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CONGRESSIONAL REDISTRICTING SUBCOMMITTEE WORKSHOP

THURSDAY, DECEMBER 8, 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 REPRESENTATIVE HOLDER: We will now call
3 the Congressional Redistricting Subcommittee to
4 order. Members, if we could have your
5 attention. Ben, could you call the roll,
6 please?

7 THE CLERK: Representatives Abruzzo?

8 REPRESENTATIVE ABRUZZO: Here.

9 THE CLERK: Albritton?

10 REPRESENTATIVE ALBRITTON: Here.

11 THE CLERK: Brodeur?

12 REPRESENTATIVE BRODEUR: Here.

13 THE CLERK: Burgin?

14 REPRESENTATIVE BURGIN: Here.

15 THE CLERK: Chestnut?

16 REPRESENTATIVE CHESTNUT: Here.

17 THE CLERK: Fullwood?

18 REPRESENTATIVE FULLWOOD: Here.

19 THE CLERK: Goodson?

20 REPRESENTATIVE GOODSON: Here.

21 THE CLERK: Horner?

22 REPRESENTATIVE HORNER: Here.

23 THE CLERK: Legg?

24 REPRESENTATIVE LEGG: Here.

25 THE CLERK: Passidomo?

1 REPRESENTATIVE PASSIDOMO: Here.

2 THE CLERK: Plakon?

3 REPRESENTATIVE PLAKON: Here.

4 THE CLERK: Reed?

5 REPRESENTATIVE REED: Here.

6 THE CLERK: Taylor?

7 REPRESENTATIVE TAYLOR: Here.

8 THE CLERK: Trujillo?

9 REPRESENTATIVE TRUJILLO: Here.

10 THE CLERK: Chair Holder?

11 REPRESENTATIVE HOLDER: Here, and with a
12 quorum present, members, we will go ahead and
13 begin.

14 Today we are work-shopping the seven
15 options for the congressional map that were
16 released on Tuesday. And I wanted to mention
17 that this is a workshop -- as this is a
18 workshop, there will be no votes taken today.
19 This is a time for you to ask questions, to
20 learn about the work that staff did in creating
21 these options and to possibly propose
22 alternatives to these maps.

23 After today, Chair Weatherford announced
24 that we were -- that we will -- we're still set
25 for voting as a subcommittee on these options

1 around the first week of session. So that
2 gives everyone here a full month to share these
3 maps with constituents, discuss them with
4 colleagues in the House and possibly even craft
5 amendments if you feel compelled to.

6 Just to make sure that we are in the
7 correct technical posture, these maps are
8 essentially co-Chairs' proposals, similar to
9 how the appropriation subcommittees often begin
10 their work.

11 At our next meeting, it is our intent to
12 consider and vote on these very same maps in
13 the form of PCBs, at which time we will pick
14 three, vote on them, and in doing so, send them
15 to the full redistricting committee.

16 You should know that I am open as to how
17 we go about picking three. If you want to
18 state your preferences today, or if you want to
19 take this month in between meetings, study the
20 maps further, work with our staff or me or
21 co-Chair Legg, that is certainly fine to do.
22 But at our next meeting, we will consider any
23 amendments that are filed and vote three of
24 these plans out. If you wish to file an
25 amendment, please, please, please work with our

1 staff in advance of that meeting.

2 Are there any questions? Representative,
3 you are recognized.

4 REPRESENTATIVE TAYLOR: Thank you, Mr.
5 Chair. I just want to get a clear picture of
6 the actual procedure that you outlined
7 initially before we got started, and as I
8 noticed, that the Senate is due to vote on
9 their specific maps when they come back in
10 session on the 17th and 18th. And particularly
11 I wanted to ask you about the process where --
12 and I thought we were going to do this similar
13 to how we do our appropriations, which was to
14 be in conferences with them on agreeing to a
15 map. Are we still going to more or less
16 conference with them on finalizing a map?

17 REPRESENTATIVE HOLDER: Well, thank you
18 for your question. What you are referring to
19 is the final map that is decided upon by the
20 main redistricting committee. What we are
21 going to do is we are going to submit three
22 maps from this committee to the main
23 redistricting committee, and the main
24 redistricting committee, from my understanding,
25 and I will verify this with Chair Weatherford

1 if you would like, will come up with one map
2 that will represent the House's proposal, and
3 at that point, if there is -- if we pass -- if
4 that map passes out of the main body of the
5 House and it is different from the map that the
6 Senate passes out of their body, then there
7 would be some sort of a conference to figure
8 out what -- if we go with the House map, the
9 Senate map or a combined map or any changes
10 that are made to it.

11 REPRESENTATIVE TAYLOR: Just to follow up,
12 Mr. Chair, I just thought that you would do
13 that prior to taking the main vote on the
14 House, just like we do with the appropriations,
15 we go into the conference committees --

16 REPRESENTATIVE HOLDER: Mr. Kelly, did I
17 -- did I explain that properly, or did -- is it
18 similar to that or -- correct me if I was
19 wrong.

20 MR. KELLY: Thank you, Mr. Chair.

21 Representative Taylor, there is -- as the
22 Chair is outlining, there is no formal official
23 decision made. It is contingent upon if there
24 is disagreement. If there is agreement, then
25 obviously there wouldn't need to be a

1 conference process. But just looking back ten
2 years ago, there was no conferencing of the
3 maps. Whatever negotiations occurred, occurred
4 prior to some kind of process like that. So it
5 really depends on the bills that the House and
6 the Senate have as you approach the floor, if
7 they are far apart and require some kind of
8 more detailed conference process or if they can
9 be negotiated in terms of just House and Senate
10 messages. So really, looking forward, it is
11 hard it to say exactly how that will unfold
12 until the Legislature gets there.

13 REPRESENTATIVE TAYLOR: Okay. Thank you,
14 Mr. Chair. I am just a little --

15 REPRESENTATIVE HOLDER: You are
16 recognized.

17 REPRESENTATIVE TAYLOR: I'm sorry. I am
18 just trying to get a clarification, because it
19 looks like the Senate has already moved forward
20 with what they want, and they are aligned up to
21 vote on that on the 17th and 18th of January
22 when they come back. So I am just trying to
23 understand how that will impact us when we are
24 trying to develop the congressional map.

25 REPRESENTATIVE HOLDER: Well, I don't

1 think -- I mean, certainly it impacts us with
2 whatever product they come up with, but their
3 process of coming up with a map is their
4 process. It may not be the same as what our
5 process is. Once they pass a map out, that is
6 the Senate map. And if the House map is
7 different from the Senate's map, then we will
8 work out the differences in what would be a
9 method like what you are accustomed to with
10 conferencing. However, I think what Mr. Kelly
11 was explaining, and, again, I don't want to
12 speak for you, and correct me if I am wrong,
13 but that process has not been determined
14 because in the past, when you and I both were
15 not here in the last redistricting, they didn't
16 have to go through that conferencing process or
17 negotiation process. Is that correct? Thank
18 you.

19 Any other questions, members?

20 That being said, members, we give our
21 staff -- we gave our staff direction via our
22 prior committee meetings to strictly adhere to
23 federal law, including the appropriate
24 maintenance of Florida's majority-minority
25 seats, and to strictly and plainly adhere to

1 our new state law such that not diminishing
2 from current opportunities for minorities means
3 not diminishing.

4 Moreover, to utilize a plan reading -- to
5 utilize a plain reading of Florida Law embraces
6 the use of county boundaries and other
7 boundaries that are clearly visible on the map,
8 embracing districts that give Florida voters a
9 greater chance to communicate to their elected
10 officials, whether that means having the entire
11 city or county in a district, or that means
12 drawing districts that are geographically
13 compact and accommodating to the constituency
14 as in ensuring that there is a transportation
15 corridor that links the district together.

16 Very specifically, we asked staff to
17 really focus on south Florida in dealing with
18 all the very complex legal issues that exist
19 there, to spend much of their time to get those
20 pieces right and then subsequently present us
21 with options in the rest of the state where it
22 seems that there are multiple legal appropriate
23 options, and, lastly, to include specific
24 public input where legally appropriate.

25 Today, Alex Kelly will be presenting the

1 options for the congressional map, and members,
2 I would suggest that we allow Alex to finish
3 one region at a time before we ask questions.
4 So if you have a question, just get my
5 attention, and then I will recognize you at the
6 next pause in the presentation. And members of
7 the audience, if we have time at the conclusion
8 of today's presentation, we will take public
9 input, so if you wish to speak and you have not
10 already filled out an appearance card, please
11 make sure that you do.

12 And with that said, Alex, you are
13 recognized to begin the presentation.

14 MR. KELLY: Thank you so much, Mr. Chair.

15 Members, for today's presentation, we will
16 be using My District Builder in the meeting.
17 However, if you wish, in your packet, there are
18 several pages of the maps, so if you wish to
19 use your packet in lieu of using the screen and
20 the overhead or your computer -- and, of
21 course, if I get ahead of where you are
22 looking, just let me know, and I will be happy
23 to slow down and go back over something.

24 In your packet, just to walk through the
25 contents of it, you will find that there is --

1 as actually you had a presentation in your last
2 meeting, the data analysis report is there
3 really for you to evaluate how these proposals
4 compare to the current map, whether they split
5 fewer counties, whether they improve different
6 measures of compactness, and, of course, they
7 are really -- it is a tool for you to make your
8 policy decisions. But, of course, we are happy
9 to answer any questions regarding that.

10 And then in terms of the maps, we have, of
11 course, seven maps. They are on display around
12 the room, too, if you wish to get up and take a
13 look at the maps. We are going to walk through
14 one at a time, but before we do that, as the
15 Chair was saying, there are some common points
16 in all the maps, and so I am going to walk
17 through those points first that are the same in
18 every map, and then when we go through the
19 alternatives, just cover the points of
20 difference.

21 First, at a global level, all the maps are
22 of equal population at this point, meaning
23 every single district in all seven options has
24 either a zero or one person deviation from the
25 ideal population. So they are all already in

1 the posture of being able to pass just based on
2 that standard. All of the districts are
3 contiguous. Florida has one unique item, which
4 is the Dry Tortugas, where the Dry Tortugas
5 will always show up as being not contiguous
6 just because there is no -- there is no way to
7 get to the island except for leaving the Keys,
8 but, otherwise, all the districts are
9 contiguous.

10 In terms of equal population, you will
11 notice in almost every congressional district,
12 because you need to get the population to zero
13 or one person difference, there's always that
14 point, that point where equal population was
15 achieved. And so you might see a point in the
16 map and wonder why was that point or that
17 particular neighborhood divided. That is the
18 location typically where equal population was
19 achieved in the map.

20 In terms of making all seven maps, the
21 directive that we received, using a plain
22 language approach to creating options, creating
23 alternatives, we focused very heavily on whole
24 counties, whole cities, trying to use
25 transportation corridors as both an artery for

1 a district or to make a clear boundary for a
2 district, using the terms that people commonly
3 use at the public meetings that they indicated
4 were of relevance to them, that meant something
5 to them in their daily lives, so that the maps
6 could have meaning to as many Floridians as
7 possible in terms of if you are on this side as
8 of the road, you are in this district, if you
9 are on this side of the highway, you are in
10 this district, or if you are in this county,
11 you just know that you are in this district by
12 virtue of the whole county being in the
13 district.

14 Every single one of the maps increases the
15 number of counties that are kept whole in the
16 map, every -- from the current, compared to the
17 current map. Every single one of the options
18 increases the number of cities that are kept
19 whole. Every single one of the maps increases
20 the number of VTDs that are kept whole, and as
21 we discussed before, a VTD -- an easy way to
22 look at a VTD is it is a neighborhood or a
23 subdivision. So in terms of trying to make
24 sure that there are few instances when the back
25 end of a subdivision ends up in a different

1 district, we have increased the number of VTDs
2 that are kept whole in every single one of the
3 options that you will be considering.

