

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REAPPORTIONMENT PUBLIC HEARING

OCTOBER 15, 2001 - 6:00 P.M.

PENSACOLA JUNIOR COLLEGE

PENSACOLA, FLORIDA

REPORTED BY:

MONA L. WHIDDON

COURT REPORTER

Division of Administrative Hearings

DeSoto Building

1230 Apalachee Parkway

Tallahassee, Florida

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 2

1 MEMBERS IN ATTENDANCE  
 2 SENATOR ANNA P. COWIN  
 3 SENATOR DARYL L. JONES  
 4 SENATOR DURELL PEADEN, JR.  
 5 SENATOR DANIEL WEBSTER  
 6  
 7 REPRESENTATIVE JOHNNIE B. BYRD  
 8 REPRESENTATIVE RANDY BALL  
 9 REPRESENTATIVE ANNA HOLLIDAY BENSON  
 10 REPRESENTATIVE DONALD D. BROWN  
 11 REPRESENTATIVE MARIO DIAZ-BALART  
 12 REPRESENTATIVE EDWARD L. JENNINGS, JR.  
 13 REPRESENTATIVE JERRY LOUIS MAYGARDEN  
 14 REPRESENTATIVE JERRY G. MELVIN  
 15 REPRESENTATIVE MITCH NEEDELMAN  
 16 REPRESENTATIVE CURTIS B. RICHARDSON  
 17 REPRESENTATIVE TIMOTHY M. RYAN  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 3

1 PROCEEDINGS  
 2 CHAIRMAN WEBSTER: Everyone take your seats. Please  
 3 rise for the Pledge of Allegiance.  
 4 (Pledge of Allegiance.)  
 5 CHAIRMAN WEBSTER: Good evening, I'm Daniel Webster  
 6 from Senate District 12 in Orange County, welcome to the  
 7 public hearing. I serve as the Senate committee chairman  
 8 on redistricting and reapportionment. It is my pleasure to  
 9 welcome you tonight to this public hearing, one of many.  
 10 As a matter of fact, it's the third to the last we are  
 11 having around Florida this summer and fall. But let me  
 12 first explain the procedure that we will be using  
 13 throughout these public hearings. This is a public  
 14 hearing, the sole and only purpose of which is to hear from  
 15 the public on matters of redistricting. This is not a  
 16 committee meeting, we will not be taking legislative action  
 17 in this or other public hearings. Instead, this is the  
 18 public forum where we have an opportunity to receive  
 19 citizen input about your electoral districts.  
 20 It is not a time for legislation today, all  
 21 Representatives and Senators will have numerous  
 22 opportunities in meetings and debate to address the wishes  
 23 of the members or their concerns. Today, however, is for  
 24 our constituents. We must not diminish their voice by  
 25 taking up their valuable time today in debate.

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 4

1 Following my brief remarks, counsel will give a  
 2 general overview of legal considerations in redistricting  
 3 and staff will provide specific information about the  
 4 census results in this region and in this state. The rest  
 5 is reserved for you, the citizens. Every 10 years after  
 6 the completion of the national census update, the  
 7 Constitution requires that the Florida Legislature draw  
 8 boundaries for all districts for the Florida House, Florida  
 9 Senate, and Florida's Congressional districts. The  
 10 Legislature will take up this task in the next legislative  
 11 session which begins January 22nd, 2002, and ends March  
 12 22nd, 2002.  
 13 The districts we draw will first be used in the  
 14 November 2002 elections. Redistricting is an essential  
 15 element of our representative democracy. We take this on  
 16 with humility and due regard for the importance and  
 17 difficulty of the job. We are committed that the process  
 18 will be fair, open, and inclusive.  
 19 These public hearings represent a first crucial step  
 20 in this process. We appreciate that we are doing the work  
 21 of the people. We want to hear from you and help you  
 22 participate in a meaningful way. To encourage public  
 23 participation, Senate President John McKay and House  
 24 Speaker Tom Feeney have scheduled 24 public hearings  
 25 throughout the state. All members of the Legislature and  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 5

1 the redistricting committee as well as local delegation  
 2 members have been invited to these public meetings.  
 3 The House and Senate have designated web sites as a  
 4 tool for public input. The web addresses for House and  
 5 Senate legislative redistricting are available at the  
 6 sign-in table. A link also is available from the Florida  
 7 legislative web site. This hearing will be taped and  
 8 showed at a later date on Channel 19, Fox cable, Pensacola.  
 9 The redistricting plan for the State House, and State  
 10 Senate will pass in the form of a joint resolution which  
 11 will not be subject to the Governor's approval or veto but  
 12 will be subject to review by the Florida Supreme Court.  
 13 The plan determining congressional districts will be  
 14 subject to the Governor's approval or veto but will not be  
 15 subject to the Florida Supreme Court's review.  
 16 I encourage everyone to carefully review the 2000  
 17 census, it is the essential building block on which  
 18 Florida's redistricting plans will be built. The address  
 19 for the United States Census web site is also available at  
 20 the information table. We are here to listen and consider  
 21 your voice. We encourage each member of the public to  
 22 testify and help us craft your legislative districts.  
 23 We also encourage written submissions in addition to  
 24 testimony here in the public hearings. Everyone wishing to  
 25 speak should fill out a speaker's card, which are available  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 6

