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2002 LEGISLATIVE SESSION

7

REVISED EXCERPT OF SENATE PROCEEDINGS

8

REGARDING REAPPORTIONMENT

9

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11

VOLUME 1 of 2

12

SENATE CHAMBER, THE CAPITOL

13

TALLAHASSEE, FLORIDA

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REPORTED BY:

18

MONA L. WHIDDON

19

COURT REPORTER

20

Division of Administrative Hearings

- 1 SENATE MEMBERS
- 2 PRESIDENT JOHN M. McKAY  
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SENATOR LOCKE BURT
- 4 SENATOR WALTER G. CAMPBELL, JR.  
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- 7 SENATOR M. MANDY DAWSON  
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SENATOR HOWARD E. FUTCH
- 9 SENATOR RUDY GARCIA  
SENATOR STEVEN A. GELLER
- 10 SENATOR BETTY S. HOLZENDORF  
SENATOR JIM HORNE
- 11 SENATOR DARYL L. JONES  
SENATOR JAMES E. KING, JR., MAJORITY LEADER
- 12 SENATOR RON KLEIN

1 Senators Holzendorf and Geller on Page 232, Line  
2 28, through Page 335, Line 15. Delete those lines  
3 and insert lengthy amendment.

4 MR. PRESIDENT: Senator from the 2nd is  
5 recognized to explain the amendment.

6 SENATOR HOLZENDORF: Thank you,  
7 Mr. President. This, the amendment that I have, I  
8 have explained. The correction that has been done  
9 to it is Senator Geller's, so I'll allow Senator  
10 Geller to explain what's been done to this  
11 amendment.

12 MR. PRESIDENT: Senator from the 29th is  
13 recognized to explain the amendment.

14 SENATOR GELLER: Thank you, Mr. President.  
15 As you can see on the map right there, if you will  
16 recall when I voted against this bill the first  
17 time, the bill, and Lennie was just pointing to  
18 that, the brown area at the bottom used to connect  
19 through the Everglades where there were no roads  
20 up to that purple area right there. And, Lennie,

1 is sort of a question of horizontal versus  
2 vertical redistricting, there was testimony at the  
3 public hearing objecting to the coastal district,  
4 which is Senate District 7 and it's Senate  
5 District 4 in the Laurent plan, which runs along  
6 the coast and includes Escambia, Santa Rosa,  
7 Okaloosa, Walton and Bay Counties.

8 Some of the speakers characterized the issue  
9 by saying that the district line should run north  
10 to south rather than horizontally, which would  
11 eliminate District 7. The Holzendorf/Geller  
12 maintains the district as we stated, District 7.

13 In the Bay County area at the Panama City  
14 hearing, Bay County residents requested that the  
15 Bay be kept in a single Senate district. Bay  
16 County Democrats and Republicans were unified.  
17 The Bay County Chamber of Commerce, the Gulf Coast  
18 Leadership Institute, the mayor of Panama City and  
19 several other residents testified during the  
20 Panama City hearing that Bay County be included in

1 plan also keeps Desoto and Sarasota with the one  
2 Senate district, District 17, and the Laurent plan  
3 splits Desoto between Senate Districts 18 and 21,  
4 and Sarasota is split between Senate Districts 21  
5 and 23.

6 The Holzendorf/Geller plan divides Lee and  
7 Collier Counties into fewer districts than the  
8 Laurent plan. Lee County is included in Senate  
9 Districts 24 and 25 and Lee is 73 percent of the  
10 population in District 24, and includes 66 percent  
11 of the county.

12 The Laurent plan splits Lee County between  
13 three districts, Senate Districts 21, 27 and 37,  
14 which is inconsistent with the public testimony,  
15 and, however, Lee is not a majority in any one of  
16 those districts.

17 And also, the residents of the Manatee County  
18 testimony was that they wanted to be taken out of  
19 the current District 26 that includes the more  
20 rural counties of Hardee, Desoto and Highlands

1 Senator from the 2nd, Senator from the 35th,  
2 Senator from the 8th. Anyone else wish to speak  
3 on this amendment? Senator from the 7th. And  
4 I'll close with Senator from the 29th.

