          east/west rather than north/south, and I think,  
21          you know, we go out and we ask people what they  
22          think, and they have come and told us what they  
23          think, so -- and if I -- you know, if I had  
24          heard a lot from the other -- from another way,  
25          then, you know, maybe I would feel differently,

1 but right now, the people from whom we have  
2 heard are pretty united in the ideas that they  
3 have about how they would like their districts  
4 to look.

5 SENATOR GAETZ: Thank you, Leader, and  
6 again, when the Leader and I were -- I was  
7 attempting to clarify my understanding of her  
8 remarks, I believe, and she will correct me if  
9 I am wrong, that her remarks in a sense related  
10 to the State Senate and State House district,  
11 not to the congressional district, which might  
12 be a separate conversation. Does that satisfy  
13 your question, sir?

14 SENATOR SIPLIN: Yes, Mr. Chairman, and if  
15 I would --

16 SENATOR GAETZ: Please.

17 SENATOR SIPLIN: -- I think she is  
18 absolutely right, you know. We have gone  
19 across the state of Florida and taken testimony  
20 from our constituents, and northeast area is no  
21 different than the southeast area. They've  
22 come here today and they have voiced their  
23 opinions. And I think the courts will take a  
24 look at what was testified and what was  
25 recommended by the constituents that appeared

1 before our committees, and if we look at the  
2 previous maps that were approved by the federal  
3 courts, even though the State of Florida may  
4 not have a concrete definition of  
5 "compactness," the federal courts do look at  
6 other definitions from other states, and if we  
7 look back on the maps that were devised in 2000  
8 that were constitutional by the Federal courts,  
9 they were east and west, and they did take into  
10 consideration rural areas and urban areas. So  
11 I think we are going along the right lines at  
12 this time.

13 SENATOR GAETZ: Any other comments? Yes,  
14 Senator Lynn, and then Senator Diaz de la  
15 Portilla.

16 SENATOR LYNN: Thank you, Mr. Chairman. I  
17 didn't understand Senator Rich's comment about  
18 low compactness. She seemed to express some  
19 concern about the compactness issue, and she  
20 referred to low compactness, and I would like  
21 some clarification on what she meant.

22 SENATOR GAETZ: Leader, did you hear the  
23 question? Would you respond, please, ma'am?

24 SENATOR RICH: Yes, certainly, Mr. Chair.  
25 What I was referring to is that we have

1           been talking about all different kinds of  
2           compactness, using different boundaries and --  
3           as a measure for compactness. And the one  
4           thing that I want us to be sure to do is not  
5           have low compactness where you have, you know,  
6           the opportunity for gerrymandering, because  
7           that is a sign of gerrymandering when you have  
8           low compactness and your districts, you know,  
9           meander all over the place.

10                   So whatever standards we use or whatever  
11           we come up with, I just believe whether -- you  
12           know, whatever the different measures are of  
13           compactness, that we need to be sure that the  
14           districts are compact in order to be in  
15           accordance with the amendments in our  
16           Constitution.

17                   SENATOR GAETZ: Senator Lynn, did you have  
18           a follow-up, ma'am?

19                   SENATOR LYNN: It seems to me that is what  
20           Fair Districts is all about, and it's -- you  
21           have been constantly referring to the fact that  
22           we are following the Fair District amendments,  
23           so if they really are what they are supposed to  
24           be and we are following those guidelines, I  
25           don't know how we are going to end up with

1 gerrymandering.

2           It is not just low compact -- we are not  
3 dealing only with a compactness issue. I think  
4 there are a bunch of issues we will be dealing  
5 with. So while we are talking a lot about  
6 something that we see as being areas of  
7 interest and perhaps a very wise way to divide  
8 up, I don't quite get how that fits in with,  
9 oh, we will end up with gerrymandering, because  
10 I guess I am not seeing it that way.