1 also at the sign-in table. This is the only way we will  
 2 know who wishes to speak and after the hearing, who  
 3 actually spoke.  
 4 We want to hear from you and from as many people as  
 5 possible; therefore, we limit each person's remarks to the  
 6 four minutes. On behalf of the Senate President John McKay  
 7 and House Speaker Tom Feeney and the Florida Legislature, I  
 8 look forward to working with you all on this historic and  
 9 important task.  
 10 At this time, I'd like to recognize former Senator Jim  
 11 Scott, who served during the previous reapportionment  
 12 process and is the Senate lead counsel on reapportionment  
 13 and redistricting. Senator Scott.  
 14 SENATOR SCOTT: Thank you, Mr. Chairman, and members.  
 15 As indicated, I'm Special Counsel to the Florida Senate for  
 16 redistricting and reapportionment, together with my  
 17 colleague, Migel Degrandes, who is counsel for the Florida  
 18 House.  
 19 Tonight, it's my job to give you a brief overview of  
 20 the law related to the redistricting and reapportionment.  
 21 This presentation is by no means intended to be  
 22 comprehensive or a complete review but to hit some of the  
 23 highlights. As the Chairman has indicated, once every ten  
 24 years, our Constitution requires redistricting and this  
 25 task falls to the Florida Legislature.  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 7

1 This year, with regard to congressional redistricting  
 2 where we had 23 members of Congress from Florida, because  
 3 of the population increase, we will now have two additional  
 4 members, or 25. So the job of the Legislature will be to  
 5 divide the state into 25 contiguous districts.  
 6 Also with regard to Legislature, the Constitution in  
 7 Florida provides that the Senate will be divided into no  
 8 more than 40 and it could be as few as 30 members and that  
 9 the House would be divided into between 80 and 120.  
 10 Historically, these numbers have been 40 for the  
 11 Senate and 120 for the House of Representatives. In  
 12 Florida, as the Chairman indicated, we have the regular  
 13 sessions starting in January and will end in March of 2002.  
 14 If this should end without a legislative redistricting  
 15 plan, then the Governor will call back the Legislature for  
 16 a special session and not to exceed 30 consecutive days.  
 17 If that session ends without the adoption of a plan,  
 18 then the Florida Supreme Court will commence deliberations  
 19 on the establishment for the redistricting plan. And  
 20 within 60 days, the Court would file an order setting forth  
 21 that plan.  
 22 If during the sessions a plan is, and this is what is  
 23 intended I'm sure, that a plan is adopted on legislative  
 24 redistricting, then this plan will go to Florida Supreme  
 25 Court for review and the Attorney General will file that  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 8

1 petition. If the Court should find something wrong with  
 2 the plan and declares it invalid, then the Legislature  
 3 would be reconvened within five days for a session no more  
 4 than 15 days to re-pass their plan.  
 5 With regard to congressional, as the Chairman  
 6 indicated, this is not a joint resolution, does not go to  
 7 the Florida Supreme Court for review, but instead goes to  
 8 the Governor for his review and approval or veto. In  
 9 adopting a redistricting plan, there are some principles,  
 10 but the primary ones are set forth in the Constitution, and  
 11 these are one person, one vote, and the requirements that  
 12 the districts be contiguous or identical or overlapping  
 13 territory.  
 14 The principle commonly referred to as one person, one  
 15 vote, was developed from a series of landmark cases in the  
 16 United States Supreme Court in the 1960s. Generally, it  
 17 stands for the proposition that every person in Florida,  
 18 every voter's vote, should be weighted and counted as much  
 19 as everyone else's.  
 20 Before these cases, there could be districts that  
 21 might have 50,000 people in a House district in some rural  
 22 areas and perhaps 250,000 people in an urban area. And the  
 23 Court ruled that this was not constitutional and that  
 24 everyone should have approximately the same number of  
 25 voters in each legislative or congressional district.  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 9

1 However, the courts have also said, and neither the  
 2 Constitution nor the Supreme Court has required exact  
 3 mathematical equality among the districts for congressional  
 4 districts. The courts have adopted the strictest standard.  
 5 As a rule of thumb, the population among different  
 6 districts will be substantially less than 1 percent, you  
 7 divide the state by the total number of people, and in a  
 8 few moments the staff will discuss the numbers of people in  
 9 each of the districts, legislative and congressional. If  
 10 you divide it equally among the 25 congressional districts  
 11 that you will now draw, then it should be less than a 1  
 12 percent deviation among the congressional districts.  
 13 But with regard to the legislative districts, the  
 14 courts have permitted greater deviation under certain  
 15 circumstances; they have accepted deviations as much as  
 16 10 percent, meaning 5 percent either way from the ideal  
 17 amount of people in the district.  
 18 Florida, as all states, is governed by the Voting  
 19 Rights Act of 1964 and the Equal Protection Clause of the  
 20 United States Constitution. And they have become important  
 21 factors in any redistricting in the past 30 years. Section  
 22 2 of the Voting Rights Act prohibits any practice or  
 23 procedure, including redistricting practices that impair  
 24 the ability of a minority community to elect candidates of  
 25 its choice on an equal basis with nonminority voters.  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 10

1 Florida is also one of the states that contains  
 2 covered jurisdictions under Section 5 of the Voting Rights  
 3 Act. Section 5 requires that states that have covered  
 4 jurisdictions submit prior to implementing any proposed  
 5 change to their practices or procedures affecting voting,  
 6 including changes in redistricting or election districts,  
 7 that this be submitted for approval by either the Attorney  
 8 General of the United States or the Federal district court  
 9 in the District of Columbia. This process is known as  
 10 preclearance.

