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SENATE SPECIAL SESSION C

OCTOBER 28, 2015

10:00 a.m.

Transcribed by:

CLARA C. ROTRUCK

Court Reporter

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

2 SENATE SECRETARY: Quorum call, quorum
3 call, all Senators indicate your presence,
4 please, all Senators indicate your presence.

5 All unauthorized persons will please leave
6 the Chamber. All Senators and guests in the
7 gallery, please silence all electronic devices.

8 All Senators please indicate your
9 presence.

10 A quorum is present, Mr. President.

11 PRESIDENT GARDINER: The Senate will be in
12 order. Visitors and guests, please rise, we
13 have a very eager Senator to give the prayer.
14 He has been standing here for 10 minutes to
15 pray for us.

16 Senator Montford, you are recognized for
17 the prayer.

18 SENATOR MONTFORD: Mr. President, I might
19 add, and probably the most handsome guy in
20 here. Some people said that is not saying
21 much, but please join me.

22 Gracious Father we come to you today
23 knowing it is incumbent upon this body to lead
24 the state, it is an awesome responsibility.
25 There might never have been a time when the

1 people of Florida and this country need a
2 reminder of what civil leadership service and
3 solidarity for the common good look like.

4 We come to you for guidance, for patience,
5 for humbleness to provide that example to your
6 people. I ask of you today that we each have
7 the strength and the wisdom to speak for our
8 constituents and for understanding and
9 compassion when our colleagues speak for
10 theirs, even in opposition.

11 The last few weeks have been challenging,
12 help us to clear our minds and have a strong
13 heart. Help us to use the strength you have
14 graced us with. Help us to understand and
15 recognize our weaknesses and act accordingly.

16 We ask that you reach into our hearts,
17 touch our souls so that we can clear our minds
18 of anything that would keep us from serving you
19 and the people of Florida. Father, grant us
20 respect to remember that not far from the doors
21 to these Chambers around our great state
22 children are hungry, elderly are sick and
23 families are suffering.

24 Let us remember your teaching to care for
25 the least of these. We all know the duties of

1 our office, but Lord, please help us to
2 remember our more basic responsibility placed
3 upon us from you, and that, Dear Lord, is to
4 care for our neighbors.

5 Lord, we ask for your special blessings
6 and care for those men and women in our armed
7 forces who risk their lives to protect the
8 freedoms granted by the democracy that we take
9 part in here today. We ask a special blessing
10 on their families who will miss them at dinner
11 tonight and especially for their children who
12 eagerly await their return.

13 In your name we pray and for all of God's
14 people to say Amen.

15 PRESIDENT GARDINER: Please remain
16 standing for the Pledge of Allegiance to be led
17 by Senator Soto of the 14th.

18 (Brief pause.)

19 PRESIDENT GARDINER: We will now continue
20 with the order of business. Are there reports
21 of committees?

22 SENATE CLERK: None on the desk, Mr.
23 President.

24 PRESIDENT GARDINER: Are there motions
25 relating to committee reference?

1 SENATE CLERK: None on the desk,
2 Mr. President.

3 PRESIDENT GARDINER: Are there messages
4 from the Governor and other executive
5 communications?

6 SENATE CLERK: None on the desk,
7 Mr. President.

8 PRESIDENT GARDINER: Are there messages
9 from the House of Representatives?

10 SENATE CLERK: None on the desk, Mr.
11 President.

12 PRESIDENT GARDINER: Are there matters on
13 reconsideration?

14 SENATE CLERK: None on the desk,
15 Mr. President.

16 PRESIDENT GARDINER: Take up and read the
17 third, the Bill on third reading, read the
18 first bill.

19 SENATE CLERK: Committee substitute for
20 Senate Joint Resolution 2-C, a Joint Resolution
21 of Apportionment.

22 PRESIDENT GARDINER: Senators, we are in
23 -- we are in third reading. Senator Galvano,
24 you are recognized if you would like to add
25 some comments. I think we kind of talked about

1 it quite a bit yesterday, but if you would like
2 to have some remarks then we will recognize you
3 to close after debate.

4 You are recognized.

5 SENATOR GALVANO: Thank you,
6 Mr. President. I think we talked about this at
7 length yesterday and if you want to go into
8 debate we are prepared to do so.

9 PRESIDENT GARDINER: We are in debate on
10 SJR 2-C. Is there debate? Is there debate?

11 Senator Detert in debate.

12 SENATOR DETERT: Thank you, Mr. President,
13 and I certainly appreciate all of the work that
14 Senator Galvano and the committee did. I
15 watched you on TV, I felt your pain. I know
16 you tried to go by the rules and do the best
17 you could, but I have to rise in opposition to
18 this particular map because of what it does to
19 my district.

20 We talk a lot about the methodology and
21 the point system and making the League of Women
22 Voters happy and making the courts happy and
23 making the House happy. The only people that
24 won't be happy with this map are the people who
25 live in my district.

1 And I am not running for reelection. This
2 is my final term. So I don't benefit in any
3 way, shape or form other than I want to
4 continue living in Sarasota and I would like to
5 see a Sarasota Senator. So what is lost in all
6 of the discussion and the court suit and the
7 legalese is the wishes of the people who live
8 in our district.

9 If you draw a rectangle and it is mostly
10 Republican, that is who lives there. You can
11 gerrymander it, move it around and try to make
12 it more competitive, but the people who live
13 there should get to know their representatives
14 and their representatives should get to know
15 them.

16 Sarasota, the district that we drew in
17 2012, under the leadership of Chairman Gaetz, I
18 personally drew that map. It was a rectangle.
19 I didn't -- I don't know where anybody lived
20 when we drew the maps, I didn't know where
21 elected officials lived. We tried to make it
22 make sense.

23 Anybody that looked at that map said that
24 makes perfect sense. It -- it met the numbers,
25 you have to have so many people in each

1 district, I get that. So it was mostly
2 Sarasota and 30 percent of Charlotte. Senator
3 Benacquisto and I have worked together. She
4 has got the other half of Charlotte and it has
5 been a great relationship and I think we have
6 given great customer service.

7 Now that district is going to be half
8 Sarasota and the other half of Sarasota will be
9 with -- with Hendry. It will be with Desoto,
10 Glades and Hendry County and Charlotte.

11 The issues aren't the same, the people
12 aren't the same. It is just a terrible map for
13 my district. It is 128 miles long, harder to
14 serve, and one of the rules we were looking at
15 which the court instructed us to look at and
16 Senator Galvano pointed out yesterday, the
17 first thing you do is try to use a little
18 common sense and visually look at it.

19 I defy you to look at the original map
20 which was Sarasota, Manatee, now the new
21 district would be District 26 and it has got
22 five counties. I think this breaks the
23 Seven-11 rule, which is if you stood in the
24 middle of a Seven-11 and held up this map and
25 said does, it make sense to you, people in my

1 district would say, no, it does not.

2 So when I go home they are going to say
3 how did that happen. Well, it met the
4 criteria, it met the methodology, it met the
5 BVAP, it met every letter in the alphabet, so
6 there it is. Well, we are totally forgetting
7 the people and the people that we have to serve
8 and what makes sense to them.

9 This, I am sorry, I am sure it helps some
10 districts and I know somebody's ox has to be
11 gored, but I certainly cannot vote yes on this
12 map. Thank you.

13 PRESIDENT GARDINER: Further in debate.
14 Is there debate? Senator Thompson in debate.

15 SENATOR THOMPSON: Thank you,
16 Mr. President. Senators, when it comes to
17 minority participation, whether it is in this
18 body or in any area in our society, many times
19 there is a focus on the floor rather than the
20 ceiling, and the floor is the least that we can
21 do.

22 The ceiling is the most that we can do,
23 and this map focuses on the floor. When I
24 asked yesterday about Senate District 14 which
25 is now Senate District 16, I was told that it

1 is not protected. So we are looking at the
2 floor.

