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HOUSE SELECT COMMITTEE ON REDISTRICTING

AUGUST 18, 2015

Reported by:
CLARA C. ROTRUCK
Court Reporter

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

2 SPEAKER CRISAFULLI: Members and visitors
3 in the gallery, please rise for the prayer
4 which will be offered today by Representative
5 Rogers. Representative Rogers, will you please
6 approach the well?

7 REPRESENTATIVE ROGERS: Thank you,
8 Mr. Speaker, and God bless Lord unto you,
9 Mr. Speaker and members. Please bow your heads
10 and render your heart and mind open as I ask
11 our Father pray to all that is humanity to
12 reduce me, reduce us so that we can hear from
13 him.

14 God, you are the potter and we are the
15 clay and we stand this morning signed, sealed
16 and delivered in total supplication to you so
17 you can mold us and guide us in a path of love,
18 fairness and respect for all.

19 God we know you love us, but to love you
20 you must trust, serve your people. This
21 population is counting on us. Give us
22 strength, knowledge and wisdom to do what is
23 pleasing to you and in the end grant us your
24 peace.

25 Heavenly Father, I ask you to bless our

1 country and all who dwell therein. Bless the
2 members of this house, our partners in the
3 Senate, our staff and our family who have given
4 so much for us to be here.

5 As I close, Father God I offer up a prayer
6 of Thanksgiving for your remaining mercies and
7 for your love and I ask my colleagues to join
8 me in agreement by saying, Amen. Thank you.

9 SPEAKER CRISAFULLI: The Clerk will unlock
10 the machine and the members will record their
11 presence. All members recorded their presence?
12 The clerk will lock the machine and announce
13 the presence of a quorum.

14 HOUSE SECRETARY: 102 members voting, a
15 quorum is present, Mr. Speaker.

16 SPEAKER CRISAFULLI: Members and visitors
17 in the gallery, please rise for the Pledge of
18 Allegiance. The Pledge will be lead by Speaker
19 Pro Tem Matt Hudson from his chair.

20 (Whereupon, the Pledge of Allegiance was
21 recited.)

22 SPEAKER CRISAFULLI: Are there questions
23 to the journal? Hearing none, show the journal
24 approved.

25 Are there matters on introduction in

1 reference?

2 HOUSE SECRETARY: None on the desk,
3 Mr. Speaker.

4 SPEAKER CRISAFULLI: Are there
5 communications?

6 HOUSE SECRETARY: None on the desk,
7 Mr. Speaker.

8 SPEAKER CRISAFULLI: Are there messages
9 from the Senate?

10 HOUSE SECRETARY: None on the desk,
11 Mr. Speaker.

12 SPEAKER CRISAFULLI: Are there reports of
13 stated committees and subcommittees?

14 HOUSE SECRETARY: None on the desk,
15 Mr. Speaker.

16 SPEAKER CRISAFULLI: Are there reports of
17 select committees?

18 HOUSE SECRETARY: None on the desk, Mr.
19 Speaker.

20 SPEAKER CHRISAFULLI: Are there motions
21 relating to committee and subcommittee
22 references? Are there the matters on
23 reconsideration? Are there Bills or joint
24 resolutions on third reading?

25 HOUSE SECRETARY: On the desk,

1 Mr. Speaker.

2 SPEAKER CRISAFULLI: Read the first Bill.

3 HOUSE SECRETARY: By Representative Oliva,
4 House Bill 1-B, a Bill to be entitled an act to
5 establishing congressional districts of the
6 state.

7 SPEAKER CRISAFULLI: Representative Oliva,
8 you are recognized to explain the Bill.
9 Members, could we have your attention? If you
10 would, if you have conversations, please take
11 them off to the side.

12 Representative Oliva, you are recognized
13 to explain the Bill.

14 REPRESENTATIVE OLIVA: Thank you,
15 Mr. Speaker. This is the congressional
16 redistricting map that we explained yesterday.
17 That is the Bill.

18 SPEAKER CRISAFULLI: Are there Minutes on
19 the desk?

20 HOUSE SECRETARY: None on the desk,
21 Mr. Speaker.

22 SPEAKER CRISAFULLI: Is there debate? Is
23 there debate? Representative Wood in debate.

24 REPRESENTATIVE WOOD: Thank you,
25 Mr. Speaker. Members, you heard me yesterday

1 talk about our oath of office and I want to
2 start out my remarks by repeating those solemn
3 words that we swear, we solemnly swear that we
4 will support, that I support, protect and
5 defend the Constitution and government of the
6 United States and of the State of Florida, and
7 so forth.

8 Article II, Section 5 of our Florida
9 Constitution, well, you can laugh, but the most
10 important part is at the very end of that
11 statement, so help me God. We then need to
12 look at why we are here today and we go to the
13 U. S. Constitution, Article I, Section 4, the
14 times, places and manner of holding elections
15 for Senators and Representatives shall be
16 prescribed in each state by the Legislature
17 thereof.

18 Now, that language to me seems fairly
19 clear, but on June 29th of this year the United
20 States Supreme Court in a five/four decision
21 that many observers say is one of the worse
22 cases of judicial activism or judicial creation
23 of law that has ever originated out of that
24 august body said that those words don't mean
25 the Legislature.

1 It said that those words mean anything
2 approved by the people of the state and put
3 into their Constitution. The justification
4 being that the voters should choose their
5 Representatives and not the other way around.

6 Now, in this decision of the Florida
7 Supreme Court they used that case for the basis
8 giving them the power to interpret Article III,
9 Section 20, which we know is the Fair District
10 Amendment which I shall read briefly, not the
11 entire, I will read the appropriate part, not
12 the entire section.

13 "In establishing congressional district
14 boundaries, A, no apportionment plan or
15 individual district shall be drawn with the
16 intent to favor or disfavor a political party
17 or an incumbent, and districts shall not be
18 drawn with the intent or result of denying or
19 abridging the equal opportunity of racial or
20 language minorities to participate in the
21 political process or to diminish their ability
22 to elect Representatives of their choice and
23 districts shall consist of contiguous
24 territory."

25 You will note that nowhere in that

1 language does it state that the Florida Supreme
2 Court will draw those districts. I have
3 already stated the basis for drawing the
4 districts. It is the U. S. Constitution, and
5 that Constitution says that this Legislature
6 will draw the districts. Yet in this opinion
7 from the Florida Supreme Court there is created
8 a potential state of mind applicable to all 120
9 members of this body and to our 40 brothers and
10 sisters down the hall. The five majority
11 Justices have called it unconstitutional
12 intent.