5 First, let's go to the Senator from the 2nd.

6 SENATOR HOLZENDORF: Mr. President, since the  
7 amendment is Senator Geller's and my amendment, I  
8 would like to speak prior to Senator Geller and  
9 close with Senator Geller.

10 MR. PRESIDENT: That would be now, Senator.

11 SENATOR HOLZENDORF: We're closing on the  
12 amendment? Well, we have a habit in this chamber  
13 of going to, before they, a proponent of an  
14 amendment, closes, we go to an opponent of the  
15 amendment. And I was going to go to who I thought  
16 might be an opponent before I recognized the  
17 Senator from the 29th. So, if you want to go  
18 third from the last, that will be fine. Okay.  
19 Senator from the -- Senator from the 35th, do you  
20 want to speak?

1 desires.

2 Now, I do know some things about my own  
3 district and my own section of the country. And  
4 one of the things that I would like to point out  
5 is, if you look at the map up there, District 8,  
6 which happens to be my district, is right now, as  
7 we are looking at that map, underneath the glob of  
8 yellow that's attached in this map to District 4.  
9 That happens to be Nassau County.

10 I represent the coast, on the east coast of  
11 Florida, from north Florida south of Nassau down.  
12 Without fail, the testimony given by those people  
13 in the audience on the Nassau concerns was the  
14 fact that they felt as if their representation as  
15 a coastal community was never going to be met by a  
16 Senate district that had 15 other counties in it,  
17 all of which were to the west of them.

18 This map, though admittedly contrived to be a  
19 democratic map, democratic map, does just the  
20 opposite of what the people of Nassau County had

1 (Voice vote taken.)

2 MR. PRESIDENT: Fails of adoption. These  
3 people ought to raise their hands. I see five  
4 hands. Secretary, unlock the machine and prepare  
5 to vote. Have all members voted, have all members  
6 voted? Secretary, unlock the machine and record  
7 the vote.

8 THE READING CLERK: Fifteen yeas, 22 nays,  
9 Mr. President.

10 MR. PRESIDENT: So, the amendment fails of  
11 adoption. Senator from the 17th, what amendment  
12 do you wish to take up next?

13 SENATOR LAURENT: Yes, I would like to take  
14 up amendment 430486 by myself.

15 MR. PRESIDENT: That was the amendment  
16 earlier that was temporarily passed.

17 SENATOR LAURENT: That's correct.

18 MR. PRESIDENT: Read the amendment.

19 THE READING CLERK: Bar code 430486 by  
20 Senator Laurent on Page 232, Line 28, through Page

1 from the 7th had an amendment filed on second  
2 reading to deal with an issue that they had.

3 If you recall, there were a host of  
4 amendments filed with staff late, they worked all  
5 night to do it. The amendment that was processed  
6 by staff for the Senators from the 1st and 7th was  
7 not the correct amendment.

8 So, what the issue that they needed to deal  
9 with on second amendment -- on second reading was  
10 not available for us to adopt. What I agreed to  
11 do was to work with them on third reading and fix  
12 just their issue between the 1st and 7th districts  
13 and I would recommend that we adopt this  
14 amendment.

15 I don't want the body to think then after  
16 this amendment is adopted, then we are on the  
17 House joint resolution as amended and then we'll  
18 have a full debate on that before we adopt that.

19 MR. PRESIDENT: And, again, for the benefit  
20 of the body, if I may, we are referring to the

1 you learn something new.

2 Because we are on a House joint resolution,  
3 although we have just passed an amendment to that,  
4 unlike when we are on the Senate joint resolution  
5 and an amendment was adopted, that would wipe out  
6 the previously adopted amendment, on a House  
7 resolution, the amendments continue to be there.  
8 So, we need to reconsider the vote by which a  
9 previous amendment passed in order to take that  
10 amendment off.

11 So, the Senator from the 17th moves that we  
12 reconsider the vote by which amendment bar code  
13 321850 passed. Without objection, show that  
14 motion adopted. We are on that amendment. Read  
15 the amendment.

