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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 Negrón.

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