13 I wasn't aware that I possessed this
14 affliction when I voted for the current map
15 last year. Now I am a simple country lawyer,
16 and I know that intent is an important legal
17 concept in both criminal and civil law that is
18 determined by a trier of fact on the evidence
19 presented, but I don't think that is what this
20 unconstitutional intent is all about.

21 In fact, the Trial Judge that issued the
22 Final Judgment that was the genesis for this
23 Supreme Court decision declared at page 16 of
24 the Final Judgment or page 146 of the Supreme
25 Court opinion, it is very difficult, however,

1 to know when such evidence establishes not just
2 individual intent or motive, but the intent or
3 active -- the intent or motive of the
4 collective body.

5 In other words, what is in all of our
6 minds when we vote on these maps? So -- and
7 the conundrum of this legal creation is
8 addressed in the dissent, it is just something
9 they have created. So the majority Justices in
10 this opinion have utilized the Arizona decision
11 of the U. S. Supreme Court to interpret the
12 language of Article III, Section 20 of the
13 Florida Constitution, and in my opinion in a
14 way that violates the separation of powers. In
15 plain language, it is a power grab.

16 And there is no authority in our Florida
17 Constitution for the Florida Supreme Court to
18 draw the congressional districts, because let's
19 look in our Florida Constitution.

20 Let's look at Article III, excuse me,
21 Article II, Section 3, "Branches of government.
22 The powers of the state government shall be
23 divided into legislative, executive and
24 judicial branches. No person belonging to one
25 branch shall exercise any powers appertaining

1 to either of the other branches unless
2 expressly provided in the Florida
3 Constitution."

4 So, members, it is plain from our
5 Constitution, they have no power to draw these
6 maps, and if they do there is another
7 applicable article on the Florida Constitution
8 that we need to look at, and that would be
9 Article III, Section 17, impeachment.

10 The Governor, Lieutenant Governor, members
11 of the Cabinet, Justices of the Supreme Court,
12 Judges of District Courts of Appeal, Judges of
13 Circuit Courts and Judges of County Courts
14 shall be liable to impeachment for misdemeanor
15 in office.

16 There is no worse misdemeanor in this
17 state than violating this sacred document. I
18 will be voting no on all plans and allow the
19 currently enacted map to remain the law. If
20 the Florida Supreme Court decides to violate
21 the U.S. Constitution and the Florida
22 Constitution by declaring a map, the people of
23 Florida will expect their duly elected Senators
24 and Representatives to uphold their sacred
25 oaths, to uphold both the U.S. and Florida

1 Constitutions.

2 Thank you, Mr. Speaker.

3 SPEAKER CRISAFULLI: Further debate?

4 Representative McBurney in debate.

5 REPRESENTATIVE MCBURNEY: Thank you,
6 Mr. Speaker. Members, I don't rise in support
7 of this Bill, but I will vote for it and I
8 understand the frustrations that Representative
9 Wood brought, but I think it is incumbent upon
10 us to do what our obligation under the
11 Constitution is.

12 I have practiced law for gosh now about 33
13 years, and I got to tell you along with many of
14 my colleagues, Representative Wood among
15 others, and certainly Justice Kennedy and the
16 Justice Polston, be dismayed and disappointed
17 at the decision by the majority of the Court.

18 Justice Kennedy put so eloquently the
19 majority of the Court, which is the opinion
20 which is now law, the majority of the Court
21 overstepped its bounds. Overstepped its bounds
22 by not acting as the Appellate Court, but
23 reweighing the evidence, a determination of
24 facts that were not determined by those at the
25 Trial Court level, which I can tell you as a

1 lawyer is unprecedented and wrong.

2 The Court more seriously in my opinion
3 overstepped its bounds as a branch. It
4 overstepped its bounds by abridging the
5 legislative branch by dictating, essentially
6 dictating to our body core legislative
7 functions that this body and only this body
8 should perform.

9 Aside from those issues that were raised
10 by Justice Kennedy, there was one other matter
11 in my opinion that was raised at the committee
12 meetings, the very first one that I raised at
13 the Joint Committee Meeting, and then at the
14 House Select Committee Meeting, and it was
15 raised in questions of Chair Oliva, and that
16 was on pages 79 and 80 of the Court decision
17 where when dealing with Congressional District
18 5 the Court mandated an east/west configuration
19 of District 5, even though it was abundantly
20 clear that that district was drawn with the
21 intent to favor a political party.

22 The Court completely disregarded that and
23 made it abundantly clear, and as such what we
24 are doing and what our staff in drawing the map
25 have done, is that we have used the

1 challengers' map under the direction of the
2 Court even though, as the Court clearly points
3 out, and has been discussed on this floor, that
4 district was drawn to favor or disfavor a
5 particular political party.

6 Now, I do want to digress for just a
7 moment and mention something about staff,
8 because it was raised during the, some of the
9 question periods at all three, yesterday and at
10 the other two meetings, and the staff drawing
11 the maps.

12 One thing that the Appellate Court did not
13 change was the finding of the Trial Court that
14 the staff members who drew the maps were frank,
15 straightforward, it was frank and
16 straightforward and candid, I believe. Their
17 integrity is without question, and the way of
18 setting up this process quite frankly I don't
19 think it could have been done any other way,
20 but despite our misgivings of what the Court
21 has done we have an obligation.

22 Under our system of government it is the
23 Supreme Court which determines the law. It
24 determines what the law is as to our
25 Constitution and it is something that we have

1 to abide by.

2 Now, Chair Oliva pointed out yesterday
3 that we would look for reform, and I think
4 reform is welcome, and I am hoping that the
5 members in the weeks and the months to come
6 present their ideas of reform to restore the
7 legislative, the balance between the
8 legislative branch and the judicial branch, but
9 those reforms are not before us this day.

10 What is before us this day is this Bill,
11 and with the work of staff and then through the
12 work of the committees there is a map which I
13 believe gives us the best chance to pass
14 constitutional muster and at least for us to do
15 our job and our duty regardless of whether we
16 feel the Supreme Court did theirs.

17 And so, members, I do not rise in support
18 of this Bill, but I will vote for it, and I
19 urge my colleagues to do likewise.

20 SPEAKER CRISAFULLI: Representative Geller
21 in debate.

22 REPRESENTATIVE GELLER: Thank you,
23 Mr. Speaker. I certainly have nothing but
24 enormous professional respect for my two
25 colleagues who have just spoken on this issue,

1 and someone who has also practiced law for 35
2 years, I do have to disagree to some extent
3 with the premise and I think somebody needs to
4 speak in favor of the Supreme Court majority
5 opinion.