3 What is the least that we can do rather
4 than the ceiling which would be the most that
5 we can do. We know that Senate District 14 has
6 performed for a Hispanic member, and that is
7 evidenced by the presence this morning of
8 Senator Darren Soto. We know that it has
9 performed.

10 And if the configuration changes as is
11 proposed with Senate District 16, there is no
12 performance in terms of a Hispanic member. And
13 so we are diminishing the ability of Hispanics
14 to choose a Representative of their choice.

15 They chose Senator Soto. And so I am
16 hoping that we will begin to get beyond looking
17 at the floor and to look at the ceiling,
18 because it is important that we have a
19 Legislature. It is important that we have a
20 Senate that looks like Florida and that looks
21 like America. And if we go back to 2002, and I
22 am told that that is where we start, then we
23 can only look at what it looked like then, even
24 though the census that has -- that is taken
25 every 10 years shows us that Florida has

1 changed and we would be locked into 2002, if
2 that is all that we are going to consider.

3 And so when you consider the Voting Rights
4 Act, when you consider Fair Districts, this map
5 is not in compliance with those in terms of
6 diminishing the ability of individuals to
7 choose a representative of their choice, and I
8 cannot support it.

9 Many times in this process we get very
10 myopic and we look only at our district. We
11 look at only our interest, but I think we have
12 to be broader in our thinking and in our view
13 point. And so I am speaking today for the very
14 diverse group of individuals who live in
15 central Florida who include not only
16 African-Americans, but who include Hispanics.

17 I have a sizeable Haitian population in my
18 district. I have people who have come from
19 South America, from Africa, and that is what
20 America looks like today. And so for those
21 reasons and the fact that we are diminishing
22 the ability of individuals in central Florida
23 and particularly in the Hispanic community to
24 choose an individual of their choice to
25 represent them in this august body, I cannot

1 support this map.

2 Thank you very much, Mr. President.

3 PRESIDENT GARDINER: Further in debate,
4 further in debate? Senator Soto of the 14th
5 District in debate.

6 SENATOR SOTO: Thank you, Mr. President,
7 and thank you, Senator Thompson, for your
8 wonderful words.

9 Members, it has been quite an intriguing
10 journey with these maps. As many of you may
11 know, we started out when I was in the House
12 back in 2012, and the first map was struck down
13 on a facial review.

14 Then another map was put together and that
15 map was one where it was the result of a
16 settlement agreement that we are back here
17 today. And then we saw that criteria were put
18 together on how he we were going to draw the
19 new maps, but that criteria was established
20 between leaders of the House and the Senate
21 before the committee ever met. And then six
22 maps were drawn before we ever -- we ever had
23 the committee meet as well.

24 And then it is just a curiosity how one
25 map gets picked when we should have really had

1 a vote on all six maps to make sure that each
2 member of the committee got to have their say
3 on it.

4 I think we all agree that it was a sterile
5 environment to put together these maps, but
6 just by picking a map alone you could have a
7 partisan intent and that is really what the
8 question was when I asked it yesterday, you
9 know, the uncertainty about -- about whether or
10 not that is in fact something that the court
11 will consider, but picking one of six maps
12 certainly can still deal with the intent issue.
13 And the issues that were the same back when I
14 was in the House in 2012, are the issues still
15 today.

16 We see Alachua County split, Volusia
17 County split, packing in Tampa Bay, and now a
18 new issue with regard to District 14, now
19 District 16, where under the Fair District
20 amendments there was easily a Hispanic access
21 seat. For two elections we voted to elect a
22 Hispanic of their choice. And while I won't be
23 in there anymore, certainly my community still
24 deserves to have that access.

25 And so even though it was a very complex,

1 elaborate process, I think when we go back we
2 are going to see our constituents see the net
3 result was there really wasn't much difference,
4 that, you know, we meet the new map. It is the
5 same is the old map which is issues in the four
6 areas that I outlined. And so that is why a
7 lot of my peers are frustrated and that is why
8 a lot of us will be voting against the map
9 today. Thank you.

10 PRESIDENT GARDINER: Further in debate,
11 further in debate?

12 Senator Gibson in debate.

13 SENATOR GIBSON: Thank you, Mr. President,
14 and certainly thank you, Chair, for allowing
15 questions and answers in the process and thank
16 you to staff for spending many hours developing
17 the maps that we did end up with, and
18 unfortunately this isn't one of them.

19 From the beginning I had an expectation
20 and I think other of my colleagues had an
21 expectation that we would, as a committee, come
22 up with one of the six maps that were presented
23 to us as base maps.

24 Well, that didn't happen, and maybe the
25 process started out sterile, but it certainly

1 hasn't ended up that way. I believe that the
2 process ultimately became very personal and
3 ultimately we have a tainted map.

4 I don't believe that the map, and many of
5 them do not represent not just the ethnic
6 diversity in our state, but the political
7 diversity in our state, and I am sure if you go
8 back and look at some of the registration
9 numbers which we weren't able to do as we came
10 up with the maps you will find that our state
11 is not wholly one party or the other, but this
12 map certainly is.

13 The other issue that I have with this map
14 is, there is a Volusia issue here. Previously
15 we talked about how Volusia was split in half,
16 including dividing minority communities as well
17 as Bethune Cookman University, and now Volusia
18 has a little appendage on it and I am not sure
19 why that is.

20 The other part of the problem with this
21 map is that it allows for packing in certain
22 areas of the state and dilution in other areas
23 of the state. And so if we want to be fair
24 that shouldn't happen at all, regardless of how
25 it places individuals together. And so I am

1 not so sure, no, I am not sure at all that we
2 have come up with the best possible map for the
3 people of the state of Florida, and as was
4 previously stated, that is what this mapping
5 process is all about.

6 It is about -- it is not about the today,
7 it is not about the election in 2016. It is
8 about the fact that what map ends up before us
9 is a map that will set the stage as the
10 benchmark map for the next election cycle, and
11 the people of the state of Florida deserve a
12 better map with the proper sandboxes as they
13 were characterized in the committee, and this
14 is just not it.

15 And so until we can do fair by the people
16 of the state of Florida, until there is a map
17 that is produced that does that, then I can't
18 support the map that is before us today. Thank
19 you, Mr. President.

20 PRESIDENT GARDINER: Is there further
21 debate? Further debate?

22 Seeing none, Senator -- Senator Latvala in
23 debate.

24 SENATOR LATVALA: Thank you very much,
25 Mr. President. I am kind of surprised there is

1 not more debate. I know we all want to get out
2 of town, but I think this is -- this is an
3 issue frankly that ought to be discussed a
4 little more.

5 This is an issue that so far has cost the
6 taxpayers of the state of Florida \$11 million,
7 and this is an issue that frankly there is a
8 lot of doubt about whether we here in this
9 Senate have handled this issue in a way we can
10 be proud of, and I always want to be proud of
11 the Florida Senate.

12 You know, Friday, you know, I went to
13 committee and I outlined some objections that
14 -- that I had to the map. I wasn't on the
15 committee. Only seven members of this Chamber
16 on the committee and I went to the committee
17 and I outlined them, and thank you, Chairman
18 Galvano, for giving me that opportunity, and I
19 am not going to go back through all of those.

20 Yesterday on the floor I asked some
21 questions about the seats in Miami-Dade County
22 with regard to preserving and protecting the
23 rights of the Hispanic citizens down there to
24 elect one of their own to serve them,
25 especially in the Little Havana area.

1 Yesterday we improved the map in that
2 respect, but I think that we haven't improved
3 it or we haven't changed it in all the other
4 ways that we have talked about. And so
5 therefore, you know, I am rising today to talk
6 about it a little bit.

7 You know, last night I was thinking about
8 what to do. You know, I could be here and be
9 quiet and vote yes and go along with the team
10 or I could vote no quietly, you know, but I
11 think people sort of expect a little more out
12 of me based on my years in the Senate. So I
13 got to thinking about the oath that we all
14 took, our very first words that we spoke in the
15 Florida Senate, and it said, "I do solemnly
16 swear or affirm that I will support, protect
17 and defend the Constitution and government of
18 the United States and of the State of Florida."