11 In Florida, the covered jurisdictions include the  
 12 counties of Collier, Hardee, Hendry, Hillsborough and  
 13 Monroe. The vast majority of preclearance requests, and  
 14 that would be the intention of Florida, are made to the  
 15 Attorney General's Office. And if the Attorney General  
 16 does nothing for 60 days, then it's automatically approved.

17 If the Attorney General objects, then we have to deal,  
 18 the Legislature would, and/or the Supreme Court would have  
 19 to deal with the Attorney General's objections. Either  
 20 through the court proceeding or the Attorney General, the  
 21 test is that the covered jurisdiction bears the burden of  
 22 demonstrating that the proposed voting chain does not have  
 23 the purpose and will not have the effect of denying or  
 24 abridging the right to vote on account of race, or color,  
 25 or membership in a language minority group.

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 11

1 In conclusion, let me say the legal rules are somewhat  
 2 complicated, as I know the members are aware.  
 3 Unfortunately, this is a short presentation which just  
 4 scratches the surface. These legal issues, some of them  
 5 have not been fully decided by the courts, and so we will  
 6 continue and we stand available to serve you, Mr. Chairman,  
 7 and the members, tonight and throughout this process.

8 CHAIRMAN WEBSTER: Thank you, Senator Scott. At this  
 9 time, I would like to recognize John Guthrie, who is the  
 10 technical staff director, who will make a brief presentation  
 11 on the 2000 Census, not only about the State of Florida,  
 12 but also this area of North Florida.

13 MR. GUTHRIE: Thank you, Chairman Webster, Chairman  
 14 Byrd, members of the House and Senate. This is a privilege  
 15 in the next few minutes to provide you a -- the context or  
 16 the numbers by which a census -- the census has given us  
 17 for redistricting in 2001, 2002.

18 There are two key facts we need to look at in  
 19 considering what the census means for redistricting in  
 20 Florida. First of all, Florida is a rapidly growing state.  
 21 Between 1990 and 2000, the state grew by more than  
 22 3 million people to almost 16 million people.

23 As a result, Florida's representation in the United  
 24 States Congress will increase by two to a total of 25  
 25 members of the United States House. The other key fact

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 12

1 that we need to look at when considering Florida's growth  
 2 during the past decade is that its growth has not been  
 3 uniform. Different areas of the state have experienced  
 4 different rates of population growth.

5 For instance, Flagler County, the fastest growing  
 6 county, grew at a rate of 72.6 percent and five other  
 7 Florida counties grew at a rate of 60 percent or greater.

8 On the other end of the scale, Monroe County grew at  
 9 only 2 percent during the decade, which made it the slowest  
 10 growing county in Florida and there were four other  
 11 counties that grew at a rate of 10 percent or less.

12 Looking at the census figures for this area, in  
 13 Escambia County, we see that the population increased by  
 14 12.2 percent to 294,410 people. This ranks, Escambia  
 15 County or the Pensacola area, 15th among Florida's 67  
 16 counties. Santa Rosa County, the population increased by  
 17 43.7 percent, a very rapidly growing county, the total now  
 18 is 118,000, and Santa Rosa County now ranks 32nd among  
 19 Florida's counties.

20 Okaloosa County, the population increased by a rate of  
 21 18.6 to a total of 170,000 people, ranking Okaloosa 24th  
 22 among the Florida counties. And Walton County, the  
 23 population increased again at a very rapid rate,  
 24 46.3 percent to 40,601. Walton now ranks 43rd among  
 25 Florida counties.

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 13

1 As Senator Scott was mentioning, Article 1 of the  
 2 United States Constitution provides for a decennial  
 3 census for the express purposes of equalizing  
 4 representation. And based on the census that occurred in  
 5 April of 2000, Congressional, Senate and House districts  
 6 will be adjusted during the upcoming legislative sessions.

7 Districts that now have too many people will need to  
 8 become smaller in order to reduce the population. And  
 9 districts that are substantially underpopulated or have too  
 10 few people will need to gain territory in order to come up  
 11 to an equal population. Based on the 1990 Census ten years  
 12 ago, the average population per congressional district was  
 13 562,519. Based on the 2000 Census, this will increase by  
 14 14 percent to almost 640,000 people per district.

15 Based on the 1990 Census, again ten years ago, the  
 16 average population per Senate district was 323,000 and the  
 17 average population per House district was 108,000.

18 These will increase by 23.5 percent, the same rate of  
 19 growth as the rate of growth in the state, to 400,000 and  
 20 133,000 respectively for Senate and House districts. We  
 21 have a graphic here that shows the relative increase in  
 22 population per district for Congressional, Senate, and  
 23 House districts.

24 We also can look at the map to see which areas grew  
 25 more rapidly and which grew slower. This map of the

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 14

1 Panhandle depicts in red the areas where the density of  
 2 population actually declines, where blue areas are areas  
 3 where the density of population increased. And what we can  
 4 surmise from this is that the downtown areas, the density  
 5 of population decreased, whereas in the suburban areas,  
 6 population density increased.