4 So to discuss some of the common points in
5 all the maps, what we have showing right now is
6 plan 9001, and Districts 1 through 2 and
7 Districts 18 through 27 are the same in every
8 single map. Districts 1 through 2 are the
9 districts in Florida's Panhandle; 18 through
10 27, which we will cover in a moment, are the
11 districts in the southern part of the state,
12 Lee County south, Hendry south and St. Lucie
13 south to the southern part of the state.

14 Districts 1 through 2 were districts that
15 showed up in many public submissions very, very
16 frequently, dozens of public submissions, and
17 relatively speaking, this part of the state is
18 less complicated to draw in terms of the legal
19 issues you might have to deal with. And so at
20 the counsel of and the direction of our Chair,
21 we made this comment in every single map and
22 basically took a whole-county approach,
23 dividing Holmes County -- we can kind of zoom
24 in just to see where that division occurs just
25 to give you an idea of how we do something like

1 a division of county. And what we can show you
2 is when we divide the county -- I've just
3 turned on the city boundary lines -- what we
4 make sure of is that this city is entirely in
5 one district, and that this city is entirely in
6 the other, so making sure that when we make
7 that division, we didn't split any geography
8 unnecessarily. That is a common trait
9 throughout the maps. We will turn back on the
10 county names.

11 Districts 2 and 3 in all of the maps
12 divide Madison County, and, again, the same
13 principle, not dividing any city unnecessarily
14 along those lines. Comparing that to the
15 current map, which we have available, the
16 current map, District 2, moved it onto the
17 southern end of the eastern side of District 1.
18 So, in a sense, as opposed to having the
19 districts overlap in the counties, it is just
20 plainly taking an east to west, making a cut,
21 making a cut, moving to the next district.
22 District 4 today, which comes all the way over
23 into Leon County, would no longer come all the
24 way over into Leon and into the Panhandle.

25 Coming back to plan 9001, we are going to

1 move to, again, the other common points in all
2 the maps, looking at the southern part of the
3 state.

4 As was discussed in the November 3rd
5 meeting that you had, the legal issues in the
6 part of the state, you have -- in this part of
7 the state, you have five majority-minority
8 seats, you have three Section 5 Voting Rights
9 Act counties, and so the implications of
10 drawing these seats and running afoul of the
11 Federal Voting Rights Act and state law
12 regarding districts for racial and language
13 minorities is very high if you are not careful
14 in these districts.

15 So the approach was to attempt to have a
16 best drawing of these and then utilize them in
17 all of the maps. The approach -- if you think
18 back to that meeting, we discussed the issue of
19 how to effectively create a Hispanic majority
20 district that actually performs that way, and
21 the same issue can occur for an
22 African-American district and any minority
23 district in that you have to make sure the
24 district actually performs for the language or
25 racial minority community that you are drawing

1 the district for.

2 What we discussed in the November 3rd
3 meeting was that approximately along the
4 Tamiami Trail is a concentration of Hispanic
5 Floridians that are frequently registered to
6 vote. So all three districts, Districts 25, 26
7 and 27, all intersect at that point to ensure
8 that their actual numbers will warrant actually
9 calling the district a Hispanic majority
10 district, it will actually perform for a
11 Hispanic candidate.

12 At the same time though, we did take an
13 approach to cosmetically -- clean up the
14 cosmetics of the districts, try to give them
15 more of a geometric shape. Of course, you have
16 the Gulf and you have the Atlantic on either
17 side, so there's only so much you can do with
18 the Keys and so forth, but in trying to give
19 them a better cosmetic shape in order to make
20 it easier for voters to understand which
21 district they may be in, if you compare them to
22 the current map, as you will see, District 21
23 doesn't have that kind of clear shape through
24 communities by roadways. So primarily what we
25 have done is we have cleaned up this region of

1 the map, giving them all a more geometric, more
2 understandable shape. And all three districts
3 still maintain their majority-minority status.

4 In terms of District 24, in the current
5 map, that is District 17. District 24 is also
6 a majority-minority African-American seat, and
7 it is a seat that has a significant
8 concentration of Haitian-Americans. And so the
9 seat has been maintained to maintain its
10 majority-minority status. The black voting age
11 population in this seat is 55.7 percent, and
12 the Haitian population in the district is
13 approximately 15 percent of the district. So
14 an effort was made to maintain both of those
15 numbers so that both -- again, it would
16 maintain its majority-minority status, but also
17 to make sure that the language minority
18 community was in the same district.

19 Moving up to District 20, which is also a
20 majority-minority district, and it is also a
21 Section 5 covered jurisdiction because part of
22 the district today is in Hendry County, and so
23 in drawing the seat, we've made sure that the
24 district still maintains a portion of -- well,
25 the African-American community in the Clewiston

1 area so that we can comply with the Section 5
2 protections for that community. The rest of
3 Hendry County is -- where the Hispanic
4 population is much more considerable is lined
5 up with Congressional District 25, a Hispanic
6 majority district.

7 Congressional District 20, compared to the
8 current map, no longer goes into -- in the
9 proposals, no longer would go into Martin and
10 St. Lucie Counties. Today the district
11 stretches to Ft. Pierce in St. Lucie County.
12 So in this configuration, we were able to
13 maintain the majority-minority status and
14 reduce the district to impacting three counties
15 as opposed to five. The district has a
16 significant concentration of African-Americans
17 in both Broward and Palm Beach Counties.

18 An effort was made, too, if we will zoom
19 in here some on the Broward County area, an
20 effort was made here to incorporate whole
21 cities where possible, and also as much as
22 possible to smooth out the lines, essentially
23 use streets more frequently, knowing that this
24 area, because of the different implications of
25 the Voting Rights Act, you have different seats

1 all sort of intersecting at this point, it does
2 become a difficult grouping of seats to draw
3 and to configure, at the very minimum where we
4 could, utilizing street lines to provide the
5 voter an easier understanding of they are
6 either in the district or not, not dividing up
7 neighborhoods, or reducing the division of
8 neighborhoods as frequently as possible.

9 Now I will give you a sense of the current
10 map just to compare the two. This is the
11 current map. So as you can see in the current
12 district, in the current district, which is 23,
13 and it is this light greenish district that is
14 on the screen, as you can see, roadways are
15 used much less frequently in that, and because
16 of that, neighborhoods are likely divided. So
17 in terms of meshing the district as best as
18 possible with the other districts around it, we
19 made those changes and still maintained the
20 majority-minority status in the district.

21 Coming back to the map, I will turn on the
22 view of municipal boundary lines. You can get
23 a sense of how it is that we drew the district.
24 As I highlight over these, when they highlight,
25 that is an entire city. As you can see, entire

1 cities were located within the district --
2 those are the boundaries of Ft. Lauderdale, but
3 entire cities here were located within the
4 district as best as possible.

5 In addition, the issue that we had in this
6 area in terms of complying with the Voting
7 Rights Act but drawing the other seats is that
8 this sort of pocket, if you will, between
9 District 20, which is the purple district --
10 between District 20, again, which is the purple
11 district, District 25, which is a Hispanic
12 majority seat, these are all Hispanic majority
13 seats, Districts 26 and 27, District 24 is an
14 African-American majority seat, the issue is
15 this territory is unoccupied, and so had to be
16 assigned to districts, and what we were faced
17 with is having two districts come into this
18 area. What we chose to do was use 595 as a
19 dividing line as much as possible between those
20 two districts, and where we could, again,
21 including whole cities in those districts, and
22 where we could not, trying to minimize the
23 impact on the cities such that we would try not
24 to divide a city more than twice if we had to
25 divide it.

1 Now, I will zoom in on District 23. As
2 you can see, there are whole cities, if we
3 highlight over, included in the district. So,
4 for instance, the City of Dania, Hollywood is
5 split, but, again, where we could, as much as
6 possible, we included whole cities within the
7 district.

8 Moving up the coast, Districts 21 and 22
9 share similar communities, share similar
10 boundary lines. When we tried to draw them,
11 what we opted for was a north-south approach
12 given the boundaries of the other districts
13 around them. Between the two districts, we
14 originally targeted the roadways as to be a
15 dividing line. What we found was that there
16 were several municipalities that were just on
17 one side or the other of the roadways. And so
18 after first drawing using a roadway, we then
19 opted to shift the boundary lines to reflect
20 the boundaries of those municipalities. So as
21 we move north through District 21 and District
22 22, what you see, you see the highlights, you
23 see city boundaries either in one district or
24 the other as frequently as possible. So, for
25 example, the City of Boca Raton is entirely in

1 District 22.

2 Moving up the coast, essentially when
3 we're talking in terms of this being the
4 southern part of the state, there are then
5 communities left in Palm Beach County which
6 have yet to be assigned, and there are
7 communities left in Collier County that are
8 left to be assigned, and so we drew these
9 districts in common in all the maps, too,
10 because they share very much a relationship
11 with all of the other districts in the southern
12 part of the state.

13 District 18 -- it would probably be best
14 to go to the current map and show you the
15 existing district.

16 And just to reflect back for a moment, as
17 I mentioned before, the District 20 that we
18 have drawn in all the maps being proposed, the
19 District 20, as I said, took the district out
20 of St. Lucie and Martin Counties and still
21 maintained its majority-minority status. As
22 you see here in the current map, it is District
23 23 today. That is the alignment of the
24 district going all the way up to the Ft. Pierce
25 community in St. Lucie County.

1 District 16 in the current map then takes
2 part of Palm Beach, which is the same sort of
3 issue that we have in your options that you are
4 looking at, but then it wraps around -- if you
5 are going through Martin and St. Lucie County,
6 it wraps around and goes all the way over to
7 Charlotte County. And so that wrapping around,
8 going over to the western side of the state, is
9 now out of the maps, out of these proposals,
10 and, instead -- I will turn on the county
11 boundary lines -- instead, District 18 takes in
12 all of St. Lucie County, all of Martin County,
13 the remaining portions of Palm Beach that were
14 not assigned to the other districts, and then
15 to get its equal population, it goes into
16 Okeechobee County.

17 Another thing that we were trying to
18 accomplish in all the maps, House maps as well,
19 was not having districts unnecessarily cross a
20 boundary like Lake Okeechobee to where a
21 constituent may be actually physically have a
22 difficult time getting to their elected
23 officials, and vice-versa. So, anyway, this
24 district though just goes up to the
25 southeastern end of Okeechobee County.

1 Now, there are some other points that are
2 similar in all the maps. I will cover them in
3 more specific detail as we look at each map,
4 but to give you a sense of those now, we will
5 still use 9001 just to give you a sense of
6 those similarities.

7 In the southern part of the state, there
8 is essentially something of a rural Florida
9 district in all of the maps. It takes
10 different forms depending on how other
11 decisions are made, but in this map, District
12 17, very consistent with a lot of the public
13 testimony that came from communities in these
14 areas, utilizes State Road 17 as a
15 transportation corridor, and it includes a lot
16 of rural communities, rural parts of Polk
17 County, in this case, Hillsborough County as
18 well. When you look at District 16, District
19 16 is Sarasota and Manatee Counties.

20 Another common point in all the maps is
21 all of the maps have a district that takes in
22 most of Sarasota and Manatee Counties.
23 However, Sarasota and Manatee are
24 approximately, if you total them together,
25 about 5,000 people too many for a congressional

1 district. So in every case, part of the rural
2 communities in Manatee -- oh, and sometimes
3 Manatee and Sarasota are taken into the more
4 rural Florida district. So, again, in this
5 case, and you will see variances to this, but
6 in this case, the rural district takes in all
7 of Charlotte County, but otherwise, many rural
8 communities and then even goes into parts of
9 southeastern Hillsborough County.

10 A point that we will cover in some of the
11 other maps, but it does not exist in this map,
12 is the creation of -- an attempt to create some
13 kind of Hispanic opportunity district in
14 central Florida. This map doesn't attempt to
15 create in some form or fashion the proposal
16 that was submitted to you in Orlando. Some of
17 the other maps do. So that point is not common
18 in every single map.