6 Let me just say, Representative Wood, I am
7 also a simple country lawyer. I got my start
8 practicing law not far from here, right in
9 Wakulla County. But the fact of the matter is
10 that we have to be candid about the history of
11 legislatively approved reapportionment,
12 particularly in our state, and it is not a new
13 thing to have the courts review it.

14 It goes all the way back and I know
15 attorneys in the room know to Baker versus
16 Carr, and this state historically, as
17 apportioned by the Legislature had, sad to say,
18 a very bad history during the days of the pork
19 chop gangs when this was one of the worst
20 apportioned states in the United States, and
21 the courts had to step in at that point to
22 provide for one person, one vote, although they
23 didn't quite use that phrase, it being a little
24 bit less enlightened era, and it is not new for
25 the courts to play that role.

1 And I for one think that our majority
2 State Supreme Court opinion is exactly correct
3 in stating that the process that was used in
4 the past was flawed and it was the right thing
5 for the Court to order us to try to fix that
6 and note that they did not jump in and just do
7 it. They sent it back here and along with
8 Representative McBurney I agree now it is
9 incumbent on us to try to find some process to
10 comply with a lawful order.

11 I just want to say one other quick thing
12 and I know there was some discussion about it
13 yesterday. The fact is the Legislature is a
14 political body. That is how we got here and
15 that is the nature of this beast. The citizens
16 of our state have said they no longer want that
17 political intent to govern apportionment, and I
18 think that is -- that is spot on with the
19 tradition that has been built in the legal
20 precedent since Baker versus Carr in the mid
21 60's.

22 So the reality is, a political body, and I
23 say this not to be critical of anybody here. A
24 political body acts politically, and if our
25 reapportionment is now to be done in an A

1 political manner, it will have to be done by an
2 independent commission, because we are who we
3 are and we get how we get here and if that is
4 not the right path we need a different path.
5 Yes, we need reform. The reform is to have and
6 it is close to an A political body as can be
7 created to handle this in the future.

8 But we are here for a reason and as
9 Representative McBurney said, the law is that
10 that is what the Supreme Court's job is. They
11 have returned it to us, let's do our jobs.
12 Thank you, Mr. Speaker.

13 SPEAKER CRISAFULLI: Further debate?
14 Representative Hill in debate.

15 REPRESENTATIVE HILL: Thank you,
16 Mr. Speaker. Members, our Constitutions are
17 under attack. The United States and Florida
18 Constitutions have been assaulted. We all
19 stated the following oath, I do solemnly swear
20 that I will support, protect and defend the
21 Constitution and government of the United
22 States and of the State of Florida. That I am
23 duly qualified to hold office under the
24 Constitution of the state and that I will well
25 and faithfully perform the duties on which I am

1 about to enter, so help me God.

2 And as a commissioned officer in the
3 United States Air Force I said a similar oath.
4 I do solemnly swear that I will support and
5 defend the Constitution of the United States
6 against all enemies, foreign and domestic.
7 That I will bear true faith and allegiance to
8 the same and I take this obligation freely
9 without any mental reservation or purpose of
10 evasion, and that I well and faithfully
11 discharge the duties of the office on which I
12 am about to enter so help me God.

13 Now, any member who is a veteran
14 recognizes that oath and also recognizes that
15 the oath is a lifetime commitment. We are
16 still bound by that oath. Members, when you
17 took your oath it elevated you to the same
18 position as the young men and women who are
19 currently in our military and deployed around
20 the world to support and defend our
21 Constitution, willing to put their lives on the
22 line to defend our Constitution.

23 Indeed, my 19-year-old son volunteered to
24 become a member of the most magnificent
25 military force the world has ever seen,

1 Infantry, First Battalion, Sixth Marines, Bravo
2 Company of the United States Marine Corps. I
3 refuse to turn my back on my son, military
4 members serving our country, the citizens of
5 Florida and to my God by not upholding my oath.

6 Allow me to describe to you the violence
7 that is being committed upon our United States
8 and Florida Constitutions.

9 The Florida Supreme Court is playing a
10 most dangerous game. Under the guise of
11 Sections 20 and 21 of Article III of the
12 Florida Constitution, Florida's New
13 Redistricting Amendments, the Court is
14 systematically rewriting the Constitution.
15 Most significantly the Court has cast aside a
16 notion of separation of powers so vital to our
17 republic and indeed our state. We must act
18 now.

19 The Federalist papers remind us that the
20 accumulation of all powers, legislative,
21 executive and judiciary in the same hands
22 whether one, a few or many may justly be
23 pronounced the very definition of tyranny.
24 James Madison, Federalist number 47.

25 The Florida Supreme Court seems to have

1 forgotten this most basic tenant through
2 exception after exception justified almost
3 always by the same five to majority the Florida
4 Supreme Court continues to chip away at this
5 Legislature's power under the Florida
6 Constitution and our common law.

7 The Court has held that the Legislature is
8 no longer entitled to the presumption that it
9 its enactments are valid. Its members are no
10 longer entitled to the protections afforded by
11 the legislative privilege and must instead
12 submit to interrogations concerning their
13 legislative actions as members can no longer
14 conduct legislative business consistent with
15 the legislator's own internal operating
16 procedures, and the Legislature must draw
17 Florida's congressional districts as
18 specifically directed by the Court.

19 We are told that these exceptions are
20 necessary because I quote, this litigation is
21 unique and it impacts the statewide operation
22 of government. By contrast the Florida Supreme
23 Court has conferred on itself added powers. In
24 its most recent opinion the Court took the
25 characteristically unprecedented step of

1 retaining jurisdiction over the redistricting
2 case after having decided the case. Stated
3 differently, the Court conferred on itself the
4 functions traditionally reserved for Florida's
5 Trial Courts.

6 The Court also redrew Florida's Fifth
7 Congressional District, discarding the district
8 drawn by the Legislature's professional staff
9 and in favor of a surplanted the role of
10 Florida's Trial Courts, but the Florida Supreme
11 Court has done just that.

12 Section I of Article 3 of the Florida
13 Constitution vests all legislative power in the
14 Florida Legislature, and Section 16 of Article
15 III makes clear that this legislative power
16 includes the power to apportion the state into
17 Congressional, State House and State Senate
18 Districts. That the Florida Supreme Court has
19 conferred on itself the power to apportion the
20 state has already redrawn Florida's Fifth
21 Congressional District.

