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SENATE 2015 SPECIAL SESSION C

NOVEMBER 5, 2015

4:00 p.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: All unauthorized
3 persons will please leave the Chamber. All
4 Senators and guests in the gallery, please
5 silence all electronic devices.

6 All Senators please indicate your
7 presence.

8 A quorum is present, Mr. President.

9 PRESIDENT GARDINER: The Senate will be in
10 order. Members and guests in the gallery will
11 please rise for the opening prayer to be given
12 this afternoon by Senator of the 15th district,
13 Senator Stargel.

14 SENATOR STARGEL: Please pray with me.
15 Dear Heavenly Father we thank you for this
16 opportunity that we have to come together,
17 Lord. We thank you for the opportunity that we
18 have to serve in this body and to be able to
19 make decisions for the State of Florida, Lord.
20 And I pray that each of us as we take that
21 position would hold it in the highest regard,
22 Lord, and we look to you for the wisdom that we
23 need to make the decisions day to day.

24 Lord, as most Moses led the people to the
25 children of Israel he did not call the equip

1 Lord but he equipped those who he has called,
2 and as in says in Jeremiah 29:11, I know the
3 plans I have for you declares the Lord, plans
4 to prosper you, to not harm you, plans to give
5 you hope in the future and, Lord, we need to
6 look to that future, we need to look to the
7 opportunities that we have here.

8 There is no authority except that which is
9 established by God as it says in Romans 13:11
10 and we have an authority to be here today, put
11 here in a place to complete a task. And Lord I
12 pray that you help us do that to the best of
13 our ability.

14 Lord be with the Floridians in the state,
15 those who are suffering and those who are
16 having joy, Lord, I pray that you would be with
17 all of our service people who are protecting
18 this country abroad, keep them safe. They are
19 fighting an evil like no other evil like we
20 have ever seen before and I pray that you would
21 give them the strength and the ability to move
22 forward and keep them and protect them.

23 And Lord as we move forward today I pray
24 that you be would be us so we would do things
25 that would be honoring and to glorify you.

1 In your name we pray, amen.

2 PRESIDENT GARDINER: Please remain
3 standing, the pledge will be led today by the
4 Senator of the 25th, Senator Abruzzo.

5 (Brief pause.)

6 PRESIDENT GARDINER: Senators, before we
7 begin I would like to recognize Senator Smith
8 for a moment of silence, the Senator of the
9 31st, Senator Smith.

10 SENATOR SMITH: Thank you, Mr. President.
11 Yesterday the Broward County community lost a
12 great person from our community, Fran Payne.
13 Back in 1969 Fran started working with Jack and
14 Jill Nursery which was a child care center in
15 Broward County, and through the years she grew
16 this child care center into a place where the
17 families got a lot of help.

18 They got a reading library there, she
19 developed a clothing bank, she did job
20 placement. she would often call around trying
21 to get the electric bills paid from the
22 parents. She stood only about five foot,
23 weighed less than 100 pounds, but she was a
24 giant in the community. She took this little
25 nursery that was just there for child care but

1 made it a center to help the entire family.

2 She served for decades in Broward County
3 and yesterday she got her reward and went home
4 to meet her creator, and I would ask for a
5 moment of silence for Fran Payne, a giant in
6 Broward County.

7 PRESIDENT GARDINER: Senators, please
8 rise. Amen.

9 Thank you, Leader Smith. We will now
10 continue with the order of business. Are there
11 reports of committees?

12 SENATE CLERK: None on the desk,
13 Mr. President.

14 PRESIDENT GARDINER: Are there motions
15 relating to committee reference?

16 SENATE CLERK: None on the desk,
17 Mr. President.

18 PRESIDENT GARDINER: Are there messages
19 from the Governor and other executive
20 communications?

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

23 PRESIDENT GARDINER: Are there messages
24 from the House of Representatives?

25 SENATE CLERK: None on the desk,

1 Mr. President.

2 PRESIDENT GARDINER: Are there matters of
3 reconsideration?

4 SENATE CLERK: None on the desk, Mr.
5 President.

6 PRESIDENT GARDINER: Read the conference,
7 conference committee report for CS SJR 2-C.

8 SENATE CLERK: The Honorable Andy
9 Gardiner, President of the Senate, the
10 Honorable Steve Crisafulli, Speaker of the
11 House of Representatives. Dear Mr. President
12 and Mr. Speaker: Your conference committee on
13 the disagreeing votes of the two Houses on CS
14 for SJR 2-C, first and gross same being, a
15 Joint Resolution of Apportionment.

16 Having met and after full and free
17 conference do recommend to the respective
18 Houses as follows. One, that the House of
19 Representatives recede from its Amendment One,
20 Bar Code 328937. Two, that the Senate and
21 House of Representatives adopt the conference
22 committee amendment, Bar Code 351550 attached
23 hereto by reference made a part of this report.

24 Signed, Senator Bill Galvano, Co-Chair,
25 signed, Representative Jose R. Oliva, Co-Chair.

1 The reading of the report, Mr. President.

2 PRESIDENT GARDINER: The Senator of the
3 26th district, Senator Galvano, you are
4 recognized to explain for an explanation and a
5 motion.

6 SENATOR GALVANO: Thank you,
7 Mr. President. Members, this is the conference
8 report as you just heard. The substance of
9 this report is essentially the 9079 map that we
10 discussed on the floor yesterday.

11 Since we adjourned yesterday we went into
12 a conference process. On behalf of the Senate
13 we had asked that the staff of both Chambers
14 take a look at the base maps to see if in fact
15 in South Florida we could improve the metrics.

16 We also looked into the issue of
17 diminution. We looked at the Lake County issue
18 that was raised as well as other issues with
19 regard to the changes put into the map. Today
20 I held with Chair Oliva another conference
21 session in which we had the map drawers from
22 the House explain in detail and take questions
23 with regard to how they put together the 9079
24 map that was the House product, and to provide
25 non-partisan justification for the changes.

1 We then heard from them along with our own
2 staff, Jason or Jay Ferrin as well as counsel
3 with regard to the request that was made of
4 them last night. Having reviewed that the
5 conferees, Chairman Oliva and myself
6 recommended that the configuration that was
7 proposed based on it having the highest scores
8 with regard to the metrics and having satisfied
9 the diminution issue, we recommended to this
10 Chamber and Mr. President I move the adoption
11 of the conference report.

12 PRESIDENT GARDINER: Are there questions
13 on the report? Senator Legg for a question.

14 SENATOR LEGG: Thank you, Mr. President.
15 Senator Galvano, first I want to commend you on
16 your hard work. This is obviously a laborious
17 task.

18 During today's conference committee there
19 was several questions about some of the
20 counties that I have the honor of representing,
21 and some of the methodology that the House used
22 to adjust some of the boundaries. And correct
23 me on any of this, but I have a series of
24 questions if you don't mind me walking through
25 so I understand some of the issues.

1 So on the six base maps that were
2 produced, four of the six base maps had one of
3 the counties that I represent, Pasco County, as
4 whole. That was not the map that we sent over
5 to the House, and they took adjustments to some
6 of the lines.

7 I believe the Chairman used the word, some
8 nips and tucks that he did to some of the Tampa
9 Bay regions. So I want to have some
10 clarification on some of the nips and tucks.

11 On the base map, on the map that they sent
12 over they have adjusted some of the lines, and
13 correct me, what -- what lines did the Court
14 require us to follow? My understanding of the
15 courts, they required us to use roadways,
16 waterways and major lines of demarcation.

17 Could you provide some clarification of
18 what the Court has asked us to use for lines in
19 order to draw lines?

20 PRESIDENT GARDINER: Senator of the 26th,
21 Senator Galvano.

22 SENATOR GALVANO: Yes, thank you,
23 Mr. President. What you are referring to are
24 the Tier 2 requirements which are broken down
25 into compact districts and then following

1 political and geographical lines. Within the
2 base map methodology and the methodology that
3 has continued to be used and approved by the
4 Court you have a feasibility component. So
5 when you balance compactness with the following
6 of political geographical lines you still have
7 that feasibility. So to the extent it is
8 feasible that is what you do.

9 PRESIDENT GARDINER: Senator Legg for a
10 question, follow up.

11 SENATOR LEGG: Thank you, Mr. President.
12 Senator Galvano, in the adjustments that they
13 made to the Senate map as it regards the Tampa
14 Bay area, they made some adjustments and they
15 did not follow the normal lines from my
16 understanding of the rest of the state.

17 They did not follow normal roadways.
18 Could you provide some clarification on what
19 they did follow and the adjustments that we
20 sent over?

21 PRESIDENT GARDINER: Senator of the 26th,
22 Senator Galvano.

23 SENATOR GALVANO: Thank you,
24 Mr. President. First of all, I think normal
25 lines is not a term that you would use. To cut

1 to the chase, Senator Legg, what you are
2 referring to is the northeast boundary of
3 Pasco, and that gave me pause as well when I
4 looked at it. In fact, we spent what, no less
5 than four or five hours on it with counsel and
6 I got with Jay about it, as well as today in
7 committee, and the explanation that was given
8 with regard to this does fall within the
9 existing methodologies.

10 It was an effort according to the map
11 drawers to capture some population. What they
12 used as a boundary were census blocks, lines
13 drawn by the census. Part of that line, that
14 census block line actually coincided with the
15 power line that was really the census block
16 line that was being followed, because when I
17 said power line, how many power lines are we
18 actually following.

19 So in that particular area you had that
20 being followed, census block lines are used
21 elsewhere in the map.

22 PRESIDENT GARDINER: Senator Legg for a
23 follow up.

24 SENATOR LEGG: Thank you. Thank you,
25 Mr. President. So, and again, I want to make

1 sure. So they, because I heard in committee
2 that they used power lines and that kind of
3 made me question.

4 My understanding is that in the rest of
5 the state they did not use power lines, because
6 there is quite a few power lines in this state,
7 but they did use census blocks which deviated
8 from the maps, all six maps that we -- that
9 the -- the joint committee or the joint product
10 was produced, they deviated from that.