19 Now, in terms -- what you will see in the
20 other maps, you are always going to see a
21 district that is similar to District 13,
22 although always slightly different boundary
23 lines, a district that is wholly located in
24 Pinellas County. One of the things that we
25 were conscious of in drawing options for you is

1 that there is a desire amongst many of these
2 counties to ensure that they have a
3 congressional representative who is from the
4 county. And so we were conscious of, in terms
5 of working with counties like Pinellas,
6 Hillsborough, Pasco, Orange, Volusia, Brevard
7 and so forth, Duval, looking at the question of
8 whether or not they would have a congressperson
9 actually from the county. And so in every map,
10 you are going to see a district wholly located
11 in Pinellas County. Next to it, District 14,
12 you are going to see in some form or fashion in
13 most of the plans as well -- in all the plans,
14 it is a district that represents the minority
15 communities in Hillsborough and Pinellas in
16 large part, but it is not -- it is not today a
17 performing district for African-Americans or
18 Hispanics, but the current district today does
19 take in those communities in Pinellas and in
20 Hillsborough Counties, and, again, in varying
21 ways, we create a district in every one of the
22 maps that does so. This district was closer,
23 although not exact closer to the current
24 configuration; however, the current
25 configuration of the district also goes into

1 Manatee County, this district does not. So
2 this district is exclusively in Hillsborough
3 and Pinellas Counties.

4 You are going to see in different forms,
5 different variations of District 15, in this
6 case it is a district that is mostly a
7 Hillsborough County seat with approximately
8 30,000 residents in Pinellas County as well,
9 and so in the different maps we explore the
10 question of whether basically the east and
11 northern side of Hillsborough can and should
12 have a seat unto its own, or whether in some
13 cases it will be lined up with Polk County.

14 Moving to the northern part of the state,
15 all of the maps have some version of a seat
16 that recreates the opportunity district for
17 African-Americans between the Jacksonville and
18 Orlando areas, including Gainesville. This
19 particular version in plan 9001 is unique. We
20 attempted to draw the seat a little bit
21 differently in this particular map. This
22 particular map -- actually, let me reflect on
23 the current map.

24 Mr. Chair, while I am loading this, if
25 there are any questions --

1 REPRESENTATIVE HOLDER: Any good stories
2 or jokes or anything to say? A legitimate
3 question?

4 REPRESENTATIVE TRUJILLO: Yeah, a
5 legitimate question.

6 REPRESENTATIVE HOLDER: Representative
7 Trujillo, you are recognized for your question.

8 REPRESENTATIVE TRUJILLO: Thank you, Mr.
9 Chair.

10 My question is on Congressional District
11 25. I know you mentioned the language
12 minorities trying to keep those districts
13 together. It seems like, and I actually
14 received a letter from the City of Hialeah, in
15 most of the maps it seems like Hialeah is split
16 into -- into multiple districts. I believe
17 part of it is in 25, and I want to say the
18 other part is in 24, I might be wrong on that,
19 but I know at least part of it is in 25. What
20 was the reasoning behind that? I know the City
21 of Hialeah is a language minority, it is also a
22 Hispanic seat and they have an interest on
23 staying together if -- I guess throughout the
24 amendment process, we can sort that out later,
25 but what was the rationale behind splitting up

1 that city?

2 REPRESENTATIVE HOLDER: Mr. Kelly.

3 MR. KELLY: Thank you, Mr. Chair.

4 Representative, in terms of creating an
5 effective district for a minority community,
6 you have to consider factors regarding whether
7 the minority community is actually politically
8 cohesive, will actually vote and be able to
9 elect a candidate of choice. In doing so, the
10 boundaries were picked in such a way to make
11 sure that all three districts maintain that.
12 The voter performance, the turnout amongst the
13 Hispanic community, Hispanics are registered to
14 vote and actually vote in the Hialeah area is
15 significant, as is along that corridor are the
16 Tamiami Trail, Fountainebleau, that area of
17 Miami-Dade County. As a result, all three
18 seats -- and this is the drawing of Hialeah
19 right here -- all three seats take from that
20 area to ensure that they all perform.

21 So that is -- that is the rationale. It
22 wasn't directed towards one particular
23 community in any way, and attempts were made as
24 best as possible to keep cities whole, but, of
25 course, you know, to your prerogative, we can

1 certainly take a look at different
2 configurations, but it was for those reasons.

3 REPRESENTATIVE HOLDER: Representative
4 Taylor, you are recognized.

5 REPRESENTATIVE TAYLOR: Thank you, Mr.
6 Chair. Outside of the voter performance data,
7 was there any other data that you utilized in
8 creating the districts?

9 REPRESENTATIVE HOLDER: Mr. Kelly.

10 MR. KELLY: Thank you, Mr. Chair.

11 Representative Taylor, we used only the
12 data that is in My District Builder. Generally
13 speaking, our work was limited to census data
14 and data from the American Community Survey.
15 For the minority districts, where needed, only
16 where needed, we did look at data values such
17 as if the Hispanic community had a significant
18 voter registration total to make sure that
19 there were actually enough Hispanic Floridians
20 who actually were registered to vote in those
21 communities. So in those limited
22 circumstances, we went beyond the data from the
23 census and the American Community Survey.
24 REPRESENTATIVE TAYLOR: Just a quick
25 follow-up, Mr. Chair.

1 REPRESENTATIVE HOLDER: Follow-up.

2 REPRESENTATIVE TAYLOR: So that data was
3 the only data that you used in trying to
4 determine the minority access seats?

5 REPRESENTATIVE HOLDER: Mr. Kelly.

6 MR. KELLY: Thank you, Mr. Chair. Yes,
7 the data in My District Builder, nothing else.

8 REPRESENTATIVE TAYLOR: Thank you.

9 REPRESENTATIVE HOLDER: Are we ready to
10 continue?

11 MR. KELLY: Yes, sir.

12 REPRESENTATIVE HOLDER: Great.

13 MR. KELLY: So in thinking about
14 Congressional District 5 and all of the options
15 that are proposed, it is most similar to the
16 existing Congressional District 3, which
17 encompasses the African-American communities in
18 Jacksonville, Gainesville, parts of Orange
19 County and in some communities in between such
20 as Palatka. The current district splits Clay
21 County, the current district splits Volusia,
22 splits Seminole. In the maps that you will see
23 today, all of the maps take this district and
24 essentially shift it out of Volusia entirely
25 and they shift it out of Seminole entirely. In

1 fact, Seminole County is whole in every single
2 one of the maps in different ways. In some
3 maps, it goes into Volusia; in some maps, it
4 goes into Orange; some maps, it goes into both.
5 But the District 5 in all of the proposals is
6 no longer in Volusia County, no longer in
7 Seminole County.

8 In terms of proposal 9001, this one
9 proposal did have a unique version or a --
10 let's say sort of an unconventional look to the
11 district in that instead of going through Clay
12 County, the district instead exits the west
13 side of Duval, goes through -- and I will turn
14 on the county lines -- goes through
15 unincorporated communities in Baker County,
16 encompasses all of Bradford, and so then it
17 comes into the northern part of Alachua County
18 and then has a similar configuration in terms
19 of the rest of the district. However, in all
20 of the proposals, the district does somewhat
21 lessen its impact on Orange County. For
22 example, the district doesn't go into --
23 actually, I want to make sure this is -- I am
24 turning on the city boundary lines. In all of
25 the proposals, the district does not go into

1 the Ocoee community; however, in all the
2 proposals, the district does encompass the
3 entirety of Apopka. So, where possible, we
4 made an attempt to change the boundaries such
5 that whole cities could be included in or not
6 in the district, so long as it didn't prevent
7 the ability to maintain the African-American
8 opportunity district.

9 In the other proposals you will look at
10 though, the Congressional District 5 in the
11 other proposals is identical in all the rest of
12 them, different in that the rest of them don't
13 go into Bradford and Baker Counties.

14 REPRESENTATIVE HOLDER: Mr. Kelly, if we
15 could entertain a question. Representative
16 Taylor, you are recognized.

17 REPRESENTATIVE TAYLOR: Thank you, Mr.
18 Chair.

19 In the creation of that particular
20 district, was there a decrease in the amount of
21 African-Americans, or did that number pretty
22 much stay the same?

23 REPRESENTATIVE HOLDER: Mr. Kelly.

24 MR. KELLY: Thank you, Mr. Chair.

25 There was a slight decrease in the

1 creation of all the different versions that you
2 will see today. This particular version is the
3 -- the current map, the African-American
4 population is 49.87 percent of the voting age
5 population. In this particular version, the
6 African-American voting age population is 47
7 and a half percent. So it is close to -- it is
8 close to about a 2.4 percent drop in this
9 particular version. In all the other versions
10 that you will see today, the voting age
11 population for that district is approximately
12 48.11 percent.

13 What we looked at in terms of when this --
14 when this actually map was physically created
15 and then looking at the other maps that we
16 created, in between that time, the NAACP
17 submitted a plan for the Legislature's
18 consideration. In their drafting of a similar
19 district to this, they drafted a district that
20 was 48 percent even African-American. So they
21 reduced the black voting age population by
22 approximately 1.97 percent. So in the other
23 versions, we kept that threshold just slightly
24 above what the NAACP submitted to the
25 Legislature.

1 REPRESENTATIVE HOLDER: Representative
2 Taylor, follow-up?

3 REPRESENTATIVE TAYLOR: Thank you, Mr.
4 Chair, and I am trying to be brief with my
5 questions. But with that 2.4 percent, does
6 that fall into a situation where they are no
7 longer able to elect someone of their choice?

8 REPRESENTATIVE HOLDER: Mr. Kelly.

9 MR. KELLY: Thank you, Mr. Chair.

10 We do not believe that it affects the
11 likelihood that the African-American community
12 there can elect a candidate of choice, so we
13 believe it has no impact.

14 REPRESENTATIVE HOLDER: Please proceed.

15 MR. KELLY: And so now at this point, we
16 will dive more into plan 9001, specifically the
17 points that we haven't covered yet, and then we
18 will get into the other plans.

19 In this plan, because of the moving of
20 Congressional District 5 to cover parts of
21 Baker and all of Bradford County, that changes
22 the dynamics of what's going on in north
23 Florida and how you can keep counties whole,
24 keep other geography aligned. So you have in
25 the northern part of the state two districts

1 that have significant population in Duval
2 County, Congressional District 3 and
3 Congressional District 4. However, in each
4 case, at least half the district, if not more,
5 comes from outside of Duval County. So in the
6 case of Congressional District 3, the
7 exterior -- the non-Duval portions of the
8 district include all of Nassau County and
9 includes several rural counties to the west.

10 Congressional District 4 encompasses all
11 of Clay County and approximately half of St.
12 Johns County, including all of St. Augustine.
13 And so in Congressional District 4, about half
14 the district, about a 50/50 split, half the
15 district is in Clay and St. Johns County, half
16 is in Duval Counties.

17 As a result of this configuration in plan
18 9001, Putnam, Flagler and Volusia Counties were
19 able to be kept whole in this particular
20 proposal. And in terms of how the proposals
21 work, in terms of how you are able to keep
22 certain counties whole and not keep others
23 whole, this is an interesting example in that
24 this map keeps -- keeps the African-American
25 seat in Congressional District 5, it keeps

1 Seminole County whole, it keeps Volusia County
2 whole and it keeps Brevard County whole. So
3 essentially at that point in terms of drawing
4 the map, a wall in the map has been created,
5 and so the rest of the work then has to occur
6 on the other side of the map, because,
7 obviously, in terms of making that decision, no
8 district can pass through.

9 Moving down the coast briefly, again,
10 Congressional District 8 keeps all of Brevard
11 County whole and all of Indian River County
12 whole. The district needed about 15,000
13 additional Floridians, so the district moves
14 into the eastern side of Orange County.

15 District 9, again, as I noted earlier, is
16 not creating or attempting to create the
17 Hispanic access opportunity district in central
18 Florida. What District 9 is doing in this case
19 is including all of Osceola County, the
20 northern half of the population in Polk County,
21 and then to get its equal population, going
22 into the Zephyrhills area in Pasco County.