16 THE READING CLERK: Bar code 321850 by  
17 Senator Laurent, on Page 232, Line 28, through  
18 Page 335, Line 15. Delete those lines and insert  
19 lengthy amendment.

20 MR. PRESIDENT: Senator from the 17th, you

1 Tallahassee, the first three speakers spoke of  
2 communities of interest in rural north Florida,  
3 Please keep the communities of interest together  
4 because they are agricultural in nature. Please  
5 do that. Put the small counties together because  
6 they have the same needs, the same infrastructure  
7 needs, the same agricultural needs, the same  
8 heritage.

9 We have not done that, we have failed to do  
10 that. The people in Citrus and Marion Counties,  
11 especially in Marion County, the testimony, if  
12 you'll look in the Ocala public testimony, it  
13 said, We have too many representatives, we have  
14 too many Senators, we have four. Please give us  
15 maybe two. We don't need that many because we  
16 feel that our needs are not being met because the  
17 issues are being too divided.

18 That's what they said. If you look back at  
19 the testimony, person after person after person  
20 said that. And what have we done? We have left

1 serious rains because of where it's at, all of  
2 this community has the same characteristics.

3 The district is also home for the historic  
4 Hialeah Park, which many of you remember the  
5 debates and issues that deal with that. The new  
6 Senate District 40 is a majority Hispanic district  
7 and the district has zero percent population  
8 deviation.

9 Thank you, members, and Mr. President.

10 MR. PRESIDENT: Thank you, Senator. Senator  
11 from the 29th, is he in the chamber? He is not in  
12 the chamber.

13 SENATOR GELLER: Yes, I am.

14 MR. PRESIDENT: Senator from the 29th, you  
15 are recognized to debate the House joint  
16 resolution.

17 SENATOR GELLER: Thank you, Mr. President.

18 Before I begin my remarks, I don't see Mr. Guthrie  
19 in the chambers, but I would like to thank both  
20 John Guthrie, the staff director, and Lennie, I

1 Senate.

2 You did exactly what we asked you to do and  
3 you provided us with those districts that those  
4 members who have to come back can run in and that  
5 any other African-American that would seek  
6 election could possibly win in those seats. The  
7 House did not do that.

8 The House map in Duval County has a horseshoe  
9 shape for one of the African-American districts  
10 and we never had to do that, we can split them  
11 right down the middle and we don't have to do  
12 that.

13 And I understand that in south Florida they  
14 place many of the House members in the same  
15 district forcing them to run against each other.  
16 That is not the way we are supposed to do  
17 districts.

18 Now, we worked out our differences over here,  
19 but what the House is sitting over there waiting  
20 on is for us to send them a joint resolution that

1 and do need to be represented. And we hear the  
2 terms, packing and cracking, and that's loading  
3 one political party into one seat so that the  
4 surrounding seats are separated out, and we know  
5 that the surrounding seats won't have an  
6 opportunity to elect a person of that party where  
7 all the people are packed in the middle.

8 That's not a fair process. We are going to  
9 be judged by two different courts. We are going  
10 to be judged by the Supreme Court of our  
11 Constitution which will review the map as to the  
12 communities of interest and the contiguity and the  
13 compactness, and we are going to be judged by the  
14 court of public opinion.

15 The court of public opinion is going to ask,  
16 Did we operate in a fair manner, was our process  
17 complete, did it take into account all of the  
18 legal principles and the fairness principles that  
19 people expect?

20 And when they look at some of the maps in

1 Tallahassee.

2 Thank you. And for that reason,  
3 Mr. President, I will not vote for this map. And  
4 again, Mr. Chairman, I appreciate some of the  
5 efforts that were made by some of our members, and  
6 I do want to just mention Senator Mitchell's seat  
7 for a second, the Senator from the 4th.

8 His district is a problem in terms of there  
9 was an attempt by his body to protect incumbents  
10 and, unfortunately, by looking at all the  
11 demographic information, the performance data,  
12 things like that, unfortunately I think there was  
13 an exception created here as it relates to the  
14 Senator from the 4th's map.

