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THE FLORIDA SENATE  
SENATE SPECIAL SESSION B FLOOR DEBATE  
AUGUST 10, 2015

Transcribed by:  
CLARA C. ROTRUCK  
Court Reporter

## 1 T A P E D S E S S I O N

2 SENATE SECRETARY: All Senators, please  
3 indicate your presence. A quorum is present,  
4 Mr. President.

5 PRESIDENT GARDINER: The Senate will be in  
6 order. Senators and guests in the gallery will  
7 please rise for the opening prayer to be given  
8 this afternoon by Senator Richter. I don't see  
9 Senator Altman with us. So Senator Richter,  
10 you are always good for an opening prayer.

11 SENATOR RICHTER: Let's bow our heads.  
12 Eternal God, our Father, we are gathered once  
13 again to do the work for Florida. Lord, we are  
14 not sure what district we are in yet, but I am  
15 sure you will help us figure it out.

16 Lord, we thank you for the friendship that  
17 surrounds conversations that are within the  
18 hall. We thank you for our health and we thank  
19 you for our families. We ask that you guide  
20 our thoughts as we proceed with the task at  
21 hand and that, Lord, you put this task at rest  
22 when we are done. In your name we pray, Amen.

23 PRESIDENT GARDINER: Amen. Please remain  
24 standing for the Pledge of Allegiance to be led  
25 by Senator Brandes. Senator Brandes, you are

1 recognized.

2 SENATOR BRANDES: I pledge allegiance to  
3 to the flag of the United States of America, to  
4 the Republic for which it stands, one nation,  
5 under God, indivisible with liberty and justice  
6 for all.

7 PRESIDENT GARDINER: Madam Secretary,  
8 please read the proclamation.

9 SENATE SECRETARY: To the Honorable  
10 members of the Florida Senate and the Florida  
11 House of Representatives. We, Andy Gardiner,  
12 President of the Florida Senate and Steve  
13 Crisafulli, Speaker of the Florida House of  
14 Representatives by virtue of the authority  
15 vested in us by Article 3, Section 3, (c),  
16 Florida Constitution, and Section 11.011,  
17 Florida Statutes, do hereby proclaim.

18 One, that the Legislature of the State of  
19 Florida is convened in Special Session pursuant  
20 to Article 3, Section 3 (c), Florida  
21 Constitution and Section 11.011, Florida  
22 Statutes, at the Capitol in Tallahassee,  
23 Florida, beginning at 3:00 p.m. on Monday, the  
24 10th day of August, 2015, for a period of 12  
25 days, ending at 12:00 o'clock noon on Friday,

1 the 21st day of August 2015.

2 Two, that the Legislature is convened for  
3 the sole and exclusive purpose of considering  
4 revisions to Chapter 8, Florida Statutes, as  
5 amended by Chapters 2012-2 and 2014-255, Laws  
6 of Florida, which establishes that  
7 Congressional Districts of the state to amend  
8 Congressional Districts 5, 13, 14, 21, 22, 25,  
9 26 and 27 consistent with the Florida Supreme  
10 Court opinion in League of Women Voters of  
11 Florida and Others versus Detzner and Others,  
12 SC14-1905, paren, (Florida, July 9, 2015) and  
13 to make conforming changes to districts that  
14 are a direct result of the changes to the  
15 referenced Congressional Districts, signed,  
16 Andy Gardiner, President, the Florida Senate,  
17 signed Steve Crisafulli, Speaker, Florida House  
18 of Representatives. Duly filed with and  
19 received by the Florida Department of State  
20 this 20th day of July, 2015, by signed Ken  
21 Detzner, Secretary of State.

22 The reading of the Proclamation,  
23 Mr. President.

24 PRESIDENT GARDINER: We will now proceed  
25 with the reading of the Bills filed within the

1 call. The Secretary will read each Bill the  
2 first time by the number, introduce by title  
3 and announce the presence referenced.

4 SENATE SECRETARY: Senate Bill 2(b) by  
5 Senator Galvano. An act establishing the  
6 Congressional Districts of the Florida Senate,  
7 President's reference, the Senate Committee on  
8 Reapportionment.

9 The reading of the Bills, Mr. President.

10 PRESIDENT GARDINER: Senate of the 10th  
11 District, Senator Simmons. Rules Chairman, you  
12 are recognized for a motion.

13 SENATOR SIMMONS: Mr. President, I move  
14 that the Senate concurrent resolution 4(b) be  
15 taken up instanter. The concurrent resolution  
16 allows each House to determine its respective  
17 schedule of sitting dates and times for  
18 adjourning and reconvening.

19 PRESIDENT GARDINER: Without objection  
20 show the motion adopted.

21 Please read the concurrent resolution the  
22 first time by title and second time in full.

23 READING CLERK: Senate concurrent  
24 resolution 4(b). A concurrent resolution  
25 providing for adjourning and reconvening of

1 each House of the Legislature and providing for  
2 adjournment sine die during the 2015 Special  
3 Session B.

4 Senate Concurrent Resolution 4(b). A  
5 concurrent resolution providing for adjourning  
6 or reconvening of each House of the  
7 Legislature, providing for adjournment sine die  
8 during the 2015 Special Session B.

9 Be it resolved by the Senate of the State  
10 of Florida, the House of Representatives  
11 concurring that pursuant to Section 3, paren  
12 (e) of Article 3 of the State Constitution,  
13 each House of the Legislature may without  
14 further consent from the other House determine  
15 its respective dates and times for adjourning  
16 and reconvening during the 2015 Special Session  
17 B of the Legislature beginning Monday,  
18 August 10, 2015, and ending Friday, August 21,  
19 2015.

20 Be it further resolved that the  
21 Legislature shall adjourn sine die Friday,  
22 August 21, 2015, at noon or upon motion after  
23 final passage by the Legislature of a Bill  
24 establishing Congressional Districts in this  
25 state.

1           The reading of the resolution,  
2           Mr. President.

3           PRESIDENT GARDINER: Are there questions?  
4           Senator of the 19th District, Senator Joyner,  
5           you are recognized for a question.

