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STATE OF FLORIDA  
FLORIDA SENATE

SUBCOMMITTEE ON CONGRESSIONAL APPORTIONMENT  
AND REDISTRICTING  
JANUARY 7, 2002

Pat Thomas Committee Room  
Knott Building  
Tallahassee, Florida

12:00 noon

Reported by:  
CLARA C. ROTRUCK  
Court Reporter

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COMMITTEE MEMBERS PRESENT

Senator Jack Latvala, Chair

Senator Ginny Brown-Waite

Senator Walter G. "Skip" Campbell

Senator Anna P. Cowin

Senator Mandy Dawson

Senator Alex Diaz de la Portilla

Senator Ron Klein

Senator Lesley "Les" Miller, Jr.

Senator Bill Posey

Senator Debby P. Sanderson

Senator Jim Sebesta

Senator Donald C. Sullivan

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## P R O C E E D I N G S

CHAIRMAN LATVALA: Would members please take  
their seats?

The committee will come to order. The Secretary  
will call the roll.

COMMITTEE SECRETARY: Chairman Latvala.

CHAIRMAN LATVALA: Here.

COMMITTEE SECRETARY: Senator Brown-Waite.

SENATOR BROWN-WAITE: Here.

COMMITTEE SECRETARY: Senator Campbell.

SENATOR CAMPBELL: Here.

COMMITTEE SECRETARY: Senator Cowin.

SENATOR COWIN: Here.

COMMITTEE SECRETARY: Senator Crist.

Senator Dawson.

Senator de la Portilla.

Senator Dyer.

Senator Garcia.

Senator Jones.

Senator Klein.

SENATOR KLEIN: Here.

COMMITTEE SECRETARY: Senator Miller.

SENATOR MILLER: Here.

COMMITTEE SECRETARY: Senator Posey.

SENATOR POSEY: Here.

1 COMMITTEE SECRETARY: Senator Sanderson.

2 SENATOR SANDERSON: Here.

3 COMMITTEE SECRETARY: Senator Sebesta.

4 SENATOR SEBESTA: Here.

5 COMMITTEE SECRETARY: Senator Silver.

6 Senator Sullivan.

7 SENATOR SULLIVAN: Yes.

8 COMMITTEE SECRETARY: Mr. Chairman, there is a  
9 quorum present.

10 CHAIRMAN LATVALA: Thank you.

11 We barely have a quorum, so, members, if you  
12 would make sure that if somebody else comes in and you  
13 find it necessary to leave, I really don't think we're  
14 going to be here very long from looking at the  
15 outpouring of the public that we have here at this  
16 hearing.

17 We thank you for being here and welcome you to  
18 the first meeting of the Senate Subcommittee on  
19 congressional Apportionment and Redistricting.

20 We will not be taking any action on any plan  
21 today. This is merely a workshop held for the purpose  
22 of discussing two sets of proposed congressional  
23 districts that have been posted on the Internet since  
24 January the 3rd, and which are detailed for you in  
25 today's meeting packet.

1           It is our intention to take public testimony, and  
2           when that is complete, to hear any comment or  
3           discussion from members of the committee. Any member  
4           of the audience who wishes to speak must fill out a  
5           speaker's card, and we will impose a time limit if the  
6           number of speakers warrants, which right now I think  
7           we'll just ask everyone to use their best judgment.

8           You will note that there is a court reporter with  
9           us today. A transcript of today's proceeding will be  
10          posted on the Internet as soon as possible. This is  
11          part of my commitment and that of Chairman Webster, to  
12          make this the most open and accessible redistricting  
13          process in Florida's history.

14          The committee held 24 public hearings throughout  
15          the state, we made the software, FREDS 2000, available  
16          to everyone, and we have posted all transcripts,  
17          public documents and submitted plans on the Senate Web  
18          site.

19          Citizens have been encouraged to participate in  
20          every stage of this process and they may use the very  
21          same software that legislators will use to model and  
22          evaluate districts.

23          For your convenience we will be using the FREDS  
24          2000 viewer on the overhead screen during the meeting  
25          to highlight those regions or districts under

1 discussion.

2 Finally, I'd like to say that this is an early  
3 phase in the process for the creation of the plan for  
4 congressional districts that will be used during the  
5 November, 2002, election. After this committee has  
6 completed its work, this plan will go to the full  
7 committee and then must go to the full Senate, and  
8 then we have to have a conference with the House, and  
9 only then, after we have a conference report and work  
10 it out with the House, will the plan to the Governor  
11 for his approval.

12 The schedule, and this is a little bit different  
13 than in the memorandum which you received from Senator  
14 Webster. The schedule is that the subcommittee, this  
15 subcommittee, will take up the congressional  
16 redistricting plan on Friday morning, January the  
17 25th. We did check that, that is a Friday that week,  
18 right? On Friday morning, January the 25th, from 9:00  
19 a.m. to 12:00 in this very same room.

20 It will be our intention to have the final  
21 proposal for the proposed amendment from the committee  
22 on the Internet by Friday, January 18th, which is a  
23 week from this Friday, so that's a full week before  
24 the proposal will be taken up in the subcommittee.

25 The deadline for amendments in the subcommittee

1 will be 9:00 a.m. on Wednesday, January the 23rd, two  
2 days ahead of the subcommittee meeting, so that the  
3 committee staff can do all of the copies and all of  
4 the things that will be required, analyze it for  
5 continuity and so forth.

6 I'll take questions in just one second.

7 It is important that when you have an amendment  
8 to the plan that it be a complete plan. It cannot be  
9 just one district isolated, it needs to be a complete  
10 plan. So when you submit it, make sure you do that.  
11 If you wish to only affect one district and you wish  
12 the staff to assist you in working that out with the  
13 other districts, then you will need to do that some  
14 time before the 9:00 a.m. deadline on January 23rd,  
15 and the staff will be happy to accommodate you if you  
16 want to leave it to their discretion how it affects  
17 the other districts.

18 And each plan needs to have a zero deviation or  
19 as close to a zero deviation as possible to be in  
20 accordance with the one-man, one-vote doctrine.