22 Section 3 of Article III empowers only the
23 Governor and the Legislature to call a special
24 session of the Legislature. But the Florida
25 Supreme Court has now effectively called a

1 special session of the Florida Legislature. To
2 be clear, the citizens of Florida never voted
3 to rewrite Section 3, Article C or Sections 1,
4 3 and 16 of Article III of the Florida
5 Constitution when they approved the
6 Redistricting Amendments.

7 The Citizens of Florida never conferred on
8 the Florida Supreme Court the authority to
9 ignore well established law or otherwise
10 rewrite the Florida Constitution to serve an
11 outcome that a five member majority of the
12 Court might desire.

13 The Florida Supreme Court has gone too
14 far. I thus propose the following. First, we
15 should not redraw Florida's congressional
16 districts. We have undertaken this task twice
17 before, only to be told that we did not comply
18 with ever changing judicial standards.

19 Second, should we decide or be compelled
20 to redraw congressional districts we should
21 invite the Florida Supreme Court to appear
22 before us so they might share with us their
23 thoughts on redistricting. This open and
24 transparent discussion will be consistent with
25 the Florida Supreme Court's own decisions.

1 It would allow us to ask questions of the
2 Justices so that we might better comply with
3 the Redistricting Amendments, while bringing an
4 end to this game of redistricting ping pong to
5 which we have become unwilling participants.
6 And as the Florida Supreme Court's
7 redistricting decisions require, this
8 discussion with the Justices and a review of
9 their internal papers would allow us to inquire
10 into the Court's motives to assure that the
11 Court's decisions were not motivated by any
12 improper partisan intent.

13 Of course, should the Justices of the
14 Florida Supreme Court choose not to accept our
15 invitation, we should exercise our subpoena
16 powers under Section 5 of Article III of the
17 Florida Constitution to compel their attendance
18 and compel the disclosure of their papers.
19 Surely if the Court has taken on a task of
20 drawing districts as it clearly has for
21 Florida's Fifth Congressional District, the
22 Court must be willing to subject itself to the
23 same kind of scrutiny to which it continues to
24 subject the Legislature.

25 Indeed, the Court said as much when it

1 approved ballot language for the redistricting
2 amendments, and I quote, "The proposed
3 amendments have one chief purpose, to provide
4 the Legislature with guidelines to follow when
5 it draws legislative and congressional
6 boundaries. Thus it is logical that the titles
7 will only reference the Legislature. Although
8 the Legislature might ultimately fail to comply
9 with these standards, this contingency does not
10 translate to a need for the ballot titles to
11 indicate that the standards apply to the
12 judiciary. Rather it can logically be presumed
13 that the Legislature fails to comply with the
14 Constitution and follow the applicable
15 standards, the entity responsible for drawing
16 the boundaries must also comply with these
17 standards. The failure to mention the
18 judiciary in a ballot title does not render
19 this misleading."

20 Simply put, now is the time for bold
21 action. We must act to reassert our primacy on
22 legislative matters. We must check the Florida
23 Supreme Court's efforts to re-write our
24 Constitution, redraw our congressional
25 districts and recast our most basic notions of

1 good government, like the separation of powers,
2 as being subservient to redistricting
3 amendments who's meaning only five members of
4 the Court seem to know.

5 Accordingly, judicial deference must now
6 give way to our abiding duty to uphold the
7 Florida Constitution and preserve the integrity
8 of this Legislature.

9 Now, something else military members will
10 recognize, that while under the Uniform Code of
11 Military Justice there is never an obligation
12 to obey an unlawful order.

13 The Florida Supreme Court's opinion is an
14 unlawful order. Our constitution allows the
15 Supreme Court to offer an opinion, but it is a
16 myth to say that they are the final arbiter of
17 us. The legislative branch writes the laws.

18 Members, in 2012 the Florida Legislature
19 in good faith and with pure intent drew
20 Congressional State Senate and State House
21 districting maps as our Florida Constitution
22 requires.

23 I urge you now to accept your proper
24 authority vested upon you by our Constitution
25 and not vote for these new maps.

1 Thank you, Mr. Speaker.

2 SPEAKER CRISAFULLI: Further debate?

3 Representative Rodrigues in debate.

4 REPRESENTATIVE RODRIGUES: Thank you,
5 Mr. Speaker, and good morning, members, it is
6 good to see many of you, or all of you
7 actually. I didn't want to be selective there.

8 I hadn't planned on speaking today in
9 debate, but I rise for the purpose of defending
10 the role of our courts in our system of
11 government. And that role of the courts from
12 what I am hearing is under a dangerous and
13 troubling rhetorical assault by several members
14 here in this body, and I rise to speak about
15 that.

16 We are not here to vote on this map today
17 because the Florida Supreme Court has
18 overstepped. We are not here because the
19 Supreme Court is violating the separation of
20 powers and its ruling is not extra judicial.
21 We are here because this Legislature violated
22 the Constitution.

23 The Florida Supreme Court describes a
24 shadow redistricting process which operated at
25 the same time as a public redistricting

1 process. Paid partisan operatives had access
2 to staff. They and legislative leadership used
3 private e-mails, private meetings and Drop Box
4 to manipulate the public process as the shadow
5 process went on.

6 We then as a body spent millions of
7 dollars in taxpayer money to try to make sure
8 that the public and the Court system did not
9 uncover how that went down. That is why we are
10 here.

11 I very much appreciated Chair Oliva's
12 remarks yesterday in presenting the map. The
13 judicial branch is the one that interprets and
14 enforces the Florida Constitution, period. It
15 is the final arbiter, period, on what our
16 Constitution requires. And I just felt
17 compelled to stand today as we get ready to
18 vote on this map, just to say that we again we
19 are not here because the Florida Supreme Court
20 has overstepped.

21 We are here because the Legislature has
22 overstepped and violated the Constitution.
23 Thank you.

24 SPEAKER CRISAFULLI: Representative Torres
25 in debate.

1 REPRESENTATIVE TORRES: Thank you,
2 Mr. Speaker. Mr. Speaker, today I rise because
3 I have great concerns with regard to House map
4 concerning CD 9, it is my district. I have
5 seen our votes or our percentages.

6 We had originally and before 2014 special
7 session, we had 41 percent of the Latino and
8 Puerto Rican population voting in my district.
9 We came up here for special session regarding
10 District 5 and District 10, but was that done?
11 We changed and we moved into CD 9 and we
12 changed, we diluted some of the voters from my
13 district. It went from 41 to 38.