23 District 10 is predominantly an Orange
24 County seat with approximately 150,000
25 residents in Lake County as well. And, again,

1 coming back to that point that I mentioned
2 earlier about trying to give counties the
3 surety, the major counties at least, the surety
4 of having a congressperson from their district,
5 that was something that we thought about in the
6 context of creating these seats, this is likely
7 creating a seat that would produce an Orange
8 County member of Congress. And so in that
9 sense, if you look at the seats in terms of
10 what counties are kept whole, Brevard,
11 Seminole, Orange, Pinellas, Hillsborough have
12 seats -- Pasco, that have seats that are
13 significantly populated from those counties,
14 and so trying, again, to make sure that
15 counties have an opportunity to have
16 representation, something that was heard
17 frequently throughout the public meetings.

18 Moving to District -- District 10 goes up
19 and basically stops in Leesburg. It doesn't go
20 into Tavares, Eustis, Mt. Dora in Lake County.
21 The district essentially stops in the lake --
22 the lake -- the lakes in southern Leesburg, and
23 actually it is a common point in a lot of the
24 maps, the boundaries of the City of Leesburg
25 are very difficult to work with, whereas the

1 boundaries of the other cities in Lake County
2 are more clear, typically, and so Leesburg
3 oftentimes is the city that -- where the
4 population stops for these districts.

5 Congressional District 11 encompasses
6 communities northwest of Congressional District
7 10. It is a district that is largely based out
8 of the population in Marion County. Despite
9 Congressional District 5 coming in and taking
10 some communities, it is really centered around
11 Marion County, includes all of Levy, northern
12 parts of Hernando, Sumter, including most of
13 The Villages community, and then the
14 communities of Lady Lake, Tavares, Eustis, Mt.
15 Dora, in Lake County.

16 Congressional District 12 centers around
17 most of Pasco County, again, though, excluding
18 some of the Zephyrhills area -- actually, the
19 City of Zephyrhills is in Congressional
20 District 12, but the community just to the east
21 of it is not. Congressional District 12
22 includes all of Hernando County and then the
23 portions basically south of The Villages in
24 Sumter County.

25 And we described the districts in Pinellas

1 and Hillsborough, but just to go over them
2 again, Congressional District 13 is entirely in
3 Pinellas County, Congressional District 15 is
4 mostly in Hillsborough County, but does include
5 some population in Pinellas. And we'll zoom in
6 just to give you an idea of where that divide
7 occurs in Hillsborough County. There was a lot
8 of testimony about the communities of
9 Riverview, Brandon, Valrico, so to the extent
10 possible, oftentimes in the map we attempted to
11 align those communities together, again, to the
12 extent possible.

13 And then Congressional District 14 crosses
14 from the predominantly Hispanic and
15 African-American communities in Tampa into the
16 predominantly African-American communities in
17 St. Pete, and then also in this particular
18 example, taking up many of the transportation
19 routes across the bay. And, again, unlike the
20 current map though, not going into Manatee
21 counties.

22 In terms of this rural county seat and
23 where the population centers are, the
24 predominant populations are Polk County and
25 Charlotte County, but in neither case are they

1 more than 30 or 35 percent of the district, so
2 really the district's population is very much
3 spread out throughout these counties, making
4 the label appropriate to call it more of a
5 rural county district.

6 That is Congressional Plan 9001. If there
7 are any questions -- otherwise, I will move on
8 to plan 9003.

9 REPRESENTATIVE HOLDER: Representative
10 Horner, you are recognized for a question.

11 REPRESENTATIVE HORNER: Thank you, Mr.
12 Chairman. District 9, how close is that to a
13 true Hispanic opportunity district? You said
14 it was shy of that.

15 REPRESENTATIVE HOLDER: Mr. Kelly.

16 MR. KELLY: It is shy -- thank you, Mr.
17 Chair, sorry.

18 Representative, the -- if you reflect on
19 the proposal that was submitted to the
20 Legislature, the organization submitted a
21 district that would be about forty -- have a
22 43 percent Hispanic voting age population. At
23 that percentage, the district is questionable
24 as to whether it would perform for the Hispanic
25 community. Certainly the community would be an

1 influence in the seat. So using that as the
2 sort of baseline, that even at the percentage
3 that was submitted, it would be questionable as
4 to whether it would perform for the Hispanic
5 community, the seat, District 9 here, is
6 25 percent, about 25 and a half percent
7 Hispanic.

8 REPRESENTATIVE HORNER: Thank you.

9 REPRESENTATIVE HOLDER: Representative,
10 you -- Representative Reed, you are recognized.

11 REPRESENTATIVE REED: Thank you, Mr.
12 Chair. I have a question. Is Congressional
13 District 3 protected under the Federal Voting
14 Rights Act or law, federal law?

15 REPRESENTATIVE HOLDER: Mr. Kelly.

16 MR. KELLY: Thank you, Mr. Chair.

17 The existing Congressional District 3 is
18 not protected under federal law, it is
19 protected under state law.

20 REPRESENTATIVE REED: Thank you.

21 REPRESENTATIVE HOLDER: Any other
22 questions?

23 Okay. We will move on.

24 MR. KELLY: So the plan now on the screen
25 is plan 9003. So starting up in Duval County,

1 in terms of just looking at the differences
2 from plan 9001 to plan 9003, in this particular
3 map, the Duval/Nassau County seat is much more
4 concentrated in those counties. The seat runs
5 down somewhat into St. Johns County, includes
6 part of the Ponte Vedra area. It doesn't
7 include all of western Duval, although it does
8 include the Baldwin community, but not all of
9 western Duval County. So this seat in this
10 particular design is predominantly a
11 Duval/Nassau County district likely to produce
12 a Duval County candidate in most circumstances.

13 Looking at Congressional District 3, this
14 district is now almost, not entirely, but
15 almost exclusively a rural county seat,
16 excluding portions of Gainesville that are in
17 the district. So it encompasses several entire
18 rural counties. Again, as you looked at the
19 map before, and all the maps, the split
20 occurring in Madison County, but otherwise,
21 several complete counties throughout the map.
22 And in this particular case, we actually
23 designed this district so that Alachua County
24 would only have two districts. So, in other
25 words, the district wouldn't come down further

1 into Marion or come down into Citrus County,
2 but that Alachua County would only have two
3 seats, this district and District 5. That is
4 why the split occurs in southwestern Duval
5 County. So in terms of decisions, in terms of
6 how to look at whether a certain county should
7 have one seat or two seats or three seats, that
8 is how those decisions were made, and then
9 those are the practical effects of them; in
10 this case, Duval -- has a little portion of
11 Duval that is in -- albeit, it is a rural
12 portion of Duval, in Congressional District 3.

13 The differences that are most stark in
14 terms of this concept of Congressional District
15 5 and comparing it to the current Congressional
16 District 3, which Representative Reed was just
17 asking about, this particular design of the
18 district includes all of Palatka, all of
19 Apopka, all of Green Cove Springs. So in an
20 effort to look at the different components of
21 the law, not just the provisions regarding
22 racial and language minorities, but the other
23 provisions regarding taking into consideration
24 political and geographical boundary lines,
25 where the city impacts a smaller to moderate

1 size city, a city is wholly included in the
2 district. So all of the City of Reddick in
3 Marion County is included in the district. So,
4 again, all of Palatka, all of Green Cove, all
5 of Apopka. And, again, like the configuration
6 described in the prior plan, this district
7 doesn't have any impact now on the Ocoee area,
8 and so it is predominantly Apopka and then
9 parts of Orlando, and in all the districts,
10 too, it includes the Eatonville community.

11 Now, as was described earlier, Seminole
12 County and Volusia County are no longer in that
13 seat in any of these proposals. In this
14 particular proposal, plan 9003, Congressional
15 District 6 includes most of St. Johns County,
16 including all of St. Augustine, all of Flagler,
17 the southern non-Palatka portions of Putnam and
18 then most of Volusia County. However, and you
19 will see this in a couple of the maps submitted
20 today, the Seminole County seat interacts with
21 some of the southern cities in Volusia County.
22 And so if we turn on the -- just the city
23 lines, in this particular case, you can see one
24 entire municipality kept whole. DeLand is not
25 kept whole -- I'm sorry, Deltona is not kept

1 whole, but you will see a different version
2 later where these cities are all kept whole
3 coming across the Seminole/Volusia line.

4 Now, in this particular plan, there are
5 impacts from the seats in central Florida that
6 will push essentially the rural county seat
7 into Brevard and Indian River County. So in
8 this particular plan, Congressional District 8
9 still encompasses parts of Orange County;
10 however, it is a greater number of residents of
11 Orange County in order that the district in the
12 center part of the state encompasses many of
13 the rural communities in Brevard and Indian
14 River.

15 In this particular map, there is the
16 creation of a district similar to the one,
17 although not identical, similar to the one
18 regarding the sort of Hispanic access, Hispanic
19 opportunity seat in central Florida. This seat
20 has approximately a 40 percent Hispanic voting
21 age population. It does go from Orange into
22 Osceola into Polk Counties, and it does
23 encompass several whole cities. In designing
24 this seat, we attempted to clean up and make
25 more compact the geography based on what was

1 submitted to the Legislature. So we
2 essentially used that design, but then altered
3 it to encompass whole cities, try to bring some
4 more compact shapes to it, try to encompass
5 county boundary lines better, in this case
6 Osceola County being split into just two
7 districts, as opposed to the plan that was
8 submitted that could have split the county into
9 three. So things like that were considered.

10 As you zoom in on Polk County, we will
11 turn on the city boundary lines, you will see
12 that the Cities of Haines City and Davenport
13 are located entirely in the county. And just
14 an example as to how we drew seats like this,
15 these cities are entirely -- I'm sorry,
16 entirely within the district, I should say.
17 And then you will see that in terms of where
18 the boundaries are, why the boundaries are
19 where they are, oftentimes it is because of
20 either a nice, clean roadway that is probably
21 going to be well recognized by the
22 constituency, or in this case, city boundary
23 lines from the districts just outside of it.
24 Again, that -- the voting age population for
25 the Hispanic community in this district is

1 approximately 40 percent.

2 In terms of attempting to create a
3 district like that, we did find that how you
4 attempt to do that, particularly what you did
5 with Osceola County, affected decisions greatly
6 in Orange and Brevard and Indian River. And so
7 you will see, I believe, three or four
8 different versions of this seat in order to
9 show how this seat can impact the other
10 counties around it. In this particular case,
11 as a result of creating this seat, you now have
12 a seat that is more split between Orange
13 County, Polk and Lake County, and in this case,
14 also into Sumter County, for the most part the
15 non-Villages parts of Sumter, although it does
16 include some of the incorporated area that The
17 Villages occupy. But District 10 encompasses
18 the remaining portions of Lake County, still a
19 significant portion of Orange and of Polk;
20 however, the seat by population is truly more
21 of a Lake County seat at this point in terms of
22 the greatest concentration. However, no
23 county, Lake, Orange, Polk, Sumter, is greater
24 than 50 percent of this seat, but it certainly
25 changes the dynamics of what is going on in

1 Orange and central Florida.

2 District 11 is still largely a Marion
3 County-based seat, although it does include all
4 of Hernando and Citrus Counties, which
5 encompass about half of the district. So about
6 half of the district is Marion and The Villages
7 communities and some other unincorporated areas
8 of Sumter, and the other half of the seat is
9 Hernando and Citrus Counties.

10 In this particular design, and you will
11 see this also a couple times in the maps that
12 were created, this particular map takes the
13 proposed Congressional District 12, includes
14 all of Pasco County, so it is about a
15 two-thirds Pasco County-based seat, and then
16 takes in portions of northeastern Pinellas, the
17 Oldsmar area, some unincorporated communities
18 and northwestern Hillsborough Counties, in an
19 attempt -- as you can see if you zoom into
20 the lines here, attempt was used, or attempt --
21 it was attempted to very much use roadways as
22 best as possible to get a very clean look to
23 the district, again, to make it easier on the
24 constituency to know that they're -- you know,
25 on this side of the road, you are in this

1 district, on that side of the road, you are in
2 that district. And this is a good example
3 right here in the Hillsborough County portion
4 where equal population was achieved, and so
5 this is where we were actually getting to the
6 point of trying to find one, two people to make
7 sure that the district had equal -- either the
8 ideal population or one person deviation from
9 that.