19 That is our Constitution right here in
20 Florida. In 2010, the people of Florida
21 changed our Constitution and, you know, whether
22 we like it or not the people that we represent
23 that elect us, that pay our salary said we
24 needed to do districts a new way, and as we
25 take this vote today and now that the amendment

1 process is complete, I think that we need to
2 ask ourselves, is the vote we are taking today
3 a vote to uphold the constitution of the state
4 of Florida, and if you think it is, if you
5 think you are doing what the constitution
6 expects us to do, then you vote for this plan.

7 Now, you know, since the amendatory
8 process was complete I really haven't attempted
9 to sway anybody else in this Chamber. You
10 know, but I feel personally like I have got to
11 do what I think is right. I have to live with
12 my conscience.

13 A lot of us in this Chamber give a lot of
14 deference to our leadership, our leadership now
15 and our leadership in 2010, 2012 when we drew
16 these districts, and I understand that. So far
17 Mr. President, since you have been the
18 President I have given deference to your
19 leadership on every single vote I have taken in
20 this Chamber.

21 I have withdrawn amendments you have asked
22 me to withdraw and I have tried to be on the
23 team and I appreciate that opportunity, but
24 today it is not about, to me, it is not about
25 being popular, it is not about -- I didn't get

1 elected to the Florida Senate to make money or
2 to climb the ladder or as many of you will
3 agree, to make friends.

4 I got elected to the Florida Senate to do
5 what I thought was the right thing to do, and I
6 don't think the right thing to do is to vote
7 for this map. You know, so far, you know, it
8 has cost the taxpayers, this whole process has
9 cost the taxpayers \$11 million dollars. I
10 predict that if we pass this map today we are
11 probably in it for another million at least.

12 You know, our Chairman has given, you
13 know, repeated deference and has quoted
14 repeatedly the opinions of our legal counsel.
15 As Senator Lee pointed out very well last week,
16 how many battles have they won for us in court?

17 Have we won a single motion, a single
18 hearing in court, and maybe you can address
19 that in your close and maybe I am wrong. Maybe
20 I missed one, but for the most part we have
21 gotten our butt kicked. We have gotten our
22 clock cleaned in court, and as -- as attorneys
23 those of you in the Chamber that are attorneys,
24 you know that if you get your butt kicked
25 repeatedly most of the time your clients start

1 looking around and questioning what you are
2 advising, questioning what you are doing
3 instead of just continuing to blindly follow
4 you.

5 I predict that if we pass this map it will
6 cost more. You know, there is too many things
7 that we can't explain, you know, how can we
8 explain when five of the six base maps have a
9 fairly concise picture of north Florida, why we
10 picked the one that splits Alachua County.

11 How can we explain that? How can we, on
12 Friday we had a justification given in
13 committee that one of the main reasons we were
14 drawing the configuration we were is so we
15 weren't jumping the St. Johns River, because
16 that was such an important natural boundary
17 between Clay County and St. Johns County.

18 What we didn't mention is that we also
19 jumped, we did jump in this plan, we jumped the
20 St. Johns County or the St. Johns River in
21 Putnam County and in Duval County. So it
22 wasn't like we followed that. It wasn't a
23 methodology that was consistent. We used it to
24 explain why we did what we did in those
25 counties.

1 I, Mr. President, I am almost done, and
2 the final thing that I would like to do is I
3 would like to call everyone's attention to map
4 202, and many of you haven't seen it. It is
5 the map that was submitted by the Plaintiffs
6 last night, and I don't think it is a
7 particularly great map, but it was drawn by the
8 same map drawer that the court picked to do the
9 congressional map, the same map drawer. And
10 the Court in that case thought his map was the
11 best, and the Plaintiffs have represented that
12 on the metrics which Judge Lewis said should be
13 the tie breaker, on the metrics this map is
14 better than the one we are passing.

15 So don't be surprised when we finally,
16 when time rolls around and we finally have
17 worked this through the process and in January
18 or February or March, if that is the map we see
19 back. So you probably ought to take a real
20 good look at that if you are tempted to vote
21 for this plan today, because in my humble
22 opinion the plan that you are going to get if
23 you vote for the plan today is that plan, and
24 if you like that plan, then fine, but I believe
25 that it will go to the court and that will be

1 the plan we will get.

2 If we vote no today we have still got 10
3 days in this special session for the committee
4 to go back to work and before a week from
5 Friday come up with an alternative that maybe
6 incorporates some of the good testimony that we
7 have had, some of the maps that have been
8 produced both on the floor and in committee and
9 we give it another shot and we don't fail the
10 people of Florida again. Thank you.

11 PRESIDENT GARDINER: Further debate,
12 further debate? Senator Sobel in debate.

13 SENATOR SOBEL: Thank you very much,
14 Mr. President. I want to thank Chair Galvano
15 and the committee for all of their hard work
16 and many, many hours that has gone into what is
17 happening today. I have a lot of respect for
18 this body.

19 We have a lot of brilliant minds here who
20 have focused on what needs to be done on this
21 issue and many, many other issues. I looked at
22 the map that the Plaintiffs came out with and
23 in reading that map last night on the airplane
24 I actually felt that we could do better, we
25 could do better. And what did I look at?

1 I looked at population deviations,
2 geographical boundaries, political boundaries,
3 city splits, county splits, Reock and Convex
4 compactness averages. We can do better and I
5 believe we need to go back to the drawing
6 board. Thank you.

7 PRESIDENT GARDINER: Senator Margolis in
8 debate.

9 SENATOR MARGOLIS: Very brief. You have
10 heard plenty from me yesterday. But I heard
11 from a lot of the people in my district and I
12 went back to the numbers that I got in the last
13 election and they were very impressive. I only
14 lost two precincts in the district.

15 Now, I would say that people are pretty
16 happy with me, and one with only 40 percent
17 Democrats won by two-thirds, 63 percent. So
18 you can give me any district you want now. I
19 am going back to the same people and they are
20 going to elect me.

21 PRESIDENT GARDINER: Well, what say you,
22 Senator Ring, are they going to reelect you?

23 SENATOR RING: No, no, no one is
24 reelecting me. You know, I am rising for a
25 different reason. I am termed out like a few

1 of us here and most of the maps, the base map,
2 this new map that Senator Latvala spoke about
3 doesn't really change the district too much
4 that I have.

5 But speaking on a different reason. Along
6 with President Gaetz and Senator Joyner, I know
7 Senator Latvala likes to talk about being the
8 veteran, but we are the longest continuing
9 Senators right now in this body, and I love the
10 Florida Senate, and after this vote I will
11 continue to love the Florida Senate.

12 And what I love about the Florida Senate
13 is that unlike any other legislative body
14 probably in America, it is -- it is 40 people
15 this truly care about each other and it is --
16 becomes rarely is it partisan.

17 In my 10 years a handful of times have I
18 seen true partisanship in this body and that is
19 usually, you know, around certain social issues
20 and what-not. But it is what is troubling me
21 about this, this is, we have seen and been
22 through this enough times and I am not going to
23 go through each part of the map in Alachua
24 County and St. Johns River.

25 This is going to be the first map that all

1 14 Democrats are going to vote against. This
2 is going to be the first map that we have seen
3 that is not going to be done in a bipartisan
4 way, and this body has already demonstrated and
5 proven that we can work well together, that we
6 have submitted maps to the court that Democrats
7 have voted for, that have been done in a
8 bipartisan way.

9 I have tremendous respect now and after
10 for President Gaetz, for Senator Galvano for
11 having to deal with this process over the last
12 few years. I don't envy you for having the
13 work that you have had to do. It is the
14 challenge, it is, you know, we think we have
15 full time jobs, well, you have a full time job
16 plus a full time job, you know, having run
17 these maps over the last few years.

18 But I still come back to what is troubling
19 me right now is that this is probably, this
20 will be the first time we have done a map that
21 is going to come more in a partisan manner, and
22 this is a body that has proven it can work
23 together.