14 Today with the House map as I ask the
15 questions, we lost more voting rights for the
16 Hispanics, the Latinos in my district, to
17 32 percent. I want my district. I have the
18 pulse of the people, I am not an attorney. So
19 I am not a good old country lawyer, but I am a
20 public servant. I represent the people in my
21 district.

22 I look at the population growth from
23 Puerto Rico coming into my district and I have
24 concerns because as we stand here we always
25 ask, are we going to vote for somebody in our

1 district who is going to represent us, and that
2 is the major question, but when you dilute
3 their votes, when you move them around you take
4 that power away from them.

5 CD 9 was a compact Tier 1, Tier 2 whatever
6 I want to name it, district. There was nothing
7 wrong with it. We were doing fine, but I don't
8 know, somebody decided to start diluting the
9 Hispanic votes. We have a job to do and this
10 time I look at this special session and I don't
11 feel that it has the best interest for the
12 Latino voters in my district. So I ask you to
13 vote against this Bill.

14 Thank you, this map.

15 SPEAKER CRISAFULLI: Representative Taylor
16 in debate.

17 REPRESENTATIVE TAYLOR: Thank you,
18 Mr. Speaker. And let me just say, Mr. Speaker,
19 you were one of the best Speakers that I have
20 had the opportunity to have served under. You
21 are truly a gentleman.

22 And I originally wasn't going to speak on
23 this. This is my third congressional map I am
24 voting on, the third one and I sat on the
25 original committee, subcommittee for

1 congressional redistricting. And now we are
2 here today to talk about, again, what seems to
3 be something that is just extremely
4 fundamental, but we are talking about the
5 Supreme Court and what their opinion was. And
6 I must remind you, members, that we are not the
7 only ones who write laws. Remember, Fair
8 District was a law that was written by the
9 people, not us.

10 It didn't come out of this chamber. So
11 when they had to interpret the Fair District
12 law they didn't have our input on that nor did
13 they need it. That was a law created by those
14 folks who are all sent us here. And so I think
15 it would be irresponsible for the Supreme Court
16 not to give us some kind of remedy on what they
17 thought was wrong with the map that would make
18 it constitutional.

19 Now, I know many of you lawyers, you argue
20 in front of the Judge and sometimes you are
21 ruled against by the Judge. Wouldn't you want
22 to know why they ruled against you? I mean, at
23 least I would want to know why. Maybe there is
24 something that can be corrected. And I have to
25 give it to the staff, they did what they were

1 asked to do and I want to commend the staff on
2 doing a great job of trying to bring this map a
3 little closer to what would be constitutional.

4 Now, if the Supreme Court did not give us
5 any kind of direction and we just went back and
6 drew another map, there would be a stronger
7 possibility that that map would be more
8 unconstitutional. So at least we took a step
9 in the right direction by trying to address the
10 remedies that were outlined in the opinion by
11 the Supreme Court, who I thought, you know, did
12 -- are doing a wonderful job. At least they
13 let us know what was wrong.

14 And so with that, members, I just want you
15 to be aware that they are not necessarily
16 overstepping their boundaries. They are not
17 doing something that is outside of what they
18 are responsible for doing.

19 Thank you, Mr. Speaker.

20 SPEAKER CRISAFULLI: Further debate?
21 Further debate? Representative Jacobs in
22 debate.

23 REPRESENTATIVE JACOBS: Thank you,
24 Mr. Speaker, and I have to say you are the best
25 Speaker that I have ever served on as well.

1 So, you know, in saying that though, the
2 truth is that if we had the kind of rules that
3 were set by the leadership of this chamber the
4 last time we took up this map or the time
5 before we took up this map, if we had
6 leadership that said, this is going to be a
7 very open process. If we had leadership that
8 had put their foot down and made sure that the
9 process was going to be different than it has
10 been in the past we wouldn't be here today.

11 The outrage that has been expressed by
12 some in this room I find quite laughable
13 actually. To suggest that the Supreme Court is
14 the one that is thumbing its nose at our
15 Constitution when it was our prior colleagues
16 that did it, it was members of this
17 Legislature, of this House, our Senate.

18 It was members that knew that the
19 documents that led up to creating the creation
20 of these maps were being challenged and hit the
21 delete button. For those of you that haven't
22 read the Supreme Court's decision, it is quite
23 amazing. It reads to me like a movie script.

24 In fact, I almost expect at any moment
25 Tallahassee's version of Jack Nicholson to jump

1 up and scream, you want them on that wall, and
2 you know, just -- just to recap, page 39,
3 ultimately, based on the evidence the
4 challengers uncovered and presented at trial
5 the Trial Court found that there was quote,
6 "just too much circumstantial evidence, too
7 many coincidences to reach any conclusion other
8 than the political operatives had infiltrated
9 and influenced the Legislature in order to
10 obtain the necessary cooperation and
11 collaboration to taint the redistricting
12 process and the resulting map with improper
13 partisan intent."

14 And here is one of my favorite lines.

15 Well, it is sometimes said that it is hard
16 to believe in coincidence. The Trial Court
17 determined that in this case as the saying
18 goes, it was even harder to believe in anything
19 else. After reviewing all of the evidence both
20 direct and circumstantial the Trial Court has
21 concluded that the plan was drawn with improper
22 partisan intent.

23 And they said further that this wasn't the
24 intent of some rogue staff member or some
25 legislator, it was the body. And so the

1 process that brings us here today and the map
2 and this Bill that is before us today is not by
3 any means perfect.

4 If it was perfect we would have been given
5 a lot more time to come together with a map,
6 but, in fact, we were given a lot more time
7 twice, third time is the charm. So when I look
8 and wonder as someone said earlier mistakenly
9 that it was a five/four vote of the Supreme
10 Court. In fact, it wasn't, it was five/two.
11 This was not a divided court. This was an
12 underscore telling us that we did not do it the
13 right way.

14 And the process that is before us today
15 there are those of us that like it and those of
16 us that don't, and we are all going to vote the
17 way that we do, but make sure that we
18 understand that when we took our oath so, too,
19 did the Supreme Court and so, too, in my
20 opinion has the Supreme Court acted in the most
21 appropriate way, and so, too, should we be
22 expressing our outrage at what has brought us
23 here today and to look at this process as what
24 has come before us up until a very tainted
25 political process, one that needs reform and it

1 is my greatest and most sincere hope that this
2 body has the strength and the character and the
3 spine to take this on and make sure that we
4 never have to find ourselves in this position
5 again.