11 But it also deviated if I am not mistaken
12 from all of the Plaintiffs' maps as well as
13 lines. So how did they learn what was -- how
14 did they learn to use that? What gave them,
15 what was the justification for them to deviate
16 from the base map which from my understanding
17 in the congressional maps they did not want to
18 deviate from?

19 But also from the maps that we have
20 produced to create this new nip and new tuck as
21 they called it.

22 PRESIDENT GARDINER: Senator of the 26th,
23 Senator Galvano.

24 SENATOR GALVANO: Thank you,
25 Mr. President. Again, what was explained today

1 in the conference committee was that when an
2 additional city was kept whole on the northern
3 end of the district to the southern end,
4 population had to be captured, and I raised the
5 issue.

6 I said doesn't it make it less compact and
7 overall surprisingly it -- it did not. And so
8 the answer from a methodology standpoint was
9 that to the extent feasible they continued to
10 first balance compactness and then follow
11 political geographical lines, but then
12 incorporated the census blocks into it.

13 And it is my -- my understanding that the
14 use of census block lines is not a regular
15 thing that you see replete throughout a map,
16 but it is not extraordinary to the extent that
17 it may fill a gap where feasible.

18 The other issue that came up with regard
19 to that in my mind was, you know, why something
20 looks like that, because I have had the
21 pleasure, I have spent a lot of time in court
22 on this, and, you know, Tier 1 is easy to talk
23 about, but it is very difficult to prove it up
24 unless you have some corresponding Tier 2.

25 So my concern was, why do you have this

1 little loop. Why? Is there something,
2 something that may be behind it that goes
3 beyond just Tier 2. And that is why today in
4 conference I made very clear and I asked very
5 specific questions with regard to incumbency
6 and the recognition of incumbency addresses by
7 the staff when they made these changes, and who
8 influenced the drawing of these lines.

9 What came across on the record, at least
10 from my perspective, was satisfactory in that
11 regard. The difficulty with these amendments
12 is once you enter that world then you are now,
13 if I are going back and adjusting those lines,
14 then you are calling the question in on the --
15 on the back side.

16 So I understand where you are coming from
17 with regard to that specific section. That is
18 why I wanted to make sure today we vetted it
19 out and got the explanation that we did.

20 PRESIDENT GARDINER: Senator Legg for a
21 follow up.

22 SENATOR LEGG: Thank you, Mr. President,
23 and thank you, Senator Galvano, for that
24 clarification, because I do know this came over
25 from the House and you were trying to find

1 justification for it.

2 So I am trying to reach because the
3 constituents in my county are starting to get
4 concerned. First, we were in four of the six
5 maps we were a whole county, now they are
6 broken up into three areas. Now we have
7 extraordinary, not following roads, not
8 following lines, not following a specific
9 pattern.

10 So I can go back to them and say with
11 confidence that this is part of the normal
12 process of map drawing is creating census
13 blocks that do not follow roads but follow --
14 that follow power lines and census blocks.

15 That is a perfectly, a perfectly
16 legitimate reason to split neighborhoods,
17 communities and not follow roads. Thank you,
18 Mr. President.

19 PRESIDENT GARDINER: We will phrase that
20 as a question.

21 Senator Galvano, you are recognized.

22 SENATOR GALVANO: Thank you,
23 Mr. President. And if anyone in this Chamber
24 has identified a normal method of map drawing I
25 would welcome it. This is the most ambiguous

1 discipline that I have ever encountered.

2 Having said that, you can always make a map
3 better.

4 I think that is probably the biggest
5 challenge that we have with the Plaintiffs. We
6 could do the best possible job that we want to
7 here in the Legislature and as soon as our
8 product comes out, it comes out with a score
9 card.

10 And if there is a hiatus as there normally
11 is in time between the score card and going
12 before the Court, and you don't have to go
13 through the rigors of Chamber to Chamber and
14 committee and conference, you can have a
15 product that is put together and drawn to beat
16 the scores.

17 So we are always in that particular world.
18 So I -- at this point it is very little that is
19 extraordinary in the process. The law is clear
20 that you are not tasked with achieving the best
21 possible map, but a constitutionally compliant
22 map.

23 And the justification that was offered
24 today and the review that we did internally to
25 corroborate that justification was enough in my

1 mind to satisfy that we did have a compliant
2 map in this section.

3 PRESIDENT GARDINER: Senator of the 34th,
4 Senator Sachs, you are recognized.

5 SENATOR SACHS: Thank you very much,
6 Mr. President, and I know it has been
7 extraordinarily difficult, and thank you, Chair
8 Galvano.

9 My question concerns Palm Beach County
10 which is pretty near and dear to my heart and
11 of which I know a lot about.

12 We sent a map to the House that configured
13 Palm Beach and the contiguous counties of
14 Martin and Broward in one way and we received a
15 map back that had a completely different
16 configuration.

17 And my question, and since we are
18 accepting, at least the conference committee
19 has accepted this map from the House, my
20 questions go to this, and I know that we, that
21 I hope that this is a matter of the judicial
22 record that we are keeping right now.

23 My question is this. I am sure it is.
24 The map that has been presented to us for a
25 vote today has a configuration that is listed

1 in a different number than the original map we
2 sent over, and that is for the record District
3 28. In District 28 links a number of cities in
4 one district, Mr. Chairman.

5 For example, it lists, it pairs together
6 the city of Boca Raton, which I have by the way
7 lived in and represented for many years, and
8 which has a median and this is today's
9 statistics from Forbes magazine, a median
10 income of \$92,000.

11 With the cities that border the lake, one
12 of them is Belle Glade, and Belle Glade has a
13 population which is 32.9 percent below the
14 poverty level. The issues of these cities,
15 both of which are paired in this new map, in
16 this new district, do not meet I think the
17 constitutional muster, and pursuant to the
18 Supreme Court ruling it is -- we have the
19 burden of proof of showing that these are
20 constitutionally compliant.

21 Do you know, Mr. Chairman, what factors
22 went into changing the map that the Senate had
23 passed specifically with Palm Beach County
24 which it is difficult because it is the largest
25 county, with the changes, drastic changes that

1 are now indicated in the map that we are asked
2 to vote on today?

3 PRESIDENT GARDINER: Senator Galvano.

4 SENATOR GALVANO: Yes, thank you,
5 Mr. President. The changes in the South
6 Florida area, the genesis of those changes was
7 a review of the Plaintiffs' map that came to
8 the Senate and the House. On the cusp of our
9 vote earlier or last week I guess it was we
10 received a Plaintiffs' map.

11 As I stood on the floor I recommended that
12 it would be a wise decision to take a look at
13 it and sort of understand it. Just as a
14 footnote I was actually very pleased. You
15 know, we had invited them to join us in
16 committee like we did in the congressional
17 redistricting, it didn't happen, you know.
18 Finally we started to get some feedback.
19 Feedback has continued and I anticipate it will
20 continue further. So that was the genesis.

21 With regard to Belle Glade and Boca Raton,
22 at that point you are getting into what
23 President Lee once referred to as Tier 3, into
24 communities of interest.

25 Once we are past the Tier 1 requirements

1 then we go into a Tier 2 world in which
2 compactness and political geographical lines
3 become paramount. And when it was explained
4 today that was in general the thought process
5 that the House had, and it did improve
6 compactness significantly in the region.

7 PRESIDENT GARDINER: Senator Sachs for a
8 follow up.

9 SENATOR SACHS: Thank you very much,
10 Mr. President. Chairman, when the conferencing
11 committee met on behalf of the Senate, it was a
12 very open and transparent process and it
13 produced a map that was part of our
14 constitutional obligation.

15 In fact, Justice Pariente refers to the
16 sense that pursuant to the Florida Constitution
17 it is to the Legislature that we are to draw
18 our maps, but for the fact that they may be
19 deemed to be unconstitutional will the Court
20 step in, but it is to our obligation.

21 And when we met as a redistricting
22 committee, although I wasn't on it, I was
23 watching it, it was open and transparent and we
24 produced a map. We voted on the map, we sent
25 it over.

1 Plaintiffs produced a map in the 11th hour
2 and that was, I guess it is their prerogative
3 party in a case, but I don't know what changed
4 that, that map would be superior to what we --
5 we formed as -- as a Senate in our
6 redistricting committee.

7 What was it? What am I missing here?
8 What factor is missing specifically and I don't
9 need you to go -- but specifically to this one
10 large county that would change our map so
11 drastically that we would pick up a completely
12 different configuration?

13 PRESIDENT GARDINER: Senator Galvano.

14 SENATOR GALVANO: Thank you,
15 Mr. President. And you are hitting on a couple
16 of things, one that I am glad you brought up,
17 because with regard to the Plaintiffs' map in
18 general I will be convinced there is partisan
19 intent, okay, and that is a Tier 1 challenge.

20 So what occurred and then specific to this
21 region and some other regions was not to just
22 adopt the Plaintiffs' map, but to not just
23 discard it either.

24 They took the time to return our
25 invitation with a map, the staff took a look at

1 it and if there were opportunities to improve
2 the metrics based on what was there that still
3 kept the rest of the state at or above the same
4 level, then that is what was looked at and
5 incorporated into.

6 And I -- and just one more thing on that.
7 I was sharing or I shared your concerns, too,
8 and that is why the initial Senate request on
9 conference was why don't we just go back to the
10 base maps, that we knew they were sterile. See
11 if you can plug these in and then justify the
12 metrics.

13 But, you know, I cannot deny when the
14 numbers come back and I have had opportunity to
15 question on them and they improve the metric.

16 PRESIDENT GARDINER: Additional questions,
17 additional questions? Seeing none we are in
18 debate.

19 Senator Flores for a question.

20 SENATOR FLORES: Thank you very much. I
21 am sorry, I just have a couple of questions,
22 because, as you know, those of us in -- from
23 South Florida have had a series of concerns,
24 particularly as it relates to the minority
25 districts both in the African-American

1 community and the Hispanic community.