24 It has demonstrated that. It has proven
25 to the rest of the country we can work

1 together. Now I can't vote for the map not
2 because all the Democrats have said they are
3 not voting for it. I can't vote for the map
4 because I do believe that it has been more
5 partisan than the last ones and I was a little
6 disappointed yesterday when one amendment was
7 taken and other amendments weren't, and
8 certainly Senator Galvano can probably justify
9 that that was the case, but from someone
10 sitting in the back row here and who hasn't
11 been terribly engaged in the process, because I
12 have been termed out I was quite disappointed
13 on the amendment that was accepted versus all
14 the other amendments that were rejected.

15 So again I know there was a partisan vote
16 in committee and I am really talking about on
17 the Senate floor here. So I have a problem
18 with that, but as I said, I have tremendous
19 respect for the people that have run this
20 process, with Senator Galvano and President
21 Gaetz before that. I love this Chamber and
22 will continue to love this Chamber, but every
23 so often it is going to get a little partisan
24 and this is one of those times. Thank you.

25 PRESIDENT GARDINER: Further in debate,

1 further in debate? Last call, last call.

2 Senator Clemens in debate.

3 SENATOR CLEMENS: Thank you,
4 Mr. President. In 280 BC, King Pyrrhus, I am
5 sorry, King Pyrrhus of Epirus fought a
6 devastating two year war. His Army defeated
7 the Romans at Heraclea and then the next year
8 conquered L'Escala and after the battle
9 Plutarch wrote, "The Army separated and it is
10 said Pyrrhus replied to one that gave him joy
11 of his victory that one other such victory
12 would utterly undo him."

13 For he had lost a great part of his forces
14 that he had brought with him and almost all of
15 his particular friends and principle
16 commanders. There were no others there to make
17 recruits and he found the confederates in Italy
18 backward. On the other hand, as from a
19 fountain continually flowing out of the city
20 the Roman camp was quickly and plentifully
21 filled up with fresh men, not at all abating
22 encourage for the loss they had sustained, but
23 even from their very anger gaining new force
24 and resolution to go on with the war.

25 In both of Pyrrhus victories the Romans

1 suffered greater casualties than Pyrrhus did,
2 but the Romans had a larger supply of men is
3 basically what that statement says and the
4 report is often quoted or abridged to say, if
5 we are victorious in one more battle with the
6 Romans we shall be utterly ruined.

7 In reference to King Pyrrhus, the outcome
8 of conflicts where you have won the battle but
9 lost the war have forever more been referred to
10 as Pyrrhic victories. Here we are nearly 2,300
11 years later winning the battle but losing the
12 war.

13 I said on this floor sarcastically
14 yesterday that there was some sort of joy
15 behind the motivations of this map being laid
16 bare, but that is not really true, because when
17 I woke up this morning and I saw the papers and
18 I know the people back home, the districts, the
19 district that I represent, the people that I
20 represent saw the papers, their thought was
21 not, oh, those Republicans, they are at it
22 again. Their thought was, oh, those
23 politicians, they are at it again trying to
24 draw districts for themselves, and it is a
25 familiar refrain.

1 Newspaper articles over the past week,
2 headlines, staff maps might dilute the
3 redistricting process, and angry Senator X and
4 I won't mention any names, questions the Senate
5 base maps.

6 Redistricting session opens with clash
7 over numbers. Senator X's dissent grows over
8 Senate redistricting effort. Chairman releases
9 redistricting plan amid numbers controversy.
10 Senate debate gets testy and Senator X has lost
11 confidence and numbering gets creative.

12 Senator X is in a lot of these headlines.
13 Florida GOP must stop fighting fairness.
14 Senate panel barely clears new redistricting
15 map. New Senate redistricting called
16 unconstitutional. State Senate districting
17 changes protect Miami-Dade incumbent.

18 They are just on and on and on and on.
19 Senator Braynon and myself and several others
20 over the past few weeks have tried at times to
21 help, to point out when we think we might be
22 doing something that we could all find later on
23 to be unconstitutional or that the Supreme
24 Court could look at and say, here are instances
25 where you didn't follow the Fair Districts

1 amendments or you didn't follow former court
2 direction, you didn't deal with Plaintiffs
3 issues, there is a litany of things. Usage of
4 outdated data as an attempt to potentially
5 ignore shifting minority populations, jumping
6 the bay. The numbering scheme, which was
7 picking the numbers before we actually had a
8 final map, which gives Senators an opportunity
9 to see whether they might have a two or four
10 year seat, I think was a mistake that has
11 constitutional ramifications.

12 The selection of a single map by the
13 Committee Chair without much discussion on that
14 single map at all as it related to the other
15 maps and what was better about that map than
16 the others maps. And in fact only one
17 committee member in committee and I sat there
18 the whole time ever said they preferred one
19 particular map over the others, but all of a
20 sudden we only had one map to choose from.

21 I have talked about the Alachua County
22 issues and offered amendments that would deal
23 with that issue. Those were rejected. The
24 Hispanic performing seat in central Florida, I
25 just can't get my head wrapped around the fact

1 that we created a Hispanic performing seat in
2 central Florida in 2012, and now we are saying
3 we don't have to do that.

4 I am sitting here looking over at Senator
5 Soto and I am pretty sure he exists. He may,
6 maybe you are Sasquatch, I don't know, maybe
7 you are -- you are a Republican presidential
8 candidate who is electable, maybe you don't
9 exist, but I think you exist and I think, I
10 think that -- that we should be drawing a seat
11 which creates a Hispanic performing district in
12 central Florida.

13 To not do that I think is a clear, a clear
14 violation of the constitution. That seat
15 exists. It exists right now. He is sitting
16 amongst us. So, you know, other things that we
17 have talked. We -- I don't want to hash over
18 the amendment that we passed too much
19 yesterday.

20 I mean, there are a lot of strange things
21 in that amendment but it is what it is, and I
22 think we discussed it enough yesterday, but
23 that -- it was just one more -- more thing that
24 could create the potential for the courts to
25 look at this and say we did this for a

1 political purpose or we did this to protect
2 incumbents. And so that is what we are voting
3 on today and I just -- I just wish that we
4 could maybe go back and fix some of those
5 things that I think are going to cause the
6 courts to again reject our work product for
7 what is now maybe the fifth time.

8 So I would ask that we -- we vote no today
9 and take a step back and try to do a better
10 job, because that is what we are here for.
11 Thank you.

12 PRESIDENT GARDINER: Further debate?
13 Senator Abruzzo in debate.

14 SENATOR ABRUZZO: Thank you,
15 Mr. President. I am so proud to be a member of
16 this body, and please do not think that any of
17 my comments or remarks are towards any of you,
18 my fellow colleagues. I am also equally if not
19 more proud to be a Floridian.

20 This state represents the very best of
21 America. We bring in every race, religion,
22 color and creed. We have generations of
23 families who have been here that could tell you
24 the deep tradition and the rooted history of
25 Florida and we have immigrants coming in every

1 day to write the new history of Florida.

2 I really bring it back to common sense and
3 as you members, let me the state this and I
4 have said it before, I have never voted for a
5 map in the House, in the Senate, I have never
6 voted for an amendment. I respectfully told
7 some of my colleagues yesterday in my party
8 that I could not support amendments because
9 ultimately I do not believe that we should
10 doing this.

11 I agree with Senator Bullard and other
12 Senators in this Chamber that this should be an
13 independent redistricting committee and this
14 should be out of our hands. This represents in
15 my personal opinion the very worst of what we
16 do when it comes down to redistricting.

17 This is one of the very few times I know
18 that we as a body have said that we did not do
19 a process right and to me that is not right.
20 When I say common sense it is simply this. I
21 know we are not supposed to talk about
22 political parties and numbers and things of
23 that nature, but the truth of the matter is,
24 there are 400,000 more Democrats registered in
25 the state of Florida than there are

1 Republicans, but yet we have a super minority
2 as Democrats in the House and we are teetering
3 from one seat in the Senate.