6 Thank you, Mr. Speaker.

7 SPEAKER CRISAFULLI: Further debate?
8 Further debate? Representative Stark.

9 REPRESENTATIVE STARK: Thank you,
10 Mr. Speaker. Originally I hadn't planned on
11 talking about this issue. I think I came here
12 I wanted to take the easy way out, get back to
13 work, run my business. I mean, it is like the
14 session that never ended, but we were elected
15 for a very good reason and I know we have all
16 of these talks about, you know, the
17 Legislature, it should be equal to the Supreme
18 Court and the Courts and the Executive Branch.
19 I still think that is valid.

20 I don't think that the Courts have really
21 taken any additional power. We still have the
22 power to legislate and do what we have to do,
23 even we have to today make a decision. You
24 know, and as far as quotes, I was thinking of,
25 you know, what kind of interesting quote could

1 I come up with and the first thing that popped
2 into my mind was Bob Dylan, you don't need a
3 weather man to know which way the wind blows.

4 Well, which way does the wind blow? The
5 voters are electorate. The public has -- and I
6 haven't met anybody out there from either side
7 of the political aisle from conservative to
8 liberal to whatever who hasn't told me that
9 they can't stand the reapportionment process.
10 Everywhere, everybody I talk to, and, you know,
11 you go back to the founding of the country and
12 we talk about the U. S. Constitution.

13 Well, the Constitution did not take into
14 effect factions. I mean, George Washington
15 hated the idea of factions, and thought that
16 they were the wrong thing and when the
17 Constitution was written they didn't talk about
18 that. They said the Legislature is going to do
19 that. They knew there would be some
20 disagreements, but it is just our nature to
21 want to work together in groups. You see it
22 everywhere in the world.

23 Now, I am glad that, you know, we don't
24 make these decisions and then the group that
25 didn't get what they wanted, you know, then has

1 a violent revolution. I mean, it is actually
2 this is good what we are doing. I don't like
3 being up here, but it is good, we are doing the
4 right thing, we are trying to do and interpret
5 what the Courts have asked us to do. And, you
6 know, as my colleague said here, it wasn't a
7 close decision, you know.

8 They took a look at what the voters voted
9 for overwhelmingly that we do, that we don't do
10 it the same old same old, that I am glad that
11 my other colleague talked about how Florida
12 really has really taken advantage of the
13 reapportionment process.

14 So my only parting thing is that, you
15 know, I know that the people did the right
16 thing in drawing up these maps. They probably,
17 they are probably okay, but, you know, we keep
18 doing it the same way, and really, trust me, I
19 understand that we are by far the, you know, we
20 have a -- the Republicans have a much bigger
21 majority here and, you know, I understand the
22 process, but it really, really I would have
23 liked it that if somewhere in the process
24 really took the bipartisanship and tried to do
25 it even if it was behind closed doors, not, you

1 know, in the committee process, it just, I
2 would have liked that, and I think that that
3 may have made more sense to the voters out
4 there, to the public out there that, you know,
5 we really were truly bipartisan in this and try
6 to craft something here.

7 So these are just my statements. I mean,
8 I just more than likely just for that reason
9 vote against this, but I do appreciate all the
10 hard work that everybody does here and I do
11 appreciate the fact that most people do really
12 want to work together and are civil most of the
13 time.

14 So thank you, Mr. Speaker, for my time
15 here and thank you, everybody.

16 SPEAKER CRISAFULLI: Representative Gaetz
17 in debate.

18 REPRESENTATIVE GAETZ: Thank you, Mr.
19 Speaker. I am glad that Representative Stark
20 got the chance to address the body before I
21 did. Up until the part where he said he was
22 going to vote against the maps, I agreed with
23 every single word that Representative Stark
24 said, and I actually think that the theme of
25 his remarks should have broader application

1 than just our analyzes of these maps.

2 I mean, who among us in our communities
3 don't see factions developing, Republican or
4 Democrat when we see the challenges in our
5 urban cities around the country. When we see
6 the divisiveness in our politics, I think all
7 of our hearts break and I am glad that it has
8 been a hallmark of this institution and this
9 Legislature that when possible we do find ways
10 to work together, in our committees, on the
11 floor.

12 We take amendments regardless of who
13 offers them or what party they are a member of.
14 We include our colleagues in the important
15 decisions that effect 20 million Floridians.
16 So while I think that this session and this day
17 in no way marks our finest hour as a
18 Legislature, I do think there is a lot to
19 celebrate in how we comport ourselves and how
20 we will continue to do so under the coming
21 leadership in both poor parties and in both
22 chambers.

23 Here is where my remarks will deviate a
24 bit from some of my colleagues. I think that
25 this is the wrong time to be -- to getting on

1 our high horse and criticizing the Court. For
2 goodness sake, I mean, look at our
3 reapportionment process that we engaged in some
4 years ago. Senate, House, Congressional, we
5 put everybody together and we went on this road
6 show around the state listening to public
7 comment.

8 So it was really one reapportionment
9 process. I think that is how the public views
10 it and that is the lens that many of us used to
11 evaluate reapportionment. When litigation we
12 have got these different cases, the Senate
13 case, the Congressional case, who knows, there
14 may even be a State House case that comes down
15 the road. But we are here today in my opinion
16 because our partners in the Florida Senate
17 worked with the Petitioners, didn't work with
18 the House and then showed up before the Courts
19 and said, we broke the law. We engaged in
20 unconstitutional conduct.

21 So when you have got legislators
22 confessing to unconstitutional conduct, I don't
23 know that when we return to try to cure those
24 deficiencies that that is the appropriate time
25 to then be critical of another branch of

1 government. So how can we, how can we make
2 progress out of this? How do we move forward?
3 How do we get to business of doing the good
4 work that Chairman Oliva has done and how do we
5 find a way back to our districts and get to the
6 real work of the people of Florida?

7 Well, the Court was pretty clear on how to
8 do that and I think that some criticism as to a
9 micro management by the Court on this is
10 exactly what you have to do, that may be fair
11 criticism, we could have that rationale debate,
12 but they were in my opinion pretty
13 prescriptive.

14 They said you got to lock these
15 cartographers in a room, you know, destroy
16 their food, shut off their e-mail and give them
17 no contact with the outside world. They are
18 going to draw some maps, they are going to spit
19 them out and so long as those maps meet with
20 the constitutional requirements, we need to get
21 to the business of passing them, and that is
22 what I intend to do.