7 Looking at growth rate as opposed to density over the  
 8 past ten years, we see a similar pattern with most of the  
 9 growth occurring in the suburban areas. What is the effect  
 10 of that on legislative districts? Well, Congressional  
 11 District 1, which includes most of this area, is currently  
 12 overpopulated by almost 40,000 people -- 45,000 people.

13 That means the district would need to lose territory  
 14 in order to come to the target population. The two Senate  
 15 districts, Senate District 1 is currently underpopulated by  
 16 23,000, so it needs to get a little bit larger, whereas  
 17 District 7 is very close to the target population already.

18 And looking at the House, we see a similar pattern  
 19 with the downtown districts in Panama City and Pensacola  
 20 needing to pick up population, and the rural and suburban  
 21 districts needing to either hold the same population or  
 22 gain.

23 With the redistricting software that's used by members  
 24 is now available in public libraries and is offered for  
 25 sale to the public for \$20 per copy, you can very easily  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 15

1 make the assignments of areas to districts to see what the  
 2 effect will be. For instance, I've got an example here,  
 3 We will assign five counties, Escambia, Santa Rosa,  
 4 Okaloosa, Walton and Holmes, to a congressional district,  
 5 and we see that the resulting population will be 641,816, a  
 6 little -- almost 2000 greater than the target population.

7 For information about the redistricting software and a  
 8 whole lot more demographic information regarding the  
 9 redistricting process, as well as tapes and transcripts  
 10 from these hearings, please visit the legislative web site.  
 11 You can go to On-line Sunshine, and from there, follow the  
 12 links to either the Senate redistricting site or the House  
 13 redistricting site. Thank you.

14 CHAIRMAN WEBSTER: Thank you, Mr. Guthrie. Ladies and  
 15 gentlemen, as I stated earlier, we will be using the  
 16 speaker cards in order to participate tonight and you will  
 17 be called in numerical ascending order. So if Number 1  
 18 will get ready, we are just about ready to go.

19 If there's anyone else that would like to speak, you  
 20 can go out to the table and sign in and the staff would be  
 21 willing to assist you in doing that. Please remember that  
 22 we are limiting our comments to four minutes and, of  
 23 course, if you have anything written that you would like to  
 24 submit, we would accept that also.

25 If you have any handouts, make sure that they're --  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 16

1 you can put them on the front table or chair here, we will  
 2 pick those up after the meeting. So thank you for coming  
 3 and let me begin the hearing with Number 1.

4 MS. HUNTER-JONES: Thank you. I am Frances  
 5 Hunter-Jones, a resident of Pensacola, and I'm representing  
 6 the League of Women Voters of the Pensacola Bay area.  
 7 Thank you for hearing input from those of us that are  
 8 affected by what you are doing. Our area is very much like  
 9 the rest of Florida geographically in that we are impacted  
 10 by rivers and bays and this is only one of the many things  
 11 that you will have to consider, I realize.

12 You have already heard the lead position on -- at many  
 13 of your hearings, I'm sure, so I'm not going to repeat what  
 14 you have heard several times already, but I will speak of  
 15 some local concerns tonight.

16 When I have worked at a precinct, I found a  
 17 regrettable number of voters who are confused and surprised  
 18 to find in whose districts they reside and vote. Much of  
 19 this is due to the meandering lines that which define some  
 20 of the districts. I will speak to the two districts in  
 21 which I happen to reside. The strangely configured Senate  
 22 District 7 follows the waterfront along the Gulf and the  
 23 bays, beginning at the Alabama line, about 15 miles west of  
 24 here, and then continues along the coast, all the way to  
 25 Gulf County, almost 150 miles east, though the district is  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 17

1 only a few miles wide in most places.

2 This makes for great confusion in a number of counties  
 3 with constituents too far apart to have meaningful  
 4 interaction on issues or cast meaningful votes at election  
 5 time. In addition, it must be very difficult to campaign  
 6 in such a far-flung district. A preferable configuration  
 7 for Escambia and Santa Rosa Counties might be to draw the  
 8 lines vertically rather than horizontally for each Senate,  
 9 as the county lines occur that way. And I think, by your  
 10 population figures, we would probably constitute a district  
 11 just in those two counties.

12 Another strange shape is House District 2, which is  
 13 rather horseshoe-shaped. It surrounds District 3,  
 14 beginning at East Pensacola Heights on Pensacola Bay. It  
 15 continues north around Escambia Bay and then turns west  
 16 among suburbs and outlying areas, then goes south along the  
 17 Perdido River and Perdido Bay, which are our boundaries  
 18 with Alabama, and ends at Star Lake and Bayshore Drive,  
 19 back down on Pensacola Bay again.