4 How does that represent what Florida is?
5 I have said it before and I know Senator
6 Richter respectfully disagrees, but this is a
7 50/50 state. This is a purple state.

8 This is a state that has elected a
9 Democratic President twice. And Senator
10 Richter is looking at me, last year in debate
11 when we talked about 50/50, you mentioned how
12 our Governor and our Cabinet were Republicans,
13 Senator, if you recall, and I respectfully
14 submitted back to you that if we put them on
15 the general election cycle things may be
16 different.

17 But that said, getting back to my point.
18 This map, our current map, the map we have in
19 front of us today does not represent Florida.
20 This does not represent the makeup of Florida.
21 We should be fighting every cycle determining
22 what party controls the presidency, the Senate
23 presidency and what party controls the
24 Speakership in the Florida House. So to me I
25 would not vote for a map that isn't something

1 that represents our state, and this current map
2 does not represent our state.

3 I will say this, Mr. President. You know,
4 we really worked together well. Senator Ring
5 made some outstanding points of us as a Florida
6 Senate and I really hope that we have a chance
7 to go back and look at the maps and determine
8 that maybe this can be done better. Maybe,
9 maybe we can come up with a map that represents
10 Florida and unfortunately I will be voting no
11 as I always have. Thank you.

12 PRESIDENT GARDINER: Senator Braynon in
13 debate.

14 SENATOR BRAYNON: Thank you,
15 Mr. President. You know, I have spoken a lot
16 over the past, over this process and I think my
17 reasons for why I disapprove of the map have
18 been enumerated. But, you know, I have -- I
19 have stood here and this is again this is now
20 going to be time number five that I have said
21 there are problems with this map and four times
22 before I was proven right, and I was dating
23 back to the 2012 maps.

24 I am not sure why we don't listen to me
25 about these things and we still go to court. I

1 don't know if it is that I don't dress well
2 enough and you don't like my ties, maybe it is
3 my haircut, but I am going to rise for the
4 fifth time and tell you that there are problems
5 with this map, and I have added amendments, I
6 have drawn a map of my own this time, that is
7 the first time I did that.

8 I said let me try something different. I
9 will just go out there and I will draw the map,
10 I will follow, follow their process and I will
11 do this and I will show them there is a way
12 this can be done better, and then I realized
13 the whole reason that the process exists in our
14 constitution the way it does, and it says that
15 the Legislature is in charge of drawing this,
16 and it exists that way because you all know
17 exactly what happens in your neck of the woods
18 and how that works.

19 And so I alone can't draw this map, just
20 like one staff person can't draw this map, just
21 like one Chairperson can't draw this map. It
22 is our duty as a -- as a body to draw this map,
23 and -- and I learned that, but I also again
24 fell on the same side. Once we passed this map
25 I fell again on the side of we haven't done all

1 we can do, and I am giving again, I said -- I
2 said because I like to -- I like to read
3 Twitter, I am a child of the Millennium, so I
4 have been on Twitter and I know that there has
5 been talk of me saying that I was 4 and 0, and
6 I said -- I said, I think I said the last time
7 I was 3 and 0 and now I am 4 and 0, and I said
8 I wanted music played in the Chambers when I
9 walk in if I am 4 and 0 and the music didn't
10 get played, but if I end up being 5 and 0 which
11 is not my goal, my goal is not to be right,
12 which is why I participated so much and put so
13 much into this and said so often I am not
14 telling you that what -- what I am telling you
15 is what is, you know, what makes Oscar happy.

16 I am telling you that these are the things
17 that the court has looked at, that the
18 Plaintiffs have jumped on, the things that we
19 have lost at already. That is why I am telling
20 you, I am not telling you because Oscar Braynon
21 wants to be right. Now, Oscar Braynon likes to
22 be right though, as I speak of myself in the
23 third person, but I want us to be right.

24 I want us to be right. I don't want the
25 taxpayers to have to foot the bill of us coming

1 back here, you know, after February or doing an
2 extra, doing extra committee meetings during
3 session so that we can remedy this again.

4 I just want us to be right the first time
5 for the first time, I want us to be right and
6 this map isn't it. This map isn't it and I
7 have told you why, people from both sides of
8 the aisle have told -- have said why.

9 So I heard a lot talked about the
10 partisanship in this. Man, I don't think it is
11 just -- it is just one party or the other. I
12 think many people in this body agree that there
13 are deficiencies in this map and deficiencies
14 that will be brought to light when we go to
15 court. And again, I offer my advice, I offer
16 my suggestions.

17 They are all on the record. So if, if for
18 some reason this map doesn't pass because I
19 will not be supporting it, we have an
20 opportunity to do things right, and I hope we
21 do for this body's sake. Thank you.

22 PRESIDENT GARDINER: Further in debate,
23 further in debate? Senator Joyner in debate.

24 SENATOR JOYNER: The Fair Districts
25 amendments were passed by 63 percent of

1 Floridians, not as a suggestion or as a nudge
2 or for a let's try. These amendments were
3 passed as a mandate, clear and unmistakable
4 instructions that voters wanted to choose their
5 own lawmakers, not the other way around.

6 They weren't ratified to preserve a
7 Republican majority or a Democratic minority.
8 They were ratified because voters wanted the
9 right to choose the candidates of their choice.
10 Yet somehow the message keeps getting lost by
11 some. It keeps getting diluted, manipulated,
12 spun, despite repeated affirmations from
13 Florida's highest court that was, what has and
14 continues to be submitted as unconstitutional,
15 despite an admission that, yes, the Senate had
16 not again, had again not gotten it right and
17 here we are again, and I firmly believe ready
18 to repeat history.

19 One of the most troubling aspects to me
20 has been the insistence on relying on outdated
21 data to craft these maps and a refusal to
22 gather new numbers.

23 The Plaintiffs managed to collect them at
24 least for the more contentious districts. They
25 know as many of us here know that while the

1 BVAP and the HVAP are important, they don't
2 tell the whole story. They don't sketch a
3 complete portrait of how those same individuals
4 perform come primary or general election day.

5 That is the true test in this numbers
6 game, and that accurate data is nowhere to be
7 found in the map we are about to vote on today,
8 and if our own staff can't do it because the
9 staff is not big enough, there is not enough
10 time, then why not look outside.

11 How is there justification for spending
12 over -- spending over \$11 million for outside
13 counsel, yet not make any effort to hire an
14 outside expert to collect and compile these
15 critical performance numbers?

16 Some say it is too late in the game to do
17 that, we don't have time. We are the Senate,
18 we have time to do whatever it takes to make it
19 right. In the district that I represent, those
20 updated numbers would tell us whether we need
21 to jump the bay. I strongly suggest that we
22 don't. And performance numbers would tell us
23 whether better districts could be drawn, not
24 only protecting minority choice in some
25 selected area, but a greater voice in all

1 areas.

2 The Fair Districts amendments opened the
3 door to all Floridians by leveling the playing
4 field between voters and politicians. This map
5 shuts that door again. I urge you to vote no.

6 PRESIDENT GARDINER: Further in debate,
7 further in debate?

8 Leader Galvano, you are recognized to
9 close.

10 SENATOR GALVANO: Thank you,
11 Mr. President, and good morning to all of you.
12 First of all I want to thank everybody, because
13 this is not an easy process. It is a very
14 difficult process, and one that has seemed to
15 go on for a very long time, and we sitting in
16 this Chamber are unique. We are unique because
17 are the test case for new mandates in our
18 constitution with regard to the redistricting
19 process.

20 We didn't enter the process once those
21 amendments were added to our constitution with
22 any guide book, with any instruction, with any
23 court opinion telling us how to do it and how
24 to approach it.

25 In fact, we went through the redistricting

1 process after the 2010 census, our maps went to
2 the Supreme Court, and the Supreme Court
3 ultimately approved our maps, and said that the
4 enacted plan was okay and let's not forget
5 that.