2 So a question first on what just to be
3 clear, what we are asking today is to vote on
4 the House map that was passed yesterday, right?
5 I just want to make it clear.

6 PRESIDENT GARDINER: Senator Galvano.

7 SENATOR GALVANO: Yes, thank you,
8 Mr. President. Yes, the substance of map 9079.

9 PRESIDENT GARDINER: Senator Flores.

10 SENATOR FLORES: Thank you, Mr. President.
11 I know it happened rather quickly so -- so we
12 just wanted to make clear.

13 So does that mean that as we move forward
14 as this map passes today, that it will then --
15 will it be the House attorney that is arguing
16 on behalf of this map that is moving forward or
17 will it be our attorneys? And there is a
18 reason why I am asking that.

19 PRESIDENT GARDINER: Senator Galvano, you
20 are recognized.

21 SENATOR GALVANO: Yes. First of all, I
22 want to clear something up. That didn't happen
23 quickly at all. The South Florida
24 configuration probably dominated the lion's
25 share of my efforts with regard to this map.

1 To the extent that we had lawyers reviewing, I
2 kept saying, no, I don't want -- I need to
3 know, I need to know unequivocally because I am
4 not going to be putting a map or approving or
5 recommending a map that has concerns that I
6 have heard, in particular diminution.

7 So that was a -- one of the longer
8 processes. In fact, the main instruction in
9 conference was with regard to that, and then
10 going so far this morning as to going back to
11 expert and say from FIU to look at this and
12 make sure and answer us that it wouldn't.

13 You asked an interesting question about
14 the procedure from here. If -- if this product
15 passes and it becomes a legislative product
16 based on what I understand from the comments
17 that Judge Lewis has made and how I have read
18 the discussions in the courtroom with Judge
19 Reynolds, then we have -- have something that
20 will be given at least some deference.

21 We still have to prove and justify
22 non-partisan for it. And so it is my
23 understanding that the Legislature as attorneys
24 from both the House and the Senate will go
25 forward in the Court proceedings and present

1 this map.

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

4 SENATOR FLORES: I had a different
5 question, but now that you mention deference I
6 want to clarify that, because I believe that
7 the Judge, Judge Lewis in his Order said very
8 clearly that a legislatively produced map would
9 actually have no deference, and I wanted to
10 clarify as to whether or not that is what was
11 said in court proceedings because I think it
12 was rather clear it was those words exactly.

13 PRESIDENT GARDINER: Senator Galvano.

14 SENATOR GALVANO: Thank you,
15 Mr. President. No, I am referring to a
16 dialogue specifically with Judge Lewis, with
17 attorney George Meros and when Judge Lewis
18 said, look, you don't have that, you don't have
19 a legislative product. So don't -- don't come
20 in here and argue as if you do have a
21 legislative product.

22 The implication being that if you did have
23 a legislative product then you have something
24 that has at least come out of the process.
25 That -- at that point the Judge was free to

1 look at what was before him, just as Judge
2 Reynolds would be if in fact we don't have a
3 legislative product.

4 PRESIDENT GARDINER: Senator -- as many
5 questions as you would like. Senator Flores
6 for a follow up.

7 SENATOR FLORES: Thank you very much. But
8 the Court documents did say that the
9 legislative, legislative map would have no
10 deference, that is real, right, that really
11 happened?

12 PRESIDENT GARDINER: Senator Galvano.

13 SENATOR GALVANO: What you are referring
14 to is the remedial nature of what we have.
15 Deference in terms of a presumption, it would
16 not have a presumption of correctness. We
17 would have to prove up the justifications for
18 our lines as opposed to having a presumption.

19 Just like what had occurred when the
20 Supreme Court issued its Order on July 9th. It
21 does not mean that there is not some elevated
22 recognition if you have a legislative product.
23 It is a product that still has to be justified
24 but it is a -- would be a legislative product
25 and the Court could take note of that.

1 PRESIDENT GARDINER: Senator Flores for a
2 follow up.

3 SENATOR FLORES: Thank you very much,
4 Mr. President, for your indulgence and Chair
5 Galvano as well.

6 I got off on a tangent but I was asking
7 for the House maps for a reason. As I was
8 watching at some point earlier today Mr. Meros,
9 the House attorney was called on specifically
10 as it related to the question of retrogression
11 in the three Hispanic seats in Miami-Dade
12 County.

13 And I believe that he said that his, his
14 opinion was that a Hispanic could still be
15 elected as the Hispanic of their choice because
16 while perhaps the functional analysis and
17 demographics or rather functional analysis as
18 far as election results showed that a Democrat
19 might win in one of the seats, that his opinion
20 was that individuals and Hispanics would rally
21 around the Hispanic to ensure that that
22 Hispanic won.

23 And I wasn't sure if that is what he said,
24 but I think I heard that is what he said, that
25 his opinion was we were just going to --

1 Hispanics were just going to rally around each
2 other to make sure a Hispanic wins.

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

5 SENATOR GALVANO: Thank you,
6 Mr. President. I think he said something of
7 that, that nature. I think his testimony was
8 more legal, and frankly I didn't want to rely
9 on the lawyers for that aspect, having heard
10 the concerns and that is why I wanted both
11 House lawyers and Senate lawyers to go back and
12 consult with an expert who can say, who has
13 testified in this case and who has been
14 recognized and qualified as an expert that in
15 fact there is not retrogression.

16 PRESIDENT GARDINER: Senator Diaz de la
17 Portilla of the 40th, you are recognized.

18 SENATOR DE LA PORTILLA: Thank you,
19 Mr. President. But Senator Galvano, that
20 expert didn't testify before the committee
21 today, did he?

22 PRESIDENT GARDINER: Senator Galvano.

23 SENATOR GALVANO: Thank you,
24 Mr. President. No.

25 PRESIDENT GARDINER: Senator Diaz de la

1 Portilla for a follow up.

2 SENATOR DE LA PORTILLA: Mr. President,
3 thank you. And in fact, that same expert
4 testified in Court regarding different numbers
5 and a different issue in the congressional
6 districts that there was diminution, didn't he?

7 PRESIDENT GARDINER: Senator Galvano.

8 SENATOR GALVANO: Thank you,
9 Mr. President. I am not sure exactly what you
10 are referring to in the Court proceedings. But
11 let me tell you how he plugged into these
12 proceedings.

13 We had, first of all, after looking at the
14 South Florida issue last week we adopted your
15 amendment, which I thought was a good amendment
16 and I told the body that as well. When the map
17 came back over there were concerns raised and
18 that is why I wanted to go to the base map
19 process.

20 And so in consulting with counsel and
21 staff and looking at the numbers, my request
22 was not to have someone come and testify before
23 the committee, but honestly, Senator, to do
24 what I could to vet out that issue, and, you
25 know, I may have even been looking to hear back

1 that there was -- was a problem, but I just
2 didn't, I just didn't get that. But yes, he
3 has testified, he has probably testified on
4 different issues.

5 PRESIDENT GARDINER: Senator Diaz de la
6 Portilla for a follow up.

7 SENATOR DE LA PORTILLA: Thank you,
8 Mr. President. Now, in terms of the map that
9 this Senate voted on, 9124, last week, passed
10 out of this Chamber, that map was a map that
11 was vetted by our lawyers and found to meet
12 constitutional muster, isn't that right?

13 PRESIDENT GARDINER: Senator Galvano.

14 SENATOR GALVANO: Thank you,
15 Mr. President. Yes.

16 PRESIDENT GARDINER: Senator Diaz de la
17 Portilla.

18 SENATOR DE LA PORTILLA: And in fact,
19 Senator Galvano, in looking at the map that
20 this Chamber approved, that this Chamber
21 approved last week, just last week, the Tier 2
22 metrics, Reock, Convex Hull and Polsby-Popper
23 were an improved version over the base map,
24 isn't that right?

25 PRESIDENT GARDINER: Senator Galvano.

1 SENATOR GALVANO: Thank you,
2 Mr. President. And I love having lawyers in
3 the Chamber. You can't handle the truth. Yes,
4 that is -- that is correct.

5 PRESIDENT GARDINER: Senator Diaz de la
6 Portilla, you are recognized for a question.

7 SENATOR DE LA PORTILLA: Thank you,
8 Mr. President. And Senator Galvano, the map
9 that we have before us today is exactly the
10 same map that we refused to concur with
11 yesterday, right?

12 PRESIDENT GARDINER: Senator Galvano, you
13 are recognized to respond.

14 SENATOR GALVANO: Thank you,
15 Mr. President. Yes. Yes, and the reason was
16 as you recall I said I still wanted to do, I
17 thought we should vet further in the South
18 Florida issue.

19 PRESIDENT GARDINER: Senator Diaz de la
20 Portilla, you are recognized for a question.

21 SENATOR DE LA PORTILLA: And maybe, thank
22 you, Mr. President. And maybe Senator Galvano,
23 you can help me here procedurally since you are
24 so much more experienced than I am with the
25 legislative procedure here.

1 But if we would have brought that map up
2 yesterday, meaning the House map that is before
3 us today, which is exactly the same as what we
4 had before us yesterday, if we would have
5 brought it up yesterday would we have been able
6 to offer amendments or try to amend it at some
7 point yesterday as the conference?

8 PRESIDENT GARDINER: Senator Galvano to
9 respond.

10 SENATOR GALVANO: Thank you,
11 Mr. President. Yes, however, there were no
12 amendments that had been filed at that time.

13 PRESIDENT GARDINER: Senator Diaz de la
14 Portilla for a question.

15 SENATOR DE LA PORTILLA: And so the map
16 that we have, thank you, Mr. President. And so
17 the map that we have before us today is exactly
18 the same map as yesterday, except today, and
19 again correct me if I am wrong, because I am
20 not an expert on, you know, procedure here, we
21 can't offer any amendments to a conference
22 report, right?

23 PRESIDENT GARDINER: Senator Galvano to
24 respond.

25 SENATOR GALVANO: Thank you,

1 Mr. President. Correct.

2 PRESIDENT GARDINER: Are there any further
3 questions? Senator Diaz de la Portilla, you
4 are recognized for a question.