21 So that's the schedule, that's the introduction.

22 Senator Campbell, did you have a question?

23 SENATOR CAMPBELL: Thank you, you answered it.

24 CHAIRMAN LATVALA: Are there any other questions  
25 on the schedule that I laid out from the Senators?

1           I guess at this point, at this point I'll call  
2 the Senators' attention to the two proposals.

3           Let me explain briefly why there's two of them.  
4 There are certain areas of the state that, frankly, I  
5 was somewhat undecided about what to bring to the  
6 committee. I was a little conflicted, either by the  
7 way it looked on the map or the different  
8 considerations that we have to look at, and I felt  
9 that we would bring out a couple of proposals and get  
10 some public input and input from the members of the  
11 committee.

12           Plan A and Plan B are both fairly consistent from  
13 central Florida north. In other words, you draw a  
14 line across I-4 in central Florida and you go north of  
15 there and there's not much difference in the two  
16 districts that you'll see here today.

17           They have basically the districts starting at the  
18 Alabama line and coming eastward, and every time you  
19 got to 639,000 and some odd people, we stopped the  
20 district and started a new one.

21           You will notice that we preserved the minority  
22 access seats that were drawn in 1992, and in most  
23 cases have been upheld by the federal courts at one  
24 level or another. So those are held as closely to the  
25 existing districts as we could, understanding we had

1 to pick up population in each of those districts.

2 Then when you get to central Florida both Plan A  
3 and Plan B have a non-incumbent district, which is  
4 referred to as District 13, the lucky number, on the  
5 upper west coast, and so that would be one of the new  
6 seats. And then in each plan you have the other non-  
7 incumbent representative seat in south Florida.

8 The differences in the two plans, in the Tampa  
9 Bay area, Plan A has Congressional District 10 going  
10 across Tampa Bay and including some of Manatee  
11 County. Plan B does not have that. Plan A also  
12 splits Hillsborough County in a north-south direction  
13 in eastern Hillsborough County between Districts 13  
14 and 12; that is not done the same way in Plan B.

15 When you get to south Florida, there is a fairly  
16 substantial difference in the way the districts are  
17 treated, the other new district is treated in south  
18 Florida. Plan A retains the existing, a lot of the  
19 existing population of the existing southwest Florida  
20 congressional seat in Collier, Lee and Charlotte  
21 Counties. It is a coastal district unto itself and  
22 puts the interior portions of those counties in the  
23 new Congressional District 24.

24 Plan B basically cuts off the bottom part of the  
25 state all the way across, somewhat a little north of

1 Alligator Alley, and makes that all Congressional  
2 District, in Congressional District 24, and that  
3 basically keeps Collier County intact with  
4 Congressional District 24.

5 In the south Florida area we followed existing  
6 districts considerably. The 23rd District is pretty  
7 much the same as it had been for the past 10 years, as  
8 is the 22nd Congressional District. However we pulled  
9 the 22nd Congressional District out of Miami-Dade  
10 County and it runs north along the coast in Broward  
11 and Palm Beach County.

12 Congressional District 16 is treated a little bit  
13 differently in the two maps, but the bulk of that  
14 congressional district in Martin and St. Lucie and  
15 northern Palm Beach County would be kept intact. One  
16 map runs it all the way around the lake a little bit  
17 and the other does not, with Congressman, with  
18 District 19 then taking up the balance of Palm Beach  
19 County to the south of District 23.

20 And that's a pretty quick, all of us can look at  
21 a map. We have large maps along the wall for the  
22 public to look at and then each of the members has  
23 one, and we have the ability to put any part of the  
24 state up on the screen in front of us, any one of  
25 these maps.

1           Before we hear any public testimony, is there any  
2 member of the committee who would like a little more  
3 detail or has a specific geographic question about the  
4 proposed plans that are in front of us?

5           Are there any questions?

6           Senator Klein.

7           SENATOR KLEIN: Thank you, Mr. Chairman. I don't  
8 know if it's a question, but I'll just relay to the  
9 committee some observations that I've started getting  
10 in Palm Beach County, from some of the folks that live  
11 in Palm Beach and Broward Counties, and it has to do  
12 with the new district that is being created down in  
13 the south Florida area, that and as well as district  
14 Congressman Shaw's district, and there was some  
15 concern about the shape and the size of the district  
16 and what areas it was cutting out and sort of  
17 meandering in and out of a lot of areas that some  
18 folks felt that communities of interest were being  
19 broken up. I'll be more than happy -- I don't have  
20 any specifics, but literally this just creates some  
21 confusion, but I will try to come back to the  
22 committee with some specifics about what the actual  
23 concerns are.

24           CHAIRMAN LATVALA: Which district was  
25 meandering, Senator Klein?

1           SENATOR KLEIN: Well, I guess starting out with  
2           Congressman Shaw's district, and it has to do with the  
3           areas in -- the Palm Beach County area where it moves  
4           into. I guess it cutoff, part of it cut off Dade  
5           County, correct, Miami-Dade County?

6           CHAIRMAN LATVALA: Yes.

7           SENATOR KLEIN: And it's making up the difference  
8           in parts of Broward and parts of Palm Beach County?

9           CHAIRMAN LATVALA: Yes.

10          SENATOR KLEIN: So I guess what I was hearing  
11          from some phone calls was some concerns about the  
12          change of districts, the breakup of some of the  
13          communities in some of these areas. Again, I will be  
14          more than happy to come back to the committee with  
15          specifics about communities that were concerned and  
16          whether there's kind of fix that we can consider.

17          CHAIRMAN LATVALA: We'll be having some more  
18          conversation on that kind of input after we hear from  
19          the public. Do you have any specific questions about  
20          what we put where or any geographical questions, or  
21          would you like to see any of the maps in greater  
22          detail on the screen?

23          SENATOR KLEIN: Not at this point. Let's hear  
24          from the public.

25          CHAIRMAN LATVALA: Does anyone want to see

1 anything in any greater detail on the screen?