6 The enacted plan is okay. It was only
7 when the Tier 1 issues came into play that the
8 Tier 2 issues came into play in the enacted
9 plan, and that is what brought us into this
10 process where we are today, much like we were
11 in the congressional process.

12 You remember we were here a year ago, we
13 an order from Judge Lewis who has worked hard
14 to understand and grasp the implications of the
15 amendments that with all due respect, Leader
16 Joyner, are anything but clear and
17 unmistakable. He issued his opinion, issued an
18 order.

19 We came back here, addressed it, fixed it,
20 argued it and Judge Lewis said, you know what,
21 Legislature, you are right, I agree with you.
22 You are successful in dealing with this issue
23 the way that I thought it should be dealt with.
24 And most importantly, the way you conducted
25 yourself was clear from Tier 1 infirmities.

1 It was only then that the -- after the
2 Supreme Court said, you know what, Judge Lewis,
3 we think you were wrong the first time, that
4 you got it wrong and so we are going back to
5 your original judgment, the judgment that you
6 gave to the Legislature that they fixed that
7 you said, you know what, Legislature, you are
8 right. We are pulling that out and we are
9 going to go in and take our time and spend 170
10 plus pages to tell you how to conduct
11 yourselves, what we require of you, how these
12 amendments should apply, what we think works
13 and what doesn't work and, oh, yes, by the way,
14 we are going to still give you the ability to
15 address the issue, but we are going to narrow
16 your discretion extremely. And so that is
17 where we are.

18 That is the balance that we are trying to
19 accomplish here, and I know we have all been
20 involved in this process, but I will tell you I
21 have spent probably hundreds of hours at this
22 point reading court documents, going to court,
23 listening to hearings, listening to the Judges
24 ask questions, recognizing that really no one
25 is comfortable in this world, in this world

1 that we were put in by the proponents of the
2 amendments that frankly are the catalyst for
3 all of this ambiguity which has cost dollars.

4 It is a question of trying to figure out
5 where we need to be. The one area where we
6 have I think solved the problem is with regard
7 to Tier 1. The way we have established our
8 process, the way each one of you in this
9 Chamber have recognized the perils of engaging
10 in outside influences and the way that we are
11 keeping it objective, not subjective, and it is
12 hard.

13 We have heard some debate here today. We
14 heard debate that was very subjective frankly,
15 about partisanship, and it is hard because we
16 are in politics, but the Tier 1 procedures we
17 have gotten right and that is what happened the
18 last time we went to court just recently with
19 regard to the congressional maps.

20 And so when Chairman Oliva and I
21 corresponded back and forth after a
22 congressional session that should have gone
23 better, we decided one thing that is working is
24 the process of having the drawers get together
25 with the advice of counsel and producing base

1 maps. But I wanted us to have more than just
2 one choice of a base map, and that is why we
3 agreed on multiple maps with different
4 methodologies.

5 Any one of those maps could have been
6 filed by any member of this body, just like any
7 one of the 17 amendments we dealt with
8 yesterday, just like any one of the amendments
9 we dealt with in committee, and I was very open
10 in the committee process, the whole committee
11 was.

12 We allowed presentations, we allowed
13 debate, we allowed the opportunity for any
14 amendment to be discussed and go forward, and
15 even when procedurally we didn't have to, we
16 made as a committee the decision to waive the
17 rules to make sure that anybody who wanted to
18 have an input in the process could.

19 It has always been important to me that
20 the Senate still has the ability to exercise
21 its discretion, narrow though it may be, given
22 the legal constraints that we have, and I think
23 yesterday in going through this robust
24 committee process or amendment process we saw
25 that it -- that was the case. We actually did

1 amend this, this map yesterday.

2 The other amendments that came up, a lot
3 of them had great ideas. I think they were
4 well-intended, and a lot sought to make
5 improvements, but because of how difficult this
6 process is, if you move one line you impact
7 many others and scores change from place to
8 place and the constitution has these -- these
9 recommendations but they are not crystal clear,
10 we had to do an analysis on them.

11 And you recall I was very to the point and
12 raised the issues of concerns with the
13 amendments that -- that were presented, and
14 where there was improvement that was something
15 that needed to be recognized.

16 I spent time yesterday explaining how we
17 got to 9090, and not to walk through it again,
18 but to summarize, we looked at the methodology
19 first, we addressed the Tier 1 by having the
20 map drawing process.

21 Then we looked at the methodologies and
22 chose the one that was more balanced statewide,
23 and we looked at the constitutional
24 requirements, looked at the Tier 2 requirements
25 and chose the one requirement that is

1 specifically named that has some clarity,
2 political and geographical boundaries, and that
3 was important. And when the committee passed
4 it out that was something that was looked at,
5 that is something I discussed here, it is
6 something I think has value in this process
7 going forward, and then we looked at the
8 allegations of the Plaintiffs' complaint, which
9 we didn't have to do.

10 Nothing required us to do that. We did it
11 to be fair, to be open and frankly to make up
12 for their absence despite my invitation. You
13 know, this week we got new data, but after
14 close of business the day before yesterday. We
15 got a map yesterday evening which incidentally,
16 uses the same data that we use.

17 Nonetheless, I did take a look at it and I
18 think we still have time in this process and I
19 am encouraged to see that many of the
20 suggestions that have come out of this process
21 thus far have been adopted by the Plaintiffs in
22 their map. So it is something we will continue
23 to look at.

24 We are about to vote to send a Bill to the
25 House of Representatives, our partners in this.

1 I don't think anyone in this Chamber would
2 disagree with me when I say I think it serves
3 us well to have a legislative product versus
4 two products, one from each Chamber, and I am
5 convinced that had we had that in the last
6 congressional map hearing, the choice of Judge
7 Lewis would have been that of the Legislature,
8 but since we did not have it he was left to
9 deal with several options, none having any
10 greater weight than the other.

11 The House is going to take it up, they are
12 going to look at it in committee. We have,
13 unlike in the congressional redistricting
14 session already agreed that there will be a
15 conference process. We have already agreed
16 that there may not be an agreement initially,
17 but that there will be opportunity for us all
18 to continue to participate and weigh in.

19 I think we should continue to work on
20 this. I think it is wise for us all to support
21 the continued movement of this process and to
22 support this Bill today. So I ask each of you
23 for your support.

24 PRESIDENT GARDINER: Secretary, unlock the
25 board and members please begin to vote, excuse

1 me. Lock the board and announce the vote.

2 SENATE CLERK: Twenty-two yeas, 18 nays,
3 Mr. President.

4 PRESIDENT GARDINER: By your vote the Bill
5 has passed.

6 Senators, we are going to adjourn here in
7 a minute, but I want to say a couple of words,
8 and I specifically want to thank everybody,
9 Republicans and Democrats. This is a very,
10 very difficult thing to do. It just is, and we
11 get that.

12 There is not a magic solution to anything.
13 Certainly during my tenure I didn't expect to
14 be here dealing with this, but certainly we are
15 learning as we go. I could not have picked a
16 better Chair than Chairman Galvano. While a
17 lot of us have kind of come and gone and I am
18 term limited out so I -- I don't weigh in that
19 much, but Chairman Galvano has been up here
20 probably more than he has been home, trying to
21 put together a product that he could be proud
22 of. So Chairman Galvano, I thank you, thank
23 you for everything that you have done.

24 And for those of you know, I am a guy that
25 loves baseball and I was up a little late last

1 night watching the World Series, but today was
2 the first inning. We have a long way to go,
3 and we have had some things dropped on us late
4 last night from the -- from the other side and
5 we are going to deal with that and we are going
6 to talk about it and we still have a process to
7 go through with the House. But this puts us in
8 a good posture to show that we are prepared to
9 be a partner with them going forward.

10 So thank you, members, for all that you
11 have. Is there, Senator Gaetz, you are
12 recognized.

13 PRESIDENT GAETZ: Thank you very much,
14 Mr. President. It has been long day. I don't
15 mean to prolong it, but I must.