11           SENATOR GAETZ: Leader, did you have any  
12 further comments?

13           SENATOR RICH: Yes. I don't believe I  
14 said we would end up with gerrymandering. What  
15 I am saying is that low compactness is an  
16 indication of gerrymandering. So whatever  
17 measures we use for compactness, we have -- we  
18 want to make sure, whether it is the  
19 geographical, political, the county lines, city  
20 lines, that we focus on having true compactness  
21 as much as we possibly can, because that is  
22 what Amendments 5 and 6 call for. And I don't  
23 know whether we are following Amendments 5 and  
24 6 right now, because, I mean, we haven't gotten  
25 there yet. My hope is that these maps will

1           come out following Amendments 5 and 6 and the  
2           Voting Rights Act.

3                    SENATOR GAETZ:  And, Leader, if I  
4           mischaracterize, please stop me, but what I  
5           take from the Leader's comments is that we need  
6           to make sure whatever we do is legally  
7           defensible.  Compactness is in the  
8           Constitution.  So as our counsel has advised  
9           us, and as the Leader reminded us, I think of  
10          that old -- that terrible old joke where the  
11          little boy is drawing and someone says, "What  
12          are you drawing," and he says, "I am drawing a  
13          picture of God."  "Well, no one knows what he  
14          looks like."  "Well, they will when I am done."  
15          You know, we have to make sure that what we are  
16          doing is legally defensible.

17                   SENATOR LYNN:  Mr. Chairman --

18                   SENATOR GAETZ:  Yes, Senator Lynn.

19                   SENATOR LYNN:  -- is it not possible that  
20          the compact issue would be described -- defined  
21          in one way for this area of the state, as we  
22          get into the central area of the state or the  
23          southern area of state, we might still have  
24          compactness, not low, but normal, high  
25          compactness, but it might be based on something

1 else other than what we are talking about, the  
2 north and the south, southern interest?

3 SENATOR GAETZ: It could be, and we will  
4 certainly open that up for other people's  
5 discussion. I sat through every single bit of  
6 testimony from 1,700 people, and I can tell you  
7 that compactness, as Leader Rich has indicated,  
8 tends to be different in different people's  
9 minds. And in some people's minds, it is keep  
10 our community together. In other people's  
11 minds, it is whatever you do, never, never,  
12 never, never cross that county line, because it  
13 is like the Berlin wall used to be. So -- and  
14 as Mr. Bardos has said, and I know he will  
15 correct me if I am wrong, we really won't know  
16 what the courts think until there is a court  
17 test. But, Leader, did I -- have I fallen off  
18 the lines here or -- Senator Diaz de la  
19 Portilla.

20 SENATOR DE LA PORTILLA: Just one more  
21 shot at this compactness discussion, if I may.

22 One of the definitions of "compactness"  
23 the courts have used has to do with  
24 functionality, the focusing on functionality.  
25 And the functionality aspect is analyzed by

1 looking at, well, does it facilitate commerce,  
2 does it facilitate travel within the district,  
3 or is it easy to travel, is it easy to engage  
4 in commerce and similar activities, is it  
5 easier to communicate.

6 And so based on the testimony that I have  
7 heard, it seems to me from all that testimony  
8 that clearly it is easier for folks in this  
9 region to travel east to west, it would  
10 facilitate commerce, it would facilitate  
11 travel, it would facilitate communication with  
12 their elected officials, whether they be in the  
13 House, Senate or in Congress.

14 And so focusing on a -- on the  
15 functionality definition of "compactness," I  
16 think the testimony would support a direction  
17 to the staff to draw these horizontal  
18 districts, because they would be functional  
19 districts, they would facilitate commerce, they  
20 would facilitate travel and communication from  
21 the folks who live here with whoever their  
22 elected officials are or may end up being.

23 SENATOR GAETZ: Senator Storms -- I'm  
24 sorry, did I cut you off, sir?

25 SENATOR DE LA PORTILLA: No, no, no, in

1 this area I was kind of responding to.