5 SENATOR DE LA PORTILLA: Thank you,
6 Mr. President. Now, I heard a lot, you know,
7 today from Mr. Meros. He is one of the House
8 lawyers and from the House staff.

9 And it seemed that, you know, all of a
10 sudden compactness which is a Tier 2
11 requirement, you know, kind of jumped the gun
12 and become a Tier 1 requirement as the end all
13 be all.

14 But did the Courts at any point say that
15 the exercise here was to draw the most compact
16 plan possible, or did they give us some
17 parameters as far as how compact it needed to
18 be?

19 PRESIDENT GARDINER: Senator Galvano, you
20 are recognized to respond.

21 SENATOR GALVANO: Yes, thank you,
22 Mr. President. And a footnote on your last
23 question as our esteemed Rules Chair reminded
24 me a two-thirds vote could amend a conference
25 report. The Tier 2 has never exceeded the Tier

1 1.

2 I can assure you, Senator Diaz de la
3 Portilla, that the investigation that I was on
4 was to make sure that we were Tier 1 compliant
5 specifically with the diminution.

6 With regards to your question on
7 compactness. As I said to Senator Legg, the
8 Courts have never required the best map or the
9 most compact map, and when we opened this
10 session or when the first Bill came out, as I
11 explained, the Courts have recognized that
12 compactness can in fact diminish as you
13 incorporate other Tier 2 or Tier 1
14 requirements.

15 PRESIDENT GARDINER: Senator of the 14th
16 District, Senator Soto for a question.

17 SENATOR SOTO: Thank you, Mr. President.
18 During our submissions for the congressional
19 maps there was the map that was passed by this
20 Chamber and then a second map that was drawn
21 subsequent to this session that was presented.

22 Is there any scenario you anticipate where
23 a map other than what was passed out of this
24 Chamber or not will be presented to the Trial
25 Court?

1 PRESIDENT GARDINER: Senator Galvano.

2 SENATOR GALVANO: Thank you,
3 Mr. President. If you are asking about from
4 this body, that scenario was one in which we
5 had gone back and forth with the House and I
6 thought there was an opportunity to further
7 conference or further come together and you are
8 referring it to 9066.

9 If we are able to pass a map out of the
10 Legislature then that will be the Legislature's
11 map.

12 PRESIDENT GARDINER: Senator of the 14th,
13 Senator Soto.

14 SENATOR SOTO: Thank you, Mr. President.
15 In the event for some reason that we are unable
16 to pass a map out, would you anticipate other
17 maps being drawn after session that would
18 potentially be submitted to the Court?

19 PRESIDENT GARDINER: Senator of the 26th,
20 you are recognized.

21 SENATOR GALVANO: Thank you,
22 Mr. President. Absolutely. I think for sure
23 you are going to have more Plaintiffs' maps
24 coming in. So like I said, there is an
25 implicit or not implicit, an explicit tactical

1 advantage in a situation like we are in in this
2 type of litigation where we are returning to a
3 Court after going through our exercise and that
4 is what I was describing about the Plaintiffs
5 could come back and try to beat our metrics and
6 submit those, those maps and argue them.

7 I mean, we had nine already before the
8 session started and we picked up another three.

9 PRESIDENT GARDINER: Senator of the 14th,
10 Senator Soto for a follow up.

11 SENATOR SOTO: Thank you, Mr. President.
12 Do you anticipate any additional maps after
13 session coming out from the Senate or from the
14 House?

15 PRESIDENT GARDINER: Senator of the 26th,
16 Senator Galvano.

17 SENATOR GALVANO: Thank you,
18 Mr. President. No, because I think Jay by that
19 time will have gone as far away from this
20 building as possible. No, I don't anticipate
21 that.

22 I guess it is possible that someone can
23 put together a product. I know Senator Clemens
24 has become quite adept at using My District
25 Builder, but I don't -- I don't anticipate

1 that.

2 PRESIDENT GARDINER: Additional questions?
3 Additional questions? President Gaetz of the
4 1st for a question.

5 PRESIDENT GAETZ: Thank you very much,
6 Mr. President. Senator Galvano, we have heard
7 eloquently from Senator Detert the other day
8 about how the drawing of lines in one way or
9 another affects real people living in real
10 neighborhoods, real communities and obviously
11 we have heard from Senator Sachs as well today.

12 Is it not the case that the exercise we
13 now find ourselves in has -- that in that
14 exercise there is absolutely no relevance to
15 the make up of communities, to the make up of
16 neighborhoods, to the logic of what we have
17 called communities of interest, and that
18 instead what we find ourselves in is, in fact,
19 after we deal with Tier 1 issues, basically a
20 Tier 2 geometric exercise in which succeeding
21 efforts to draw additional maps can make
22 marginally better geometric sense without any
23 reference to the effect that those maps have on
24 communities, on neighborhoods, on people, and
25 on the real life and political lives? And by

1 that I am not talking about politicians, but
2 the lives of people who engage in the civic
3 process as Citizens.

4 PRESIDENT GARDINER: Senator of the 26th
5 Senator Galvano.

6 SENATOR GALVANO: Thank you,
7 Mr. President. And, yes, you are right. The
8 community of interest aspect is not a Tier 2
9 nor Tier 1 component. And you heard, we heard
10 from Senator Hays on this issue as well, and
11 that is the world we find ourselves in.

12 Having -- having been living intimately in
13 this world I have concluded that the amendments
14 to our constitution pulled the soul out of map
15 drawing and pulled the soul out of districts
16 and instead you have situations like Senator
17 Sachs has described where people who have
18 different goals, dreams and desires are
19 collected into, into one boundary simply
20 because a scientific test like Polsby-Popper or
21 Reock or Convex Hull, phrases they will never
22 understand or want to understand.

23 Frankly, I don't uphold them because of
24 those objective geometric tests.

25 PRESIDENT GARDINER: President Gaetz for a

1 follow up.

2 PRESIDENT GAETZ: Thank you,
3 Mr. President. And so for those of us who from
4 time to time are seekers after common sense,
5 would you suggest that, that we are -- that we
6 are going to be disappointed if we look at the
7 conference report or we look at any other map
8 and we try to divine what we would consider to
9 be the common sensical way for communities to
10 be considered together as opposed to a
11 mathematical score card.

12 And my point, Senator Galvano, and ask you
13 to respond to this is, isn't it a fact that no
14 matter what we do on this floor or what our
15 colleagues do on the House floor, that someone
16 else paying no attention to the realities of
17 how people work and live and worship and relate
18 to each other, can come up with a statistically
19 marginally better map based on geometric scores
20 without reference to the realities of where and
21 how people live?

22 And so the seeking after perfection here
23 can go on and on and on to infinity, and no
24 matter what map we come up with, isn't it a
25 fact that someone on the outside can say, well,

1 if we, if we, if we move some lines around, but
2 notwithstanding the realities of what is going
3 on inside people's real communities and real
4 lives, that we can come up with a slightly
5 better geometric score?

6 PRESIDENT GARDINER: Senator of the 26th.

7 SENATOR GALVANO: Thank you,
8 Mr. President. And not to belabor it, but you
9 are correct, and that is what I was talking
10 about, the score card and the tactical nature
11 of the world we are living in. Again, I think
12 we have pulled the soul out of map making.

13 PRESIDENT GARDINER: Okay, further
14 questions? Further questions? Seeing no
15 questions we are in debate. Is there debate on
16 the report?

17 Senator of the 38th, Senator Garcia in
18 debate.

19 SENATOR GARCIA: Thank you, Mr. President,
20 and I have to rise in opposition to -- to this
21 had conference report.

22 And why I do this, when, first of all, let
23 me start off when the House attorney got up and
24 made a comment that said to the effect and I am
25 paraphrasing here, that if Hispanics can in one

1 of the districts can potentially choose maybe
2 one of their candidates, all of the Hispanics
3 are going to rally behind against -- rally
4 behind that Hispanic candidate whether
5 Republican or Democrat.

6 Obviously this gentleman has no idea how
7 Dade County works and has no idea how Hispanics
8 think, has no idea that Hispanics are not all
9 the same, you know.

10 South America, have you seen how many
11 countries are in South America in the Caribbean
12 and in Central America? And to have someone
13 get up and make those comments to me are very
14 insulting, number one.

15 Number two, let me tell you what happens
16 in Dade County. When my parents and Flores'
17 parents and Diaz de la Portilla's parents came
18 to this country they fought. They fought to
19 ensure that they had a voice, not only in
20 Washington, but here in the state Legislature.

21 And now by the numbers that are coming
22 back they are diminishing that voice, and, yes,
23 folks will argue, folks will argue your, no,
24 no, we are not diminishing the right of
25 Hispanics to vote.

1 We are not diminishing the right of
2 Hispanics to have a seat for them. But let me
3 tell you, the truth is they don't know Dade
4 County. And the way you see these maps drawn
5 they have diminished that right.

6 So -- so you can know from all of the
7 Hispanic seats in Miami-Dade County, I am the
8 safest one. So it is not about Renee Garcia.
9 It is not about Hialeah. It is about those
10 people that chose, voted for us to fight for
11 them.

12 So I tell you this, how can I, Senator
13 Rene Garcia, go back home to Miami-Dade County
14 and forget about my constituency?

15 How can I go back to my father and tell my
16 father, look, my father in the eyes and tell
17 him, dad, I am sorry, I gave it my shot, I
18 tried. I tried but I went along with the
19 current and we lost a Hispanic seat.

20 Folks, I can't do that. And I appreciate,
21 Senator Galvano, you have done an excellent job
22 and I think that the amendment that we offer on
23 this floor addressed some of those issues. I
24 do believe that amendment was constitutional,
25 and to have the House of Representatives strip

1 that amendment back and revert it back to the
2 original map is insulting.

3 It is insulting not to this Chamber but to
4 those Hispanics back home who had that seat and
5 our job is to protect the voice of those
6 Hispanics back home and that is why they are
7 called protected seats.