20 Surely, in adjusting lines to fit the new realities in  
 21 our population patterns and keeping Voting Rights Act to  
 22 compliance, these districts can become more compact and  
 23 more easily identified by our citizens. In the wake of  
 24 last fall's election problems, which adversely impacted  
 25 Florida's reputation, we are now seeing a reawakening of  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 18

1 interest in government as a result of the tragic events of  
 2 the last few weeks.  
 3 A fair and open redistricting process, drawing  
 4 districts which are responsive to citizens' concerns, can  
 5 be an important step in restoring confidence in the  
 6 electoral process and in government. And it is hoped that  
 7 there can be later hearings around this state after you  
 8 have presented some plans for our consideration.  
 9 Thank you very much for attention to our concerns  
 10 here.  
 11 CHAIRMAN WEBSTER: Thank you. Number 2.  
 12 MR. WHITEHEAD: Good evening, and I appreciate the  
 13 opportunity to speak with you all. I appreciate this  
 14 forum. I would like to present an opposing view to the one  
 15 that you have just heard. Someone who has served in local  
 16 government for a number of years, and is actually quite  
 17 happy not to be doing that now, I would just -- I would  
 18 offer that perhaps what we need to look at is even a  
 19 further striation of Escambia and Santa Rosa Counties.  
 20 When you look at the population numbers and the  
 21 representation that this part of the state has, you  
 22 recognize that our growth rates, while we were looking at  
 23 12-plus percent, is less than half of the state on the  
 24 average. As a result, we're seeing a diminishing ability  
 25 to garner results in Tallahassee. Compound that with the  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 19

1 impact of term limits and I look at several gentlemen here  
 2 that will not be here a couple of years from now, we lose  
 3 the seniority and it means that the more representatives  
 4 we have for this area, the more likely we are to get those  
 5 projects that we desperately need.  
 6 We're seeing money moved to the central and southern  
 7 part of the state of Florida, we desperately have  
 8 transportation projects here, we've got desperate needs in  
 9 a number of areas, that without representation, without  
 10 adequate representation, we're not going to be able to pull  
 11 those projects home.  
 12 Speaking simply as a taxpayer, I know that in -- as  
 13 someone who's campaigned in a difficult district before, I  
 14 recognize the problems associated with traveling large  
 15 districts. I represented the west side of Escambia County  
 16 and from Perdido Key all the way to Beulah is a huge  
 17 stretch with a very diverse population, but it's important  
 18 I believe for us as a county, and for you as a delegation  
 19 in particular, and that's the reason I'm talking to you,  
 20 that we maintain the level of representation we've got in  
 21 Tallahassee.  
 22 If we lose a Representative, especially in -- well,  
 23 either the House or the Senate, if we lose a Senator, we  
 24 have lost 50 percent of our legislation there. If we lose  
 25 a House member, which some of the proposals that I've  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 20

1 discussed with folks that we're looking at, we've lost 25  
 2 percent of our representation.  
 3 I think that's something that we in Escambia County  
 4 simply can't afford. And I would simply encourage you-all  
 5 to look very closely at that. It creates a problem for the  
 6 folks that may follow you, but it is a problem that they  
 7 walk into and they understand it. The districts may be a  
 8 little bit convoluted, but I believe that we have to strive  
 9 to maintain that representation. If we don't, then I  
 10 believe we're doing the people of this community a  
 11 disservice. Thank you very much.  
 12 CHAIRMAN WEBSTER: Thank you. Number 3.  
 13 MR. HAWKINS: Number 3 was actually signed by the  
 14 chairman of the Seminole's Republican Executive Committee,  
 15 Rodney Rollo, but he asked me to speak on his behalf. I am  
 16 the treasurer of the Executive Committee.  
 17 CHAIRMAN WEBSTER: If you will fill out a card.  
 18 MR. HAWKINS: I will fill you out a card and change  
 19 the number to make it easier for you.  
 20 He asked that I introduce our Executive Committee that  
 21 are here. We have our chairman and his wife, Rodney and  
 22 Anne Rollo, our treasurer is myself, Ronnie Hawkins. Chuck  
 23 Miller is our vice-chairman. Sheila Miller is our  
 24 secretary. Bob Goldberg, State committee man. And Nancy  
 25 Gold, State committee woman.  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 21

1 And I know that these remain legal, fair, and open,  
 2 they can't be partisan, so why is the Republican Executive  
 3 Committee even addressing you as an executive committee?  
 4 We want to express some concerns for Santa Rosa County.  
 5 When I look at what's happening in Districts 1, 2 and 3,  
 6 House districts, I see a void of 39,000 that needs to be  
 7 filled with only 11,000 coming out of Districts 1 and 4.  
 8 It's not going to be able to work real well.  
 9 Our biggest concern for Santa Rosa County is that we  
 10 end of being cut up like a little piece of pie. Yes, we  
 11 could gain more representation by being cut and sliced, but  
 12 do we have effective representation if we are the minority  
 13 in each of those districts?  
 14 So we would like you to consider looking at the  
 15 counties again, north and south as the county lines run,  
 16 versus horizontally as the coast runs. I know you are  
 17 faced with an awesome task because you have to create  
 18 people that don't exist to fill the void and make them  
 19 match. If you will go over to District 7, you are still  
 20 about 10,000 people short of making them equal.  
 21 So, the question from Santa Rosa County is please  
 22 don't cut us up into a lot of little pieces, keep us as  
 23 whole as possible. We like having two Representatives. If  
 24 you have to combine us down to just one, keep it all in the  
 25 county. Thank you for your time.  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 22