23 That is why I think, I mean, look,
24 Representative Oliva was so clear. I mean, he
25 walked us through his stages of grief yesterday

1 when he explained the math about all of the
2 different things, all of the different options
3 that he evaluated, and he brought us the one
4 option we have, and rather than lamenting it
5 and rather than jumping all over the Court,
6 rather than forecasting court reform, I don't
7 really think this is the right time to do that,
8 let's just go ahead and pass the maps and I
9 think that we are acting responsibly in the
10 House in doing that.

11 But meanwhile across the rotunda they are
12 tinkering with the maps. The nerve. I mean,
13 these, in the Florida Senate they admitted they
14 broke the law, didn't tell us, worked with the
15 Petitioners, showed up and said we broke the
16 law. Then they accepted this terrible burden.

17 We as legislators enjoy a presumption of
18 correctness and of constitutionality when we
19 pass laws. That is something that goes back to
20 the foundation of our state. When we pass a
21 law someone has to prove that it is
22 unconstitutional or that we acted
23 impermissibly.

24 Well, the Senate agrees with the
25 Petitioners that we no longer enjoy that

1 presumption of constitutional conduct. We now
2 have to prove that we were constitutional,
3 someone else doesn't have to prove that we were
4 unconstitutional, and for reasons that I cannot
5 understand we didn't object. If the House has
6 any sin in all of this we should have stood up
7 and said, the Florida Senate does not have the
8 ability unilaterally to surrender the
9 legislative presumption of correctness, but we
10 didn't object.

11 So here we are. And frankly, though we
12 will pass these maps and somehow work with the
13 Senate on the tinkering that they have done, my
14 prediction is that we will never be able to
15 overcome that burden.

16 I mean, how do you prove a negative? What
17 fact pattern have we developed to be able to
18 prove that we didn't intend to favor or
19 disfavor Congressman Webster or Congresswoman
20 Brown. I mean, I think ultimately this leads
21 to the Court taking some other extraordinary
22 remedy, but that won't be decided today.

23 Here is what we have got to decide. Are
24 we still going to be the House. Are we still
25 going to be the institution that has never been

1 found to have acted with partisan intent to
2 favor or disfavor incumbents. We have never
3 agreed that we broke any laws.

4 What we did was we went and drew maps and
5 we served them up and in this process of mutual
6 deference the Court said that those maps didn't
7 comport with the Constitution. Very well, we
8 have got new maps, let's vote for them, let's
9 get them out, let's hope that the Senate comes
10 back into orbit with these rulings and that we
11 can get back to doing the real business that
12 our constituents care about.

13 Thank you, Mr. Speaker.

14 SPEAKER CRISAFULLI: Representative
15 Barbara Watson in debate.

16 REPRESENTATIVE WATSON: Thank you,
17 Mr. Speaker. I want to thank everybody for
18 their long hard work that we have all put into
19 this, and I want to thank the map makers, I
20 want to thank leadership, but I also want to
21 remind us that we are here today to make
22 certain that all the people of Florida are
23 represented.

24 We have sat here this morning and heard
25 some from elegant lawyers. We have heard from

1 people who are very passionate about our
2 Constitution, for the country as well as for
3 the state, but I want to direct your attention
4 to the most important thing that we are here
5 for. We are here for the people, and as we
6 come into this chamber each of us must always
7 put aside what we want, but to deliver those
8 concerns of the people of the state of Florida.

9 Our residents and our citizens of this
10 great state went to vote and decided that they
11 wanted districts compact. We need to deliver
12 that. We need to obey and honor their wishes,
13 but I guarantee you, if there was just one more
14 item on that amendment they would have also
15 said they wanted every citizen of this state to
16 be counted, and we are not doing that with this
17 map.

18 We have 1.5 million people that are not
19 included. We must take care and deliver that
20 to the people. It has been said that there is
21 no vehicle to allow for that to happen, and I
22 -- I emphatically disagree with that. I have
23 cited five case laws that give us the exact
24 tools to do that. It has been given to other
25 states across the nation the same opportunity

1 in redistricting to include estimates for
2 population growth.

3 The numbers we are working with today,
4 colleagues, are antiquated. They are numbers
5 from 2010. We are currently approaching 2016.
6 1.5 million people are unaccounted for in that
7 map, and we should take this opportunity to
8 include them.

9 Now, I personally believe that if they
10 were included we would see a much different
11 map. We are going to see concentration of
12 people by habit of their own, accumulating
13 themselves in various parts of this state,
14 which means that some of these Representatives
15 as well as these Congressional people are going
16 to have an unburdened or have an additional
17 people to work for that are not accounted for.

18 I am also concerned about the fact that we
19 have prisoners counted in some of these
20 numbers. The Congressional people do not have
21 to do a single thing for someone that is in
22 prison, but yet those numbers are being
23 counted. But we are not counting people who we
24 elected by choice to come to this state, 1.5
25 million people. Do we not think they are

1 important enough to include in this process?

2 I think we really, folks, need to consider
3 the fact we are going to grow and continue to
4 grow and continue to grow by virtue of the
5 beautiful sunshine and beaches that we have on
6 our borders. We should certainly make certain
7 that every individual who comes across that
8 state line is a part of the system and we do
9 not do that.

10 So I say to you today, I am going to vote
11 against this map because we are excluding
12 people. We need to make sure everyone has a
13 voice and a vote. We can see things happening
14 in districts because they are not accounted for
15 in this tabulation of districts that could
16 actually cause harm to the community.

17 So I would ask for you to consider the
18 common sense. We have had many lawyers speak
19 before me, but I really would want to say,
20 common sense should prevail in this situation.

21 Let's count every citizen. Thank you.

22 SPEAKER CRISAFULLI: Further debate?
23 Representative Stevenson in debate.

24 REPRESENTATIVE STEVENSON: I come to this
25 process as a relative new comer with fresh eyes

1 and it has been a real opportunity to learn,
2 Mr. Speaker, and I thank you for giving me this
3 chance.

4 The people in my district and probably
5 like many of your constituents are confused by
6 the process and the complexities that we are
7 dealing with. They do not desire to be divided
8 as we have heard from other people in other
9 districts, and I -- I understand that, and it
10 is a confusing process.

11 I have explored with staff the
12 opportunities for the county and they are not,
13 there is not a way to meet those objectives and
14 improve the map. And so like many of you we
15 are putting the welfare of the whole above self
16 interest.

17 I want to rise in appreciation for the
18 work of the staff and the process that was
19 delivered. I think this was a very difficult
20 process for the public to understand, but when
21 you look at the case and the complexities
22 involved, the rules that we are -- were under
23 even before the Constitutional Amendment passed
24 gives many objective and subjective avenues for
25 attack, and the people of Florida gave us a

1 very high bar, intent, intent to deliver fair
2 districts, and I -- we are not in a clean
3 field.