8 Unfortunately we haven't done our job, and
9 that is why I am going to have to vote against,
10 with a heavy heart, Mr. President, it is a
11 heavy heart that I have to say that I have to
12 vote against this map and I urge all of you to
13 do the same and vote this map down. Thank you,
14 Mr. President.

15 PRESIDENT GARDINER: Further in debate?
16 Senator Detert in debate.

17 SENATOR DETERT: Thank you, Mr. President,
18 and I wasn't going to speak about this, and it
19 is very hard for Republicans to vote against
20 their own leadership when we don't want to.
21 But I think we have given Senator Galvano a
22 task.

23 I think because of the guidelines, the
24 methodology and all of the letters of the
25 alphabet, it is like we handcuffed Senator

1 Galvano with his hands behind his back, threw
2 him in the English Channel and told him to swim
3 the channel, and then we are going to be
4 shocked that that didn't work out for him or
5 us.

6 This -- sometimes you make these decisions
7 and there are parts that you don't like and you
8 are willing to gag down those because there is
9 more good than bad. But in this one I cannot
10 go home and I can't even go home and explain to
11 my community how this happened and why this
12 happened and who drew the maps.

13 Everybody in my community is talking about
14 this and they are like, who drew that map? I
15 don't really know. So if the Supreme Court
16 wants to draw the map at least I will know who
17 drew it. I -- the people that sued us forced
18 us into it.

19 When we did those maps in 2012, I never
20 had one complaint, and as I said last week,
21 Senator Benacquisto and I split Charlotte
22 County. We serve Charlotte County to the best
23 of our ability, even though it is not her
24 county or my county, it is the one in between,
25 and I think we have served our public and we

1 certainly got to know them. I have spent eight
2 years knowing my constituents.

3 Now because of a few lines I should go
4 meet people who don't know me and I don't know
5 them, not that I am even running for reelection
6 but I think the configuration of this map
7 doesn't make sense to anybody I have met and
8 unfortunately I am going to have to vote no
9 today and I regret doing that, because of the
10 hard work of Senator Galvano, and because
11 frankly it is our side that had to do it this
12 year. So it is kind of a sad day in the state
13 of Florida. Sorry.

14 PRESIDENT GARDINER: In debate, further in
15 debate? Senator Evers in debate.

16 SENATOR EVERS: Thank you, Mr. President.
17 Members, you know very few times do I try to
18 stand up and talk on the floor, but frankly, I
19 feel that this is one of those times that I do
20 need to.

21 We have got a small town up in the
22 panhandle, it is my town. There is a
23 farm-to-market road that runs out of Alabama,
24 that runs toward Highway 90 down below. That
25 farm to market road splits that little town.

1 It leaves my farm center, it leaves the
2 pharmacy, the school, the water system in
3 Senator Gaetz's district.

4 It puts my strawberry patch, the parts
5 house and the grocery store, it puts it over in
6 my district. You know, but if you go north
7 about five miles, that road was crossed and
8 there is another community up there, the
9 Blackman community, it is whole, and they
10 crossed that farm-to-market road to make it
11 whole.

12 Now, if you go south and you hit Highway
13 90 down there, you take a left on Highway 90,
14 you go approximately three quarters of a mile,
15 you cross Yellow River bridge. That is a river
16 that they crossed.

17 I know in other areas, you know, well, we
18 couldn't cross the river, but in that
19 particular area, yes, we could cross the river.
20 So it sort of makes it confusing. In fact, it
21 is as about as clear as mud.

22 You know, with the limitations that we
23 have put on, with the limitations that we have
24 -- I didn't vote for the constitutional
25 amendment. Why? Because I didn't feel it was

1 the right thing to do for the rural communities
2 and it was going to dilute the vote. So I
3 couldn't support it.

4 But when it passed and it was in the
5 Constitution, guess what, I took an oath that I
6 would uphold that constitution, and that I
7 intend to do, and with the changes that have
8 been made in this map I firmly feel that the
9 map is unconstitutional.

10 You know, Senator Gaetz, you are going to
11 pick up some great, great constituents over
12 there, my brother and my son. And if I get to
13 speaking in farm language, because Senator
14 Galvano, I am not a lawyer, I am just a farmer
15 and I try to speak with common sense, and I am
16 not as articulate as Senator Gaetz. So if I
17 get confused I will defer to Senator Gaetz to
18 explain what I just said.

19 And if y'all can't get it I am going to
20 ask my friend here, Sheriff Charlie Dean to
21 fully see that you all get the whole story.
22 But, you know, as you head up north and you go
23 through that, at the end of the day it is my
24 town.

25 Senator Gaetz will do an absolute

1 wonderful job representing the eastern side of
2 my town. Actually, I only -- I am only one
3 mile inside of my district, but, you know,
4 after looking at it and being elected to come
5 here and do what was right for the state of
6 Florida and for the people that elected me.

7 You know, Senator Galvano, you should have
8 took one of the Plaintiffs' maps in that
9 section and went right down the county line and
10 cut me totally out and put me in Senator
11 Gaetz's district. I think he would represent
12 me well.

13 I don't have to be in my district, but at
14 least my town would be whole. And what is
15 worse, you cross through Eglin Air Force Base
16 that has a whole bunch of bears and deer.
17 There is not any people that live there, and
18 you go down into Ft. Walton, Mary Esther in
19 those areas and you start weaving around and
20 start separating the lower portions of those
21 cities and communities down there.

22 Will they get representation? Absolutely.
23 But instead of separating the north and the
24 south, why couldn't we have just separated one
25 or the other, put them all whole.

1 You know, Senator Gaetz I thought had done
2 an excellent idea on my district when he just
3 said, okay, everything north of I-10 and south
4 of I-10. That is a main thoroughfare, but
5 folks, we are talking about a farm-to-market
6 road.

7 Charlie Dean will tell you a
8 farm-to-market road was a road that was put in
9 back in the '20s so farmers could get their
10 produce and stuff from the field to the market.
11 That is all Highway 189 is, a farm-to-market
12 road.

13 You know, with the exceptions that I see
14 that were drawn into this map in different
15 districts and different areas, I can't support
16 this map. I can't go home and explain to my
17 folks why I allowed this to happen.

18 Mr. President, I don't really want to vote
19 against the map, but I don't have an option
20 today, because I have got to go home, hopefully
21 in the next hour. I have got strawberries I
22 need to plant, but what I am saying is this,
23 you treat all districts the same. You treat
24 all residents in the state of Florida the same,
25 and you don't use a farm-to-market road, you

1 don't use a light line, John Legg, you don't
2 use a light line to carve out a district.

3 With that I am sorry to oppose the Bill,
4 but it is what I got to do today. Thank you.

5 PRESIDENT GARDINER: Further in debate?
6 Senator Hays in debate.

7 SENATOR HAYS: Thank you, Mr. President.
8 Senator Detert, I think you hit the nail
9 squarely on the head. Today is a sad day for
10 the people of Florida.

11 There may be some other debate, but thus
12 far I have not heard anybody today talking
13 about the good points of this map. The only
14 reference to good has been the Herculean effort
15 that our Chairman Galvano has done. And sir, I
16 tip my the hat to you. I have told you
17 privately how much I respect your efforts.

18 But members, it wasn't just us, it was the
19 people of Florida who tied his hands when they
20 passed the constitutional amendment that was
21 well intentioned, but poorly written and poorly
22 advised.

23 You -- correct me if I am wrong, but I
24 find it impossible to draw a map that does not
25 favor nor does it disfavor an incumbent or a

1 community or anything else. It is
2 contradictory, Mr. President, and I think there
3 is a bigger, bigger message that the people of
4 Florida need to hear than just this map today,
5 and that message is be exceptionally careful
6 and know the implications of your vote before
7 you vote for a constitutional amendment.

8 The founding fathers set up our United
9 States Constitution and the Florida
10 Constitution was patterned after much of that
11 great document, and nowhere in my reading of
12 either of those documents do I find any
13 reference to congressional districts or any
14 legislative districts being drawn to suit a
15 group of numbers.

16 And that is all in the world we have done,
17 is check the numbers, check the numbers. And
18 as to Senator Gaetz's point, the people of
19 Florida deserve better than being treated like
20 a bunch of numbers.

21 They live and work and play and worship
22 and congregate and various other activities as
23 people, not as a group of numbers. And I think
24 this numerical map may satisfy somebody's
25 numerical criteria, but Senator Galvano spoke

1 it very well.

2 This process has removed the soul from map
3 drawing and it has de-personalized it. I think
4 it is a sad, sad day for the people of Florida
5 and I am going to vote against this Bill and I
6 would urge you to vote against it as well.

7 Thank you Mr. President.

8 PRESIDENT GARDINER: Further in debate?
9 Further in debate? Senator Sachs in debate.

10 SENATOR SACHS: Thank you very much, and I
11 will be very brief. We really have a unique
12 opportunity to draw lines that reflect the
13 merging demographics of our state.

14 We have got everything in this state and I
15 love the state of Florida because it has small
16 farmers, it has got big farmers. It has got
17 communities of people.

18 And the one area that I know most about is
19 going to be very difficult for the people of
20 one area in this new district to have a
21 representative who can also represent the
22 people on the other side, and what I am talking
23 about is those folks on the coast who
24 drastically always need funding for beach
25 re-nourishment and it is an issue that must be

1 a top priority for anyone of us who represent a
2 beach community, and it has been one of my top
3 priorities for years.

4 And yet you have some of the lines which
5 are will stretch out to communities which have
6 other interests, completely different. So what
7 we need to do is we need to seize the
8 opportunity to make sure that the lines that
9 are drawn represent the people, so that when
10 people vote for representatives, whether it is
11 in the House or the Senate, or for Congress, it
12 is for people who will fight for their
13 interest, not for people who will fight for an
14 interest within a line or within a specific
15 geographic area, but for a community of
16 interest, a community of people.

