

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

MEETING OF CHAIR GALVANO AND CHAIR OLIVA

AUGUST 20, 2015

Reported by:
CLARA C. ROTRUCK
Court Reporter

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

2 SENATOR GALVANO: Okay, good afternoon,
3 everybody, or good early evening. Chairman
4 Oliva, I really appreciate you coming over here
5 to spend a little time so we can talk through
6 your amendment that was adopted just a few
7 minutes ago or maybe 30 minutes ago, and have a
8 frank discussion as to where we are and what
9 the differences are and why those differences
10 exist, and hopefully we can clear up any -- any
11 questions that exist between the two chambers
12 and see if there is a way that we can bring
13 those together.

14 And I appreciate the Senators and House
15 members who have joined us here today. So I
16 guess to begin with, if you would be so kind as
17 to walk us through where -- where you are now
18 as a House of Representatives on the
19 congressional maps.

20 CHAIR OLIVA: Thank you, Chairman, and
21 thank you for being so cordial in getting these
22 meetings together. I think that they are
23 important. With all of the different
24 constraints on us it makes it very difficult to
25 have a legislative process in its natural form.

1 But this is -- these are the circumstances that
2 we are under and that really has a lot to do
3 with how we arrive at our amendments.

4 Having -- having seen the amendments
5 proposed by the Senate and knowing that unlike
6 any other legislative process where we can find
7 middle ground, we are really held, strictly
8 held to the Court Order. The tiers on those
9 amendments, Tier 1 and Tier 2, but also, of
10 course, the opinion of the Court.

11 Now, many of us have stated numerous times
12 on the record that we are not exactly overjoyed
13 with either the configurations that they have
14 imposed upon us. Certainly we have had many
15 members on our side that have wanted to see
16 different configurations because of communities
17 of interest, but the Court specifically spoke
18 to communities of interest and said that could
19 not apply as compactness.

20 With regards to the part of the amendment
21 that we did not take, and the rationale for
22 that, it is very, very understandable that in
23 that amendment you would want to move District
24 15 further into Hillsborough County, and the
25 rationale of a donor district is certainly

1 something that would concern anyone from any
2 region, to donate a population over to a
3 district that is centrally in another location,
4 that is an understandable concern.

5 And so in following that methodology
6 further in the amendment, the Senate amendment
7 moves across a county line from District 10 and
8 then grabs what could be described as donor
9 population from Lake County. And so in doing
10 that what we feel that we have is an
11 inconsistency that would not hold up through
12 the Courts and the opinions that they have
13 given.

14 Now, the odd position that we are in and
15 the same is true with the changes that we had
16 to do in the stacked districts of 21 and 22
17 where several of our members on both sides of
18 the aisle felt that that was not a good
19 configuration for those communities, we have to
20 adhere by what is before us and I can only
21 recommend to the members in our body that they
22 vote on a map that the Supreme Court can find
23 constitutional.

24 And so not being able to reconcile the
25 consistency of thought in Hillsborough that

1 then was departed in Orange County, I simply
2 was not able to make that recommendation.

3 With regards to the splitting of Manatee
4 and Sarasota County, those differences were
5 entirely based on Tier 2 and measures of
6 compactness. And so outside of that we were
7 very -- we were very encouraged by the
8 additional finding of two different cities to
9 keep whole and we tried to work along that
10 thing that you had established and we were able
11 to, as you know, find two additional. So
12 those are the differences.

13 SENATOR GALVANO: First of all, thank you
14 for going back to the drawing board and the
15 fact that you were able to bring two more
16 cities whole is progress.

17 The concerns that I have is that maybe the
18 interpretation that the House has taken with
19 regard to the genesis of the Hillsborough
20 change and what results is not fully
21 understood.

22 It is oftentimes it is referred to as to
23 fix a donor county and I heard you say that on
24 the floor, but if you look at it in terms of
25 the consistent theme of reducing cuts to a

1 county, then what we were able to achieve was
2 to reduce cuts to Lake County to Hillsborough
3 without increasing or trading a cut anywhere
4 else in the -- in the state of Florida, and at
5 the same time we were able to bring together
6 two more cities and then reduce overall four
7 city cuts.