6           SENATOR JOYNER: Thank you, Mr. President.  
7           Does this mean notwithstanding Joyner versus  
8           the Florida House of Representatives that now  
9           neither Chamber will have to report every 72  
10          hours prior to -- will have to convene every 72  
11          hours during session, a Special Session?

12          PRESIDENT GARDINER: Senator Simmons, you  
13          are recognized to respond to the question.

14          SENATOR SIMMONS: Senator Joyner, yes, you  
15          are correct.

16          PRESIDENT GARDINER: Are there additional  
17          questions, additional questions? Any  
18          objections? Seeing no objections show it  
19          adopted.

20          Senator Galvano, you are recognized,  
21          excuse me, Senators, Senator Galvano will now  
22          explain in reference to the committee meetings  
23          and just a general outline.

24          Senator Galvano of the 26th, you are  
25          recognized.

1           SENATOR GALVANO: Thank you,  
2           Mr. President, and Senators. You have received  
3           by now a Joint Memorandum from both myself and  
4           Chairman Simmons with regard to the schedule  
5           and some of the unique aspects of this Special  
6           Session.

7           Mr. President, I want to take just a  
8           couple of moments and highlight some of it and  
9           then go into the schedule and then if you would  
10          recognize me for a series of motions.

11          First of all this is a unique session. We  
12          are here in response to an opinion rendered by  
13          the Florida Supreme Court to address  
14          infirmities that they found in the drawing of  
15          the congressional maps.

16          We are here in a remedial posture, and  
17          unlike most times when you come back after a  
18          court has found a law or a Bill  
19          unconstitutional, you still have a cloak or a  
20          presumption that of correctness going forward.  
21          In this case we do not.

22          In this case as a Senate, as a  
23          Legislature, it is incumbent upon us to show  
24          the Court why what we produce is in fact  
25          compliant with the Constitution, both the Tier



1 1 principles as well as the Tier 2 principles.

2 We have to prove up our map and justify  
3 the decisions in the districts that are drawn.  
4 So in that regard we are going to be highly  
5 vigilant, very cognizant about the process that  
6 we have going forward and put, we have  
7 recommended and put into that Memorandum and  
8 into the procedures certain safeguards to make  
9 sure that we are meeting this standard.

10 We will have, first of all very frank,  
11 open discussions. We do have a Bill that has  
12 been filed to be, but it is simply a starting  
13 point. It is not a final decision. In fact,  
14 no decision has been made. In fact, we can say  
15 here today to be or not to be. It will be  
16 fully vetted starting tomorrow at 9:00 a.m.  
17 with a Joint Committee and we will hear  
18 testimony from legal counsel, we will hear from  
19 staff, and there will be opportunity to ask  
20 questions and to understand any aspect of what  
21 is this base map so that going forward we as  
22 the Senate and the Legislature as a whole can  
23 draw the map.

24 I invite every member, whether or not you  
25 are on the committee, to attend this meeting.

1 To be there and to understand where we are and  
2 what we are doing going forward. There will  
3 not be a vote on this Bill tomorrow. Again, it  
4 will simply be work shopped.

5 The schedule then will be, after Tuesday,  
6 tomorrow, we will then not go back into  
7 committee until Thursday. Wednesday at 6:00  
8 p.m. is the amendment deadline for amendments  
9 to be filed for Senate Bill 2(b) or the  
10 committee meeting that is on Thursday. And I  
11 ask that you all give consideration to the time  
12 it takes to draft, process and file amendments.  
13 We have been through this before.

14 Jay Ferrin, the Staff Director for the  
15 Reapportionment Committee and his team are  
16 great at what they do, but they need time and  
17 they need ample opportunity to review any  
18 proposed and alternative maps.

19 On Thursday at 10:00 a.m. the Senate  
20 Committee on Reapportionment will meet to  
21 consider 2(b) and any amendments thereto or  
22 other changes that have been filed.

23 Again, there will be opportunity for full  
24 discussion to debate the merits of alternative  
25 maps. The committee will also offer an

1 opportunity for feedback from citizens and  
2 anyone else in the public that wants to have  
3 their ideas heard and considered.

4 A caveat to that is though that for a vote  
5 to be taken on an amendment or an alternative  
6 it has to come from a member of this body. The  
7 President has reserved time on Friday should we  
8 not be able to complete our work on Thursday,  
9 and we will be very meticulous.

10 We are not going to err on the side of  
11 trying to get something done by a certain, a  
12 certain time on Thursday. If we need Friday we  
13 are going to use it all and we also have all  
14 day Monday that we will use for this committee  
15 should we need to consider to vet through  
16 certain proposals.

17 The deadlines for amendments on Friday and  
18 Monday will be 8:00 a.m. for a noon meeting.  
19 On Tuesday, we will establish a 5:00 p.m.  
20 amendment deadline for the Bills on Special  
21 Order, and then come into the full Senate on  
22 Wednesday to consider Senate Bill 2(b) on  
23 Special Order.

24 Now, given the unique nature of this  
25 Special Session and the directives that the

1 Supreme Court has put before us, I need to make  
2 clear that the following process will be  
3 required for submission of Redistricting Bills  
4 and Amendments.

5 First of all, any Bill or Amendment must  
6 be a contiguous and complete map. It cannot be  
7 piecemeal to be properly considered, and any  
8 Senator wishing to offer a Bill or Amendment  
9 should be prepared to explain in committee or  
10 on the floor the identity of every person who  
11 played a part in the drafting and developing,  
12 reviewing and directing of that particular  
13 proposal.

14 The criteria used by the map drawers, the  
15 source of any data in the creation of the map  
16 other than data contained in My District  
17 Builder or District Builder, and also a  
18 non-partisan, this is very important, a  
19 non-partisan incumbent neutral justification  
20 for the proposed configuration of each  
21 districts.

22 The results of any functional analysis  
23 with regard to the ability to elect minorities  
24 in the district, we will not be considering  
25 general functional and performance analysis or

1 non minority districts.

2 And finally how this proposal or the  
3 proposal satisfies both, complies with the Tier  
4 1 components, not to favor a party or  
5 incumbent, but also complies with the Tier 2  
6 requirements of compactness and following  
7 jurisdictional lines.