10 District 13 and 14 are fairly similar to
11 the basic concept of what you saw in the prior
12 map in terms of 13 being totally included in
13 Pinellas, and 14, Hillsborough and Pinellas.
14 However, from this point, we changed how it is
15 that we used some of the boundary lines in
16 defining 13 and 14, and so in the design of
17 this seat, we used the bridges and roadways
18 more frequently to make sure that the boundary
19 lines have a more coherent, clean, geometric
20 type shape. District 14, the eastern border of
21 the district is Interstate 75. In this
22 particular example, we made sure that Temple
23 Terrace was not in the district. Temple
24 Terrace testified and asked to be included in
25 one seat only, and so Temple Terrace is in

1 District 15. And in this particular case,
2 again, if you compare it to the prior map, I
3 will give you an example in terms of how we
4 defined the boundaries. There is no exact,
5 clear definition as to where the districts end
6 in plan 9001. In terms of plan 9003, we have
7 that much straighter, much north to south
8 boundary line in Pinellas County and into
9 downtown St. Pete.

10 Now, in this particular example, the
11 eastern Hillsborough County seat encompasses
12 also a significant population from Polk County.
13 So in the prior, you saw that the rural seat
14 came into southern Hillsborough. In this case,
15 the Hillsborough seat is almost mostly in
16 Hillsborough, but also has significant
17 communities in Lakeland, in Bartow, running
18 along major roadways in Polk County as well,
19 although it is still mostly about two-thirds a
20 Hillsborough County seat. Now, as you can see,
21 generally what we are doing here is just
22 following major roadways through Lakeland into
23 Bartow.

24 Mr. Chair, if you want to pause if there
25 are any questions.

1 REPRESENTATIVE HOLDER: Members, any
2 questions? Representative Horner, you are
3 recognized for a question.

4 REPRESENTATIVE HORNER: Thank you, Mr.
5 Chairman.

6 And, Mr. Kelly, I don't expect you to have
7 the numbers in the Senate plan off the top of
8 your head, though I wouldn't be surprised if I
9 did, you are very capable. The District 9, the
10 Hispanic opportunity seat, on this map clearly
11 has a much more geometric shape than say the
12 Senate map. It is a lot cleaner. What is the
13 difference in the Hispanic voting age
14 population in this map versus Senate? And if
15 you don't have it off the top of your head, I
16 would understand.

17 REPRESENTATIVE HOLDER: Mr. Kelly.

18 MR. KELLY: Thank you, Mr. Chair.

19 I believe that the Senate map is
20 approximately 42 percent Hispanic. This
21 particular configuration here is 40.16 percent,
22 so this is .04 percent, no real difference. So
23 basically they are the same percentage.

24 REPRESENTATIVE HORNER: So we are getting
25 basically the same percentage with a much more

1 compact, reasonable shape? That is my
2 characterization, not yours.

3 REPRESENTATIVE HOLDER: Mr. Kelly.

4 MR. KELLY: Yes, sir, thank you.

5 That was our attempt is to encompass city
6 boundary lines better and draw the district as
7 compactly as possible.

8 REPRESENTATIVE HOLDER: Any other
9 questions? Moving on.

10 MR. KELLY: Thank you, Mr. Chair.

11 And, lastly, in this map, the rural county
12 seat, in terms of the western side of this
13 seat, it is very similar because of the
14 decisions of how we picked to build the attempt
15 at the Hispanic opportunity district, and also
16 because of what was done in Congressional
17 District 15 encompassing all of eastern
18 Hillsborough County, the rural county seat
19 then, again, pushes into -- into Brevard and
20 Indian River, into the rural parts of those
21 counties, and encompasses a significant portion
22 of Osceola as well. And that is map 9003.

23 At this time, I am going to load up maps
24 9005 and seven. I would be happy to answer any
25 questions while I am doing so.

1 REPRESENTATIVE HOLDER: Representative
2 Taylor.

3 REPRESENTATIVE TAYLOR: Thank you, Mr.
4 Chair.

5 In developing all of the maps, you took
6 the same approach pretty much. Is there a
7 change in how you approached each map?

8 REPRESENTATIVE HOLDER: Mr. Kelly.

9 MR. KELLY: Thank you, Mr. Chair.

10 I feel as though, in terms of where we
11 started and really started with plan 9001, I
12 feel as though we more frequently used major
13 roadways and in a sense matured the maps, used
14 major roadways to create more clear boundary
15 lines. At first, we started very significantly
16 with the premise of keeping counties whole, and
17 didn't abandon that, but in terms of where
18 counties are not kept whole, we more frequently
19 went for recognizable roadways. At first, we
20 probably looked to city boundary lines only and
21 then eventually incorporated both into that
22 equation and tried to -- oftentimes you have
23 to, unfortunately, either split the roadway or
24 split the city, and so, again, at first, we
25 weren't really factoring in roadways as much,

1 and as our maps matured, brought roadways more
2 frequently into the discussion.

3 REPRESENTATIVE HOLDER: Follow-up?

4 REPRESENTATIVE TAYLOR: Thank you, Mr.
5 Chair.

6 In going through the different variations,
7 how different are the maps when -- are you
8 switching from cities to streets, and streets
9 to counties, or are you following pretty much
10 the same methodical strategy?

11 REPRESENTATIVE HOLDER: Mr. Kelly.

12 MR. KELLY: Thank you, Mr. Chair.

13 Oftentimes we tried to use in the latter
14 maps that we drew, major roadways more
15 frequently, again, or more recognizable
16 streets, streets that perhaps went through the
17 entire county, streets that are commonly known
18 to people in the communities. Didn't do so as
19 frequently early on in the drawing of our maps.
20 So they vary to that degree.

21 And then I would say the other most
22 significant lesson learned in terms of drawing
23 the maps was dealing with the question of
24 whether or not there would be the Hispanic
25 opportunity district in central Florida and its

1 configuration, and if you couple that with what
2 you do in Hillsborough County, lessons learned
3 as to how that affects the rest of the state,
4 how compactly you can draw the rest of the
5 state, and so our decisions matured in that
6 sense in order to -- we never wanted to have
7 one district create an unnecessary impact on
8 another district to where the only reason the
9 other district is the way it is is because of
10 the first. And so we never wanted that
11 situation, we wanted every district to have a
12 reason, to have a methodology, a thoughtful
13 process. And so, again, just incorporating
14 roadways more frequently and incorporating some
15 lessons learned.

16 REPRESENTATIVE HOLDER: I think that's all
17 the questions, so we will move on in the
18 presentation.

19 MR. KELLY: So now we are looking at plan
20 9005. In this particular plan, starting again
21 in northeast Florida, this plan separates
22 Nassau County, for the most part, from the
23 major population of Duval, not entirely
24 separating it from Duval County, but separates
25 it from where most of the population exists in

1 Duval County. And so Nassau County joins,
2 relatively speaking, what you will see in all
3 the maps in different forms or fashion, a rural
4 county Florida district in northern Florida.
5 In this particular district, Clay County is
6 probably the predominant community, although
7 Alachua County is still significantly
8 represented in this district, and the rural
9 communities themselves still represent about
10 half of the district. The result of that and
11 how we got to those lines was District 4. We
12 started at the southern end of St. Johns County
13 and then took that district as far into Duval
14 until we got the population numbers correct.
15 So in this particular District 4, all of St.
16 Johns County is kept whole in the map, and,
17 again, the district is likely -- it is a
18 significantly Duval County-based seat, more
19 than two-thirds based out of Duval County.

20 Looking to Congressional District 6 --
21 well, I should say Congressional District 5 at
22 this point is the same in the rest of the maps
23 as the prior plan you just looked at,
24 encompassing all of Palatka, all of Apopka, all
25 of Green Cove; again, about a 48.1 percent

1 black voting age population in that district.
2 In this particular design, all of Flagler
3 County and much of Putnam is aligned with all
4 of Volusia and then northern parts of the
5 population in Brevard County. It is not much
6 population. Brevard is essentially where the
7 district gets its equal population numbers.
8 The result of that is that the seat has -- or
9 the districts here have all of Seminole in
10 District 7, including portions of the
11 Maitland/Winter Park areas in Orange County,
12 which frequently, because those communities
13 touch right next to Congressional District 5 --
14 I believe actually on all the maps, Maitland
15 and Winter Park are aligned with the district
16 that encompasses all of Seminole County.

17 In this particular design, we come back to
18 most, but not all, of Brevard being together in
19 the same seat, all of Indian River. So unlike
20 the prior where you saw Indian River or the
21 rural communities were separated out, all of
22 Indian River, and then it's still a significant
23 portion of the communities in Orange County.
24 And so in reflecting on the decision to include
25 all of Brevard or not all of Brevard, that

1 impacted -- impacted in some of these maps how
2 much of an impact Orange County would have on
3 those seats, although in this particular case,
4 Brevard County is still significantly the
5 majority of the district.

6 In this particular example, this map did
7 not attempt to create the Hispanic access seat
8 in central Florida. It does include all of
9 Osceola County and then essentially a northern
10 slice of Polk County coming out of the Lakeland
11 area up to the Osceola County line. The
12 District 9 in this particular case has a 28.6
13 percent Hispanic voting age population.

14 Chair, I think there may be a question.

15 REPRESENTATIVE HOLDER: Yes,
16 Representative, you are recognized.

17 REPRESENTATIVE FULLWOOD: Thank you, Mr.
18 Chairman. Question: Going back up to
19 Congressional District 3, I know there's a
20 couple of prisons like in Bradford and one of
21 the other counties. Are those -- are prisoners
22 counted in those numbers?

23 REPRESENTATIVE HOLDER: Mr. Kelly.

24 MR. KELLY: Thank you, Mr. Chair.

25 Yes, Representative, all Florida

1 residents, including inmates, are counted in
2 those numbers.

3 REPRESENTATIVE FULLWOOD: So the
4 African-American --

5 REPRESENTATIVE HOLDER: Representative
6 Fullwood.

7 REPRESENTATIVE FULLWOOD: I'm sorry --

8 REPRESENTATIVE HOLDER: That's all right.

9 REPRESENTATIVE FULLWOOD: -- Mr. Chairman,
10 if I may follow up?

11 REPRESENTATIVE HOLDER: Sure.

12 REPRESENTATIVE FULLWOOD: So the
13 African-American percentages you gave, do we
14 know what percentages are prisoners or actual
15 -- I think you said 41 percent are African --

16 REPRESENTATIVE HOLDER: Mr. Kelly.

17 REPRESENTATIVE FULLWOOD: -- are black?

18 MR. KELLY: Thank you, Mr. Chair.

19 In terms of Congressional District 3,
20 there's not a significant African-American
21 voting age population in the district, in
22 Congressional District 3 as it is on this map.
23 But, yes, all inmates in any correctional
24 facility are counted at their residence, if it
25 was that correctional facility on April 1,

1 2010. So if that is where they resided, that
2 is where they were counted, and so they are
3 included in the numbers in those districts.

4 REPRESENTATIVE FULLWOOD: So we count --
5 Mr. Chair, if I may follow up?

6 REPRESENTATIVE HOLDER: Representative
7 Fullwood, sure.

8 REPRESENTATIVE FULLWOOD: I apologize, I
9 am a little rusty today.

10 REPRESENTATIVE HOLDER: In -- to answer
11 part of that question, it is about 14 -- almost
12 14 and a half percent in the total district.

13 REPRESENTATIVE FULLWOOD: In the total
14 district?

15 REPRESENTATIVE HOLDER: Yes.

16 REPRESENTATIVE FULLWOOD: If I may, Mr. --
17 of that 14 percent -- I got my four and one
18 mixed up. Of that 14 percent, do we know the
19 percentage of those individuals that are in
20 prisons?