8 With regard to District 16, the reason the
9 committee felt like that was an appropriate
10 change to the base map is that 16 has never
11 been challenged by the Plaintiffs. It was not
12 singled out by the Court, and in terms of -- of
13 changing something that was not a problem, we
14 felt like why put an additional variable into
15 the mix for the Court to focus in on if it
16 wasn't necessary.

17 And so, you know, and I did hear the
18 reference to apportionment one with the
19 consistency on judicial or jurisdictional lines
20 and geographical boundaries, but as I
21 understand that portion of the opinion I think
22 that was where the Court was saying you need to
23 be consistent what constitutes a geographical
24 boundary.

25 So, you know, I can tell you that the

1 Senate is not prepared to back away from these
2 changes. We did come here with an open mind.
3 Perhaps there is a way to blend the two
4 products. We looked at what the House has done
5 in its amendment and, you know, that is
6 something that could probably stay in a map
7 and if we are able to get it altogether, and I
8 have actually had staff start working on this,
9 we could end up with a product where we
10 actually have nine less city splits than the
11 base map.

12 And so, you know, I think it what the
13 Senators want to know is where we go from here.
14 I am hoping that we are not at a point where it
15 is the House sees it as an either/or. I would
16 like to be able to see if there is a middle
17 ground and we can perhaps blend our products.

18 CHAIRMAN OLIVA: I appreciate that, and I
19 want to be expressly clear, because I think
20 what is at stake here is very important. I
21 think what is at stake here affects both
22 chambers and affects this entire branch of
23 government and our prerogatives.

24 But I want to say that unlike any other
25 legislative negotiation, this is not one of

1 those scenarios where we simply are, at least I
2 certainly don't feel like it is a matter of who
3 has got the better negotiating position.

4 We are both in a very difficult position.
5 That is the bottom line. We are in that
6 difficult position for a whole series of
7 circumstances that we know very well, and we
8 have the obligation to return this branch of
9 government to its proper place. And the best
10 way to possibly do that is to adhere to this
11 Court Order and to the opinions of that Court.

12 And so, and I want to read -- I know that
13 you spoke about how the Court interprets
14 compactness and I -- they did make mention of
15 that in communities of interest, but let me
16 just very specifically read what they said
17 regarding geographical boundaries.

18 And they said it in apportionment one.

19 "The Senate did not use any consistent
20 definition of political and geographical
21 boundaries. Some districts adhere to county
22 boundaries, for example, District 5, while
23 others freely split counties and follow a
24 variety of roads and waterways including minor
25 residential", et cetera, et cetera, et cetera.

1 This is one of those considerations we
2 must make. If this was simply a negotiation I
3 would certainly not stand in the way of that
4 change. I would not have stood in the way of
5 Representative Williams change to keep
6 Tallahassee whole nor of Representative
7 Kerner's change to keep communities of interest
8 in Palm Beach and Broward together. I would
9 not stand in the way of those things.

10 The reason that I can absolutely not go
11 back and tell our membership that we should
12 accept the plan that in any way can create some
13 sort of infraction of some of these very direct
14 and clear constraints is because I want to pass
15 a map that is constitutional.

16 I want to move on with our process and I
17 want to make sure that our branch of government
18 returns to its rightful place with its rightful
19 prerogatives. And so for those reasons I would
20 certainly be open as I have been, we could meet
21 five more times tonight. I have -- there is
22 nothing in particular that I wouldn't do to try
23 to get this done, but it must adhere to these
24 constraints.

25 SENATOR GALVANO: And I understand that

1 and that is exactly what we have been doing on
2 the Senate side. We have been in the same
3 process the House has. We have followed the
4 opinion, taken the instructive language from
5 the opinion and applied it to the map.

6 What I am saying is I think the idea that
7 somehow the reduction in a split to
8 Hillsborough County is not consistent in
9 applying Tier 2 factors. It just does not make
10 sense.

11 What you all or your counsel and they can
12 weigh in if they want, what they are
13 interpreting from apportionment one is not the
14 case here, and that -- that instructive opinion
15 back then the Court was saying, be consistent
16 as to what is a geographical boundary.

17 You know, in some instances you are using
18 a major Interstate and in others a river and
19 some you are using a creek. What -- we have
20 some sort of consistency and then between the
21 county and the municipal lines at least have --
22 have some consistency in how those are
23 prioritized.