8 The staff, as I mentioned, is available to  
9 all of you. However, if you are working with  
10 the staff in drawing lines, that meeting will  
11 be recorded and preserved for future review.

12 So that is an overview, Mr. President, and  
13 I am prepared to answer any questions and I  
14 know Chairman Simmons is prepared as well.

15 PRESIDENT GARDINER: Okay. We will take  
16 some questions and then we do have a series of  
17 motions as well. So Senator of the 9th  
18 District, Senator Gibson, you are recognized  
19 for a question.

20 SENATOR GIBSON: Thank you, Mr. President.  
21 And maybe I didn't quite hear it the way I  
22 thought I heard it. In terms of justifying  
23 what we have done, I think those were the words  
24 you used, are you saying we now have to justify  
25 what we have done in terms of the base maps, or

1 we have to justify what we have done in our  
2 second drawing of the map?

3 PRESIDENT GARDINER: Senator Galvano, you  
4 are recognized to respond.

5 SENATOR GALVANO: Thank you,  
6 Mr. President. First of all, let me make  
7 abundantly clear. The base map is simply a  
8 starting point for discussion. That is not a  
9 product of decision-making of the Senate, the  
10 House or the Legislature as a whole.

11 With regard to justification, we need to  
12 be able to go through this process and the  
13 product that we render or any amendment that we  
14 make along the way needs to be able to have  
15 supporting or corroborating evidence or  
16 testimony so that later, and we are going back  
17 to Court on this, that is part of what this  
18 process that we find ourselves in, so that  
19 later we can point to that and say, here is the  
20 justification. Here is why this was done and  
21 why it makes the map more compliant with the  
22 Constitution.

23 PRESIDENT GARDINER: The Senator of the  
24 9th District, Senator Gibson for a follow up.

25 SENATOR GIBSON: Thank you, Mr. President.

1 How much time -- how much time does it take to  
2 draw up a new map given the amendment that  
3 my -- or 6:00 o'clock on Wednesday, how much  
4 time does it take to build a map I guess I  
5 would say?

6 PRESIDENT GARDINER: Senator of the 26th,  
7 Senator Galvano to respond.

8 SENATOR GALVANO: Thank you,  
9 Mr. President. I think what you are asking is  
10 how much, how much time in general terms, but  
11 it really is dependent upon how much of the map  
12 is changing. And so if you are just making a  
13 modification to a certain district,  
14 understanding though that you can't -- nothing  
15 is in a vacuum. It could be fairly, fairly  
16 quick.

17 If you are proposing a whole new  
18 configuration it could take some time, and that  
19 is the challenge we have. Unfortunately, the  
20 time frame that we find ourself in is part of  
21 the order of the Supreme Court. So we have  
22 certain obligations to meet including going  
23 back to Court, but hopefully that time frame  
24 will work and that is why we have at least a  
25 base map for discussion.

1           PRESIDENT GARDINER: Any additional  
2 questions? Senator of the 34th District,  
3 Senator Sachs for a question.

4           SENATOR SACHS: Thank you very much,  
5 Mr. President, and thank you, Chair Galvano,  
6 for taking on this task. I know that we  
7 labored long years ago on this issue and I know  
8 it is -- it is a vigorous one and tough.

9           My question concerns the scheduling for  
10 next week. We know you gave us a time schedule  
11 for amendments. We are scheduled for session  
12 next week three days. Do we have any  
13 indication as to what our schedule will look  
14 like or will that come as amendments are filed  
15 and reworked in terms of our scheduling for  
16 next week?

17           PRESIDENT GARDINER: If you don't mind,  
18 Senator Galvano, Senator Sachs, we are  
19 scheduled to be here through next Friday, and  
20 we intend to, if necessary, use every minute  
21 necessary to make sure that this is properly  
22 vetted.

23           As was mentioned, we are not scheduled to  
24 be back here on the floor for floor time until  
25 next Wednesday, and then at that point Senator



1 Simmons and Senator Galvano will give us the  
2 best indication as to when we finish up. But  
3 it is important that we, just as when we come  
4 on to the floor, we also have as much committee  
5 time as necessary and we will leave it to the  
6 Chairman's discretion if he feels as though  
7 they need to use every minute of that.

8 President Lee, did you have a question?

9 SENATOR LEE: Yes, Mr. President. Sort of  
10 maybe a series of questions depending on how  
11 they go, if you don't mind, sir. I was not  
12 here when these maps were originally drawn and  
13 I know Senator Galvano wasn't either.

14 And I am -- I am somewhat troubled by the  
15 extent to which I feel like my First Amendment  
16 Rights as a sitting member of this Senate have  
17 been impacted by the Court's decision. That is  
18 not for us to get into today. It is more for  
19 me to grapple with personally.

20 And so -- and as an elected member of the  
21 Senate the extent to which my authority as a  
22 sitting member of this institution has been  
23 relegated to a staff member to draw a map  
24 somewhere in the basement of this Capitol on  
25 both Chambers. Is there any presumption as to

1 the accuracy of the base product that we are  
2 working with?

3 PRESIDENT GARDINER: Senator of the 26th,  
4 Senator Galvano.

5 SENATOR GALVANO: The answer to that is  
6 no. I mean, no. We are using that simply as a  
7 start for discussion. I mean, you have to  
8 begin somewhere, and whether it is an outline  
9 of the state of Florida, maybe it is an outline  
10 with the counties identified in it.

11 We -- the President and the Speaker  
12 thought it prudent to at least have a base for  
13 discussion, but we give no presumption of  
14 correctness to that map.

15 PRESIDENT GARDINER: Senator Lee.

16 SENATOR LEE: Okay, so, and that is good.  
17 So, you know, having worked in that process  
18 back in 2002, I know that the challenge for us  
19 is in a very short period of time to react to  
20 this map and then go through all the  
21 complications necessary.

22 There have been a variety of public  
23 reactions to the base map at various levels and  
24 different communities around the state. We  
25 have all read about them publicly.

1           And now we are placed in this difficult  
2 position of having to amend a map that has been  
3 drawn by our staff in a very short period of  
4 time and try to come up with alternatives, all  
5 of which should be done in a public process  
6 according to the outlines set forth by the  
7 Supreme Court, and so that is what it is. I  
8 don't know that I have a better alternative for  
9 the one that you and the presiding officers  
10 have come up with.