2 Senator Posey.

3 SENATOR POSEY: Thank you, Mr. Chairman.

4 Just along the comments line, I don't know if the  
5 maps were developed before or after you got a  
6 tremendous amount of input from Indian River County,  
7 but it's no secret, I think Indian River County feels  
8 disenfranchised in Congressional District 15 in both  
9 plans, and I see that we have a couple of letters on  
10 the desk. I have received probably among the heaviest  
11 communications on any item since I've been a  
12 legislator, 10 years now, and I'm sure logic may have  
13 changed since that was first drafted, but they seem to  
14 object to any split in that county and  
15 disenfranchising them in the process.

16 CHAIRMAN LATVALA: Senator Posey, there's a  
17 couple of things that come to mind in response to  
18 that.

19 Number one is that generally in our hearings  
20 around the state, the overriding concern that was  
21 raised by the public is that they didn't want their  
22 current district changed. If I heard that once, I  
23 heard that 20 or 50 times. No matter what part of the  
24 state we were, they didn't want their district  
25 changed, whether it was Congress or Senate or the

1 House. They liked their current Congressman, in most  
2 cases they liked their current Senators and they  
3 wanted to keep us.

4 The problem is that, you know, some districts  
5 grew and some didn't and we have two new seats that  
6 have to be apportioned out throughout the whole state,  
7 so that really we don't have the luxury of giving  
8 everybody exactly the same Congressman in exactly the  
9 same district that we had before. That's the first  
10 thing.

11 The second thing to remember is that this is a  
12 long process, and we are working with Senator McKay  
13 and the leadership of the Senate to develop a Senate  
14 map, and then we'll have, I am sure, maybe some slight  
15 differences in a House map, and then we'll have a  
16 conference, and I think you know where I am going with  
17 that.

18 So we understand, I have heard from your  
19 Congressman, I have heard from the City of Vero Beach,  
20 Indian River County, a number of form letters from  
21 folks in the city and we've heard it loud and clear  
22 and we will certainly try to accommodate their  
23 concerns.

24 SENATOR POSEY: Thank you, Mr. Chairman, very  
25 much.

1                   CHAIRMAN LATVALA:  Senator Cowin.

2                   SENATOR COWIN:  Thank you, Mr. Chairman.  I just  
3                   wanted to make a general comment.

4                   I attended, as many of you have, many of the  
5                   meetings that we had around the state, and I want to  
6                   compliment you and your staff for at least trying to  
7                   meet most of what appears to be a lot of the comments  
8                   about keeping communities together.

9                   I've noticed specifically in central Florida when  
10                  I'm looking at, you know, the dips, for example, into  
11                  Lake County where you are pulling into Orange, those  
12                  communities are very much aligned to Orange County.  I  
13                  also see some there around the coast areas and in  
14                  Seminole County.

15                  I think what the intention of keeping the  
16                  communities of interest together in a lot of the areas  
17                  that I remember from the testimony is being done.  
18                  While there may be specific lines at the borders of  
19                  the counties, I was very surprised, being the first  
20                  time going through this process, to see exactly how it  
21                  would come to play with all the lines, and I'm rather  
22                  surprised to see that we've met a good part of the  
23                  testimony, although there were some conflicts within  
24                  the testimony, itself.

25                  So I think this is a very good beginning.  Thank

1           you.

2                   CHAIRMAN LATVALA: Thank you, Senator.

3                   Senator Miller.

4                   SENATOR MILLER: Let me ask a procedural  
5 question. On the procedural side of it, if there are  
6 amendments to be filed, do you have to file in the  
7 common area of the districts?

8                   CHAIRMAN LATVALA: We will only entertain a  
9 complete map when it comes to the subcommittee. What  
10 you can do in working with staff is to tell the staff  
11 exactly what district you have a concern with and then  
12 give them the -- then they'd have the discretion of  
13 conforming the surrounding districts if you don't have  
14 a concern with them.

15                   Senator Klein.

16                   SENATOR KLEIN: Mr. Chairman, I do want to make  
17 one other comment. Those of us who represent either  
18 wholly Republican districts or the Democratic  
19 districts, we obviously reflect the opinions of those  
20 districts sometimes on a person basis and sometimes  
21 not on a person basis.

22                   When asked about what reapportionment is all  
23 about, that it's a tough process and stressful and  
24 personal and all that, many people don't understand  
25 why these maps end up looking like they do. And I

1 think for those of us who go through this, we'll be  
2 looking at this the first time, we will get a handle  
3 on that, but I would be remiss if I did not state for  
4 the benefit of many of my constituents that they feel  
5 that based on the number of Democrats in this state  
6 and the number of Republicans in this state, the fact  
7 that there are two new congressional seats and we  
8 have 15 Republican Congressmen right now and eight  
9 Democratic Congressmen right now, based on the current  
10 elected status, that many people, I know in my area  
11 feel that at least one of these districts should be  
12 created that would represent the population which has  
13 a strong Democratic interests in south Palm Beach  
14 County, Broward County, some of the other areas.

15 I understand the process, but I do want to make  
16 that statement, because my constituents expect me to  
17 make that statement and will expect me to do what I  
18 can to ensure that all Floridians are fairly and  
19 equitably represented.

20 CHAIRMAN LATVALA: Thank you, Senator. I  
21 appreciate your input.

22 Any further questions?

23 How many people from the public do we have here?  
24 We only have one person from the public, okay.

25 Let's have -- do we have his maps, did we copy

1 his maps? Okay.

2 Bill Jones representing League of Women Voters of  
3 Florida.

4 I'd also like to welcome Congressman Boyd, who's  
5 sitting on the front row. Welcome to Tallahassee.

6 MR. JONES: We weren't anticipating actually  
7 presenting our plan today, but in talking to the  
8 Chairman, he thought this would be a good time to give  
9 it. So I apologize, the House stole our big plan,  
10 said they needed as part of the record.

11 In comparison we approached the plan, Common  
12 Cause of Florida and the League of Women Voters, as a  
13 joint project, we put standards to the plans that I  
14 want to talk about and compare a little bit to where  
15 this committee was heading with their plans and try  
16 and give a comparison.