16 Mr. President, I -- I invoke Rule 8.11 and
17 rise on a point of personal privilege.

18 Rule 8.11 provides that when a Senator's
19 rights, reputation or conduct are impugned that
20 Senator may rise on a point of personal
21 privilege, but shall take precedence over all
22 other business. Senator Ring and other
23 Senators --

24 PRESIDENT GARDINER: All Senators, please
25 take your seats. Senator Garcia, please take

1 your seat.

2 PRESIDENT GAETZ: Thank you,
3 Mr. President. Senator Ring and other Senators
4 have -- have made I think very appropriate
5 statements on this floor today that in this
6 Senate we -- we can disagree, we can disagree
7 fiercely and sharply but there is always a
8 crust of civility that separates us from
9 disagreeing in a way that is personally
10 offensive, and that is why I love this Senate
11 and why even though this is my last year I will
12 miss it.

13 There are some things I won't miss, but I
14 will miss the civility of being able to debate
15 on an issue against the position of a member of
16 the Senate on one day and on the next day
17 co-sponsor their Bill or help them out in some
18 way and work together.

19 That is what we do, and that is why this
20 is not a sharply partisan body, this is a body
21 of people who disagree agreeably. I am sorry,
22 Mr. President, and members of the Senate, my
23 colleagues, that -- but that crust of civility
24 has been broken, and I must talk with you about
25 it today for a few moments.

1 And I just ask the Sergeant when I noticed
2 Senator Latvala having left the floor to please
3 go ask Senator Latvala to come back to the
4 floor, because he should hear what I am about
5 to say.

6 Our colleagues, Senator Latvala, on
7 August 27th in a news story carried on
8 Political Florida said this, quote, "It is
9 Joe's buddy, Don Gaetz, who set up the Senate
10 districts to help keep him in office and to get
11 people elected who would support Joe. He drew
12 the districts the way Joe wanted. Don did a
13 lot of bad things that a lot of us didn't know
14 about."

15 And then last week on October 22nd, he
16 said in the Tallahassee Democrat, Senator
17 Latvala said, quote, "We have now had an
18 unprecedented admission by the Senate we did
19 something wrong. This is my 14th year here. I
20 have never seen that before. So somebody
21 should take the fall for it. Somebody should
22 take the blame and stand up and say I am sorry,
23 I cost the taxpayers \$11 million extra dollars
24 and in this particular case that ought to be
25 Senator Gaetz."

1 Well, I am sorry, I made mistakes four
2 years ago as Chairman of the Senate
3 Reapportionment Committee, four years from now
4 Senator Latvala, Senator Galvano and everyone
5 else involved with this process may -- may wish
6 that they had done some things differently.

7 Let me own up to my biggest mistake. As
8 committee Chairman I should have requested from
9 the President the authority to put under oath
10 every person who testified before our committee
11 and every presenter of every map should have
12 been placed under oath or should have signed an
13 affirmation.

14 My recollection is that some 1,600 people
15 offered testimony or maps four years ago. I
16 should have sworn them in and the first
17 question should have been, is this your
18 testimony, your map, or did somebody put it in
19 your hands? Is somebody using you to present
20 what is really their proposal, and if so,
21 identify them before you submit the map or
22 before you say what you are about to say.

23 I didn't do it. I should have, because
24 for me the worst moment in all of this was when
25 we learned years later in court proceedings

1 that among the maps the committee professional
2 staff took very seriously and used on at least
3 one occasion was a map drawn by political
4 operatives but submitted under the names of
5 seemingly disinterested citizens.

6 Now, I happen to believe and I guess this
7 is an unfashionable belief, that political
8 consultants and political parties and party
9 officials of my party and other parties have
10 First Amendment rights. They have every right
11 to offer testimony or make proposals on any
12 matter, but especially in the case of
13 redistricting and in light of the Fair
14 Districts amendments they should not have
15 sailed under false flags.

16 I should have put them under oath and I
17 didn't. Looking back, knowing what we know
18 now, the political operatives used others
19 including college students as beards, I should
20 have insisted that every person testify under
21 oath under penalty of perjury, and perhaps that
22 could have prevented some abuses. Perhaps
23 sworn testimony could have saved some time and
24 some money.

25 I should have insisted, I didn't, and I am

1 sorry, but that is not what Senator Latvala was
2 talking about. He said that I am the cause of
3 the hot mess that we find ourselves in, that I
4 did as he put it, a lot of bad things, that I
5 drew Senate districts in his words to get
6 people who were elected who would support a
7 certain Senator for Senate President, and now
8 that person, me, who used the process to affect
9 the race for Senate President should in his
10 words take the fall and apologize to the people
11 of Florida.

12 Well, the Plaintiffs in this matter hired
13 very good lawyers, and if in another life I
14 find myself in any sort of a fight about issues
15 related in any way to things like this, I know
16 who I am going to hire.

17 They are good. And in building their case
18 against the Senate they tweezered through
19 voluminous proceedings of the Senate
20 Reapportionment Committee, 26 hearings,
21 proceedings of the full Senate, days of
22 questions, days of debate, days of amendments,
23 and out of all of that the hearings, the floor
24 debates, the amendatory process, the documents,
25 I know by the way their testimony, because I

1 had the experience of giving sworn testimony,
2 hundreds of pages of sworn testimony.

3 It is an interesting experience, it
4 settles the mind and focuses you on doing, as
5 Senator Latvala said, what is right, because
6 you give that testimony under penalty of
7 perjury. Not everyone in this Chamber has had
8 that opportunity with respect to redistricting
9 so far.

10 Out of all of that these very good lawyers
11 built their case. It is contained in a 23 page
12 amended complaint for declaratory and
13 injunctive relief which was filed on April 15th
14 of this year. It is a public document, and as
15 we speak now, an additional printed copy of it
16 is being delivered to your offices for your
17 bedtime reading.

18 Some of you have read it before, maybe all
19 of you have. I urge you to read it again,
20 because it is the case against the Florida
21 Senate. It is what the court relied upon and
22 frankly it is what the court believes, and
23 faced with that document and those allegations
24 and those court findings that is why our
25 President signed the admission of

1 unconstitutional gerrymandering and the consent
2 decree that has us here today. That was the
3 gun barrel that he looked at.

4 Now, the Senate and the leadership of the
5 Senate from four years ago get no compliments
6 in that document, far from it, and four years
7 ago I was a potential Senate President, and
8 therefore, I was part of leadership, I chaired
9 the Reapportionment Committee, but seven
10 Senators are called out by name for their
11 actions in that document, with their individual
12 roles, their personal actions, their
13 culpability or lack of it specifically
14 delineated, not as part of a group, but as
15 individual Senators and what they did.

16 You can read it for yourselves. I will
17 read you the section that lays out my role by
18 name, the entirety of the section, quote,
19 "Following the Florida Supreme Court's March 9,
20 2012, decision invalidating the Legislature's
21 first Senate plan, the Governor called a
22 special legislative apportionment session. On
23 Saturday, March 17, Senator Don Gaetz, Chairman
24 of the Senate Reapportionment Committee filed
25 the first proposed reapportionment plan, S-9016

1 on the Senate's website. The committee voted
2 out S-9016 without amendment on March 21st, by
3 a 21 to six vote. Chairman Gaetz then filed an
4 amendment to randomly renumber the districts
5 from the S-9016 plan using a Lottery system,
6 the districts were renumbered, the renumbered
7 plan was passed by the Senate Reapportionment
8 Committee as S-9026," end quote.

9 That is what it said about me. That is
10 what the entirety of what the Plaintiffs said
11 about me by name in their case against the
12 Senate. Parenthetically, Senator Latvala voted
13 yes as a member of the Reapportionment
14 Committee on the committee's entire plan which
15 was filed under my name and on the random
16 numbering of districts which was filed under my
17 name.