17 So I think this has been along process. I
18 think we are all tired. I think that we have
19 tried our best, but I don't think we have
20 achieved that which is so, so important to this
21 great opportunity, and that is to draw lines
22 that accurately reflect the emerging
23 demographics, the emerging people of our great
24 state. Thank you, sir.

25 PRESIDENT GARDINER: Further in debate,

1 further in debate? Senator Abruzzo in debate.

2 SENATOR ABBRUZZO: Thank you,
3 Mr. President. Like so many on this floor
4 today I have to start out by commending Chair
5 Galvano.

6 I watched him when I first came into the
7 Legislature in 2008, when he chaired the first
8 ever Seminole Compact Committee and many said
9 he could on the get it done and he did. That
10 was arguably one of the most difficult times in
11 the Legislature when we just had the economy
12 crash and he was the Rules Chairman in the
13 House and had to usher through some of the most
14 difficult pieces of legislation up to that date
15 and he got it done and he did.

16 And then when he came here to the Florida
17 Senate, when President Gaetz had an aggressive
18 education agenda, he Chaired the committee and
19 got the agenda through and he did. And now as
20 Senator Detert said with your hands tied you
21 got handed one of the most difficult tasks any
22 of us could ever imagine and you have handled
23 it with such intellect and a calm demeanor that
24 has held us altogether as a Senate. So thank
25 you, Chair Galvano.

1 You know, I do have to talk a little bit
2 about Palm Beach County for the record. And I
3 understand what Senator Sachs is saying, but I
4 currently represent the Glades, Belle Glade,
5 Pahokee and South Bay. That district, District
6 25 which I am so honored to be here stretches
7 all the way to the coast through Palm Beach
8 Gardens, to Juno beach, to Jupiter and has some
9 of the wealthiest pieces of property in
10 Florida.

11 It also encompasses Wellington which I
12 have represented since I have been in the House
13 and also has some of the wealthiest people not
14 only in Florida, but in America. And I don't
15 believe that having an economically
16 disadvantaged community lumped in together with
17 wealthy communities is a disadvantage or
18 something out of our equation whatsoever.

19 I don't believe that we should be talking
20 about segregation here on the Senate floor. I
21 think it is disingenuous at best and I will
22 tell you that the Glades community which have
23 been targeted and a lot of things have had so
24 much help through this Senate, whether it was
25 Senator Latvala or Senator Negron or the Palm

1 Beach County Delegation has fought to
2 revitalize that community.

3 You know, in this current maps that
4 Senator Galvano has before us today, it does
5 stretch down to Boca Raton, but at the end of
6 the day we are not going to be supporting this
7 map, because this map is not the right map.

8 It is not what Florida looks like. It is
9 not indicative of our communities, and I want
10 to just take this time to get on the record
11 since the Plaintiffs' map was used as a basis
12 for the map we are about to vote on today.

13 The Glades community which I speak about
14 is cracked. They take out Pahokee from Belle
15 Glade and South Bay, and that is my one big
16 issue with the map drawing, that that community
17 should stay together as whole. That is a
18 tri-city area and they should not crack an
19 African-American community to put certain votes
20 in different districts.

21 So I am very concerned with the Fair
22 District or the Plaintiffs' map and I am glad
23 that at least in this map they keep it whole
24 and I hope that continues whether we have
25 amendments or whether the Court is forced to

1 draw it.

2 And that said, again, thank you, Chair
3 Galvano, but I will be voting no today.

4 PRESIDENT GARDINER: Further in debate,
5 further in debate? President Margolis in
6 debate.

7 PRESIDENT MARGOLEZ: You know, I was
8 sitting here thinking that in order to make
9 people that are happy here today, and why
10 aren't they happy?

11 Well, I have represented the same people
12 for 40 years. Forty years is a long time in a
13 lot of places. I mean, I haven't been in the
14 Senate for 40 years, but I have gone from to
15 the House, to the Senate, to the County
16 Commission, back and forth for many, many
17 years. The same district, the same district
18 for 40 years.

19 This year if this passes I am going to
20 have to move because one little piece of my old
21 district is in another corner of what was drawn
22 for me. And so I am going to move so I can
23 have some friends. So I can know the people
24 who I am once again going to represent, and I
25 think everybody is sitting here feeling the

1 same way.

2 They, you know, you have to move, you have
3 to do all kinds of things, and it is -- it is
4 really to me it is -- it is -- it is really
5 tough to sit here and listen to it and I
6 understand it, guys.

7 PRESIDENT GARDINER: Further in debate?
8 Senator Bean in debate.

9 SENATOR BEAN: Thank you very much,
10 Mr. President, and good afternoon, Florida
11 Senate.

12 You know the standard speech is going like
13 this. Love on Galvano and trash the maps and
14 let me try a different approach although I am
15 going to include love in Galvano, that is what
16 I am going to do first of all, because we
17 already have given the analogy that we have
18 tied his hands and then him in the English
19 Channel, but let me tell you with a swimmer
20 Bill Galvano is because I think he is -- he has
21 done masterfully in a process that ties
22 everybody's hands, how about that. It is the
23 process given.

24 We were given a process and we don't like
25 that process. I didn't like the process, we

1 all didn't like the process. We are used to
2 doing things the comfortable way, the way we
3 have done it in the past and that is the past
4 and now this is the present.

5 So what did this masterful swimmer do, the
6 Mark Spitz of the Florida Senate do? He drew a
7 map that divided 19 million people and it is
8 going to be impossible to please 40 Senators to
9 divide those 19 million.

10 But let me ask you to rethink your no
11 vote, because when -- I am thinking it may be
12 the Senator maybe, maybe he will address it,
13 but I don't see the alternative.

14 I see us punting, if you vote no then you
15 are saying, you know what, the Legislature is
16 done with this process, as ugly as it is, an
17 let's just give it to the Judges. Let's give
18 it to the Judges and I say that is not our
19 role. Our role is to get it done.

20 It was hard to draw these maps and I know
21 we had open meetings and forums and anybody
22 could do it, and I attended and I watched on TV
23 how it was done. And yes, I can complain that
24 my district office in Jacksonville may have to
25 be moved because it is now outside of the

1 boundaries. But you know what, there is two
2 ways of looking at things.

3 I listened to my good colleague from the
4 -- from the 1st District, Senator Evers, and he
5 complains about the town that is now split, but
6 how blessed they are. They are going to have
7 two Senators, how about that. A little town to
8 have two Senators, look for big libraries and a
9 new Council on Aging, whatever town that is,
10 because two people are going to be fighting for
11 them now and that is a great thing.

12 I know Palm Beach County, Senator Clemens
13 will tell you he laments that they are losing
14 representation. So members, rethink your no
15 vote. This map that is before us, you can pick
16 it apart all different ways, but let me tell
17 you, it is our duty, we did it, we had a
18 process, we didn't like it, but that is our
19 process.

20 So let's do it, let's do our job as the
21 Legislature and draw these maps rather than
22 punt. Thank you, Mr. President.

23 PRESIDENT GARDINER: Senator Stargel in
24 debate.

25 SENATOR STARGEL: Thank you,

1 Mr. President. I haven't spoken much during
2 this process and I guess my tolerance level is
3 kind of the same as Senator Bean's and sitting
4 here listening.

5 We can please all of the people some of
6 the time, we can please some of the people all
7 the time, but you are not going to please all
8 the people all of the time, and that is the
9 task that we are here today.

10 I think Senator Brandes was the one who
11 said that we are 40 Somalian warlords, and each
12 person is trying to negotiate for their own.

13 I am a State Senator. I am not a Polk
14 County Senator. I currently represent Polk,
15 Osceola and Orange, and the new map I get to
16 meet the people of Lake that were divided from
17 the Lake district with Senator, Senator Hays.

18 But I am a State Senator and I represent
19 the people of the state of Florida, and
20 whatever people happen to be the 400,000 or
21 whatever it is that is in my district I will
22 represent them while keeping in mind all of the
23 districts of the state of Florida.

24 I am not going to do some things specific
25 to just me that is going to be bad for people

1 who live down south. So we are elected to a
2 process here to be State Senators and part of
3 that process came the job of drawing a map, and
4 yes, we have some, some amendments that made
5 that a very difficult process, and I was not
6 sitting in all of the meetings because I trust
7 the people and the Chairman and the attorneys
8 and the committee members on that committee to
9 come up with the best map that they could, and
10 to negotiate the best deal that they could.

11 Unfortunately, it is not just us, we have
12 partners across the aisle that we need to work
13 with, and my understanding is we have done the
14 best we can to come up with the best product
15 from the two of us. And I am not willing to
16 say we can't do this job and someone else needs
17 to do it for us.

18 So even though people may not like the map
19 and I can't, I honestly have said I will grow
20 where I am planted. I didn't even really pay
21 attention. If I get elected, I do, and if the
22 people who are drawn into my district don't
23 want me to be their representative, then
24 somebody else -- their Senator, somebody else
25 will -- they will get somebody else to

1 represent them.

2 That is the way this process works, but
3 this process does not work with us saying it is
4 too hard of a task, we can't do it, and we are
5 going to let someone else do our job. So with
6 that I would ask that you vote for this map.

7 PRESIDENT GARDINER: Senator of the 7th,
8 Senator Bradley.

9 SENATOR BRADLEY: Thank you,
10 Mr. President. You know, Tip O'Neill once
11 famously said that all politics is local and I
12 see that today. I have heard not just today
13 but all through this process, particularized
14 complaints and concerns about the effect of
15 this line or that line on a particular area.

16 And what I would ask is for everyone to
17 pause and realize that this job that we have is
18 unique. It is different than anything we have
19 ever done and frankly it is bigger than any
20 much these local communities that we are
21 talking about today.

22 What literally is at stake here is are we
23 going to give up the power to redistrict and
24 just hand it to the Courts and say, you know
25 what, this is too big of a job for us. We are

1 not going to do it anymore. We are just going
2 to hand it over to seven unelected Judges who
3 have been the subject of critique by many in
4 this Chamber over the years.