24 It would be different if we reduced a cut
25 to Hillsborough and then increased cuts to

1 other counties, but instead the overall in Tier
2 consideration with regard to jurisdictional
3 cuts splits is to see how -- how few you can
4 have in the end product and this actually does
5 that. And then with regard to cities, it does
6 it.

7 And again, with 16, you know, we know the
8 Court is not going to challenge that or the
9 Court doesn't have a problem with it, and if we
10 are trying to pass a product that is going to
11 past muster, doesn't it make sense to leave a
12 district alone that they haven't -- haven't
13 challenged.

14 And so I think there is a way to look at
15 Hillsborough County and, you know, maybe there
16 is some suggestions that your staff might make,
17 but I wouldn't just go completely back to the
18 base map and ignore the contributions made by
19 both the committee and then the full Senate
20 when it voted. And I am happy to meet with you
21 as many times as it takes.

22 CHAIRMAN OLIVA: Well, and I am certainly
23 encouraged to hear that. I do want to make
24 clear that ignore would be a very strong word.
25 We certainly took into consideration and even

1 tried to go further down that path. So, but
2 again, and maybe I can just ask directly. If
3 the rationale that brings more of District 15
4 into Hillsborough is one, right? How do we
5 square that and how will we do that before the
6 Court with the rationale that takes District
7 10, reaches into Lake County to grab a city,
8 how do we square those two different
9 rationales?

10 SENATOR GALVANO: Well, and again, we --
11 the idea was to reduce the cuts to Hillsborough
12 County. And so in order to reduce that cut we
13 were able to do that without impacting another
14 county and we ended up with a product with less
15 cuts.

16 It also, because of the region and because
17 of the desire of the committee to restore 16 to
18 where it was, that played into it as well in
19 the final product. I mean, so it is -- it is a
20 consistent theme to minimize splits and that is
21 what -- what we did.

22 CHAIRMAN OLIVA: Well, and again I can
23 understand that, Chairman. I just want you to
24 know in District 10 we, the Senate amendment
25 takes a district that was wholly within Orange

1 County and it moves it and reaches over into
2 another county. And so that district did not
3 suffer or did not enjoy the same benefit from
4 the same amendment that District 15 enjoyed.
5 And in my view and as the person that has to
6 interpret this for the House and to offer my
7 recommendation, I find in that an inconsistent
8 methodology and that is the sole reason.

9 Other than that I have no specific reason
10 to not want to accept this, particularly
11 knowing that my priority, as I know is
12 everyone's priority, is to return us to our
13 proper prerogative and being able to draw these
14 maps without all of these overreaching
15 constraints.

16 And so what I would say to you is I want
17 to find a place.

18 SENATOR GALVANO: Okay.

19 CHAIR OLIVA: I absolutely do. I am
20 committed to that, but it must be a place that
21 would adhere to the constraints we are under.

22 SENATOR GALVANO: And we absolutely agree
23 with that. I mean, we are operating under the
24 same constitution, the same Tier 1 and Tier 2
25 criteria and the same Court opinion. What I

1 wanted to make sure that we understood is what
2 exactly the objections were, and I hear what
3 you are saying about CD 10, but that -- that is
4 one part of the counter clockwise movement that
5 took place in the Senate amendment away from --
6 as opposed to the base map. And I would
7 venture to say that that is something we can
8 take a look at and perhaps we still are able to
9 accomplish what we need to or what we intended
10 to accomplish with regard to that amendment,
11 and it will be something acceptable to the
12 House.

13 CHAIRMAN OLIVA: I would certainly welcome
14 anything that would get us to where we need to
15 be.

16 SENATOR GALVANO: Jay, do you have
17 anything? Does anybody have a comment?

18 CHAIR OLIVA: That could go a long way.

19 SENATOR GALVANO: I think it would. Okay,
20 so we know where we are going on this. I am
21 going to work with my staff. I have heard your
22 explanation, I have heard your concerns. You
23 have heard our explanation in terms of where we
24 are coming from and what we see as the
25 criteria, and you know, we will see what we can

1 develop and we will get back to you.

2 CHAIRMAN OLIVA: Thank you, Chairman, I
3 appreciate it.

4 (Whereupon, the proceedings were
5 concluded.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 01 through 15, is a true and correct record of my stenographic notes.

Dated this 21st day of August, 2015, at Tallahassee, Leon County, Florida.

CLARA C. ROTRUCK

Court Reporter

Commission No.: FF 174037

Expiration date: November 13, 2018