21 REPRESENTATIVE HOLDER: Mr. Kelly.

22 MR. KELLY: Thank you, Mr. Chair.

23 No, we do not.

24 REPRESENTATIVE FULLWOOD: And if I may,
25 one last follow-up question?

1 REPRESENTATIVE HOLDER: Absolutely, follow
2 up.

3 REPRESENTATIVE FULLWOOD: Are we -- should
4 we be counting folks who can't vote?

5 REPRESENTATIVE HOLDER: Mr. Kelly.

6 MR. KELLY: Thank you, Mr. Chair.

7 The question of counting individuals in
8 prison relates largely also to the question of
9 counting college students, nursing home
10 residents, persons who have yet to gain their
11 citizenship. They are all counted at their
12 place of residence. And so the law and the way
13 that Florida, and to my knowledge, most states
14 operate, operate consistently in that a person
15 is counted where they reside on April 1, 2010.
16 There are some different procedures for
17 overseas military and so forth, but, otherwise,
18 individuals are counted at their place of
19 residence in order to have a consistent count,
20 a legally sound count, across the board.

21 The question is an interesting question.
22 The Census Bureau has done a lot of research on
23 in terms of inmates, again, relating it to
24 college students, nursing home residents. It
25 is very difficult to get -- if you were to

1 attempt to count such individuals elsewhere, it
2 is very difficult to get an accurate, reliable
3 count, because records for where a person may
4 reside are not consistent. In many cases when
5 you talk about an inmate or someone in any kind
6 of state or county correctional facility, their
7 former residence may not be their former
8 residence anymore. And so it is oftentimes
9 very difficult, and it would make the counting
10 of Florida residents less accurate than
11 counting those residents at their place of
12 residence on that given day.

13 REPRESENTATIVE HOLDER: Follow-up?

14 REPRESENTATIVE FULLWOOD: Just one last
15 follow-up, Mr. Chairman.

16 REPRESENTATIVE HOLDER: Sure.

17 REPRESENTATIVE FULLWOOD: I guess the only
18 difference is for college students and folks in
19 nursing homes, they do have the wherewithal to
20 vote via absentee ballot or whatever. If you
21 are in prison, you can't vote via absentee or
22 early voting or whatever, so there is a pretty
23 big distinction, I would say.

24 Thank you, Mr. Chairman.

25 REPRESENTATIVE HOLDER: Thank you. Any

1 other questions? Moving on.

2 MR. KELLY: Mr. Chair --

3 REPRESENTATIVE HOLDER: Unless you would
4 like to respond.

5 MR. KELLY: Just the dialogue, tying that
6 back to some of the questions that came up
7 earlier about a performing minority district
8 and so forth, that is why when those kind of
9 questions are looked at, we are required to
10 also look at data that pertains to whether or
11 not the community would actually perform for a
12 minority candidate, whether or not it is even
13 possible to actually draw the minority
14 opportunity or majority-minority seat in the
15 area. So in terms of that, in terms of
16 citizenship, we are required to look at
17 multiple data sets, again, all in My District
18 Builder, but we are required to look at
19 multiple data sets so that when the Legislature
20 stakes its claim to a district truly being a
21 likely-to-perform district, that it can say so
22 with some accuracy. Thank you, Mr. Chair.

23 REPRESENTATIVE HOLDER: Sure. Moving
24 forward.

25 MR. KELLY: Moving down to -- let's see

1 where we left off. Oh, we left off with
2 Congressional District 8 and 9.

3 So in this particular case, Congressional
4 District 9, I believe, is approximately a
5 25 percent -- I'm sorry, 28.6 percent Hispanic
6 voting age population.

7 Congressional District 10 is approximately
8 a 55, 60 percent Orange County-based seat,
9 although there is a significant population in
10 the seat from Lake County. So Lake County --
11 actually, it is probably closer to about 65/35
12 in terms of percentages. So Lake County is a
13 significant portion of Congressional District
14 10 in this example.

15 And in this particular design of 9 and
16 10 -- turn on the city boundary lines -- this
17 particular design takes the portions of 9 that
18 go into Orange County away from, not entirely,
19 but away from much of downtown Orlando and more
20 to the east side of the county. However, of
21 course, Congressional District 8 is coming over
22 from the east to west to grab population and
23 get its equal population. So that is why the
24 districts intersect at this point, because
25 they're all essentially achieving their equal

1 population right around the same point.

2 Congressional District 11, similar to the
3 other maps, in some form or fashion takes on
4 what tend to be some rural counties and then
5 also some sort of mid-sized counties. In this
6 case, the district is still largely a Marion
7 County-based seat with several rural counties,
8 pieces of southern Alachua County, all of
9 Citrus, and in this case, a little bit of
10 Hernando and all of Sumter. And this is a good
11 example of where a decision had to be made of
12 either dividing Sumter, dividing Hernando. In
13 this particular map, the decision was to divide
14 Sumter, but in any case, the option could be to
15 instead keep Hernando whole and divide a
16 different community perhaps. And so you will
17 see in the other maps, Congressional District
18 10 may come into Polk County, allowing 11 to
19 take part of Lake and allowing Hernando to stay
20 whole. So that is how the pieces shift around
21 the map depending on essentially, for your
22 policy decisions, who you opt or what counties
23 you opt to keep whole, what geography you opt
24 to tie together.

25 In Congressional District 12, as you will

1 see in most of the maps, it is very much
2 centered around Pasco County, most of Hernando,
3 and then similar to one of the maps you looked
4 at before, it encompasses a bit of the Oldsmar
5 community and northeastern Pinellas County.
6 Again, most of Pinellas, most of the rest of
7 Pinellas is in -- or I should say Congressional
8 District 13 is encompassed entirely in Pinellas
9 County, similar to the Congressional District
10 14 that you saw in the previous map, the more
11 straight lines, roadways, using Interstate 75
12 was used to create a much more geometrically
13 sound Congressional District 14. In this
14 particular case, essentially the math was done
15 to take the rest of Hillsborough, put it in a
16 district, and then encompass -- as we mentioned
17 before, Sarasota plus Manatee County is just
18 slightly too large for a -- for a congressional
19 district. So that additional population was
20 put into Hillsborough so that the seat could be
21 exactly Hillsborough -- the remaining portions
22 of Hillsborough and then the additional
23 left-over population in rural parts of Manatee
24 County.

25 And so essentially a lot of these maps,

1 those kinds of calculations were used before
2 drawing a district in order to try to achieve a
3 certain result, in this case, having a seat
4 that is predominantly a Hillsborough County
5 seat.

6 As a result, the seat that encompasses
7 much of rural Florida, because we've kept
8 Brevard and Osceola and Indian River whole and
9 because we have a seat that encompasses all of
10 the eastern side of Hillsborough, the rural
11 county seat now has to push further into Polk
12 County, and it encompasses much more of
13 Lakeland than it does in the other examples.

14 And that is Congressional -- that is plan
15 9005. Unless there are any questions, I can
16 move on to plan 9007.

17 REPRESENTATIVE HOLDER: Members, any
18 questions?

19 No questions.

20 MR. KELLY: Thank you, Mr. Chair.

21 REPRESENTATIVE HOLDER: Moving forward.

22 MR. KELLY: In this particular plan,
23 reflecting back on some of the choices that
24 were made previously about Duval County, this
25 particular plan encompasses all of Duval

1 County, excluding the portions in Congressional
2 District 5, all of Duval County, the remaining
3 portions, all of Nassau County and then a
4 little bit of the Ponte Vedra area in
5 Congressional District 4. So this is
6 probably -- if you want to say a Jacksonville
7 area/northeast Florida district, this is
8 probably the most northeast Florida of the
9 northeast Florida districts. And then the
10 rural counties are tied together similar to you
11 have seen before. In this case though, because
12 the Jacksonville/Clay, Jacksonville/Baker
13 county lines were held so that the districts
14 didn't cross the county lines, their result is
15 the district comes -- the Congressional
16 District 3 comes somewhat into northwestern
17 Marion County, although not actually impacting
18 the City of Ocala, and still the predominant
19 portion of Marion is in another district.

20 Congressional District 6, as you have seen
21 similar to one of the other proposals,
22 encompasses most, but not all of St. Johns, all
23 of Flagler, all of the portions of Putnam that
24 are essentially south of the middle of the
25 county, south of -- south of -- I believe it's

1 State Road -- south of this line, the city is
2 held whole, and then in this particular case,
3 as in all the maps, Palatka is held whole in
4 Congressional District 5.

5 In this particular map, in map 9007,
6 Volusia County is not held whole, because the
7 equal population numbers are reached at this
8 point. Congressional District 7, which still
9 includes parts -- well, all of Seminole,
10 Maitland, Winter Park, interacts with the
11 cities here in southern Duval -- I'm sorry,
12 Volusia County. And, again, what we had
13 before, to be held whole, city splits, city
14 splits. So the population equality, population
15 deviation or reaching the ideal population was
16 made at this point in the districts.

17 And, again, coming back to a question that
18 Representative Taylor asked before, it was
19 points like that where the equal population was
20 achieved, but perhaps a major roadway or a city
21 boundary line was crossed. As the maps
22 matured, we tried to reduce the number of times
23 that those decisions impacted a community, a
24 roadway or a city boundary, something to that
25 effect.

1 In this particular example, Congressional
2 District 8 goes into Osceola County as opposed
3 to going into Orange. So the 15,000 Floridians
4 that Congressional District 8 needs are in
5 Osceola County as opposed to eastern Orange.
6 The result of that and of other decisions in
7 the map, in this particular case, too, again
8 attempt to create a Hispanic opportunity seat.
9 This is the same design seat that you looked at
10 before that included all of certain cities in
11 Osceola County and in Polk County. This --
12 because of that, because of keeping Brevard
13 whole, because of keeping Indian River whole,
14 the rural seat goes further into the eastern
15 rural parts of Orange County.

16 Congressional District 10, in this
17 particular case, as we have discussed a couple
18 of times before, really actually becomes very
19 much a Lake County seat, not so much so that it
20 is a majority of the district, but Lake County
21 is about ten or twenty thousand more people
22 than the Orange County portion of the district,
23 and the Polk County portion is significant too.

24 The nuance to this particular -- we will
25 jump ahead to Congressional District 15 for a

1 moment. The nuance to this particular
2 congressional district is that it uses very
3 much the boundary lines of the City of Lakeland
4 to separate 10 and 15. So the majority of
5 Lakeland ends up in Congressional District 15,
6 and then it stretches out somewhat further into
7 the middle part of the county.

8 While I am doing this, Mr. Chair, if there
9 are any questions.

10 Thank you, Mr. Chair.

11 Again, most of Marion County is still
12 included in the 11th Congressional District; in
13 this case, all of Citrus, all of Hernando, all
14 of Sumter. So the design in this particular
15 case, the choice that was made was keep
16 Hernando, Sumter and Citrus all whole, not take
17 the district at all into Lake County.

18 And similar to a design you have seen
19 before, this Congressional District 12 makes a
20 nice, clean cut down a roadway into
21 northeastern Pinellas, allowing 13 to be all in
22 Pinellas County, and 12 then runs closer to the
23 Interstate, Interstate 75, in Hillsborough
24 County. And, again, it is a Pasco County --
25 about two-thirds Pasco County-based seat.

1 This Congressional District 14, very
2 similar to the ones that you've looked at
3 previously, is using these roadways to make
4 clear boundary lines, and, again, all of Temple
5 Terrace is included in Congressional District
6 15. And then the resulting rural county seat,
7 as I mentioned before, because of the decisions
8 about what counties to keep whole, this seat
9 runs up actually all the way into Orange
10 County. And so this is probably the most
11 expansive of the rural county seats that we
12 have discussed.

13 And so those are plans 9005, 9007. I am
14 going to load up plans 9009 and 9011.

15 REPRESENTATIVE HOLDER: Members, any
16 questions?

17 No questions, so as soon as they are
18 loaded, please continue.

19 MR. KELLY: Thank you, Mr. Chair.

20 For this particular map, we will start
21 south and move north as opposed to how we moved
22 before. This is map 9009. In this particular
23 case, there was an attempt to create a Hispanic
24 opportunity district in District 9. This seat,
25 I believe, was approximately 38 and a half

1 percent Hispanic. I am going to check my
2 numbers to make sure.