2 SENATOR GAETZ: Senator Storms, you are  
3 recognized, ma'am.

4 SENATOR STORMS: Thank you, Mr. Chair.

5 And I -- in the issue of compactness, I mean, I  
6 think that there are a couple of conversations  
7 that are happening, but the first thing that I  
8 would like to say at the outset and that I  
9 would like to have the attorney hear me on this  
10 is that we would do well not to have a fluid  
11 definition of "compactness" that is not clearly  
12 articulated. I think that it would not be --  
13 it would not be offensive to a court to look at  
14 the application of compactness and its outcome  
15 being different in different geographical  
16 areas, so long as the initial definition  
17 included all of the terms of compactness. So  
18 in any court case, in any statutory defini- --  
19 in any statutory enactment, anything, we start  
20 with the definitions. The court is going to  
21 look at definitions.

22 And so whereas the outcome of the  
23 utilization of compactness here might allow you  
24 to have horizontal districts that might still  
25 satisfy the definition of "compactness," in

1 another area of the state using the same terms,  
2 it might -- it might -- the appearance might be  
3 different. And I would think -- I don't know  
4 what the court will do, but I would think so  
5 long as we determined what the definition was  
6 at the outset and we applied it just completely  
7 without distinction according to the definition  
8 that we said, the outcomes and the appearance  
9 might be different.

10 I think that -- I think that we cannot  
11 look at -- for the benefit of the members now  
12 and not just talking to the attorney, but I  
13 think that we cannot look at compactness as  
14 having only to deal with land mass.

15 When I started driving -- when I started  
16 this process and I started in the Panhandle  
17 drawing it, without any benefit of the public  
18 testimony, I started in the Panhandle and I  
19 just did -- my lines were not east to west,  
20 they were north to south, and so it created the  
21 very divisions that -- exacerbated the very  
22 divisions that we heard in public comment  
23 today. I didn't know that. I just did it  
24 based on population.

25 In this particular area of the state, it

1 is unique. Because the population is not  
2 dense, you cannot rely on -- solely on land  
3 mass to be compact. Your land mass is going to  
4 be bigger. You have to achieve the population  
5 results for the district. And so that will be  
6 true, so what compactness will look like here  
7 will be bigger than what compactness will look  
8 like in Miami-Dade, because Miami-Dade has the  
9 population density.

10 So I think that you have to have a  
11 combination of land mass -- the definition has  
12 to have a combination of land mass, it has to  
13 have a combination of population in it, but I  
14 think -- and, frankly, I think it has to have  
15 something to do with straight lines. I mean,  
16 you cannot have something that looks like we  
17 have created an enclave of anything, or  
18 something that makes it look like it is  
19 bizarre. So maybe straight lines is not the  
20 exact -- you know, exact term that you use, but  
21 there has to be some sort of disinclination to  
22 create something that looks like an enclave is  
23 the best that I know how to describe it, and I  
24 use enclaves from an incorporation perspective.  
25 When we are talking about a city incorporating

1 part of the unincorporated county, you have  
2 these issues of enclaves that occur. Courts  
3 recognize what an enclave is, they already know  
4 what that is, and there is a definition for it,  
5 and we ought to avoid that in redistricting.

6 So I don't know if that helps or not, but  
7 I just wanted to see us at the outset come up  
8 with a definition. I really would like to see  
9 us come up with a definition.

10 SENATOR GAETZ: We will recognize Mr.  
11 Bardos, and then we will recognize Mr. Guthrie  
12 to comment on this matter, and then we will go  
13 to Senator Latvala.

14 MR. BARDOS: I agree, Senator Storms, that  
15 we need to develop a consistent and apply a  
16 consistent theory of compactness. I also agree  
17 that it involves a number of elements. I think  
18 that Senator Diaz de la Portilla's points are  
19 right on target, and that, as you say, applying  
20 that consistent theory to the facts on the  
21 ground might result in different districts in  
22 different parts of the state based on the  
23 nature of the demographics and transportation  
24 and other factors. So I think that is a very  
25 good point.