11           But now we are being placed under an  
12 obligation in item two through, A through F to  
13 prove up every piece of information that we  
14 have come up with as an alternative. Is not  
15 that same burden going to be on our staff to  
16 prove up and identify every person involved in  
17 drawing, reviewing, directing and approving  
18 their proposal?

19           All of the things that went into the  
20 drawing their base map, do they not have the  
21 same burden to this institution and the public  
22 that we would have if we went to amend it?

23           PRESIDENT GARDINER: Senator Galvano.

24           SENATOR GALVANO: Thank you,  
25 Mr. President. Absolutely. I would suspect

1 that that is the first series of questions that  
2 we are going to get starting at 9:00 a.m. in  
3 the morning. We are going to start with the  
4 lawyers and then the staff, and I will expect  
5 those questions to be absolutely answered.

6 PRESIDENT GARDINER: Senator of the 3rd  
7 District, Senator Montford for a question.

8 SENATOR MONTFORD: Thank you,  
9 Mr. President, and thank you, Mr. President,  
10 for the opportunity to serve on this committee.  
11 I had the opportunity to serve on the original  
12 committee as well.

13 Thank you, too, Senator Galvano, for  
14 making sure that we understand that this is a  
15 suggested map, it is a base map, a place to  
16 start.

17 With that being said, I have some serious  
18 concerns about the proposed map that we got  
19 last week, and with that being said, I am  
20 reluctant quite frankly to seek any kind of  
21 assistance outside this building, if you will,  
22 other than our staff. I don't want to be a  
23 part of nor accused of being a part of anything  
24 that would be questionable in terms of how the  
25 lines are drawn.

1           But quite frankly, I don't have the  
2 expertise. I don't have the knowledge, I don't  
3 have the experience to be able to sit down with  
4 this proposed map and make suggested changes  
5 that affect the entire state and be able to  
6 defend that.

7           So my question then is, how much time do  
8 we have with our own staff, our professional  
9 staff here knowing that all 40 of us may be  
10 calling on them all at the same time? So how  
11 do we mechanically, how do we avail ourselves  
12 of the excellent staff that we have to be able  
13 to understand it and be able to make  
14 suggestions and defend those suggestions in a  
15 short timeline?

16           It is not -- it is not your -- I mean, I  
17 understand the constraints that you have, but  
18 my, I know my constituents are expecting me to  
19 do something or make some suggestions. So how  
20 do we do that with the limited amount of the  
21 excellent staff that we have?

22           PRESIDENT GARDINER: Senator Galvano, your  
23 are recognized.

24           SENATOR GALVANO: Yes, thank you,  
25 Mr. President. The procedure that we have laid

1 out is just as much about being able to do that  
2 as anything else, and that is why we had the  
3 base map, for example, so that we would at  
4 least have the benefit of our professional  
5 staff and our legal counsel's input in terms of  
6 a recommendation or a discussion point.

7 The meeting tomorrow is a joint meeting.  
8 We will meet, be meeting with the House and its  
9 Chairman and the idea is that we begin to  
10 really vet through all of this, and the hope is  
11 that through the course of a day, and I would  
12 suspect that we will use every minute until  
13 6:00 p.m., and through the course of the day we  
14 will get to a point where the members are  
15 comfortable and the focus on changes becomes  
16 less.

17 Remember that we are dealing with a Court  
18 opinion that has identified eight districts  
19 with specific recommendations. Some of them  
20 are very clear. For example, CD 5, we know how  
21 that configuration came out in this most  
22 recent, in this base map based on some of the  
23 recommendations that were, or the specific  
24 recommendations made by the Court.

25 So the idea is that through tomorrow we

1 will be able to narrow the focus and then with  
2 the ample time that the President has afforded  
3 if we need to go into Monday or use Friday, we  
4 will do that, and I can assure you as Chairman  
5 I am going to be as accommodating as I possibly  
6 can. If you feel like you are working with  
7 staff but your time is running out or you need  
8 additional, additional help, let's see what we  
9 need to do to make sure that your voice is  
10 heard. Just understand that we have to be in  
11 Court in September.

12 PRESIDENT GARDINER: Senator Montford for  
13 a follow up.

14 SENATOR MONTFORD: Thank you,  
15 Mr. President. In with -- this is one time I  
16 stayed away from everybody. I stayed away from  
17 staff, there were phone calls I haven't  
18 returned quite frankly, because I don't want to  
19 put somebody's name on a list. That makes me  
20 nervous.

21 So but in -- in the working of the staff  
22 are there -- is there a plan B or C? I mean,  
23 when, usually I believe when we worked through  
24 these plans there are different alternatives.  
25 Does the staff have alternatives to this plan?

1 In other words, this is what they recommended,  
2 but is there a second alternative or a second  
3 choice or a third choice, something else that  
4 we can begin working on that may be different  
5 than the plan that we received last week?

6 PRESIDENT GARDINER: Senator Galvano.

7 SENATOR GALVANO: Thank you,  
8 Mr. President. No, again, this is just a  
9 suggested starting discussion point. The  
10 alternatives will derive from the members and  
11 the committee and that process. That is where  
12 the proposed maps and the alternatives will  
13 come from.

14 We are going to start tomorrow with an  
15 overview of where we are legally and then a  
16 discussion of how that was at least interpreted  
17 by professional staff. We will have testimony  
18 from experts and then the alternatives should  
19 generate from the members.

20 And frankly, you are wise to be cautious  
21 in who you are communicating with. There is no  
22 mystery about that at all, and I would assume  
23 the rest of the members are equally prudent.

24 PRESIDENT GARDINER: Senator Montford for  
25 a follow up.



1           SENATOR MONTFORD: Thank you,  
2           Mr. President. Without putting you and the  
3           staff on the spot, too much on the spot, are  
4           they allowed to say, well, have you thought  
5           about this, Senator Montford? I mean, they  
6           didn't walk in one day and all of a sudden a  
7           map popped out. They looked at different  
8           alternatives and they looked at different, the  
9           implications it would have, the impact it would  
10          have on districts throughout the state.