15 I do want to highlight that as a specific  
16 problem in terms of consistency of the way we  
17 treated the members.

18 But with that, I will close, and thank you.

19 PRESIDENT PRO TEMP LAURENT: Thank you. I  
20 would recognize the Senator from the 37th for

1           And I think it's important to say that this  
2           thing only comes around once every 10 years and,  
3           yes, it has a lot to do with the balance of power  
4           and it has a lot to do with philosophy for the  
5           next 10 years.

6           And so, I think it's important that the  
7           members, and I know everyone involved, even though  
8           the map is not what I want it to be, I don't take  
9           it personally as though members didn't try their  
10          best to try to do what they thought was right for  
11          this map.

12          I also do, good friends, Senator from the  
13          17th, Senator from the 12th, they are both good  
14          friends from mine, we served in the House  
15          together, but guess what, I'm disagreeing with  
16          them on this map.

17          Just because we are good friends doesn't mean  
18          that I need to vote for my friend, especially on  
19          reapportionment. I need to vote for what I feel  
20          is a good working document.

1       you have come to me and said, Kendrick, you need  
2       to vote for this map, you need to vote for this  
3       Senate map, you need to vote for this legislative  
4       map.

5             And my response is to you, and I think I was  
6       consistent with all of you, I'm going to vote the  
7       way you voted 10 years ago, to my Republicans  
8       colleagues. Not one Republican voted for the map  
9       10 years ago, not a one. Not because they did it,  
10      I'm voting against it because I don't know  
11      anything about that House map.

12            The things that I do know about it are not  
13      good things, and so I'm not going to step on that  
14      vote that somebody went out there early one  
15      morning to go vote for some representation,  
16      hopefully, that her or his will will be carried  
17      out on something that I know nothing about.

18            So, I'm just going to say this, members, that  
19      I think it's important that you think about this  
20      thing for what it is. We are all friends in this

1 kinds of things that are so blatantly political  
2 that they will embarrass us in the public.

3 The bottom line, however, is that there is a  
4 tradition that's been in existence for a long time  
5 and that is one that I think Senator Laurent has  
6 tried to follow. And that is that the Senate  
7 draws the Senate map and that the House draws the  
8 House map.

9 I asked last, maybe day before yesterday I  
10 believe it was, or certainly the last time this  
11 came up when it was on second reading to Senator  
12 Laurent, and I want to remind you in his answer,  
13 We are in no way engaging in and endorsing the  
14 drawing of this House map.

15 We did not play in that and anything we do  
16 here, I want it to be clear on this record that I  
17 think what they have done, particularly in north  
18 Florida, is absolutely the opposite of what  
19 Senator Laurent has done.

20 I think they have gone out of their way on

1 a map. But the good news for the Democrats, in  
2 all honesty, is we are not drawing the map because  
3 the last time we drew it we lost most of Florida  
4 shortly thereafter.

5 So, on balance, it seems to me that the map  
6 ought to be one that you should look at as to, Is  
7 it as fair as it can be; is it one that tries to  
8 stack and pack? I don't think so. And in those  
9 areas where it stacks and packs, does it stack and  
10 pack differently than any Democratic map I saw?  
11 No, I don't think so.

12 So, based on that, knowing it to be an  
13 imperfect vehicle, I'm going to support it. Thank  
14 you.

15 (President McKay presiding.)

16 MR. PRESIDENT: Thank you, Senator. Senator  
17 from the 33rd, for what purpose do you rise?

18 SENATOR CAMPBELL: For debate.

19 MR. PRESIDENT: You are recognized, Senator.

20 SENATOR CAMPBELL: Senators, compromise is a

1 Senate districts. We continue to do so.

2 At the Panama City public hearing, that  
3 sentiment was echoed, and it was suggested all of  
4 Bay County should be in one Senate district. We  
5 have not done that.