5 But frankly, folks, you know, I know it is
6 not perfect, but I sat through three weeks of
7 testimony on the committee with our Chairman,
8 listened to the experts and I understand that
9 it seemed mechanical and it seemed to lack
10 heart, but we are in a position where the
11 constitution requires us to treat this in a
12 mechanical fashion.

13 You heard the colloquy between President
14 Gaetz and the Chairman about what type of
15 process, the nature of the process that we are
16 in. I was listening very closely to those
17 questions and answers because it true, we are
18 in many ways taking the heart out of the
19 process but that is what is demanded of us.
20 That is the job we have been given and whether
21 you agree with the amendments or not, that is
22 what the amendments demand at this point in
23 time as we find ourselves in this remedial
24 process.

25 We have a job to do. We have a job to do.

1 Is this perfect for your particular area? I
2 don't know. That frankly is besides the point
3 at this point in time. What I urge because I
4 will tell you having sat through these
5 meetings, this is a constitutionally compliant
6 map under any standards.

7 No Tier 1 violations, no Tier 2
8 violations. So if you vote no you are voting
9 no on a map that passes muster, that is a
10 constitutionally compliant map. And if you are
11 doing it because you are concerned about some
12 localized concerns, I would urge you to
13 reconsider and look at the greater good.

14 We talk about separation of powers, we
15 talk about what our job is, what the job of the
16 judiciary is. Here is a chance to do your job.
17 We were sent here to do this job and if you
18 vote no you are giving up a sacred traditional
19 historic job of this legislative body.

20 I have heard today could be a sad day. To
21 me that is the definition of a sad day. I urge
22 you to support this map.

23 PRESIDENT GARDINER: Senator Gaetz in
24 debate.

25 PRESIDENT GAETZ: Thank you,

1 Mr. President. Tip O'Neill also said, I am
2 against any deal I am not part of, and I have
3 seen a bit of that today.

4 I -- I would agree with those who have
5 criticized this map. It is not only not
6 perfect, it has -- it has many, many, many
7 flaws. And, you know, I am certainly not
8 nearly as good a vote counter as Senator
9 Latvala who I think is the best one in the
10 Senate, but I can tell that this conference
11 report is in trouble.

12 That is a profound statement, and, you
13 know, remember, we had a Fair Districts
14 Amendment that passed and that amendment was
15 internally inconsistent. Maybe it was designed
16 to be internally inconsistent and unworkable.
17 Maybe it wasn't. Maybe it was bad drafting or
18 maybe it was very clever drafting.

19 But the fact is the people of Florida
20 voted for it because we had at the time unfair
21 districts, we had unfair districts. We had
22 districts that made no sense at all in many
23 places in the state, and people in my area
24 voted for -- for the Fair Districts Amendment
25 because they saw what happened with an

1 unfettered Legislature that had no guidelines,
2 that -- that did literally what it wanted to
3 without any kind of standards or criteria.

4 But what we wound up with was an
5 internally inconsistent amendment. The whole
6 series of discussions, of debate and analysis
7 that Chair Galvano has led us through
8 demonstrates that here we have an
9 extraordinarily rationale man trying to make
10 sense out of an extraordinarily irrational
11 circumstance, just as Senator Detert indicated.

12 But Senator Detert has a saying on her
13 wall, in her office, it says, "Don't let the
14 perfect become the enemy of the good".

15 Well, this isn't perfect. I don't know
16 that it is very good, but I do know this, that
17 if we vote no we put this whole process into
18 the hands of those who will not do it better.
19 They will not do it better. We put it into the
20 hands of those who created the internal
21 inconsistencies purposefully, or accidentally,
22 and we put it into the hands of Judges who
23 notwithstanding their criticisms of our actions
24 have said directly and indirectly that they are
25 not experts in map drawing. They expect to

1 have a proposal placed in front of them that
2 meets constitutional standards.

3 If we leave the field, if we, if we just
4 give up, if we say because it doesn't meet our
5 standards because it isn't good enough, because
6 it has a lot of bad problems, then we have put
7 this whole issue into the hands of people who
8 have created the inconsistencies, who have
9 created the mutual exclusivities that lead us
10 to be so frustrated today.

11 We put it into the hands of people who
12 then will only have arithmetic formulas and
13 geometric metrics to work with. And I agree
14 with my colleague, Senator Evers, he knows that
15 neck of the woods in North Florida much better
16 than I do, but I think that some of the lines
17 that we have been forced to draw go through
18 places where with a four wheeler you couldn't
19 get through.

20 There are no, there is no logic to the way
21 that some of those areas have been separated,
22 but there will be less logic if we leave the
23 field and put this solely into the hands of
24 those who created the inconsistencies in the
25 first place.

1 I believe the burden lies heavy now upon
2 those of us who felt that that was the best way
3 to amend our constitution. And so I don't
4 disagree with any of the criticisms of the
5 conference report.

6 I think it is far, far from what we could
7 have done and what we should have done if
8 common sense would have ruled, but when common
9 sense did rule to some extent at least, as
10 Senator Detert indicated, we had a product that
11 seemed to work for our communities. We thought
12 it was constitutional but it was hurled back in
13 our faces.

14 And so with great respect for Senator
15 Galvano and what he has done, I think he has
16 been put in an impossible situation, and with
17 admiration and no disagreement for the critics
18 who have laid out the problems with the
19 conference report, I can't abrogate my
20 responsibility, leave the field and put this
21 into the hands of those who wanted this kind of
22 situation to develop in the first place. I
23 think that is the wrong thing to do.

24 So it is not a the matter of a half a
25 loaf, Senators, or even a third of a loaf, it

1 may be, it may be a few crusts, but at least I
2 believe that Senator Galvano has taken from
3 this process as much as he could that was
4 common sensical and attach it to a formula that
5 in many cases defies what we know as the
6 realities of our communities.

7 So some say with a heavy heart they will
8 vote no. I with a heavy heart will vote yes.

9 PRESIDENT GARDINER: Further in debate,
10 further in debate? Senator Flores in debate.

11 SENATOR FLORES: Thank you very much,
12 Mr. President. Much has been said in debate in
13 the last couple of debates of the job, of our
14 job as legislators and how it is your job to be
15 here today and to write this map and how if we
16 don't, well, then we have given up that job.

17 Well, members, I am afraid to say that
18 unfortunately we gave up that job some time
19 ago, and we gave up that job in two ways.

20 Allow me for a moment to read from you the
21 stipulation agreement which was agreed to by
22 the Senate and it states, and it was agreed to
23 by Judge Reynolds and it states very clearly
24 that no deference shall be afforded to the
25 Legislature's decision in drawing Senate

1 district boundaries.

2 The Senate gave up its job when it agreed
3 and said that no deference, that means none,
4 shall be afforded to the map that may or may
5 not come out of this process. So we can sit
6 here and say that it is very sad that we gave
7 up our job, but unfortunately our job was given
8 up by those who agreed to this statement.

9 So then we came to this process and this
10 process was to come up with a map, and so what
11 did we do? What was our job. Our job then at
12 that time was to give our job to some very
13 wonderful people, some of whom are sitting here
14 today and they are wonderful, great people and
15 I would not want to have your job, Mr. Ferrin.

16 But we gave our elected job to Mr. Ferrin
17 and to his colleagues and his counterparts
18 across the hall, and we gave our elected job to
19 them. And then they came and they said we have
20 six great maps, they are great. They have no
21 legislative input. They have no -- they do not
22 have our job, it is their job, and so there
23 were six of those.

24 And so members of the committee got
25 together and talked about all six of those, and

1 then one member of the committee, the Chairman
2 of that committee, said we are going to choose
3 one of those. One member out of 40 said this
4 is the one that we are going to vote on, and
5 that is what our job. And again, that map was
6 a map that did not -- was not the product of
7 any elected member, again, sorry, Jay.

8 And so that is what happened, and then we
9 moved forward, we know we had an amendment,
10 there was an amendment that had some
11 legislative input. We went to the House, we
12 had a negotiation and then two things happened.

13 One is that the House came up with a map
14 that did not -- that also did not have
15 legislative input. It was input by the
16 Coalition Plaintiffs, wonderful lovely people,
17 but they are not the ones who have our job and
18 they got up and they -- and so we gave some of
19 them -- and then that map came back here and
20 what the Senate is saying today is that the
21 recommendation is to produce a map that has the
22 input of staff members and of Coalition
23 Plaintiffs.

24 Members, I cannot understand how it is our
25 legislative job, how we are fulfilling our job

1 by passing a map that does not have input by
2 anybody who's job it was elected to do that.

3 So first I object to this map because of
4 the process, because this process has been
5 flawed from the beginning and the problem isn't
6 our problem. Some of us will come and go, we
7 will be here next year, we won't be here next
8 year. That is not the problem.

9 The problem is that Legislatures that come
10 after us, be it Republican, Democrat or
11 whatever they will be, will look to the
12 decision made today and will see that we gave
13 up our job, not today, but we gave up our job
14 months ago.

15 Secondly, I object to this map because of
16 the product, because as wonderful as those fine
17 gentlemen are who came up with this, with this
18 map, the product is flawed and I can only speak
19 to the area that I represent, that I represent
20 with coincidentally everybody that is in the
21 back row here today.

22 And what our constituents have asked us to
23 do is to be their voice, to be their voice and
24 not to be their Republican voice or Democrat
25 voice, to be their female voice or their male

1 voice, to be their voice for the diversity of
2 the communities that we represent in South
3 Florida and for the diversities of communities
4 that we represent across the state of Florida.

5 When you look around the room today, this
6 room today looks different than the Legislature
7 in 2002, different than the Legislature looks
8 like in 1992. Why is that? Because our state
9 looks different, and that is who we are here.
10 Our job, my constitutional duty is to be the
11 voice for those members.

12 And as Senator Garcia so eloquently
13 placed, said and I know sometimes, some folks
14 may get tired of hearing us talk about the
15 struggles of those who came before us, but it
16 is because it is our families who gave up their
17 lives so that the people who are sitting here
18 can have their voice.

19 And we can't sit here and say, listen,
20 just to go along to get along we are going to
21 vote for this map. We have been going along to
22 get along for so long and we can't do it
23 anymore.