1           SENATOR GAETZ: Mr. Guthrie, any comments  
2           on this matter?

3           MR. GUTHRIE: And these standards do raise  
4           very intriguing questions. It's -- I think the  
5           committee is off to a great start today. It is  
6           not your job to try to settle all these matters  
7           today. We intentionally broke up the  
8           discussion where we are going to move  
9           sequentially through regions of the state, and  
10          the kind of guidance that you are providing to  
11          the staff all will be melded together. And  
12          this committee, when you meet in December, will  
13          have gone through all 26 of the public hearings  
14          and all four of these regional focuses and will  
15          have an opportunity to come up with a  
16          consistent theory with what the standards mean  
17          as applied in this diverse state in a way that  
18          it will provide for the best representation for  
19          all.

20          SENATOR GAETZ: Thank you, Mr. Guthrie.  
21          Senator Latvala, and then I think there  
22          was someone else. Senator Latvala.

23          SENATOR LATVALA: Thank you, Mr. Chairman.  
24          First of all, I want to say what a  
25          wonderful process you have set up here. You

1 know, as someone who was in this process ten  
2 years ago and saw how it was done ten years  
3 ago, I can look -- even though I was one of the  
4 culprits, I can look at the difference here and  
5 see night and day in terms of the transparency  
6 that you are bringing to it and letting  
7 everybody just physically be involved in  
8 building these districts rather than bringing  
9 them out of a back room one day and putting  
10 them in front of us, and I appreciate that.

11 But also, as a little historical anecdote,  
12 I remember one of the -- and this is a small  
13 point on this map, but it is a point that I  
14 want to make since I think we are zeroing in on  
15 a final landing here. One of the flash points  
16 in the state last time, ten years ago, on a  
17 county being split up into multiple pieces was  
18 Bay County. And I remember Bay County was a  
19 difficult one, Marion County was a difficult  
20 one, that they felt like they were split up too  
21 many different ways. And I do notice that  
22 there is a little -- there is a little piece of  
23 Bay County left in the -- in the green district  
24 in Mr. Kelley's map, and --

25 SENATOR GAETZ: May we put up Mr. Kelley's

1 map just so that we can --

2 SENATOR LATVALA: Or I guess in the blue.

3 SENATOR GAETZ: -- so we can see what  
4 Senator Latvala is discussing here?

5 SENATOR LATVALA: There, right there. You  
6 see there on the side right there, I don't know  
7 how many people are there, but if -- you know,  
8 if -- you just might want to consider seeing if  
9 one of those small counties would equal that or  
10 something like that, because I remember that  
11 the people in Bay County were really exercised  
12 ten years ago about the county getting split up  
13 in so many different directions, and having  
14 visited your beautiful new home in Bay County,  
15 I wouldn't want to see eggs on the porch or  
16 anything like that, so just pass that on for  
17 what it is worth.

18 SENATOR GAETZ: Our majority leader,  
19 Senator Gardiner.

20 SENATOR GARDINER: Thank you,  
21 Mr. Chairman, and it is really a follow-up to  
22 Leader Rich. I want to make sure, because this  
23 low compactness term that has been thrown  
24 around, that -- and Senator Storms alluded to  
25 it, too. I want to make sure that when it

1 comes back, we are all on the same page,  
2 because what I wouldn't want to see is we have  
3 an idea based on the testimony that has come  
4 before us today, and then at some point,  
5 somebody changes the definition or attempts to  
6 change the definition of "compactness" when we  
7 are moving forward on what we believe  
8 compactness to be. So it is more of a  
9 statement, maybe a question to Leader Rich as  
10 to what her definition of "low compactness"  
11 would be so that we are not going in a  
12 direction that ultimately may come back,  
13 somebody may say, "Well, that is not what we  
14 meant, you know, compactness should have been  
15 something different, now we believe this to be  
16 low compactness." So I just throw that out.

17 I think we are heading in the right  
18 direction, I think we are all on the same page  
19 of how this should go, but I sure would hate to  
20 see the ball moved later when we are getting  
21 ready to kick a field goal.

22 SENATOR GAETZ: Leader, did you wish to  
23 comment on Senator Gardiner's remarks?

24 SENATOR RICH: No, but I will.

25 SENATOR GAETZ: I apologize, ma'am, I

1 simply wanted to give you a chance.