1 CHAIRMAN WEBSTER: Thank you. Number 4.  
 2 MR. BLACKMAN: Good evening, my name is Johnny  
 3 Blackmon, I serve as the chairperson of the political  
 4 action committee of the Pensacola branch of the National  
 5 Association for the Advancement of Colored People.  
 6 First, let me thank the committee for the opportunity  
 7 to make this brief statement for the rest of this hearing.  
 8 The Florida state conference will make a full statement to  
 9 this body prior to the conclusion of these hearings in  
 10 October.  
 11 There are a number of things that concern us about the  
 12 redistricting process. The most important element at this  
 13 point is the nature of the standards that Florida  
 14 Legislature will use in drawing the legislative or  
 15 congressional districts. The standards you establish will  
 16 impact this state and its constituency for the next ten  
 17 years. These standards will determine whether this state  
 18 adheres to the concept of the one person, one vote. And  
 19 they will certainly determine whether all of the voters of  
 20 this state have an opportunity to elect candidates of their  
 21 choice to the State House, the State Senate, and to the  
 22 United States Congress.  
 23 It is equally important to the NAACP that you develop  
 24 a process that respects the principle of no regression.  
 25 The past two redistricting sessions created a number of  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 23

1 opportunities that allowed various communities to be able  
 2 to the elect candidates of their choice for the first time  
 3 in the modern history of the state.  
 4 We believe that those opportunities must be protected  
 5 and enhanced. The NAACP believes that the redistricting  
 6 process must preserve the concept of minority  
 7 representation. The redistricting process that you will  
 8 undertake will drastically reshape the political map of  
 9 this state. The growth and population and economy needs to  
 10 increase the population of legislative districts is  
 11 significant.  
 12 A brief review of the current map showed that most of  
 13 the district, currently considered to be majority/minority  
 14 districts are currently underpopulated. It is important  
 15 that care be taken to ensure the character of these  
 16 districts to ensure that communities with common interests  
 17 be kept together. The people who will be served by these  
 18 districts must influence the determination of common  
 19 interests.  
 20 It's also important that you provide these public  
 21 opportunities for input into the way the process will be  
 22 carried out, that you provide an equal opportunity for  
 23 input into the actual process of drawing districts. There  
 24 are any number of groups that will seek to influence this  
 25 activity. It's very important that you provide every  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 24

1 opportunity through as many avenues as possible to allow  
 2 all interested parties to actually participate in crafting  
 3 these districts which will serve them during the next ten  
 4 years.  
 5 The NAACP looks forward to working with the members of  
 6 this committee and your staff persons during the next few  
 7 months on behalf of the National Association for the  
 8 Advancement of Colored People. It's important that when  
 9 this process is complete, the constituency are convinced  
 10 that there's power in their vote. This means that they  
 11 must be clearly able to influence elections of those people  
 12 who make public policy in their community. This means that  
 13 the status that you apply to this process as well as the  
 14 process itself must be true to our democratic principles.  
 15 Thank you for this opportunity and I'll leave a copy of  
 16 this statement, if I may.  
 17 CHAIRMAN WEBSTER: Thank you. Number five.  
 18 MR. BERG: My name is Stanley Berg, I reside at 59  
 19 Tekito Road in Shalimar, in an unincorporated area of  
 20 Okaloosa County. I want to take this opportunity to  
 21 express my strong feeling that all districts established by  
 22 the Legislature should be compact and composed of  
 23 contiguous areas, and if at all possible, should not divide  
 24 counties. Almost every article I read forecasts that  
 25 districts will be drawn with an eye to favoring the  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 25

1 majority party and its incumbents. I hope this won't be  
 2 the case. Clearly districts should be drawn objectively  
 3 and not with an eye to favoring or harming any incumbent,  
 4 political party, group, or individual. In Okaloosa County  
 5 we now have three representatives in the Florida House of  
 6 Representatives. One of them represents, I believe, only  
 7 five precincts and part of another, all of them in a small  
 8 corner of the county.  
 9 Further, it's not clear to county residents what logic  
 10 was applied in splitting the county between the other two  
 11 representatives. The arrangement of Florida Senate  
 12 boundaries is puzzling too. I urge you to include more  
 13 openness in the redistricting process this time so that  
 14 citizens can have greater input and can understand it  
 15 better. I feel certain this would contribute to greater  
 16 confidence in the process and that's sorely needed. Thank  
 17 you.  
 18 CHAIRMAN WEBSTER: Thank you. Number six.  
 19 MR. BARBEL: Mr. Guthrie covered my concerns, thank  
 20 you.  
 21 CHAIRMAN WEBSTER: Keep going, Mr. Guthrie. Number  
 22 seven.  
 23 MR. BORDELON: Good evening, my name is John Bordelon  
 24 and I am a citizen of Santa Rosa County. I am a former  
 25 president of the Gulf Breeze Area Chamber and I've been  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

1 actively involved throughout Santa Rosa County over the  
 2 last 14 years, but I'm not here representing any particular  
 3 organization. I would just like to point out to the  
 4 committee that Escambia Santa Rosa County comprises what's  
 5 commonly known as a standard metropolitan statistical area.  
 6 And if you look at the figures of what comprises a  
 7 representative district under the new census and what  
 8 comprises a senatorial district, it almost matches  
 9 perfectly the two counties. And as a constituent who on  
 10 occasion has to do business with elected state  
 11 representatives, be it Senate or House, it's much easier to  
 12 deal with your elected representatives if they are within  
 13 20 miles, let's say, and not 80 miles. It just doesn't  
 14 seem to me to make any common sense to draw new districts  
 15 for a Senate seat other than using Escambia and Santa Rosa  
 16 County because they almost perfectly match population-wise  
 17 what you are looking for, just like you need three  
 18 representatives that can be comprised from the population  
 19 of both of these counties. And it looks like if you look  
 20 at Santa Rosa, give or take a few precincts, you can have a  
 21 representative from that county, and you can have two  
 22 representatives from Escambia County. So, to me,  
 23 considering how business is done in a standard metropolitan  
 24 statistical area and how the interests are common in that  
 25 area, it just doesn't make sense not to do it otherwise.  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