11                 Is that available that we can, I can look  
12          at before I meet with them or something that I  
13          can get my hands around and just look at what  
14          would happen if we did this or if we did that?

15                 PRESIDENT GARDINER: Senator Galvano.

16                 SENATOR GALVANO: Thank you,  
17          Mr. President. And the answer is yes, and I  
18          would fully expect you to ask those questions  
19          tomorrow, ask them if there were alternatives,  
20          where they got these ideas, how it was  
21          complying with the Constitution and the Court  
22          opinion.

23                 Absolutely, there should be nothing but  
24          the highest level of candor tomorrow and then  
25          we as the elected officials will begin to make

1 the decisions.

2 PRESIDENT GARDINER: Senator of the 32nd  
3 District, Senator Negron for a question.

4 SENATOR NEGRON: Thank you very much,  
5 Mr. President. I want to talk first of all  
6 just to make sure that I heard you correctly.  
7 If a member of the Senate is meeting with our  
8 professional staff, did you say that had to be  
9 recorded?

10 PRESIDENT GARDINER: Senator Galvano.

11 SENATOR GALVANO: Thank you,  
12 Mr. President. Yes. That will be recorded.

13 PRESIDENT GARDINER: Senator Negron for a  
14 follow up.

15 SENATOR NEGRON: And what will be the  
16 technique of that recording? Is it going to be  
17 videotaped, audio taped, and can you walk me  
18 through exactly how that is going to work?

19 PRESIDENT GARDINER: Senator Galvano.

20 SENATOR GALVANO: Thank you,  
21 Mr. President. And just so, so you know where  
22 that is coming from. If you look at the  
23 Court's opinion, I believe it is page 104. The  
24 Court makes a very specific reference to  
25 non-public meetings and the very strong

1 suggestion and that is probably, you know, soft  
2 of a word is that they be preserved for the  
3 future. And so what we anticipate is that if  
4 you are actually going into drawing a line that  
5 the staff will make you aware that there will  
6 be a recording, audio most likely, and you can  
7 have that discussion and then it will go  
8 forward, and there will be a record of that  
9 meeting.

10 PRESIDENT GARDINER: Senator Negron, you  
11 are recognized.

12 SENATOR NEGRON: Thank you, Mr. President.  
13 Is that -- my understanding was that there is  
14 normally a privilege that we have with our  
15 staff to talk back and forth. Is there any  
16 other instance where we could be in a situation  
17 where we are talking to our own staff that we  
18 are making a permanent recording record of it  
19 and do you -- and do you have any concern that  
20 that could have a chilling effect on our  
21 ability to function in the process,  
22 particularly thinking forward to the Senate  
23 maps potentially being redrawn at some later  
24 point this year if that procedure was also  
25 being contemplated, and do you have any

1 concerns about the message that it sends about  
2 the free exchange of information if we are  
3 saying well, before we talk we have to record  
4 it, do you have any concern that that creates a  
5 presumption that something nefarious would have  
6 been going on but for the recording?

7 PRESIDENT GARDINER: Senator Galvano, you  
8 are recognized.

9 SENATOR GALVANO: Thank you,  
10 Mr. President. First of all, I agree with you,  
11 but unfortunately we are dealing with an  
12 opinion from the Supreme Court of Florida that  
13 makes a very specific recommendation.

14 The session is not just going to end and  
15 we go back to our districts. The session is  
16 followed by already pre-scheduled discovery.  
17 So those meetings are going to be addressed one  
18 way or another through the discovery process.  
19 We are outside of the separate legislative  
20 process and living within the judicial process  
21 right now, Chairman Negron.

22 And so to take the Court at its  
23 recommendation and have a record of this  
24 meeting, of these meetings is only going to  
25 help facilitate the -- what we do after the

1 session and help us substantiate what we did.

2 Will it have a chilling effect? Well,  
3 perhaps it will, but that is, that is the  
4 decision the Supreme Court made when it made  
5 these recommendations.

6 PRESIDENT GARDINER: Senator Negrón for a  
7 follow up.

8 SENATOR NEGRÓN: Thank you, Mr. President,  
9 this is my final question. My understanding is  
10 based on your answer they are not requiring us  
11 nor do I think they have the legal authority to  
12 require us to record our meetings with our  
13 staff.

14 But my final question is, the Supreme  
15 Court and I wouldn't support this, for the  
16 Supreme Court or any Appellate Court, they are  
17 not required to record their discussions with  
18 their law clerks as they are drafting opinions  
19 or they also have a privilege when they meet as  
20 a group to make a final decision in a case.  
21 That is a sacrosanct process and I respect that  
22 and would support that and think that that is  
23 legitimate.

24 So I just want to for the record state my  
25 misgivings to the idea that when we are talking

1 to our staff, that somebody has to push a  
2 record button as if we were at a police station  
3 or something. We have a right to conduct our  
4 business just the way the Court has a right to  
5 conduct its business which I respect. So if  
6 there is anyway to reconsider that,  
7 particularly as we get into the Senate maps,  
8 speaking as one Senator I just think this idea  
9 of we have now gotten to a position where we  
10 walk in to talk to our staff and someone says  
11 don't say anything, who is here, let's push a  
12 button and record. We would never impose that  
13 on the Courts.

14 We would never impose that on the  
15 Executive Branch and I don't think that should  
16 become a new standard just because we are in  
17 civil litigation.

18 PRESIDENT GARDINER: Senator Galvano to  
19 respond.

20 SENATOR GALVANO: Thank you,  
21 Mr. President. It is not becoming a new  
22 standard. As I said in the beginning, this is  
23 a unique situation that we find ourselves in.  
24 We are in a remedial process answering the  
25 opinion of the Florida Supreme Court. We are

1 still within the judicial process, and I  
2 understand what you are saying. To me it is,  
3 it goes too far to begin with. I don't agree  
4 with the opinion of the Supreme Court. But we  
5 are going to follow the recommendations and we  
6 are going to produce a map based on the  
7 guardrails that have been established for us  
8 and close this chapter.

9 PRESIDENT GARDINER: Senator Dean, did you  
10 have a question?

11 SENATOR DEAN: One of the issues that  
12 bothers me like Senator Montford said a while  
13 ago, is having served on the committee before  
14 and I would really have more good feeling about  
15 where we are going to be in this process if we  
16 are notified as to what was acceptable as for  
17 many of the things that are being pointed out  
18 that were not acceptable.