24 So today when the vote comes up I would
25 agree perhaps we know what the outcome is going

1 to be, but what I think will be very telling,
2 is that more likely than not every minority in
3 this Chamber will vote against this map. And
4 what does that mean?

5 What that means is that since we have
6 abdicated our job the Courts will interpret
7 what that means.

8 PRESIDENT GARDINER: Further in debate,
9 further in debate? Senator Galvano to close.

10 SENATOR GALVANO: Thank you,
11 Mr. President, and thank you, Senators, for
12 your time through this process and frankly the
13 debate today.

14 I thought it was good debate and I think
15 the issues that have been raised by you on the
16 floor, the concerns about your communities and
17 the people that you represent, I agree with
18 you. I think you are right.

19 That should really be a consideration when
20 you put together district lines on a map.
21 Unfortunately, that is not the world we are in,
22 and the debate that we heard in this Chamber is
23 really less about the conference report than
24 about the Fair District Amendments.

25 You know, Senator Garcia, I hear you, so I

1 took all the additional time to run all the
2 traps, and when we talk about where you hit the
3 wall, it is not because staff or it is not
4 because the committee or the conference
5 decided, it is because the Supreme Court of
6 Florida in Apportionment 7 said, this is the
7 threshold if you want to meet constitutional
8 compliance don't make the argument that any
9 diminution is going to impact that compliance.

10 Senator Detert, I agree with you, but if
11 we were to go into Court and say we took into
12 consideration the fact that we don't really
13 know these people in this district or these
14 people don't know these people, then we are
15 flying in the face of the constitutional
16 amendments that we were sent here to uphold.

17 What I do disagree with you on is we do
18 know who will draw these maps if we don't pass
19 a map and it is not the Supreme Court, it is
20 going to be the Plaintiffs. Let's call it like
21 it is, it says as Senator Gaetz had referenced.

22 Senator Evers, the same thing. I wish we
23 could put in a brief to the Court about your
24 communities and the people that interact with
25 one another and the little towns that make a

1 difference in the panhandle and how they would
2 like to have the same representation because
3 they have the same dreams and goals and desires
4 and hopes for their families and their futures,
5 but we cannot.

6 We were told to get out of the world where
7 subjectivity matters, Senator Sachs, where it
8 matters that the people of Belle Glade maybe
9 have different agendas than the people of Boca
10 Raton. We are told to get out of that world
11 and get into the scientific world where numbers
12 and configurations and wrapping the rubber band
13 around the district is more important than the
14 people who live inside that district, and that
15 is the reality.

16 Senator Abruzzo, the same thing. You are
17 recognizing that there are human elements to
18 configuring lines on a map, and that human
19 element, it is important to me, it is important
20 to all of us, but again it was ripped away from
21 us when these amendments went on to the
22 constitution.

23 And as far as the staff involvement, it
24 became even more important when the process
25 became that much more sterile. And naturally

1 we have staff involved in pretty much I think
2 everything that comes to the floor.

3 And I am going to stop right here to take
4 a moment and recognize Jay Ferrin for the work
5 that he has done, not just with me and the
6 committee, but with every member who has -- has
7 come to him to try to live in this world that I
8 am describing is so difficult to live in.

9 And frankly our legal counsel have tried
10 to interpret the ambiguity that continues in
11 the application of these amendments. Make no
12 mistake, the Circuit Court has disagreed with
13 the Supreme Court and vice-versa. There is no
14 easy, easy remedy here.

15 We have a job to do, a job that is
16 difficult on the best day, but let's put it in
17 perspective. We are here as part of a
18 litigation. So that job has become that much
19 more difficult, and we have been given the
20 opportunity to go back in now with the benefit
21 of some additional information and with 20/20
22 hindsight the opportunity to go back and draw a
23 map so that we as a Legislature could put it
24 forward and the deference is in presenting the
25 legislative product that becomes the first

1 proposal before the Court, and if the
2 legislative product being the first proposal
3 before the Court is justified, both on a Tier 1
4 and Tier 2 basis, then it is game over.

5 If we don't produce a legislative product
6 then it is game open and then whatever flies
7 around there. To your point, Senator Soto, we
8 may have other maps that come in and we become
9 absolutely vulnerable to that post session map
10 with a better metrics if we don't send
11 something forward ourselves.

12 That is the reality that we are living in,
13 and that is why it is so important to meet that
14 reality. The debates that we have heard here
15 today about the impact on the people within
16 these districts, I hope they continue. I hope
17 they continue to perhaps one day impact the way
18 we draw maps in general and constitutionally,
19 but if I am going to fulfill and if you are
20 going to fulfill the job that President
21 Gardiner has asked us to fulfill and present a
22 map to the Court that meets the constitutional
23 requirements and is constitutionally compliant
24 and will withstand the scrutiny of 14 days of
25 discovery that starts in maybe 48 hours, I know

1 I am going to be deposed, let's call it what it
2 is, and maybe some of you, and these are the
3 type of things that I think about when we go
4 through this process and try to keep it as
5 clean as possible.

6 And one thing we have learned going
7 through and I mentioned this last week, is that
8 the process that we have established at least
9 with the initial base map has got us away from
10 what brought us here in the first place as Tier
11 1 concerns.

12 I remind all of you again, the Supreme
13 Court of Florida signed off on the map, signed
14 off on the districts that you represent. It
15 wasn't until the Tier 1 became an issue that
16 Tier 2 then became an issue, and that is when
17 it spiraled down.

18 Well, frankly I think we fixed it here.
19 We really did. I felt like as we went through,
20 what, several hours of joint committee, another
21 several hours of individual committee, we set
22 up our random numbering, we came back, back
23 through and looked at what was something that
24 could withstand constitutional muster and
25 brought it to the floor and sent it to the

1 Senate, I thought we were -- or to the House, I
2 thought we were in good shape.

3 I recognize that the Plaintiffs submitted
4 a map. If the House looked at that map and
5 improved the metrics based on that map, it is
6 not something they did on their own or sua
7 sponte, Senator Diaz de la Portilla, it is
8 something that I thought was a worthy exercise.

9 So when that map came back and they were
10 able to go through and improve the metrics
11 because that is what counts frankly these days,
12 I thought it was something that was important,
13 and I am not going to bore you with the numbers
14 because we are so far past that.

15 I don't think anybody really cares about
16 that in this Chamber right now. But at the
17 same time like you, my skepticism remained
18 high. That is why we met and had staff
19 undertake what it did, that is why we spent an
20 inordinate amount of time looking into the
21 South Florida issue, looking at the law,
22 looking at Apportionment 7, having the review,
23 bringing in an expert to try to make sure that
24 we were not in fact impacting that region the
25 way that I had heard concerns about.

1 Senator Hays, same thing with your area.
2 I wanted to understand it just as much as you,
3 but understand it, Senator Legg, in the context
4 of Tier 1 and Tier 2 and all the while being
5 cautious that we were not responding in a way
6 that the Court, which will give great scrutiny
7 to this product, can deem that we were in some
8 way moving the needle from a partisan
9 perspective.

10 This product falls within those four
11 corners. Is it the best possible map? No.
12 Can you go and make it better and better? Yes.
13 Is it an exact science? No. That is why you
14 can infinitely improve the map. But is there a
15 science component that is required of us? Yes.
16 And I believe we have met that, and certainly
17 in the process we have met the Tier 1
18 component.

19 Now, as Majority Leader I am pretty good
20 at counting votes, too, President Gaetz, but I
21 am also confident that we have reasonable
22 people in this Chamber. And then when you back
23 away from the subjectivity that each of us have
24 when you approach this process, and let's be
25 honest about that, who was ever in this Chamber

1 handed a map during this process where your
2 eyes didn't go straight to your district.

3 Whether you wanted it to or not, that is
4 the vein of the Fair District Amendments, but
5 in being reasonable and looking at the big
6 picture and reminding ourselves of where we are
7 and what we are truly trying to accomplish
8 here, I think that you might reconsider and
9 support this conference report, and I ask you
10 to do that. Thank you, Mr. President.

11 PRESIDENT GARDINER: Senators, we have to
12 get in the proper posture here. So before we
13 actually unlock the board and we vote, without
14 objection show the report adopted. That puts
15 us in the proper posture to vote.

16 On the Bill as amended by the conference
17 committee report, the secretary unlock the
18 board and Senators will prepare to vote.

19 Have all Senators voted? Have all
20 Senators voted?

21 Secretary, lock the board and announce the
22 vote.

23 SENATE SECRETARY: Sixteen yays, 23 nays,
24 Mr. President.

25 PRESIDENT GARDINER: Based on your vote

1 the Bill, the conference report fails.

2 Senators, before we adjourn I want to
3 acknowledge and thank Senator Bill Galvano.
4 Senator Galvano, there will be very few regrets
5 that I have when I leave this body and I feel
6 very comfortable about what we tried to do
7 today. But one of the regrets that I will have
8 is I won't be here to serve with you when you
9 are President of this Chamber.

10 You have shown a willingness to take on
11 probably one of the most difficult challenges
12 to ever face this Senate, and with that I am
13 very, very proud of you and for that I thank
14 you.

15 Senators, we have completed our work and
16 now it is time to get back to our work and get
17 back to policy and get back to the things that
18 we care about.

19 We are going to adjourn today and we will
20 allow the clock to sine die run out by 3:00
21 tomorrow. That was the agreement, but upon our
22 adjournment I can assure you you probably
23 should head home.

24 We did our best, we did our job, and the
25 Courts will now have their time. With that

1 Senator Simmons, you are recognized.

2 SENATOR SIMMONS: Mr. President, for a
3 motion.

4 PRESIDENT GARDINER: You are recognized.

5 SENATOR SIMMONS: Mr. President, I move
6 that the Senate adjourn upon the call of the
7 President.

8 PRESIDENT GARDINER: Without objection the
9 Senate is adjourned.

10 (Whereupon, the proceedings were
11 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 85 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 9th day of November, 2015.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037