1 And thank you again.  
 2 CHAIRMAN WEBSTER: Thank you. That's all of the cards  
 3 that we have, which is amazing. But as we have done  
 4 before, we would like to give members a chance to speak, if  
 5 they would like to, starting with the delegation. But  
 6 before we do that, I would like to introduce Johnny Byrd,  
 7 who is the chairman of the Procedural and Redistricting  
 8 Council of the House. These are joint hearings and we  
 9 share responsibilities, and sometimes it's my turn to chair  
 10 and sometimes it's his, so it is good to have him here. He  
 11 was recently designated as the speaker designate for the  
 12 2002-2004 session and he, as I said, has shared half of the  
 13 responsibilities of chairing this. Senator Byrd, it's nice  
 14 to have you.  
 15 Are there members of the delegation that would like  
 16 to speak? Majority Leader Maygarden, you are recognized.  
 17 Or Senator Peaden of the delegation, you are recognized.  
 18 SENATOR PEADEN: Thank you, Senator Webster. I would  
 19 like to thank Senator Webster and Representative Byrd for  
 20 the fairness of these hearings. As they have said, we have  
 21 conducted already over 22, 23 hearings around the state.  
 22 And you really come to understand what our counselor said  
 23 about the meanings of communities of common interests.  
 24 Sometimes those are boundaries, sometimes those are beach  
 25 areas, sometimes they are rural areas, sometimes they are  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

1 inland areas. We have understood what's meant by one man,  
 2 one vote, and we want to craft districts so that the farmer  
 3 in Paxton will have just as much say so in his vote as the  
 4 corporate side will in Pensacola, whether you are in  
 5 Niceville or Navarre, your vote will not be diluted and we  
 6 will follow fair boundaries. Even by following natural  
 7 boundaries as was alluded to and having compact areas in  
 8 some areas, gerrymandering I think will be a word of the  
 9 past.  
 10 These committee hearings in the past have usually been  
 11 behind closed doors. This is probably one of the most open  
 12 hearing systems in the United States, with everything being  
 13 available on the Internet, participating through the FRED  
 14 system that Representative Byrd and Senator Webster have  
 15 made available. You can draw your own district and  
 16 proposal and E-mail it to the committees as they move  
 17 through the process. You can contribute with your  
 18 proposals at the committee level in Tallahassee.  
 19 I think this will be historical in that fact that we  
 20 let everyone in the state have an opportunity to  
 21 participate in these hearings, not just the members and not  
 22 just behind closed doors. This is a very open process. I  
 23 would like to yield to Representative Maygarden and our  
 24 senior member here.  
 25 CHAIRMAN WEBSTER: Representative Maygarden.  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

1 REPRESENTATIVE MAYGARDEN: Senator Webster, thank you  
 2 very much and I want to say how much we appreciate  
 3 Pensacola Junior College for hosting this meeting this  
 4 evening by providing this facility. We are grateful to  
 5 them and grateful to you for being here. I'm going to be  
 6 brief and just express two concerns that I hear most  
 7 frequently, and you have heard them already here tonight.  
 8 One of them is the length of one of our Senate seats which  
 9 stretches from all the way down around Destin to Perdido  
 10 Key, the southern part of the various counties that you  
 11 have looked at here tonight. And the other is the House  
 12 district that basically follows a similar route down along  
 13 the coast. And I mean, I understand what took place ten  
 14 years ago, quite clearly, in a Panhandle county that  
 15 stretches from a bordering state to the Gulf of Mexico; as  
 16 growth takes place it takes place down along the coast.  
 17 And clearly, the largest portion of the population of our  
 18 beach areas are down in the inner cities of the lower parts  
 19 of our counties. And most of the area to the north remains  
 20 somewhat sparse, agrarian or rural. I understand the  
 21 common interest, I understand the desire to have a number  
 22 of representatives in each of those counties so that we  
 23 would have, perhaps, more representation, but quite clearly  
 24 as you have heard, there is a strong desire to see some  
 25 more compactness, a better understanding of where the  
 DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 30

1 districts are. The people of Perdido Key, for example, are  
 2 a long way from Representative Melvin's home and he has to  
 3 double up in order to cover such a large area, and the same  
 4 is true for Senator Clary. It is a major concern and it is  
 5 one that I point out to you as expressed quite often by the  
 6 people here in Escambia County.

7 Beyond that we think this delegation has worked very  
 8 well together, regardless of where the lines are, and we  
 9 plan to continue to do that. And we appreciate your  
 10 willingness to consider the districts as we move forward.