17 First and foremost, we think the law of the land  
18 is still, you know, one person, one vote. We  
19 recognize the courts give you some leeway for  
20 deviation in these plans. However, 10 years ago I  
21 believe most of the plans submitted were zero  
22 deviation with respect to the congressional plan.

23 We also approached this very similar to the way  
24 you did. There are some policy decisions with respect  
25 to minority districts that were not left clearly

1 defined in the last set of court hearings, so we  
2 decided that what we would do is basically try and  
3 hold harmless the minority districts and clear the  
4 court process on that, and then apply the standards of  
5 compactness/contiguous. We did not use incoming  
6 addresses, we did not use political party information  
7 as we drew these maps and proceeded to try and keep as  
8 many counties intact as we could through the process.

9 The map that we produced that I guess is in front  
10 of you now kept approximately, it was 43 counties  
11 intact, given what we had to break up with respect to  
12 holding onto minority districts. We were able to trim  
13 a little bit on the minority districts in terms of  
14 trying to make those compact, and in doing so I think  
15 we were able to keep a couple more counties together  
16 that way.

17 Some similarities or differences, we made a  
18 policy decision to go to the south part of the state  
19 with respect to Monroe County and we decided it should  
20 probably be a part of Dade and Broward, because the  
21 access transportation point for that particular  
22 district is in Dade County, so that was included.  
23 That allowed us to make the compact districts that you  
24 see for Collier and Lee County, because of the  
25 population that you're splitting in Lee, in the

1 western part of that, and there's a District 12 that  
2 encompasses some of those south central counties  
3 there.

4 Our new districts showed up if you go to the east  
5 side of the coast --

6 CHAIRMAN LATVALA: Bill?

7 MR. JONES: Yes.

8 CHAIRMAN LATVALA: We only have black and white  
9 copies up here. Why don't you go a little slower,  
10 and let me ask you, can we put this on the overhead  
11 over here where it will come up on the screen in  
12 color?

13 MS. WILSON: I can find out.

14 CHAIRMAN LATVALA: Senator Campbell?

15 SENATOR CAMPBELL: While we're waiting, one of  
16 the questions I was going to ask is, are we going to  
17 be provided residential addresses of incumbents?

18 CHAIRMAN LATVALA: You want to be individually  
19 provided residential addresses of incumbents?

20 SENATOR CAMPBELL: Yes.

21 CHAIRMAN LATVALA: Yes, sir, if we have them. I  
22 don't know if we have all of them, but we will look  
23 them up. Molly will make sure you get the ones we  
24 have. They have not been incorporated in the computer  
25 program, but it is possible, I think, under the

1 software, if you know a street address and if you  
2 find that street, although the once or twice that I've  
3 tried to do that for various and sundry reasons I end  
4 up with a street in a different county. So it's a  
5 little suspect.

6 Do we have color copies now? Go ahead.

7 MR. JONES: I was proceeding through the state,  
8 but let me give you a backdrop to put this in a  
9 caveat.

10 We were hoping by drawing these maps, both the  
11 League of Women Voters and Common Cause of Florida,  
12 that basically gives each and every person here an  
13 opportunity to see a different perspective on the  
14 maps, to find similarities, to look for differences,  
15 to define their policy action, to approve whatever  
16 comes out of the process. As such, this is available  
17 if any of the members want this as a shell, you're  
18 welcome to it, your committee, sir, and whatever you  
19 guys need or desire.

20 I was proceeding from south Florida up. Our new  
21 districts, as you are calling them new districts, I  
22 think they're all new districts because of population  
23 differences, but District 25 would be in the south  
24 part of Palm Beach County, and then we have a District  
25 24, which runs Osceola, Indian River, Okeechobee, the

1 west part of St. Lucie and Martin. That's where those  
2 districts tended to push in terms of the population.

3 We also held, I think there are some particular  
4 areas I think that were difficult that I'll point out  
5 to you, too, in this particular plan map.

6 In south Florida as we tried to hold harmless the  
7 Hispanic districts, as many of you know, there's a  
8 couple of different areas that we need to think about  
9 in policy. And one of those was the issue called  
10 packing and the other is called regression. Usually  
11 we only worry about regression in those voting rights  
12 counties.

13 We were trying to achieve the same percentage  
14 that we had 10 years ago in the Hispanic districts and  
15 we did the very best job that we can. There is one  
16 district that we have a four or five percent  
17 difference in 10 years ago because of the increase in  
18 population.

19 And those of you who know that area of the state  
20 understand that the African-American district runs  
21 down through Dade County and the Hispanic districts  
22 are kind of curved around that area, so as you begin  
23 to move those populations back and forth it becomes  
24 very difficult to achieve exact percentage changes.  
25 So I will point that out ahead of time.

1           The African-American districts throughout the  
2 state, the three, we were able to -- there's a slight  
3 in-push in District 3 in the northern part of the  
4 state, that's 49 percent, up to 44 in that, and also  
5 out of Osceola County. So we were able to push that  
6 with them, also pushing back.

7           District 17 on our map, it's slightly increased  
8 in the African-American seat to 59 from 53 or 54  
9 percent, and that's District 17, and District 23 was  
10 46 percent last time, it's 56.71 percent now. So  
11 those were the numbers we're using throughout the  
12 minority districts.

13           Generally speaking, from looking at your north  
14 Florida, you know, we tried to, we used the policy of  
15 compactness or the policy of zero population, so if we  
16 had to break in county as we're moving toward north  
17 Florida or down into central Florida, that was to  
18 achieve the population deviation, the zero deviation,  
19 and meet those increases and then to try and keep as  
20 compact as possible those other areas of the state,  
21 and that's kind of how the populations pushed with  
22 this perspective.

23           Saying that, our largest district is 639,298, and  
24 the smallest districts would be 6,300 and 9,294.

25           CHAIRMAN LATVALA: Thank you, Mr. Jones.

1           Senator Dawson.

2           SENATOR DAWSON: Thank you.

3           I'm looking at the map here and I'm wondering  
4 whether or not any consideration was given to real  
5 commonality that government should probably at least  
6 take a look at for the representation of the  
7 population.