18 Now, with no joy in my heart I will read
19 you the sections of the complaint which lay out
20 Senator Latvala's actions. These are not my
21 words. I said that seven Senators were
22 mentioned in one way or another, but the
23 section dealing with Senator Latvala's personal
24 role take up more space than all of the
25 sections dealing with all of the other Senators

1 all combined.

2 What follows are not my words, this is the
3 case against the Senate that causes us to be
4 here and go through all of what we have gone
5 through.

6 On page 7, section 27, and I quote.

7 "Senator Jack Latvala offered a substitute
8 amendment, S-9030 which had not been raised in
9 committee or discussed prior to its
10 introduction on the floor."

11 Continuing to quote, "Indeed despite
12 repeated assurances that no amendments would be
13 taken up without giving the public and other
14 legislators ample opportunity to review them
15 the amendment was filed two minutes before the
16 deadline of 5:00 p.m. March 21st. This
17 amendment altered the lines of four districts
18 in central Florida, Districts 15, 24, 21 and
19 26. Senator Latvala said he was offering the
20 last minute change at the request of the Mayor
21 of Plant City who purportedly wanted his city
22 to be kept in Hillsborough County district."

23 This is all a direct quote. "In reality,
24 Senator Latvala knew that the amendment was
25 designed to ensure that two Republican Senate

1 candidates, one, a House incumbent, Denise
2 Grimsley, and one a former House member, Bill
3 Galvano who had pitted against one another in
4 S-9026," which is what I sponsored, "would not
5 have to run against one another. S-9030,
6 Senator Latvala's amendment put them in two
7 separate districts, District 21, Grimsley,
8 District 26, Galvano, so that Grimsley would
9 not have to run against Galvano."

10 Quote, "When asked about his intent on the
11 Senate floor, Senator Latvala did not deny that
12 this was the purpose and effect of his
13 amendment."

14 I continue to quote. "More than one
15 Senator openly questioned Senator Latvala's
16 intent in offering the amendment pointing out
17 that passing the amendment would jeopardize the
18 entire plan's chances before the Supreme
19 Court."

20 Continuing to quote, "One Senator openly
21 suggested that the intent of the amendment was
22 to help some quote, "friends", even with
23 knowledge that the intent of the amendment was
24 to achieve a partisan gain the amendment
25 passed. Senators adopted S-9030, Senator

1 Latvala's redistricting plan on March 22nd,
2 2012, the day after it was introduced and it
3 was that plan which formed then the basis and
4 was the Senate's plan that ultimately was
5 rejected by the courts."

6 Parenthetically, these are my words now,
7 Representative Galvano was not in the
8 Legislature and therefore had no role in this
9 matter. Representative Grimsley was in the
10 House, voted yes for the Latvala plan when it
11 passed the House on March 27th, but there is no
12 mention by the Plaintiffs or the court or
13 anyone else that either Representative Galvano
14 nor Representative Grimsley, themselves, did
15 anything wrong.

16 Turning now to page 14, section 57 of the
17 amended complaint, which formed the basis for
18 the court's decision.

19 Quote, "It was widely known to members of
20 the Legislature that in offering his amendment,
21 S-9030, Senator Latvala intended to separate
22 Sebring from District 26 so that
23 Representatives Galvano and Grimsley did not
24 have to run against each other and so that each
25 of them could win seats in the Senate. In

1 fact, S-9030 moved district lines so that
2 Representative Grimsley's home is now in
3 District 21."

4 Section 58 of the complaint concludes, and
5 I quote, "This last minute change by the
6 Florida Legislature was also intended to help
7 and thus intentionally favor Senator Latvala in
8 his quest to become Senate President by helping
9 candidates who were pledged to vote for him."

10 Senator Latvala says Don Gaetz is the
11 cause of the special session. You decide. I
12 am sorry for my mistakes, Senator Latvala
13 should be sorry for his. I take no
14 satisfaction from this exchange. I did not
15 seek it, but when a bully throws a sucker punch
16 you hit back and never give in.

17 These are sad days in the history of this
18 institution. Perhaps it is easier for me to
19 say this because I am term limited but we need
20 I believe to get over ourselves and to get on
21 with the business of building a better Florida.
22 Senator Latvala has had his inning in the
23 media, now I have had mine, Rule 8.11 has been
24 satisfied and I am prepared to leave it at
25 that, because if we continue to open up

1 quarrels between the present and the past, we
2 will lose the future.

3 PRESIDENT GARDINER: Members, we recognize
4 the point of order that is the highest level of
5 recognition of the Senate. At the end of the
6 day we will respect the institution and these
7 are difficult days, these are difficult days.

8 I would ask you to think through this,
9 President Gaetz. I understand but we are not
10 going to be in a situation where we keep going
11 back and forth. One of the most difficult
12 decisions I had to make was to resolve this
13 matter and to bring this matter before this
14 Senate and we will finish the job.

15 We will get this done. That is our job,
16 that is our role. And Senator of the 10th
17 District, Rules Chair Simmons, for what purpose
18 do you rise, for a series of motions?

19 SENATOR SIMMONS: Yes, Mr. President.
20 Mr. President, I move that the Senate adjourn
21 until 2:00 p.m. on Thursday, November 5th, or
22 upon the call of the President for the purpose
23 of holding committee meetings and conducting
24 other Senate business.

25 PRESIDENT GARDINER: Senator Clemens, did

1 you have a question of -- do you have a
2 question? You are recognized.

3 SENATOR CLEMENS: Yes, thank you so much,
4 Mr. President. We got on to a different track,
5 but I just wanted to in terms of the process
6 going forward, I am not sure how conference
7 works here and I was hoping we might get a
8 brief explanation of what happens next.

9 PRESIDENT GARDINER: That is a good point.
10 Senator Galvano, do you want to talk about
11 where we -- where we are for the members from a
12 timing standpoint for travel? I apologize,
13 good point, Senator Clemens, I forgot to bring
14 that up.

15 SENATOR GALVANO: Yes, thank you,
16 Mr. President. And I don't have the schedule
17 right in front of me, but as I understand it
18 now we have passed this measure out, it will go
19 to the House to review. I believe they are
20 convening their committees early next week with
21 the idea to go to the floor mid week.

22 If it comes back to us, it should come
23 back to us probably by Thursday, Friday and
24 then we would go into probably conference on
25 Friday, and then going forward from there.

1 PRESIDENT GARDINER: Any additional
2 questions or announcements? Senator Hays.

3 SENATOR HAYS: Thank you, Mr. President.
4 When we opened this special session Tuesday, I
5 guess it was, whatever day it was, you
6 explicitly said that we were not going to have
7 any personal attacks and that is my own
8 paraphrase of your remarks.

9 I love this institution and its dignity,
10 and I appreciate and respect each and every
11 member of this body, and anybody who knows me
12 knows that I have said things in an unwise way,
13 unwise time and I have spent a lot of my time
14 apologizing to folks for how I said certain
15 things.

16 But quite candidly, I think it is beneath
17 the dignity of this institution when one member
18 stands on this floor and labels another member
19 as a bully, and with that offense I would like
20 to offer my colleague, Senator Gaetz, an
21 opportunity to rethink if he would like his
22 characterization of one of our colleagues as a
23 bully.

24 I personally think that is an
25 inappropriate characterization. It is a

1 violation of your instructions yesterday and
2 with that I would leave that opportunity to my
3 colleague, Senator Gaetz.

4 PRESIDENT GARDINER: The Senate President
5 will take that under advisement.

6 Senator Simmons, you are recognized for a
7 motion.

8 SENATOR SIMMONS: Mr. President, I move
9 that the Senate adjourn until 2:00 p.m. on
10 Thursday, November 5th, or upon the call of the
11 President for the purpose of holding committee
12 meetings and conducting other Senate business.

13 PRESIDENT GARDINER: Objection? The
14 Senate is now adjourned.

15 (Whereupon, the proceedings were
16 adjourned.)

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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 67 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 2nd day of November, 2015.

CLARA C. ROTRUCK
Notary Public
State of Florida at Large
Commission Expires:
November 13, 2018
Commission NO.: FF 174037