19 I think we lose a lot of valuable time and  
20 expertise that went into what we did before if  
21 somehow or another the Court determines, okay,  
22 that didn't meet their standard of sufficiency,  
23 that we don't have a choice. We have to stand  
24 up and say, okay, we accept where you are, we  
25 will try to do better.

1           But how much of that that we did  
2 accomplish is going to be taken and would we  
3 then be given specifics as to what areas we  
4 were going to a district and what-have-you in  
5 that term.

6           PRESIDENT GARDINER:   Senator Galvano.

7           SENATOR GALVANO:   Thank you,  
8 Mr. President.   The opinion of the Court  
9 identified eight specific districts.   And so  
10 out of the 27 we are dealing with specifically  
11 eight.   The reality is though when you deal  
12 with one you deal with others.

13           And so even on the discussion map as I  
14 will call it, I think it impacts 22 districts  
15 to address the concerns of the Court with  
16 regard to the eight.   But there is some  
17 specific, there are specific recommendations by  
18 the Court or specific infirmities identified by  
19 the Court in the opinion with regard to eight  
20 districts.

21           PRESIDENT GARDINER:   Senator Bradley for a  
22 question.

23           SENATOR BRADLEY:   Thank you,  
24 Mr. President.   And I want to thank you, sir,  
25 for the privilege of serving on this committee



1 and I appreciate all the work you have done,  
2 Mr. Chairman, thus far.

3 I want to first say that I share with  
4 President Lee and Chairman Negrón's deep, deep  
5 concerns about where we find ourselves right  
6 now.

7 I am concerned about my First Amendment  
8 Rights as both a citizen and as a Senator who  
9 has been duly elected to represent 475,000  
10 people in my area of the state. I am very  
11 concerned about separation of powers.

12 That is a delicate balance in our system  
13 of government and when I perceive that one of  
14 the other two branches is encroaching on what  
15 is the legislative prerogative, then I pay very  
16 close attention and I frankly, I appreciate  
17 Chairman Negrón's statement that he would not  
18 impose such restrictions on the Court when it  
19 comes to taping their deliberations and so  
20 forth.

21 I frankly am not prepared to make such a  
22 commitment at this point in time about what we  
23 would or would not do with regards to how the  
24 Court conducts its business based on how I  
25 perceive they are expecting us to conduct our

1 business, but nevertheless that is a debate and  
2 discussion for another day.

3 My question for you, sir, is does, you  
4 mentioned CD 5 and I read the opinion and they  
5 went so far and they have done this before,  
6 actually printing maps in their opinions now,  
7 and telling us, this is what we like and this  
8 is how you shall do it.

9 When the five Justices, you know, signed  
10 this opinion and the majority opinion it  
11 included maps, it included specific directions  
12 about how districts are to be done. Are they  
13 required to follow the Constitution when they  
14 prepare these lines and make these basically  
15 conclusions about where districts are going to  
16 be? Are they required to follow the  
17 Constitution?

18 And let me be specific when I say that.  
19 Are they required to not -- to comply with Tier  
20 1, not to favor or disfavor a particular  
21 incumbent or political party? Are they  
22 required to follow the Constitution when they  
23 draw the maps which basically they have done?

24 PRESIDENT GARDINER: Senator Galvano, you  
25 are recognized.

1           SENATOR GALVANO: Thank you,  
2           Mr. President. And yes, the Constitution has  
3           its requirements and that is what should be  
4           followed regardless of how it is approached,  
5           and the Court has, in doing, in rendering its  
6           opinion interpreted the Constitution and is --  
7           has rendered an opinion that it feels supports  
8           and addresses the issues within the  
9           Constitution, and that is where we find  
10          ourselves.

11          PRESIDENT GARDINER: Senator Bradley for a  
12          follow up question.

13          SENATOR BRADLEY: If I were to perceive  
14          that the Court in drawing the map as they have  
15          in certain areas now, has not followed Tier 1,  
16          do I have any remedy on behalf of the people  
17          that I represent and on behalf of one of the  
18          three co-equal branches of government to  
19          inquire, as they are expecting us to do, take  
20          depositions of them, expect them to be on the  
21          record? Do I have those tools at our disposal  
22          to protect our branch?

23          PRESIDENT GARDINER: Senator Galvano, you  
24          are recognized.

25          SENATOR GALVANO: Thank you,

1 Mr. President. We are going to draw the map.  
2 Certainly there is an opinion that has  
3 recommendations as to process, procedure,  
4 specifies certain aspects of districts, but at  
5 the end of the day we are going to draw this  
6 map based on the findings of this Court.

7 If you feel like at any time in the  
8 process that a recommendation or something  
9 identified by the Court is not compliant with  
10 the Constitution or you want to question it,  
11 that is your prerogative, and you should  
12 question it as a member of the Legislature.

13 We are the ones who are going to draw it.  
14 They have made their opinion and we are back  
15 here but we are going to go through the  
16 process.

17 PRESIDENT GARDINER: Any additional  
18 questions? Senator Sobel for a question.

19 SENATOR SOBEL: Thank you, Mr. President,  
20 and thank you to all of the committee members  
21 who will be serving.

22 Is there any process in place to make sure  
23 the people who appear before the committee to  
24 tell the truth such as being sworn in and  
25 taking an oath? Has that been contemplated?

1           PRESIDENT GARDINER:  Senator Galvano, you  
2 are recognized.

3           SENATOR GALVANO:  Thank you,  
4 Mr. President.  And yes, we have that ability  
5 as a committee and we may be utilizing it.

6           PRESIDENT GARDINER:  Senator Sachs, did  
7 you have one more question?  You are  
8 recognized.

9           SENATOR SACHS:  Correct me if I am wrong,  
10 but what we are proceeding to do on this new  
11 adventure is not necessarily a committee on  
12 redistricting as we had a couple of years ago  
13 under Chairman Gaetz, but rather a process  
14 under the auspices of the Florida Supreme Court  
15 so that we are not operating under, and I know  
16 lawyers are concerned about these issues under  
17 what rules are we operating under.