8           For example, I'm looking at Congressional  
9 District 23, and because I live in that area and  
10 because I know the needs of the population, this  
11 doesn't appear to me to take under consideration the  
12 real needs of probably the persons who would have the  
13 challenge of getting their needs taken care of by  
14 their officials. I think that's something that people  
15 feel comfortable in knowing that the representatives  
16 that they have are kind of tuned in to what that  
17 particular population's needs are.

18           So I can't tell from this map whether or not the  
19 congressional representatives would remotely have an  
20 idea of what the needs would be and how to serve the  
21 people who elect them.

22           MR. JONES: Well, we modeled that district after  
23 the old one. We have a population increase for  
24 African-Americans from 46 percent last time to now  
25 56.71 percent.

1                   SENATOR DAWSON: Mr. Chairman, for follow-up?

2                   CHAIRMAN LATVALA: Go ahead.

3                   SENATOR DAWSON: Then I guess I would have to  
4 take a look at points south, and the question I guess  
5 would kind of be whether or not the representation  
6 would again be conducive to the needs of the persons  
7 that are being served.

8                   MR. JONES: We try to, again, hold harmless any,  
9 whether it's the Hispanic or the African-American  
10 districts that existed 10 years ago geographically,  
11 tried to keep the percentages as best we could with  
12 respect to this, and as a result, I mean, I know you  
13 don't have the statistics in front of you, those two  
14 African-American districts in the south part of the  
15 state actually increased in percentage of the  
16 African-American representation in the district.

17                   Sometimes we were actually able to make the  
18 district a little bit more compact than they were  
19 before geographically speaking, but still keeping the  
20 percentage up without diluting the scoring off the  
21 zero deviation.

22                   SENATOR DAWSON: Mr. Chairman, just one more?

23                   CHAIRMAN LATVALA: Go ahead.

24                   SENATOR DAWSON: And I'm pretty sure that I did  
25 not say African-American or minority so I'm going to

1           ask you to not look at me right now, because I think  
2           it's also important when I say, "take care of the  
3           needs," that you look at the women's needs, the  
4           household needs as well, and I can't tell because I  
5           don't want anyone to think that it's simply African-  
6           American or Hispanic. While I do believe that that is  
7           important, that there are still commonalities such as  
8           I would probably not -- well, I'm sure after a while,  
9           but I would probably not be the best Senator for a  
10          farming community.

11                 So I guess what I would like to see are the  
12          statistics as well that would indicate that the single  
13          family households, whether they were white, Hispanic  
14          or female or what, I think that that is important in  
15          terms of who represents those folks, as well as the  
16          immigrant status and all of those needs.

17                 So I guess I think that it would be important  
18          that as well as the minority, ethnic minority  
19          situation be kind of delineated, but I think it's also  
20          important that we take under consideration income  
21          levels, not necessarily minority, but just working  
22          class white folk, as well.

23                 MR. JONES: I wouldn't disagree with some of the  
24          policy things you are saying. Unfortunately, our  
25          reality is we're pushed with programs developed here.

1 We don't have the ability to really separate out some  
2 of those statistics, although there's census data, to  
3 go into income, households to draw redistricting maps,  
4 just as a point of reference.

5 CHAIRMAN LATVALA: Senator Miller.

6 SENATOR MILLER: Sir, explain to me a little bit  
7 about District 11.

8 MR. JONES: Okay. District 11 has, in  
9 Hillsborough, is comprised of -- what would you like  
10 to break down, sir?

11 SENATOR MILLER: On the map I see here, does that  
12 go to St. Petersburg?

13 MR. JONES: It goes into south St. Pete.

14 SENATOR MILLER: What's the physical breakdown?

15 MR. JONES: District 11 breakdown is Republican  
16 37.72 percent, Democrat 43.51 percent, Independent  
17 18.77 percent. The racial numbers we have for 11  
18 would be single race, white, 70.14 percent, non-  
19 Hispanic black would be 16.06 percent, Hispanic black  
20 .33 percent, and non-Hispanic black would be 12.47  
21 percent.

22 SENATOR MILLER: Another question, Mr. Chairman.  
23 This is hard to tell. Did you take in the inner  
24 city of Tampa on this map?

25 MR. JONES: Let me show you the blowup section

1 for a minute, I think it may be a little clearer.

2 CHAIRMAN LATVALA: Are there other questions?

3 Were you done or did we interrupt you?

4 MR. JONES: It's okay, I think we're fine.

5 CHAIRMAN LATVALA: We know you've been involved  
6 in this process before.

7 MR. JONES: 30 years.

8 CHAIRMAN LATVALA: A couple of cycles you've been  
9 doing this, so we appreciate your input.

10 Senator Posey.

11 SENATOR POSEY: Thank you, Mr. Chairman.

12 Bill, could you explain the logic behind 24?  
13 That looks as bizarre as anything the Legislature has  
14 put together.

15 MR. JONES: I'm glad you asked me that question.

16 We have significant problems when we try and hold  
17 minority districts intact and then try to hold the  
18 compactness. 24 would be one of the new congressional  
19 districts if you would, quote. All districts are new,  
20 but that one would be that is created that ran. And  
21 basically as we come out of -- and we tried  
22 variations, Senator Posey, we're not saying this  
23 variation would be the absolute must-win situation  
24 today, but it was one that we found was the most  
25 compact that we worked as we were drawing things.

1           We moved down the east coast trying to keep  
2           Brevard together, and as we came down into that we did  
3           have to split it, that population to kind of do that.  
4           And if you understand that, as you get into these  
5           systems you understand even if you push with 25 and  
6           making it compact or the District 22 which curls  
7           around the minority district, it pushes population in  
8           places sometimes where normally you and I, if we  
9           weren't concerned with that, we just wanted to compact  
10          this whole new political boundaries doing this thing  
11          and didn't have to think about the legal ramifications  
12          of that, we could come up with something more compact.