3 REPRESENTATIVE HOLDER: That is correct.

4 MR. KELLY: This particular District 9
5 attempted to use, as best as possible, a clean
6 southern line in terms of defining the
7 district's boundaries; again, trying to mesh
8 the concepts of creating an opportunity for the
9 Hispanic community, but complying with the
10 standards of compactness, trying to comply as
11 best as possible with the use of city boundary
12 lines.

13 In this particular case though, unlike the
14 prior examples that you have seen, this
15 particular example includes all of the City of
16 St. Cloud as well. So it is all of Kissimmee,
17 all of St. Cloud. The prior examples you have
18 looked at divided St. Cloud, and so this
19 includes all of the city, and it includes all
20 of the Poinciana community on both the Osceola
21 and Polk County sides, and it uses Interstate 4
22 to create this nice, clean border, and then it
23 achieves its equal population in Orange County
24 and in this region of Polk County as well. The
25 impact of that is essentially you have

1 something close to, not exactly, but close to a
2 line in Polk and Osceola Counties, and
3 everything south is in your rural county
4 district. In this particular example, like you
5 have looked at before, we did the math to
6 ensure that District 15 was entirely in
7 Hillsborough and that rural part of Manatee
8 County, so District 17 doesn't go into any of
9 the rural or eastern sides of those counties.

10 Thirteen and 14, I believe you have looked
11 at the exact versions of these before. In this
12 particular case, Congressional District 12
13 still encompasses a little bit of northeastern
14 Pinellas and all of Pasco; however, it is
15 missing the top portion of Hernando County. So
16 it does not encompass all of Hernando.

17 Congressional District 8 is actually
18 exactly what you have looked at before in other
19 cases. It is all of Brevard, Indian River, and
20 then portions of the eastern rural sides of
21 Orange County.

22 Congressional District 11 encompasses some
23 of northern Lake County, and in this particular
24 case, this was an attempt to include the cities
25 of Lady Lake and other smaller municipalities

1 in the district to keep The Villages community
2 together. And, generally speaking, as you
3 heard in testimony during your travels this
4 summer, The Villages community, there is an
5 incorporated side in Sumter County, there's the
6 City of Lady Lake in Lake County and then
7 there's some unincorporated area in very
8 southern Marion County. So this would actually
9 include what people commonly refer to as The
10 Villages in a particular district. It is all
11 of Sumter, all of Levy. In this particular
12 case, it splits Gilchrist County though in this
13 particular map. In doing so, what it allowed
14 was Congressional District 3 coming all the way
15 to -- using the Alachua County line. So, in
16 other words, Alachua is only split two ways as
17 a result of the decision to keep -- to split
18 Gilchrist.

19 Now, in this particular case, in this one
20 map, Nassau County is actually not kept whole.
21 Essentially the middle of Nassau County,
22 approximately U.S. 1, in that region of the
23 county, is used as a divider in such that the
24 Hilliard and Callahan communities of Nassau
25 County are put in with the rural county

1 district that encompasses several rural
2 counties, including Clay and including the west
3 sides of Duval, such that the east side of
4 Nassau, Jacksonville, Duval County, the
5 beaches, and the northern parts of St. Johns
6 County are all in a district. And we'll just
7 zoom in to observe -- in this particular case,
8 St. Augustine is split in this particular map.
9 And so if you were tempted to maybe not split
10 at St. Augustine, you would have to -- you
11 essentially lose the nice line at the bottom of
12 the district, and so there is a trade-off there
13 in terms of having a very clear line in the
14 district, or splitting a city. And it is just
15 a good example of how those trade-offs can
16 occur when, of course, you have to meet the
17 equal population mandate.

18 As noted before, this Congressional
19 District 5 is identical to the ones that you
20 have seen in everything but plan 9001.

21 Congressional District 6 in this
22 particular example includes, again, parts of
23 St. Augustine, southern St. Johns, parts of
24 Putnam, all of Flagler and all of Volusia
25 Counties. So in this particular design,

1 Brevard, Seminole and Volusia Counties were
2 kept whole, similar to the very first plan that
3 you looked at, except that in that very first
4 plan, Congressional District 5 encompassed
5 parts of Baker and Bradford, opening up Clay
6 County in that particular map.

7 In terms of the next map -- well,
8 actually, Mr. Chair, if there are any questions
9 about that map?

10 REPRESENTATIVE HOLDER: Any questions?

11 Seeing none, please continue, Mr. Kelly.

12 MR. KELLY: Thank you, Mr. Chair.

13 Map 9011, the next to the last map that
14 you will be looking at, at this particular
15 point, we started to look for potentially a
16 different answer to the questions of
17 Congressional District 17, how it interacts and
18 borders with Congressional District 15, how it
19 interacts with the attempt to create the
20 Hispanic opportunity district, and this map
21 does attempt again to do that. In this
22 particular map, Congressional District 9 is
23 that Hispanic opportunity seat. It is just
24 slightly below 40 percent. So it is about 39
25 and a half percent, I believe.

1 As a result of the design, this particular
2 case, not going into Polk County, Congressional
3 District 17 encompasses more of Polk County.
4 Congressional District 17 encompasses just the
5 southern -- for the most part, not completely,
6 but for the most part, not very populated
7 portions of Osceola County. Congressional
8 District 17 also goes into Hillsborough County
9 probably more significantly than it does in any
10 of the other maps, and the attempt here in
11 terms of using that boundary line -- of course,
12 as you can tell, similar to some of the other
13 maps, this is where those equal population
14 numbers were achieved. Literally we were
15 getting down to a single person in a district.
16 The attempt here was to have the Riverview,
17 Brandon, Valrico communities together as
18 requested in Congressional District 15, and
19 with the exception of those maps where 75 was
20 not used as a border like this, in this
21 particular design we were able to achieve that
22 request and per the law use a geographical
23 boundary that is well-recognized in
24 Hillsborough County as a dividing line. And if
25 you follow the boundary here, for the most

1 part, it is actually running along one roadway.
2 The roadway itself has some bends to it, but it
3 is just following a roadway.

4 And coming back to the question, again,
5 Representative Taylor asked before, from a
6 staff perspective, we felt like our map drawing
7 at this point, the use of these boundary lines
8 when appropriate, roadways when appropriate,
9 cities, really was maturing in terms of our
10 design and map drawing.

11 In this particular example, let's take a
12 look at the boundaries of Lakeland. All of
13 Lakeland is included in Congressional District
14 15. It is still predominantly probably 65,
15 70 percent a Hillsborough County seat; however,
16 all of Lakeland and a more significant
17 population of Polk County is included in the
18 seat. And so in doing so, we were able to keep
19 several cities whole and try to respect those
20 boundaries as best as possible. And the cities
21 intersect at this point in Polk County.

22 One of the similarities I would like in
23 Polk County to Lake County, in terms of when
24 you do have to divide the county, one of the
25 nuances you deal with are several lakes, and

1 because of that, it is difficult in instances,
2 unless it works out perfectly with population,
3 to use roadways. So oftentimes you are using a
4 mixture -- I should say to use one roadway.
5 Oftentimes because of that, because of the
6 lakes, you are using a mixture of different
7 roadways when you are dividing counties like
8 Polk, counties like Lake.

9 In this particular case, as is most but
10 not all the examples you have seen today, the
11 rural county seat does not cross over into the
12 eastern counties, except for the one or two
13 examples you looked at before. So this rural
14 county seat stays more in the center of the
15 southern part of the state, and it does have
16 significant communities both in Polk and
17 Charlotte Counties again, so there is not one
18 predominant community in the district.

19 In this particular case, not all of the
20 rest of Lake County, but a good portion of it
21 is included in the seat that stems out of
22 Orange County, District 10, but it also
23 includes parts of the Celebration community and
24 areas east -- I should say west of Interstate 4
25 in Osceola County, and it includes, of course,

1 parts of northern Polk, as you can see. The
2 predominant community here is probably the Lake
3 County community, although the Orange County
4 community is not far behind that, and in terms
5 of Polk County, it is still about 180,000
6 residents in Polk County. So there's are some
7 significant communities in terms of this
8 particular district.

9 You have seen variations of 12, 13 and 14
10 before as they are here. Because of the
11 decisions in Polk and in Lake County, in this
12 particular case, as in one of the earlier
13 examples, you see Citrus, Hernando and Sumter
14 Counties together in a district, but still very
15 much of Marion County is included in that
16 district, albeit a lesser portion than you have
17 seen before.

18 In this particular case, Alachua County is
19 only split two ways, because in large part of
20 the decision in terms of coming down into
21 Marion County. However, in this particular
22 map, what you see that is different is,
23 excluding the portions of Congressional
24 District 5, you see a Congressional District 4
25 that is otherwise the rest of Duval, the rest

1 of Nassau and Baker County perfectly. It
2 worked out actually by a fluke that in terms of
3 designing these districts, that we were able to
4 -- to deal with the legal responsibilities of
5 Congressional District 5 and actually perfectly
6 place all of Baker, all of Nassau and Duval.
7 So it was nice just to have a district that met
8 the equal population without having to make a
9 great effort to get the equal population.

10 Congressional District 3, again,
11 encompasses many rural counties, although
12 unlike the prior maps, does not include Baker
13 since it's aligned with the Duval and Nassau
14 district.

15 In this particular example, St. Johns
16 County is kept whole, all of Flagler, much
17 of -- the southern half of Putnam, minus
18 Palatka, not all of Volusia. Now, in looking
19 closer as we have before in terms of the
20 Volusia County area, trying to work with the
21 city boundary lines in this area, this was
22 probably our best effort in terms of keeping
23 cities whole in Volusia as Congressional
24 District 7 goes into Volusia County. So,
25 again, maturing the maps, working with the mix

1 of roadways and city boundary lines, this was
2 probably our most mature effort of taking
3 Congressional District 7 into Volusia County.
4 And, again, Congressional District 7 includes
5 all of Seminole, and then Maitland, Winter
6 Park, and then its equal population is achieved
7 in this area, Congressional District 8 comes
8 over, and somewhat different to the prior
9 examples you've looked at, Congressional
10 District 8 in some of the prior examples
11 grabbed a broader -- a broader slice of Orange,
12 but encompassed a lot of area that didn't have
13 much population. In this particular case, we
14 used the roadway much more specifically in
15 order to make really a cleaner cut in terms of
16 where the districts divide; again, using that
17 roadway, a common point or boundary that people
18 will usually recognize.

19 And then Congressional District 9, which
20 is, again, a 39 and a half percent, roughly,
21 Hispanic voting age population, gained
22 significant population in this particular case
23 from Orange County. So the base of the
24 district is really Orange County, although
25 significant portions of the communities in

1 Osceola County as well.

2 And with that, Mr. Chair, unless there are
3 any questions, I will move on to the next map.

4 REPRESENTATIVE HOLDER: Members, any
5 questions?

6 There are no questions, so we will
7 continue, please, Mr. Kelly.

8 MR. KELLY: I am just going to load up map
9 9013, the last map. In map 9013, similar to
10 what you have seen before in one of the other
11 examples -- I think I incorrectly before said
12 this only happened once, but I do recall it
13 now, it happens twice where we have Nassau
14 County split in a particular district and you
15 have that division running down into St. Johns
16 County, but then because of that, creating that
17 nice, clean line in St. Johns County, it does
18 end up splitting the City of St. Augustine, but
19 in this particular case, keeping all of Volusia
20 whole.

21 The primary difference in this particular
22 map from what you have seen before -- as you
23 can see, Volusia is whole, Brevard is whole --
24 is how we attempted to accomplish the creation
25 of the Hispanic majority -- or Hispanic

1 opportunity district, I shouldn't say majority.
2 This is -- this is the most Hispanic of any of
3 the Congressional District 9s we created. This
4 district, I believe, is 40.3 percent Hispanic.
5 It does go into Polk County, which is in part
6 what affects those numbers. Also, in part, the
7 district doesn't go as far into Orange, and so
8 that gave it that extra roughly one percent
9 Hispanic voting age population. As you can
10 see, we zoom into 7, in this particular case,
11 unlike the prior map 7, is all Seminole and
12 then pushing south into Orange County.