2 SENATOR RICH: You know, I think everyone  
3 here will agree we have many gerrymandered  
4 districts in our -- in our apportionment now,  
5 and the goal is to abide by Amendments 5 and 6  
6 and the Voting Rights Act.

7 We don't have a definition specifically,  
8 as the attorney has said, of "compactness." A  
9 lot of us have different ideas about it, and we  
10 will see when we get the maps if we think that  
11 that is compact or not based on what our ideas  
12 are about compactness. But I find it kind of  
13 interesting that the word "low compactness" has  
14 created this kind of a stir. It is simply  
15 another way of saying gerrymandering, and we  
16 just want to make sure that we are not going to  
17 be doing that, and whatever we do, we'll abide  
18 by what is in our Constitution.

19 SENATOR GAETZ: Thank you, Leader, and I  
20 think it is healthy that we -- that we -- that  
21 we kick the tires, every time we step forward  
22 into a -- into a prospective decision, that we  
23 really do kick the tires and we have the  
24 debate. And if there is a fear of illegal  
25 gerrymandering -- and that might be a -- I

1           might be repeating myself there -- if there is  
2           a fear of gerrymandering, we need to raise that  
3           fear. I think that's well-spoken.

4           Other comments or questions? Yes, Senator  
5           Sachs.

6           SENATOR SACHS: Thank you very much,  
7           Mr. Chairman. I think that a comment that was  
8           made some time ago by this -- a member of this  
9           committee that we need to listen to the will of  
10          the people, subject to constitutional  
11          provisions, and that is what we are here for.  
12          Everyone has their opinions on how it should  
13          look or what the definitions of "compactness."  
14          That is why we have a judicial branch. But I  
15          think the will of the people, which is what has  
16          been indicated in the maps, indicated by  
17          testimony, I have been with you, Mr. Chairman,  
18          on many of the various committee meetings  
19          throughout this state, and we need to listen to  
20          the folks who live there and talk about your  
21          front porch and other things that I have never  
22          seen before, but I think it is a matter of  
23          record that -- that we listen to them, as we  
24          are doing, and then we leave it up to the  
25          courts to define "compactness" and some of

1           these other various definitions.  So whether it  
2           is kicking the tire or kicking the can, I think  
3           we are on the right track.  Thank you.

4           SENATOR GAETZ:  Thank you, Senator Sachs.

5           I would like to get back to Senator  
6           Latvala's point.  And, again, I apologize to  
7           Senators, I know there are other things we have  
8           to do today, but we -- you know, we are noticed  
9           until five o'clock, and this is important  
10          stuff.  Let's get back to Senator Latvala's  
11          point.

12          Bay County is trifecta'd.  You know,  
13          currently Bay County is cursed by having three  
14          Senators.  And under what we will call the  
15          Kelley plan, which is also -- I guess there is  
16          a derivation of that that is the session's  
17          plan, we see that Bay County again has three  
18          Senators, and I am one of them, so this is a  
19          little bit close to home, but I think that  
20          Senator Latvala makes an excellent point.

21          So the question I would like to ask is  
22          this:  If we -- I see professional staff have  
23          made good notes of Senator Rich's comments and  
24          her recommendation.  Is there -- is there any  
25          objection to our taking Senator Latvala's

1           comments seriously and instructing professional  
2           staff to find a way to ensure that Bay  
3           County -- that that sliver of Bay County that  
4           is in a third Senate district is removed from a  
5           third Senate district, is made part of the  
6           Senate district that it is closest to, whatever  
7           that is, and that we then square out the  
8           districts so that we have equity and maintain  
9           the political and natural boundaries?

10                    I don't know, Senator Latvala, if you want  
11           to say anymore about your point in order to  
12           make it, but I think you make a good point, and  
13           notwithstanding the fact that it affects me,  
14           and because it affects me, I think it is an  
15           important point to make.