13           I will grant you this looks a lot better than our  
14          first or second draft or shot at it, but that's why  
15          it's the way it's.

16           CHAIRMAN LATVALA: Bill, is this on the FRED'S  
17          software? Could you give us some disks?

18           MR. JONES: Absolutely.

19           CHAIRMAN LATVALA: And maybe it has all of this  
20          on there, then we could make the details available to  
21          all members.

22           MR. JONES: Yes, we had originally intended to  
23          present that that way.

24           CHAIRMAN LATVALA: Senator Posey, another  
25          question?

1                   SENATOR POSEY: Thank you, Mr. Chairman.

2                   It's just, I haven't seen any minority districts  
3 that included barrier islands before.

4                   MR. JONES: You're talking about this district  
5 being the 24, again, including barrier islands?

6                   SENATOR POSEY: Yes, sir. I mean, if you're  
7 trying to create a minority district and you throw in  
8 Vero Beach, Hutchinson Island --

9                   MR. JONES: No. What I was basically saying to  
10 you with respect to 24, 24 is an area of the state,  
11 this was a second or third attempt to try and get that  
12 coastal area in there. In a way it was one of those  
13 districts that was pushed up from trying to hold  
14 harmless in the minority districts in south Florida,  
15 and at the same time when we were coming down to the  
16 north we saw the opportunity to keep Brevard County  
17 intact, which hadn't been.

18                   The other decision, policy decision probably was  
19 to try, in Congressional District 12, was to give the  
20 south central Florida region an area.

21                   SENATOR POSEY: Well, that was my thought -- Mr.  
22 Chairman, if I could just follow up -- I would think  
23 if you swapped off a little bit with 24 and 12 you  
24 could probably still get a district maybe clustered in  
25 a better common interest.

1           MR. JONES:  It's a perspective.  I don't disagree  
2           with what you're saying.  We tried several.  That was  
3           the best of the several we had tried.

4           SENATOR POSEY:  Thank you, Mr. Chairman.

5           CHAIRMAN LATVALA:  Any further questions for Mr.  
6           Jones?

7           Thank you, Mr. Jones.  We appreciate it, and we  
8           look forward to you giving us a disk.

9           Now, I don't have any other cards from people  
10          from the public who would like to testify.  Is there  
11          anyone else from the public that would like to  
12          testify?

13          I guess we did a pretty good job, members.

14          Let me preface this question by saying that I  
15          would look forward and would be appreciative of any  
16          input that any members of the committee would like to  
17          give me personally this week for any changes for when  
18          we bring out a subcommittee plan, and it could very  
19          well be that those are changes we could make that  
20          would not necessitate an amendment later on.

21          I would like to ask that you do that by Thursday  
22          of this week.  If any of you would like to talk to me  
23          about it directly we'll sit down and pull the map out  
24          and talk in regards your area or your area of concern.

25          Senator Sebesta asked a question.  Molly, can you

1 put 1, let's take Plan No. 1, blow it up to the whole  
2 screen, and then he'd like to see whether we could put  
3 the existing district lines from the 1992 plan on  
4 there. Is that what those are?

5 How about taking the -- the only thing you've got  
6 is -- I don't know whether you can see that, Senators,  
7 but --

8 MS. WILSON: Should I blow up a certain area? Do  
9 you want me to go in any closer?

10 CHAIRMAN LATVALA: No, I really don't want you to  
11 go any closer. Go back to the whole state.

12 Do any of the members have any questions based on  
13 -- or any area of the state they would like to see us  
14 zoom in on?

15 SENATOR KLEIN: Southeast Florida.

16 CHAIRMAN LATVALA: Southeast Florida, Senator  
17 Klein wants to zoom in on south Florida.

18 SENATOR KLEIN: Zoom in on the east coast there.

19 MS. WILSON: It's very difficult.

20 CHAIRMAN LATVALA: I have to look.

21 Senator Sebesta.

22 SENATOR SEBESTA: Thank you, Mr. Chairman.

23 That's the right theory, but I'm not sure we've  
24 got what I would like. Can anybody else figure it  
25 out? I can't figure it out.

1                   CHAIRMAN LATVALA: What would you --

2                   SENATOR SEBESTA: I have no idea. But what I  
3 would like is to have the existing as the base plan  
4 and then maybe with different colors or something? I  
5 don't know what. Maybe it's not even worth it, but I  
6 thought it would kind of be interesting to see what A  
7 and B looks like on top of the existing, but I can't  
8 figure it out.

9                   CHAIRMAN LATVALA: Let's see if the staff can  
10 give you what you're looking for on hard copy.

11                  SENATOR SEBESTA: Very good. Thank you, Mr.  
12 Chairman.

13                  CHAIRMAN LATVALA: Are there other questions or  
14 concerns?

15                  Senator Campbell.

16                  SENATOR CAMPBELL: A couple of things. When we  
17 consider, and I'm concerned with Broward County, as  
18 you know, Mr. Chair. Our population is like 1.6  
19 million right now, and a large part of that, as you  
20 probably are aware from looking at this for the last  
21 couple of weeks, it seems under both of these plans we  
22 have taken 50,000 or 60,000 Democrats in Broward  
23 County and essentially created a district that is  
24 overwhelmingly Republican.

25                  What thought processes went into creating this

1 new district when, in fact, if you look at the  
2 statistics and the analysis of the population of the  
3 state, I believe both party affiliations are fairly  
4 even, and it just seems to me that this particular  
5 district that you're creating does not really reflect  
6 the political subdivisions, especially in Broward  
7 County.

8 CHAIRMAN LATVALA: Well, let me comment on a  
9 couple of things here, Senator. First of all, you  
10 mentioned that Broward County has 1.6 million people.

11 SENATOR CAMPBELL: That's an approximation.

12 CHAIRMAN LATVALA: Each congressional district  
13 has 639,000, so my rough math means that in order to  
14 have three full congressional districts, you'd have to  
15 have 1.9 million. Broward has 1.6 million, but yet  
16 has three resident congressmen, so from that  
17 standpoint it would appear to me that you are doing  
18 fairly well, that by statistics alone would probably  
19 not merit three resident districts in Broward County.