6 Now, let's look at Escambia County and Santa  
7 Rosa County. Francis Hunter Jones, representing  
8 the League of Women Voters at the Pensacola Bay  
9 area meeting noted that the strangely-configured  
10 District 7 follows the waterfront along the gulf  
11 and the bay, beginning at the Alabama state line  
12 and then continues along the coast all the way to  
13 Gulf County, almost 150 miles east, though the  
14 district is only a few miles wide in places.

15 Well, Senate District 4 on the current map  
16 does that as well. The League of Women Voters  
17 suggested that the district lines be drawn north  
18 and south rather than east and west in order to  
19 minimize voter confusion. We ignored that  
20 suggestion.

1 it into four districts.

2 Volusia County. In his remarks regarding the  
3 creation of Senate District 20, the Senator from  
4 the 17th noted that the proposed Senate District  
5 20, the core of which is in Lake County and the  
6 Villages, extended into the interior of Volusia  
7 County.

8 He stated that this was consistent with the  
9 testimony from the Daytona Beach public hearing  
10 where a request was made to bring the communities  
11 of Deland, Lake Helen and Cassadaga together in  
12 one district.

13 At that Daytona Beach hearing, the Deland  
14 City Commissioner stated as follows, To be brief  
15 about this, Deland has asked that when you do the  
16 new redistricting, that the lines combine the city  
17 of Deland, Lake Helen and Cassadaga. These cities  
18 are already together on existing maps. In  
19 addition, it would be nice if you included  
20 northwest Volusia. These areas have a common

1 heart that I appreciate what you have done for  
2 this chamber and the way in which you have  
3 conducted yourself. Certainly not nearly as  
4 temperamental as I am in dealing with these same  
5 kind of issues, but we appreciate it, Senator.

6 The second thing that I would like to say,  
7 because I hear Pasco County mentioned, and there's  
8 not anybody in this chamber that cares about Pasco  
9 County than I do, because I wouldn't have been  
10 here if it wasn't for Pasco County. You can blame  
11 them.

12 Also, they have never had, under any plan in  
13 modern times, the opportunity to be the  
14 predominant county in a Senate district in the  
15 Florida Senate, and that's what those people asked  
16 for.

17 Now, of course, like any other county in the  
18 state, they didn't want to be split, they wanted  
19 to be all whole and, of course, if we had kept  
20 every county whole in the state of Florida, we

1 map is set up, but it's how we do our job as  
2 members of the Senate and members of the House of  
3 Representatives.

4 And I know in many instances, members of this  
5 chamber that have small parts of their districts  
6 in other counties, that have been very effective  
7 advocates for problems of those counties. And in  
8 many cases, a county that only has a very small  
9 population, but because they have more than one  
10 district that goes through that county, has been  
11 able to mount efforts in this chamber and in the  
12 House far in excess in terms of their  
13 effectiveness than they would be if they only had  
14 one member here.

15 So, Senator Laurent, thank you for your  
16 efforts in this map. I think this is a good map,  
17 and a better effort that's been made in the past.

18 Yes, the House map is probably not perfect,  
19 but the tradition of this Legislature, which has  
20 been supportive over many, many years, has been

1 drawn to favor candidates in the future. Well,  
2 you know, each one of us represents, will  
3 represent, 400,000 people.

4 Candidates in the future, one single  
5 candidate, you think we can draw a district that  
6 will guarantee one single candidate a victory?

7 Don't be absurd.

8 It discounts the fact that there are 399,000,  
9 or whatever that number is. I have watched the  
10 Senator from the 17th from the very beginning of  
11 this process. None of us, myself included, would  
12 have ever been as patient, would have ever been as  
13 accommodating and would ever have been as  
14 concerned. I would have quit the job weeks ago.

15 Now, I have been there when many of you who  
16 have spoken vehemently voting against the bill  
17 have sat there for hours telling the Senator from  
18 the 17th and the people who are helping to draw  
19 the map what you wanted to see, how you wanted to  
20 see it, how it was going to affect you and yours,

1 is to select a candidate who is willing to work in  
2 all the counties in which he or she represents.

3 It is a question of effort and how hard the  
4 Senator will work in those multiple counties.

5 When I was elected, I decided that I was  
6 going to represent both Pinellas and Hillsborough  
7 Counties to the very best of my physical and  
8 mental ability, and that's exactly what I have  
9 done and, you know, both counties like that.