11 CHAIRMAN WEBSTER: Other members. Representative  
 12 Melvin, you are recognized.

13 REPRESENTATIVE MELVIN: I wanted to thank the folks  
 14 for coming out tonight. I just wish there would have been  
 15 more people, but I am going to assume the fact that there  
 16 are not a lot of people is a show that people are satisfied  
 17 with what's been happening over the past few years as far  
 18 as the legislative delegation goes. I want to thank also  
 19 the folks from out of town who come up and we hope that you  
 20 will stay and spend money and help the economy in the State  
 21 of Florida in these times.

22 But one of the things that I hope that people will do  
 23 is understand that these hearings are being held all over  
 24 the state and this is the opportunity to express yourself  
 25 here, and also one will be held in Panama City tomorrow.

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 31

1 And what we are hoping is that everybody will understand,  
 2 they have had the opportunity for the input and they can go  
 3 to the web sites and pull up and do, or if you need  
 4 information, any of us will be glad to help you locate and  
 5 find it. And it is your process and it is -- and I served  
 6 in the Legislature from 1968 to '78 and then came back in  
 7 '94, and I can tell you, this is the most open process that  
 8 I have ever seen in redistricting before, and I want to  
 9 thank our two leaders, Representative Byrd and Senator  
 10 Webster for making this possible. And I want to know that  
 11 you folks have the opportunity to be a total part of the  
 12 process.

13 CHAIRMAN WEBSTER: Anyone else from the delegation?  
 14 Anyone else from the membership of the House or Senate?  
 15 Representative Ryan, you are recognized.

16 REPRESENTATIVE RYAN: Thank you, Senator. I just  
 17 arrived this afternoon and it is a long ride from Dania  
 18 Beach and quite a change to get up here. And the reason I  
 19 made a point to come to Pensacola is that I had never been  
 20 here before in my life. And I wanted to get a chance to  
 21 see a little bit of the town and listen to some of the  
 22 folks. From what I have read, this is an area that is  
 23 really rich in history for hundreds and hundreds of years  
 24 with the Spanish occupation and really rich in the beauty,  
 25 the natural beauty of the area and in the natural beauty of

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 32

1 the people too.

2 It's a special part of the state, much different than  
 3 the part of the state that I come from, but important that  
 4 we consider the same issues when we redistrict in the  
 5 Panhandle as we would in South Florida or Southwest Florida  
 6 or in Central Florida. We had no specific reference to an  
 7 issue that we had discussed in other areas of the state  
 8 which is the census undercount. There's been a study made  
 9 by Price Waterhouse that there may have been over 200,000  
 10 persons that were not counted in the State of Florida alone  
 11 and I do hope that we will continue to look at this,  
 12 Mr. Chairman, and that we will give this some consideration  
 13 as we draw our district lines.

14 We know that the undercount is concentrated in the  
 15 urban areas throughout this state and hopefully as we  
 16 consider one person, one vote, we will give some deference  
 17 to this. I recognize that we are not able to consider  
 18 adjusted census data or, excuse me, make a deviation in the  
 19 Congressional Districts, but we are allowed that particular  
 20 leniency in our State House and in our State Senate seats.  
 21 I hope that we will continue to consider that.

22 I also wanted to mention that I have been a strong  
 23 advocate that we adopt some criteria, some objective  
 24 standards when we redistrict and I was very much pleased to  
 25 hear that the folks that spoke here today were in favor of

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

Page 33

1 adopting some standards. And when you discuss the  
 2 communities of interest, I think environmental concerns are  
 3 extremely important in this area, coastal issues,  
 4 educational issues, and having districts that follow  
 5 educational patterns from which persons are drawn into the  
 6 education, into the schools, the feeder system into the  
 7 high schools, along with accessible health care, housing,  
 8 income, and other important issues, along with compactness.  
 9 And compactness may be a different thing out here than it  
 10 would be in some of the urban areas, but I do hope that we  
 11 will continue to utilize those criteria, that we will adopt  
 12 such criteria specifically so that we can assist the public  
 13 as they convey to us their concerns about where they want  
 14 the district lines to be, and of course recognize the  
 15 political subdivisions as we heard from the gentleman from  
 16 Santa Rosa County.

17 Again, thanks for the opportunity to come here and  
 18 meet the folks and hear something about your concerns in  
 19 this area. Thank you, Mr. Chairman.

20 CHAIRMAN WEBSTER: Anyone else?  
 21 (No audible response.)  
 22 CHAIRMAN WEBSTER: The hearing is adjourned.  
 23 (Hearing concluded at 7:00 p.m.)  
 24  
 25

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675

1 CERTIFICATE

2 STATE OF FLORIDA:

3 COUNTY OF LEON:

4 I, MONA L. WHIDDON, Court Reporter, certify that I  
5 was authorized to and did stenographically report the  
6 foregoing proceedings and that the transcript is a true and  
7 complete record of my stenographic notes.

8 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.  
9

10 \_\_\_\_\_  
11 MONA L. WHIDDON  
12 Court Reporter  
13 Division of Administrative Hearings  
14 1230 Apalachee Parkway  
15 Tallahassee, Florida 32399-3060  
16 (850) 488-9675 Suncom 278-9675  
17 Fax Filing (850) 921-8453  
18 www.doah.state.fl.us  
19  
20  
21  
22  
23  
24  
25

DIVISION OF ADMINISTRATIVE HEARINGS (850) 488-9675