20 The second part of the question is, we only  
21 anticipate in District 24 having less than 100,000,  
22 that district having come from Broward, and it's  
23 strictly a situation of where the people are. Once  
24 you do -- once you look at existing districts and look  
25 at preserving, the consideration of preserving

1 existing minority districts, then you go from there  
2 and you can look where the extra people are.

3 In this particular case there's about 100,000  
4 extra people who come, as you come north from the  
5 southern tip of the state, that's how many are left  
6 over for Broward County, but I would certainly  
7 entertain any other design and would be happy to have  
8 Molly work with you if you think you can do something  
9 that would meet your objectives better than I do.

10 SENATOR CAMPBELL: If I could just follow up,  
11 when we were attending the hearings I got a clear  
12 signal from Lee County, Collier County, that they  
13 wanted to have their own congressional district, and  
14 of course they're increasing in population  
15 significantly like Broward County did 20 years ago.  
16 The people in Broward County want to maintain their  
17 whole subdivision, and unfortunately I never made it  
18 to Dade County, but I would presume they want it,  
19 also.

20 Is there any way that we could cut up south  
21 Florida so that we could maintain the integrity of  
22 those counties and protect the folks in Lee County and  
23 Collier County that, again, are increasing in  
24 population?

25 And if I had to guess, and this would be a guess,

1           that if the people in Collier and Lee had to choose  
2           between Dade, actually Miami-Dade, and Broward to go  
3           with, they probably would go with Broward, because I  
4           think a lot of those folks moved from Broward over to  
5           Lee and Collier County.

6                     Have we thought about drawing a district that  
7           way, which does not include Dade County?

8                     CHAIRMAN LATVALA:    Senator, yes, that was  
9           suggested, drawing a district that went from Ft.  
10          Lauderdale all the way to Naples.  The problem with  
11          that is that if you have a quarter of a million or  
12          300,000 people south of there, extra, in Miami-Dade  
13          County, you have to connect them to something, so if  
14          you ran a district from Broward to Collier, across  
15          Alligator Alley, you would end up with some extra  
16          people in Dade County who you couldn't connect  
17          contiguously as required by law.  So that's the reason  
18          we have to have some Dade County folks in there.  
19          That's where the extra people are.

20                    In Congressional District 14, which is the  
21          current congressional district in Collier and Lee  
22          County -- and I know we heard a lot of testimony about  
23          it, I remember vividly at that hearing that people  
24          wanted to keep Lee and Collier together.  There's only  
25          a couple of problems with that.

1           One is that that district has to lose 151,000  
2 people in population, according to the Supreme Court's  
3 one-man, one-vote rule. Just in Collier and Lee  
4 there's approximately 80,000, if memory serves me  
5 correct, too many for one congressional district. So  
6 those 80,000 people have to go somewhere, even if we  
7 want to keep those two units together.

8           So what I did here is two plans, one that keeps  
9 the coastal areas of those counties together, and the  
10 other which splits them and lets them potentially be a  
11 dominant county in two different districts.

12           SENATOR CAMPBELL: Could I follow up with just a  
13 couple of questions?

14           CHAIRMAN LATVALA: (Nods in the affirmative.)

15           SENATOR CAMPBELL: Did we try to protect  
16 incumbency for both Democrats and Republicans?

17           CHAIRMAN LATVALA: We considered incumbency and  
18 we considered it just in districts, and yes, we did  
19 try to preserve existing districts regardless of  
20 party affiliation of the current congressperson in  
21 those districts.

22           SENATOR CAMPBELL: When we considered the number  
23 of population, did we consider a census undercount at  
24 all?

25           CHAIRMAN LATVALA: I'm sorry?

1           SENATOR CAMPBELL: Did we consider any census  
2           undercount?

3           CHAIRMAN LATVALA: No.

4           SENATOR CAMPBELL: I guess my final question,  
5           Congressman Goss I believe represents Collier County  
6           right now, correct?

7           CHAIRMAN LATVALA: Yes.

8           SENATOR CAMPBELL: Would his residence address be  
9           in that new Senate District 24, or would he be in the  
10          existing -- not Senate district, congressional  
11          district?

12          CHAIRMAN LATVALA: My understanding is that  
13          Congressman Goss lives on Sanibel Island. Now, are  
14          you talking Plan A or Plan B?

15          SENATOR CAMPBELL: Either one.

16          CHAIRMAN LATVALA: Under Plan A, Congressman Goss  
17          would be in District 25. Under Plan B he would be in  
18          District 25. So under either plan, Congressman Goss  
19          would be in 25.

20          SENATOR CAMPBELL: Mr. Chairman, I want to thank  
21          you for your time. Those are all my questions.

22          CHAIRMAN LATVALA: In further answer to your  
23          question about incumbency, as I mentioned earlier in  
24          the hearing there was overwhelming public testimony  
25          throughout the state in southwest Florida and

1 southeast Florida. I went to the hearing in Boca  
2 Raton and on protecting their incumbents, protecting  
3 those districts, that is one thing that I tried very  
4 hard to listen to the public on.

5 SENATOR CAMPBELL: I don't disagree with that  
6 concept, by the way.

7 CHAIRMAN LATVALA: Well, I think we did it.

8 SENATOR KLEIN: Mr. Chairman?

9 CHAIRMAN LATVALA: Senator Klein.

10 SENATOR KLEIN: Thank you, Mr. Chairman. Just a  
11 couple of questions, also.

12 As we go through this process of considering  
13 variations or amendments to this, I want to make sure  
14 we considering them with sort of the same concepts.

15 I know there's a different legal standard for  
16 deviation when it comes to congressional, and what is  
17 it, is it maximum one percent? Did we use any  
18 deviation in this process?

19 CHAIRMAN LATVALA: You'd want to be under 1.  
20 Traditionally in Florida we have kept it even less  
21 than that, and will notice on Plan A our total  
22 deviation in the whole state is three people, and on  
23 Plan B our total deviation is two people.