18           I know we are still under the rules of the  
19 Senate.  However, it is also under the umbrella  
20 of the Order of the Supreme Court.  Is that --  
21 is that -- is that the way that we need to look  
22 at this, Chairman, because it appears that  
23 there are certain strictures that we have as  
24 Senators and those on the committee especially  
25 that were not usual for committees in the

1 Senate. But this is an extraordinary committee  
2 where they have, they are giving up or we are  
3 giving up certain rights so that we can comply  
4 with the rules of the Florida Supreme Court.

5 PRESIDENT GARDINER: Senator Galvano.

6 SENATOR GALVANO: Thank you,  
7 Mr. President. And I think you articulated  
8 that very well and that is -- that is the whole  
9 point of the unique process and unique  
10 procedures that we have. We are operating  
11 under an opinion, an Order from the Florida  
12 Supreme Court, and one that doesn't just  
13 involve what we do over the next two weeks, but  
14 already has tee'd up what we will do in the  
15 judicial branch following.

16 So I would submit to you that certain  
17 things such as a recording that Chairman Negrón  
18 has concerns of should not be a precedence for  
19 any session going forward. We are dealing in  
20 the next couple of weeks with a very specific  
21 order relative to the congressional maps of the  
22 state of Florida.

23 So what we do is there, what we do over  
24 the next couple of weeks is remedial in nature  
25 and based on that.

1           PRESIDENT GARDINER: Senator Braynon for a  
2 question. Senator Braynon with the 36th  
3 District.

4           SENATOR BRAYNON: Thank you,  
5 Mr. President. So I have a question, two  
6 questions. One of the questions is we are  
7 using the discussion map and I guess maybe the  
8 question would be, why not use the previous map  
9 as our base maps since that is what the Court  
10 used to decide what -- where the issues were?

11          PRESIDENT GARDINER: Senator Galvano, you  
12 are recognized.

13          SENATOR GALVANO: Thank you,  
14 Mr. President. Because the natural response to  
15 the opinion would be to have professional staff  
16 together with the lawyers to comb through this  
17 lengthy opinion and look at the issues raised  
18 with regard to the eight districts and begin to  
19 put it -- put it together.

20                I think I heard from a couple of you  
21 already about how difficult it is to actually  
22 get in and draw a map. This is the type  
23 process that is naturally dependent upon  
24 professional staff. And so if we can have  
25 somewhat of a head start at least in terms of

1 discussion then it is a good place to begin.

2 PRESIDENT GARDINER: Senator Braynon for a  
3 follow up.

4 SENATOR BRAYNON: Thank you,  
5 Mr. President. And the second question is  
6 about the committee meeting dates. If, I know  
7 that there is a public comments portion, and  
8 being from South Florida and maybe people have  
9 things that they want to, people that want to  
10 come up from South Florida.

11 Do we have solid times and dates that  
12 these people can say, I am going to come up  
13 from South Florida or from the panhandle that  
14 they can be assured that they will have an  
15 opportunity to speak?

16 PRESIDENT GARDINER: Senator Galvano.

17 SENATOR GALVANO: Thank you, thank you,  
18 Mr. President. First of all, I will tell you  
19 what we have put on in process already. The  
20 submissions that we already have, we are  
21 sending invitations to the persons or entities  
22 who have submitted so that they have an  
23 opportunity to come and present, as well as the  
24 Plaintiffs in the case.

25 If there is a particular group or



1 individual that needs specific time, I am more  
2 than happy to work with you or any other member  
3 on that. I want to make sure we have a fully  
4 vetted map when we are finished that is  
5 unassailable.

6 PRESIDENT GARDINER: Senator Braynon for a  
7 follow up.

8 SENATOR BRAYNON: And the last question  
9 was, I forgot that one. No, I think that is  
10 good. Thanks.

11 PRESIDENT GARDINER: Senator Gibson for  
12 another question.

13 SENATOR GIBSON: Thank you, Mr. President.  
14 I just have to, and I think I got a partial  
15 answer to one.

16 So we got the e-mail about the public maps  
17 that have been submitted, and I think you just  
18 said that any individual who submitted a map  
19 with the data will have an opportunity to  
20 present that map and the stats to the  
21 committee.

22 However, no public map would be -- could  
23 be filed unless it were filed by a member. So  
24 -- so the public will be able to come and bring  
25 a map if it is in the system, right?

1           PRESIDENT GARDINER:   Senator Galvano.

2           SENATOR GALVANO:   Thank you,  
3           Mr. President.   The public will have had an  
4           opportunity to present before the committee.  
5           If there is a map in the system, they can come  
6           and talk about the value or merits of that  
7           particular map.

8           If we are going to take a vote on an  
9           alternative or an amendment or a map it is  
10          going to have to be because a member of this  
11          body has deemed it appropriate.

12          PRESIDENT GARDINER:   Senator Gibson, you  
13          are recognized.

14          SENATOR GIBSON:   Thank you, Mr. President.  
15          I just want to go back to this point, because  
16          obviously there are many members of the public  
17          who may want to come and weigh in.

18          So in terms of who submitted the map, you  
19          said the public will be able to weigh in on the  
20          maps that have been submitted.   So the person  
21          who makes the presentation to the committee, is  
22          that the person who submitted the map to the  
23          system, or the person who submitted the map  
24          will present the map to the committee and then  
25          every member of the public who may be in

1 attendance will then be able to come up and  
2 talk about that, if you understand what I am  
3 saying?

4 PRESIDENT GARDINER: Senator Galvano to  
5 respond.

6 SENATOR GALVANO: Thank you,  
7 Mr. President. If you are asking me will there  
8 also be general public testimony, the answer is  
9 yes. We are going to try and make time for  
10 that as well.

11 PRESIDENT GARDINER: Any -- Senator Detert  
12 for a question.

13 SENATOR DETERT: Thank you, Mr. President.  
14 Senator Galvano, talking about using this map  
15 as a base map, a starting point, our staff drew  
16 this up as you said based on the lawsuit.