16                    Is there any disagreement with what  
17           Senator Latvala has suggested by anybody? If  
18           not then, you have heard Leader Rich's  
19           recommendation, which we will take as a  
20           statement of consensus, you have heard the  
21           other comments that have been made subsequent  
22           to Leader Rich's comments, and you have heard  
23           Senator Latvala's comment, to which there is no  
24           objection, and so, therefore, as to the Senate  
25           districts in northwest Florida, I think the

1 professional staff has clear direction from the  
2 committee. Is that -- do you believe you do?  
3 All right. And as to the House districts, you  
4 believe you have clear direction as well. That  
5 was taken into account, I believe, in the  
6 Leader's comments.

7 Now let's go back to the congressional  
8 districts, please, because we -- let's not pass  
9 that up. Can you put up -- and, again, for --  
10 we will blame Mr. Kelley. Will you put up the  
11 Kelley -- put up the Kelley map for  
12 congressional districts in northwest Florida?  
13 All right. Is that it? Is that it?

14 All right. Again, Mr. Guthrie, would you  
15 briefly characterize this map as to -- as to  
16 what boundaries it follows, bearing in mind  
17 Leader Rich's caution to us about  
18 gerrymandering and low compactness or however  
19 it may be styled? Do you believe -- and, Mr.  
20 Bardos, be ready -- do you believe that there  
21 is a defensible position for the committee were  
22 we to adopt a map similar to this, and an  
23 appropriate response to any suggestion of  
24 gerrymandering or low compactness?  
25 Mr. Guthrie.

1           MR. GUTHRIE: Thank you, Mr. Chairman,  
2           and, of course, another requirement in the --  
3           of the equal protection clause and in Tier II  
4           of the Florida Constitutional Standards is that  
5           districts be equal in population. This  
6           particular plan, as Mr. Kelley conceded during  
7           his testimony, is -- has not been zeroed out  
8           yet, so there are deviations greater than what  
9           you would want in the final plan. But as to  
10          the point of --

11          SENATOR GAETZ: And excuse me,  
12          Mr. Guthrie, just again, because we have it in  
13          front of us here and it is a useful guide,  
14          where -- how would -- how could one -- if one  
15          chose to use this as a take-off point, how  
16          would one cure, or how could one cure those  
17          deviations, keeping in mind, again, the  
18          requirements of Amendments 5 and 6?

19          MR. GUTHRIE: Yeah, and all the testimony  
20          that we heard, including that from Supervisor  
21          Lux earlier today. The committee might want to  
22          keep the counties whole that are whole  
23          presently.

24          In this particular plan, I believe there  
25          are two counties in the Panhandle that are --

1           that are split, so what you would do is use  
2           those counties, try to follow geographic  
3           boundaries in a way that you could equalize the  
4           population of the districts.

5           SENATOR GAETZ:  And, Mr. Guthrie, would  
6           that then move -- and under the plan that is in  
7           front of us, the most western -- the most  
8           northwestern district is labeled as District  
9           26.  Would that mean moving the District 26  
10          line further to the east in order to achieve  
11          that equity?  You can't move it north, because  
12          even though I don't know where Alabama is, you  
13          know, some people do.  You can't move it south  
14          unless you want to get feet wet.  So would you  
15          move it east?

16          MR. GUTHRIE:  It would be moving to the  
17          west, that boundary would be -- because the  
18          district has too many people right now.

19          SENATOR GAETZ:  Okay.

20          MR. GUTHRIE:  Bo by about 13,000, so you  
21          would move the district to the west to take  
22          out --

23          SENATOR GAETZ:  You would move the line  
24          that now separates 26 and 27 to the west by  
25          about 13,000 people?

1 MR. GUTHRIE: Yes.

2 SENATOR GAETZ: Is there a way to do that  
3 -- well, there are a lot of ways to do it, but  
4 based on the professional staff's study of  
5 these maps, what is -- what are the ways to do  
6 that that would be most faithful to Amendments  
7 5 and 6 and to the Voting Rights Act and the  
8 other laws that we have to comply with?

9 MR. GUTHRIE: I believe what attorneys  
10 would advise us is to do it in a manner that is  
11 compact and does follow political and  
12 geographic boundaries where feasible. So we  
13 would, as was suggested earlier, seek out clear  
14 geographic boundaries that created sensible and  
15 identifiable demarcations between District 26  
16 on the left and District 27 on the right.