24 SENATOR KLEIN: So we're holding the line on  
25 deviation, okay.

1           Second, in some parts of the state, again, back  
2           to southeast Florida, we've had quite a change in the  
3           continued evolution of population base. Hispanic  
4           populations have, various types of Hispanic  
5           populations from various countries have moved into the  
6           areas of not only Miami-Dade, but Broward and Palm  
7           Beach Counties, and part of what we're hearing in our  
8           local communities relates to making sure that Hispanic  
9           populations are also being given a fair representation  
10          opportunity to be represented or to serve or have  
11          access to running for office.

12          When we looked at the minority voting age  
13          population percentages, how did we go about doing this  
14          in terms of performance? What were the standards we  
15          used for determining performance? Was it based on  
16          certain elections that were considered? Obviously, we  
17          want to make sure we protect the African-American  
18          seats, in not a lot of it should we retrogress, but  
19          that also doesn't necessarily mean hard numbers, just  
20          performance. So what kind of performance standards  
21          did we consider?

22          CHAIRMAN LATVALA: Senator Klein, we did not  
23          actually pay a tremendous amount of attention to  
24          election history. We did our best to ensure that  
25          there was no retrogression in the existing districts.

1           SENATOR KLEIN: Well, I understand retrogression  
2 means from a performance point of view that you do not  
3 want to increase the availability or access for  
4 someone, African-American member of that community to  
5 run, but it's not relating to hard numbers. It's not  
6 like we have 100,000 African-Americans residents, the  
7 community has to have 100,000, it may be more, may be  
8 less, but it relates more to the performance of the  
9 community in how we would elect African-Americans. If  
10 someone can tell me what we used to consider that.  
11 Are you telling me we used hard numbers or we didn't  
12 use hard numbers?

13           CHAIRMAN LATVALA: We used the -- well, the first  
14 factor we had to consider was in each one of the  
15 districts, and particularly in the African-American  
16 predominant districts, we had to gain population. For  
17 instance, in District 17 in Miami-Dade County we were  
18 62,000 short so we had to, in order to adhere to the  
19 one-man, one-vote rule, we had to increase the numbers  
20 in those districts, and we tried to make sure we did  
21 not, in increasing those, split up any protected  
22 minority under the Voting Bill of Rights Act.

23           Did we have a hard and fast number on a specific  
24 election that we used to criteria-ize performance, no.

25           SENATOR KLEIN: If in District 17 -- is that the

1 district you referred to?

2 CHAIRMAN LATVALA: Yes.

3 SENATOR KLEIN: If you had let's say 50 percent  
4 African-American residents in that community, are we  
5 saying that in order to make that up we made up the 50  
6 percent of the additional people that we added, or was  
7 it some other formula we used?

8 CHAIRMAN LATVALA: I'm sorry, you will have to  
9 repeat that.

10 SENATOR KLEIN: Okay. What I'm asking is, it  
11 goes back to the question of hard and fast actual  
12 numbers. If we had -- 50 percent of the district was  
13 African-American in hard numbers and we had to make up  
14 60,000, are we saying that 30,000 of them had to be  
15 African-American or what there some other set of  
16 formulas or standards used to make sure that the  
17 performance still was the same performance?

18 CHAIRMAN LATVALA: Senator Klein, in each of  
19 these cases we attempted to balance the districts that  
20 were underpopulated with those that are overpopulated  
21 in trying to preserve the existing communities of  
22 interest.

23 SENATOR KLEIN: I'm not sure that answers the  
24 question.

25 CHAIRMAN LATVALA: I answered the question to the

1 best of my non-lawyer ability.

2 SENATOR KLEIN: It doesn't consider performance,  
3 just yes or no?

4 CHAIRMAN LATVALA: In some cases, in some  
5 districts we looked at performance and in some  
6 districts we didn't, and I cannot remember  
7 specifically which district we looked at them.

8 SENATOR KLEIN: And just one other question  
9 relating to Hispanic populations, because again, this  
10 is an area. What are we doing in areas where we have  
11 substantial Hispanic populations in Florida, what  
12 kinds of, again, was there any standards or  
13 considerations we used to make sure that in those  
14 areas where there were populations of Hispanics that we  
15 provide access? This may be the question of the new  
16 congressional seat, itself. I know that there's  
17 obviously a substantial Hispanic population that has  
18 been evolving in the west Broward, southwest Broward,  
19 Pembroke Pines area, places like that.

20 Did we use any type of considerations in making  
21 sure, if there was something to consider about  
22 Hispanic access, that that was part of what we did?

23 CHAIRMAN LATVALA: We tried to follow the law,  
24 sir. The law says that you're not supposed to split  
25 protected -- the Voting Rights Act says you're not

1           supposed to split protected minorities and that is  
2           what we did.

3           Other questions?

4           SENATOR KLEIN: Thank you.

5           CHAIRMAN LATVALA: Other questions?

6           Do we have anything else that we need to do  
7           here? There is no other member of the audience that  
8           wants to testify on this? We only have one person in  
9           the whole state that wants to testify on the  
10          congressional districts?

11          Well, members, I apologize for taking so much of  
12          your time or reserving so much of your time. We  
13          originally reserved, we thought we might need to be  
14          here for eight hours and I backed that off to six  
15          hours. I'm sorry to bring you into town so early. I  
16          anticipated that we would have more testimony today.

17          I will be available this afternoon if anybody  
18          wants to talk about their particular areas while it's  
19          fresh on your mind.

20          With that, Senator Campbell moves we rise.

21          (Whereupon, the proceedings were concluded at  
22          1:15 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA )  
COUNTY OF LEON )

I, CLARA C. ROTRUCK, Court Reporter and Notary Public at Tallahassee, Florida, do hereby certify as follows:

THAT I correctly reported in shorthand the foregoing proceedings at the time and place stated in the caption hereof;

THAT I later reduced the shorthand notes to typewriting, or under my supervision, and that the foregoing pages 3 through 44 represent a true, correct, and complete transcript of said proceedings;

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 \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
CLARA C. ROTRUCK  
Court Reporter