13 This particular area, as you see this kind
14 of division between 7 and 8, the census
15 geography is very difficult to work with in
16 this area of the state. And so if there is a
17 division that occurs, it unfortunately can take
18 a shape like this in this area just because the
19 geography itself is somewhat limited. But this
20 is also where Congressional District 7 gained
21 its exact population totals. And we were
22 trying as best as possible in those instances
23 to not split a subdivision or neighborhood,
24 again, if possible.

25 But Congressional District 9, as I said,

1 is about 40.3 percent Hispanic, and we will
2 take a look at the Polk County area that it
3 impacts. I think I said all of Osceola. I
4 should say all of Osceola east of Interstate 4
5 is in the district.

6 One of the -- one of the nuances of
7 Osceola and Polk Counties is this sort of
8 overlapping area. Poinciana is right here and
9 here, and this overlapping area, if you -- if
10 you choose not to unite these areas, you can
11 always have an odd shape from Osceola County
12 and Polk County, and so here, part of our
13 actual consideration was the actual cosmetics
14 of the district, and so in terms of not just
15 trying to create an opportunity for Hispanics,
16 but also trying to use roadways, clean lines as
17 best as possible, county lines as best as
18 possible, to create a cosmetic look to the
19 district too, that would be appropriate to the
20 voters' mandate. However, in this particular
21 case, unlike one of the examples you looked at
22 before, it doesn't as cleanly deal with all the
23 city boundary lines, although it still does
24 attempt to keep cities whole as much as
25 possible. What it does more lean on are the

1 major roadways and the divisions.

2 In this particular example also, thinking
3 about the Congressional District 15s that you
4 have looked at, how they interact with Polk
5 County, in this particular case, it does not
6 include all of Lakeland, it does include most
7 of it, but not all of it, and it leans heavily
8 on the roadways to divide 17 and to divide 15,
9 to divide 10 from 17 -- I'm sorry -- to, yeah,
10 divide 10 from 17 and 15. So this is very much
11 with Congressional District 9, 10, 15, 17,
12 using roadways to create the nice, clean
13 esthetic look to the districts.

14 And you have seen versions, of course, of
15 13 and 14 before. The one thing is a little
16 different about 13 here is that the portion of
17 the District 12 and where it comes into
18 Pinellas County, in this particular case, it
19 comes in and takes Tarpon Springs. So instead
20 of coming in northeastern Pinellas, it comes in
21 northwest Pinellas, although, again, as you can
22 see, still attempting to use roadways as
23 cleanly as possible, create a nice esthetic,
24 and for the constituents, an understandable
25 look to where the districts do divide. You can

1 see most of Tarpon Springs is included in
2 District 12, running the district along this
3 roadway. In this particular case, Pasco and
4 Hernando are kept whole, again, with the
5 predominant part of Tarpon Springs. The
6 decision in terms of District 11 and where
7 to -- essentially it has to divide some county
8 and its southern border the way it is designed
9 here. The decision was to go into Lake County,
10 because it was going to have to be divided
11 either way because of the population. So as
12 opposed to maybe potentially dividing parts of
13 Hernando, the decision was to go further into
14 Lake, encompassing all of Lady Lake, all of
15 Fruitland Park, much of Leesburg, although not
16 impacting the -- what was testified to in the
17 public tour was referred to as the Golden
18 Triangle of Tavares, Eustis, Mt. Dora, in that
19 area. So that area south in Lake County is all
20 together in Congressional District 10. And,
21 again, similar to what you have seen before, it
22 really is tipping the scale, that district
23 actually more into Lake County, but not so much
24 so that Lake, Polk or Orange is a majority of
25 that district.

1 But District 11 having all of Sumter, all
2 of Citrus, all of Levy, and it really still is
3 though very much a Marion County seat in this
4 design, and then it goes into some of southern
5 rural Alachua County.

6 One of the things -- a nuance of what we
7 were trying to accomplish when it is that we
8 divided this area in Alachua, we attempted to
9 not divide Gainesville three ways. Gainesville
10 is divided in part by Congressional District 5
11 already, and so in terms of what cities we
12 would go into, what territory we would take, we
13 were attempting to not have Gainesville divided
14 into three congressional districts. So that is
15 why, in terms of not creating a flat line in
16 this particular area, we didn't want a city
17 unnecessarily divided that way unless it was
18 the only choice. And so this leaves
19 Gainesville only divided twice and takes the --
20 part of the southwestern rural part of Alachua
21 County as the dividing line.

22 And if I can kind reflect back on the
23 prior plan that you just looked at -- or I
24 should say actually plan 9009, in that
25 particular plan, that plan kept the Alachua

1 line whole, so Alachua County itself was only
2 divided twice, but it split Gilchrist. And so
3 between plan 9009 and 9013, that was one of the
4 trade-offs. And then, again, the rural county
5 seat that has the western, more rural sides of
6 Nassau and Duval and then a series of rural
7 counties.

8 And, Mr. Chair, with that, those are the
9 seven staff options that were produced, and we
10 would be happy to answer any other questions
11 you may have.

12 REPRESENTATIVE HOLDER: Thank you very
13 much, Alex, for that very thorough explanation
14 of all the different maps.

15 Members, are there any questions for Mr.
16 Kelly? Representative Chestnut.

17 REPRESENTATIVE CHESTNUT: Thank you, Mr.
18 Chair.

19 I guess my question in terms of looking as
20 you went through all of the maps here from 9001
21 to nine thousand, I guess, thirteen, 5 and 20,
22 they don't quite meet the definition of
23 "compact" and "contiguous," and I am assuming
24 that is because -- because of the state
25 requirements, 5 and 6, saying you can't

1 diminish a minority type of district, and I am
2 assuming -- which one takes precedence? I
3 guess my question is, which one takes
4 precedence in terms of when you drew the maps?

5 REPRESENTATIVE HOLDER: Mr. Kelly.

6 MR. KELLY: Thank you, Mr. Chair.

7 Representative Chestnut, all the
8 districts -- let me assure you, every district
9 in the maps are contiguous. Every single
10 district in every proposal presented in all
11 three subcommittees, they are contiguous.

12 In terms of compactness, let's start with
13 Congressional District 20. Congressional
14 District 20 takes on a much more compact shape
15 than the existing district today. The existing
16 district today has a sort of lower arm that
17 goes to Miramar. This district -- this design
18 doesn't have that anymore. The current
19 district today has a sort of upper arm that
20 goes to Ft. Pierce. This district doesn't have
21 that. So in terms of respecting the
22 communities, Palm Beach, Broward, and
23 respecting the voters' intent to have whole
24 counties, whole cities, together, Congressional
25 District 20 was designed very much to have as

1 least impact as possible, and really has a
2 positive impact on keeping cities together.
3 The southern portion of Congressional District
4 20 in Broward County very much takes in several
5 whole cities into it. So it was designed to
6 use the roadways more clearly, take in whole
7 cities.

8 So in terms of the law and how that
9 impacts it, the first and most significant law
10 that impacts Congressional District 20 is
11 really Section 5 of the Voting Rights Act,
12 which implicates that today, Hendry County,
13 African-Americans have an African-American
14 Representative, and that in itself needs to be
15 maintained.

16 Section 2 of the Voting Rights Act is
17 implicated here, because it is a
18 majority-minority seat. That was maintained by
19 actually drawing a more compact seat that more
20 frequently used city boundary lines, respected
21 the boundaries of Martin and St. Lucie by not
22 going into those counties. And so really it
23 was -- we were able to mesh the different
24 principles in the drawing of Congressional
25 District 20.

1 In the case of Congressional District 5,
2 the Voting Rights Act is not implicated in that
3 district. We are leaning much on the state law
4 that requires that the district cannot diminish
5 the existing opportunity for, in this
6 particular case, a racial minority. We used
7 the NAACP's submission to give us some
8 guidance, not necessarily in terms of the
9 communities that they picked, I believe they
10 still opted to go into the Sanford area, we
11 didn't go into Seminole County at all, but we
12 did use it to give us some guidance in terms of
13 what they deemed was an acceptable
14 African-American voting age population. So
15 our -- in the proposal, in the staff proposal,
16 the African-American voting age population is
17 just slightly higher than what the NAACP
18 submitted, but that said, an effort was made in
19 terms of the communities that the district
20 impacts -- Apopka, Green Cove Springs, Palatka
21 -- not to divide those cities unnecessarily,
22 but actually to keep them whole. Likewise, as
23 I mentioned, the district no longer goes into
24 the African-American communities in Sanford,
25 because in our estimation, it was unnecessary

1 to maintain the ability to perform and its
2 current likelihood of performing for an
3 African-American candidate. So we believe that
4 we maintained that likelihood and complied with
5 Tier 1 of Florida's law, but yet at the same
6 time brought the seat in better alignment with
7 notions of keeping cities whole, respecting
8 county boundaries where we could, and so we
9 still believe there it is meshing as best as
10 possible, albeit it certainly does lean more so
11 probably on Tier 1 of Florida Law, we do
12 believe that we incorporated parts of Tier 2 as
13 well.

14 REPRESENTATIVE HOLDER: Any other
15 questions? Representative Taylor.

16 REPRESENTATIVE TAYLOR: Yes, Mr. Chair,
17 and my question is not for Alex, but for you,
18 an approximation of the timeline on when
19 Chairman Gaetz and Chairman Weatherford feel
20 like all the maps are voted on and voted out
21 and moved on to the next stop. Is there an
22 approximation on when they feel like that is
23 going to occur?

24 REPRESENTATIVE HOLDER: Well, I can only
25 tell you that in -- we are getting close to the

1 end of our meeting, and part of my closing is
2 to disclose to the Committee that we are going
3 to approximately in the first week of session
4 take up these maps as PCBs and choose three of
5 those maps to give to Chair Weatherford and the
6 main committee, redistricting committee. At
7 that point, I really can't say as far as what
8 the main committee's intention is as far as the
9 timing is concerned, but that is something that
10 I think that would be a good question for Chair
11 Weatherford.

12 REPRESENTATIVE TAYLOR: Okay. And a
13 follow-up on that: Will our work be completed
14 at that point, or will we continue to meet and
15 take up maybe amendments or other proposals or
16 work on other PCBs?

17 REPRESENTATIVE HOLDER: The -- I would
18 assume, and I will verify through Alex, that if
19 the -- the amendments would be -- would be
20 worked on through that first week, is that
21 correct, Alex, or do you want to go ahead and
22 field that question?

23 MR. KELLY: Thank you, Mr. Chair.

24 Certainly, Representative Taylor, if there
25 are amendments that are proposed in the

1 subcommittee, they will be dealt with in the
2 subcommittee. It is my general understanding,
3 although as Chair Holder is noting, there is no
4 specific timeline after the first -- the
5 roughly first week of session vote for the
6 subcommittee, it is my understanding at that
7 point, once you vote and the PCBs become actual
8 bills, at that point, the business of the
9 subcommittee would be done. But that said, I
10 certainly would probably recommend you consult
11 with Chair Weatherford as well.

12 REPRESENTATIVE TAYLOR: Okay. One final
13 question, Mr. Chair.

14 REPRESENTATIVE HOLDER: Make it very
15 quick. You've got five seconds.

16 REPRESENTATIVE TAYLOR: Okay. Thank you.

17 REPRESENTATIVE HOLDER: Thank you.

18 Representative Fullwood, can you --

19 REPRESENTATIVE FULLWOOD: Counting down.

20 REPRESENTATIVE HOLDER: Okay. Got you,
21 appreciate it.

22 Members, with no additional business,
23 Representative Horner moves that we rise, and
24 without objection, we are adjourned.

25 (Whereupon, the proceedings were

1 concluded.)
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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF LEON)

I hereby certify that the foregoing transcript is of a tape-recording taken down by the undersigned, and the contents thereof were reduced to typewriting under my direction;

That the foregoing pages 2 through 99 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 16th day of February, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014