10 Last year, I was elected chairman of the  
11 Pinellas County delegation and I was also elected  
12 chairman of the Hillsborough delegation at the  
13 same time, and we don't believe that has ever  
14 happened before.

15 And I don't say that to be blowing my own  
16 horn, what I'm saying is that we should be  
17 focusing on the candidates and the representatives  
18 and not necessarily the district lines. A Senator  
19 can clearly represent multiple counties. I'm not  
20 the first one to do it, I won't be the last one to

1 interesting that happened. I did not agree in  
2 1992 with the way the lines were being drawn. And  
3 one of the things that was stated to us, the way  
4 those lines were drawn, that we were going to  
5 maintain Democratic control in the House.

6 And, members, it did not happen. We lost  
7 seat after seat after seat, even though we  
8 excluded the Republicans from that process. And  
9 we thought that we had the right focus and the  
10 right circumstance in drawing seat after seat, but  
11 one of the things that we did not take into  
12 consideration is what the people wanted.

13 We knew what the members wanted and we knew  
14 where the members want to draw the lines, but we  
15 did not take into consideration what the people in  
16 those districts really wanted.

17 So, I would encourage my colleagues,  
18 regardless of what happens here, and I'm going to  
19 vote for this plan, but I'm going to encourage my  
20 colleagues, regardless of what happens, you are

1 I would have preferred to keep Hernando  
2 whole. I would have preferred to keep Citrus  
3 whole. And in many ways, I would have preferred  
4 to keep Pasco County more whole than what the  
5 current map is, but there are obviously  
6 communities of common interest that I think this  
7 map took into consideration, the consideration of  
8 the west coast counties running from Pinellas,  
9 Pasco, Hernando and Citrus Counties.

10 I mean, there is a commonality of the coast.  
11 Will the water wars continue, Senator Latvala?  
12 And I certainly hope not because we virtually  
13 worked very hard together with Senator Laurent to  
14 try to end those wars.

15 Senator Laurent, you have done a yeoman's job  
16 and I know it hasn't been easy and I do see a few  
17 more gray hairs than before you started this  
18 process but, overall, I think that the people of  
19 the state of Florida will be well served by the  
20 map that we have before us.

1 public interest in the reapportionment process?

2 The idea of a nonpolitical commission to  
3 reapportion the state almost passed the  
4 Constitutional Revision Commission. In fact, it  
5 only failed by one vote. Therefore, as soon as  
6 this session is over, if it ever ends, Mr.  
7 President, I intend to launch, hopefully with the  
8 help of Florideans from all over the state, a  
9 petition drive to remove the reapportionment  
10 process into a nonpolitical body closely  
11 resembling the joint resolution that Ander  
12 Crenshaw and I have filed over these many years.

13 I think this is a good idea. I commend  
14 Senator Laurent. He worked very hard, very hard.  
15 I commend Senator Geller, he worked very hard, and  
16 I particularly commend Senator Laurent's staff  
17 because they were here hours and hours and hours  
18 and hours.

19 But this is a political process, this is a  
20 process that we all sort of look after our own

1           MR. PRESIDENT: Thank you, Senators, and  
2           before we take a motion to vote on the resolution,  
3           let me also express my appreciation to you. I'm  
4           not sure I can add up the number of hours that I  
5           know you have been here nor the number of times  
6           you have been here after midnight. You've  
7           dedicated yourselves to work on this for the  
8           benefit of all the people of this state.

9           And members of the Senate, and I in  
10          particular, appreciate your dedication. We are  
11          better off for it. Thank you.

12          Senator from the 17th having closed on the  
13          House joint resolution, Senator from the 17th  
14          moves that the House Joint Resolution 1987 be  
15          posted on final passage. Secretary, unlock the  
16          machine and members will prepare to vote. Have  
17          all member voted? Secretary, unlock the machine  
18          and record the vote.

19          THE READING CLERK: Twenty-eight yeas, 9  
20          nays, Mr. President.