17 So does that tell us that the Supreme  
18 Court of the State of Florida thinks this is a  
19 perfect map?

20 PRESIDENT GARDINER: Senator Galvano.

21 SENATOR GALVANO: Thank you,  
22 Mr. President. I don't think the Supreme Court  
23 will ever think any map that comes out of here  
24 is a perfect map, and they have not opined on  
25 the map in front of you. What they have done

1 is identify certain characteristics that they  
2 felt violated the Constitution and the existing  
3 map, 9057. So that discussion map, as I call  
4 it, is an initial response to those concerns  
5 raised.

6 PRESIDENT GARDINER: Okay, members, we  
7 have a series of motions. Senator Galvano, you  
8 are recognized for a motion.

9 SENATOR GALVANO: Thank you,  
10 Mr. President. I move the rules be waived to  
11 establish the amendment deadline of 6:00 p.m.  
12 on Wednesday, August 12th, for the committee  
13 meeting scheduled for Thursday, August 13th.

14 PRESIDENT GARDINER: Are there questions?  
15 Any objections? Seeing none, show the motion  
16 adopted.

17 Senator Galvano, you are recognized.

18 SENATOR GALVANO: Thank you,  
19 Mr. President. I move the rules be waived to  
20 establish the amendment deadline of 8:00 a.m.  
21 on Friday, August 14th, for the committee  
22 meeting scheduled noon on the same day.

23 PRESIDENT GARDINER: Are there questions?  
24 Any objections? Seeing none, show it adopted.

25 Senator Galvano, you are recognized.

1           SENATOR GALVANO: Thank you,  
2           Mr. President. I move the rules be waived to  
3           establish the amendment deadline of 8:00 a.m.  
4           on Monday, August 17th, for the committee  
5           meeting scheduled at noon the same day.

6           PRESIDENT GARDINER: Okay. Are there any  
7           objections? Are there any questions, any  
8           objections? Seeing none, show it adopted.

9           Senator Simmons, you are recognized.

10          SENATOR SIMMONS: Thank you,  
11          Mr. President. The Special Order Calendar  
12          Group will meet 15 minutes upon adjournment in  
13          Room 401, Senate Office Building. And further,  
14          as a reminder, the amendment deadlines for  
15          Bills on the Special Order Calendar to be  
16          considered on Wednesday, August 19, is 5:00  
17          p.m. on Tuesday, August 18.

18          PRESIDENT GARDINER: Are there any  
19          questions?

20          Okay, Senators, we are about to complete  
21          our business for the day. We do have a couple  
22          of announcements.

23          Senator Simpson, you have a guest. Would  
24          you like to introduce your guest?

25          SENATOR SIMPSON: Yes, thank you,

1 Mr. President. I do have a guest today. My  
2 son, Wilton, Jr. The last time he was here I  
3 think I misdiagnosed him. I almost said he was  
4 a basketball player when I know he is a  
5 baseball player and he reminds me of that every  
6 time. He said, well, you misspoke on the  
7 floor, I am actually a baseball player.

8 And we had a great weekend of baseball  
9 this last weekend and I think we are going to  
10 have another great weekend coming up here  
11 pretty soon, but he is here with me and he will  
12 be driving me home.

13 His name is Wilton, Jr., and he will be  
14 driving me home today so I can get a lot of  
15 work done. He is finally of age of driving so  
16 we are in good shape. Thank you,  
17 Mr. President.

18 PRESIDENT GARDINER: Welcome to the  
19 Florida Senate. Are there any other  
20 announcements before I recognize Leader Joyner?

21 Seeing none, Leader Joyner, you are  
22 recognized.

23 SENATOR JOYNER: All right, thank you  
24 Mr. President, Senator Galvano. Members, I  
25 would like to inform you that Leader Smith had

1 emergency surgery. He had his gall bladder  
2 removed, he is doing well and he has been  
3 released from the hospital, and he is at home.  
4 This just occurred yesterday and he hopes to  
5 join us before the session is over. I guess my  
6 advice I would stay home and rest, because we  
7 want him to heal and he is asking for your  
8 prayers. But I want him to be ready for the  
9 next Special Session.

10 So I would advise with my non doctor  
11 degree that he stay home and recuperate. That  
12 is right, let the record reflect I am not a  
13 medical doctor but I just want him to heal and  
14 he wants all of you to know that he is doing  
15 well. I spoke with him this morning, and you  
16 know, he is tough, he will be fine.

17 But could we have a short prayer for our  
18 member and Leader Smith, Mr. President?

19 PRESIDENT GARDINER: May we please stand  
20 and just for a moment to think about Senator  
21 Smith.

22 (Brief pause.)

23 PRESIDENT GARDINER: Thank you, members.  
24 Senator Joyner.

25 SENATOR JOYNER: I would be remiss if I

1 did not indicate that President Margolis is  
2 also out, and I am not privy to her reason,  
3 except on the blogs it was reported that she is  
4 also having some surgery. So, hip, that is  
5 what the blog says and that is purely hearsay  
6 as far as I am concerned, but I know that she  
7 has been excused from the session and she will  
8 not be here.

9 PRESIDENT GARDINER: If it is on the blogs  
10 it must be true.

11 Any other announcements, any other  
12 announcements? Senator of the 10th District,  
13 Rules Chairman Simmons, for what purpose do you  
14 rise?

15 SENATOR SIMMONS: I guess first,  
16 Mr. President, for a warning to all the other  
17 citizens that since Senator Simpson's son will  
18 be driving him home, he is okay but the rest of  
19 the citizens of the State of Florida are at  
20 risk. But for a motion, Mr. President.

21 PRESIDENT GARDINER: You are recognized.

22 SENATOR SIMMONS: Mr. President, I move  
23 that the Senate adjourn until 10:00 a.m. on  
24 Wednesday, August 19th, or upon the call of the  
25 President for the purpose of holding committee



1 meetings and conducting other Senate business.

2 PRESIDENT GARDINER: Objection? The

3 Senate is now adjourned for the day.

4 (Whereupon, the proceedings were

5 concluded.)

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C E R T I F I C A T E

STATE OF FLORIDA )

COUNTY OF LEON )

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

That the foregoing pages 2 through 49 represent a true, correct, and complete transcript of the tape-recording;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this th day of August, 2015.

\_\_\_\_\_

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037