17 SENATOR GAETZ: Okay. And, I'm sorry,  
18 Leader, did you -- Leader Rich, were you  
19 seeking recognition, ma'am? I apologize if  
20 anybody else has anything to add.

21 Does the Kelley map, or this map as it is  
22 now before us, and as you might mature that map  
23 to fix the equity issue, does it cure the  
24 problem that Supervisor Lux addressed as to the  
25 invasion of, you know, part of a community by

1 the lines that are currently drawn for  
2 Congressional District 2? Does it cure --

3 MR. GUTHRIE: Oh, yeah --

4 SENATOR GAETZ: -- the problem that Mr.  
5 Lux --

6 MR. GUTHRIE: -- that particular problem  
7 is obviously fixed, yes. All of Okaloosa  
8 County is in a single district.

9 SENATOR GAETZ: Okay. Other comments or  
10 questions? Is -- yes, sir, Senator Montford.

11 SENATOR MONTFORD: Thank you, Mr. Chair.  
12 I am going to have to -- I don't understand  
13 something. You have got -- you got 24 here.

14 SENATOR GAETZ: Would you pull your mike  
15 up, Senator Montford?

16 SENATOR MONTFORD: You got 24 here and --  
17 but how do you get -- I mean, you got St. Johns  
18 listed here. Tell me how that --

19 MR. GUTHRIE: In the comments I made  
20 earlier about this plan, Senator Montford,  
21 there is a discontinuity. So District 24 in  
22 yellow in the Big Bend also is paired with some  
23 First Coast counties on the west, and that is  
24 discontinuous. So that is another defect --

25 SENATOR MONTFORD: So we are not even

1           worrying about --

2           MR. GUTHRIE:  -- that we would need to  
3           correct, yes.

4           SENATOR MONTFORD:  We're not worrying  
5           about that right now, right?

6           SENATOR GAETZ:  No, sir, we are not there  
7           right now.

8           SENATOR MONTFORD:  Thank you.

9           SENATOR GAETZ:  Now, what about -- let's  
10          go back to the young gentlemen who Senator Rich  
11          knew who had some comments about the -- what I  
12          will call the third, not the third district,  
13          but a third district in northwest Florida which  
14          achieved a 30 percent minority population.  Do  
15          you recall that?  I think it was the first map  
16          that we looked at today.

17          MR. GUTHRIE:  Yes, sir, I believe that was  
18          a Senate map.

19          SENATOR GAETZ:  I'm sorry, that was not a  
20          congressional map?

21          MR. GUTHRIE:  That is correct.

22          SENATOR GAETZ:  I withdraw the comment,  
23          I'm sorry.

24          All right, Senator Rich.

25          SENATOR RICH:  Just one question.  I want

1 to make sure, for the purposes of what you are  
2 directing staff to do, you are focusing just on  
3 26 and 27, is that correct, not on --

4 SENATOR GAETZ: At the moment, yes, ma'am.

5 SENATOR RICH: Okay. Thank you.

6 SENATOR GAETZ: Are there other comments  
7 as to the congressional districts?

8 Is there an objection to giving committee  
9 staff the direction to follow this map, which  
10 is the Kelley map, for what is now stated as  
11 Districts 26 and 27, they might be renumbered  
12 as Districts 1 and 1, or Districts 12 and 13,  
13 but as to those districts, and then remedying  
14 the equity issue of the, what was it, 13,000  
15 voters?

16 MR. GUTHRIE: Correct.

17 SENATOR GAETZ: 13,000 population, I'm  
18 sorry, 13,000 people, the dis-equity that is  
19 existing there. Is there objection to using  
20 this as a stepping stone by any member of the  
21 committee?

22 All right, then. You have your guidance  
23 as to northwest Florida. What other guidance  
24 do you seek from the committee today?

25 In that case, Senator Margolis moves we

1 rise.

2 (Whereupon, the proceedings were concluded

3 at 4:38 p.m.)

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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 173 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 28th day of October, 2011.

\_\_\_\_\_

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014