4 This has been well discussed in this
5 chamber, but there are opportunities for
6 continued improvement and I want to thank you
7 for the leadership of Chair Oliva and the
8 leadership of this body in coming up with a
9 process so you can deliver maps that are as
10 defensible as I can see possible.

11 Thank you, thank you, Mr. Chair.

12 SPEAKER CRISAFULLI: Further debate?
13 Further debate? Seeing no further debate --
14 oh, Representative Narain in debate.

15 REPRESENTATIVE NARAIN: Thank you,
16 Mr. Speaker. I, too like many of us that
17 walked in today debated whether or not I was
18 going to speak out, but I think if I don't say
19 this I am doing a disservice to some of the
20 folks back home.

21 When I look at the way the maps were
22 drawn, first I want to say thank you to the
23 staff and the committee and Chair Oliva for
24 coming back and doing a very, very difficult
25 job.

1 I am very concerned about a couple of
2 seats. Congressional District 14 in my
3 backyard I am watching the black voting age
4 population drop by over seven percent, and
5 while we can argue whether or note that was
6 supposed to be a majority/minority district,
7 the fact of the matter remains that it is going
8 to be very difficult to elect a candidate of
9 your choosing if you are an African-American in
10 that particular seat. And while that may
11 benefit Congressional District 13, because that
12 seven percent shifts over there, that only
13 brings the black voting age population up to 11
14 percent in Congressional District 13. So any
15 hopes of having a majority/minority district
16 basically has been thrown to the wayside.

17 In Congressional District 26 we see the
18 same thing with the lines and the way they have
19 been drawn. We have seen a large swath of
20 African-Americans drawn into 27. So now you
21 are going to see their ability to have
22 influence on those elections further mitigated.

23 So from that perspective I do share some
24 of the same concerns that Representative Watson
25 brought up. There is data that we have. We

1 have risen to be the third largest state in the
2 Union. One and a half million people have come
3 into the state of Florida that basically by
4 virtue of the way we had to do this process, we
5 are not able to fully account for. So that
6 gives me some severe heartburn because I
7 believe that had we included those new numbers
8 it would have been constitutionally upheld by
9 the Court that whatever maps we submitted and
10 were properly voted upon would have been okay.

11 But I am hearing a lot about the
12 partisanship. I just want to remind everybody.
13 When the Democrats were in control we did the
14 same thing, when the Republicans were in
15 control we had, excuse me, they had the power
16 to draw the maps. The fact of the matter is,
17 whoever is in control is over the years going
18 to try to create maps that favor their
19 incumbents. And so as a result we saw the Fair
20 Amendments, amendment come up and pass, and I
21 think it is very clear what the voters are
22 saying to us, despite this ideological debate
23 we are having about the Supreme Court and the
24 Legislature.

25 What they are saying is it is time for us

1 to change. It is time for us to have an
2 independent commission that we still will
3 ultimately have the authority over when it
4 comes to drawing these maps. So despite the
5 work that has gone in I am going to be voting
6 no and I am going to encourage others to vote
7 no on this map today because I believe there is
8 a large portion of our population that is going
9 to be excluded until we have to do this process
10 again.

11 Thank you, Mr. Speaker.

12 SPEAKER CRISAFULLI: Further debate?
13 Leader Pafford in debate.

14 REPRESENTATIVE PAFFORD: Thank you,
15 Mr. Speaker. And I appreciate you and the
16 Senate President calling a special session. I
17 think it was very important you did that. I
18 can't imagine not responding to the Supreme
19 Court, so thank you.

20 I heard the questions yesterday to Chair
21 Oliva and it was interesting to hear some of
22 the responses, not necessarily from the Chair,
23 but back and forth during questions. And
24 specifically one of the responses was that this
25 process may not be able to produce a

1 constitutional map. At the end of the day that
2 may not happen. Nobody is certain about that.

3 But I wanted to make sure that we all
4 understand precisely why it is we are here
5 having this debate today and passing out a base
6 map. And it is pretty simple. It is not
7 because the Supreme Court woke up one day and
8 said, we are going to go ahead and interfere
9 with maps. That did not happen.

10 They were triggered into action as they
11 are called, you know, into action, Article II,
12 Section 3, we have heard it earlier, to respond
13 to unconstitutional acts of this chamber, of
14 the Senate chamber, of a Legislature that acted
15 in my view irresponsibly, that is why I voted
16 no a few times, and voted for constitutional
17 maps.

18 Specifically there were secret efforts by,
19 and I quote, political consultants or
20 operatives, in fact conspire to manipulate and
21 influence the redistricting process. That
22 happened. That is one reason the Supreme Court
23 probably should get involved if they are in
24 fact defending the people of Florida against
25 unconstitutional acts of this chamber. Those

1 operatives conspired with leadership of this
2 chamber and I will say, Mr. Speaker, former
3 leadership of this Speaker -- of this chamber,
4 in the Senate to make a quote, "mockery of the
5 process".

6 Okay. That sounds pretty good. I think
7 the Supreme Court probably should have
8 something to say. Maps drawn by those party
9 operatives with lines to benefit one party. It
10 wasn't my party, were secretively submitted
11 under false names. That sounds kind of funny,
12 this is an open process. I don't know if that
13 is constitutional. Maybe a trigger for the
14 Supreme Court of Florida.

15 And perhaps most damning, records
16 revealing the connections were destroyed by
17 those same operatives, didn't destroy e-mails
18 and we know they existed. Okay. That is might
19 be a problem, too. So we are here, right. So
20 we have a responsibility to understand why we
21 are here. We are not here because of the
22 Supreme Court. We are here because of the
23 former leadership of this very chamber.

24 They violated the Constitution. There is
25 a mountain of evidence that demonstrates that

1 it was violated, secret operatives working with
2 partisan intent infiltrated this very chamber
3 not that long ago. So I think I am very
4 pleased that the Supreme Court stepped in.

5 The Supreme Court stepped in, they are
6 acting on behalf of the people of Florida to
7 make sure according to the Constitution, that
8 there is a checks, a check and balance. That
9 is what we all learned from grade school
10 through high school and beyond, that there is
11 this check and balance.

12 Are we upset that there is a check and
13 balance? Some of us may be, I get that, but
14 there is this constitutional check and balance.
15 So that brings us to why we are here today, and
16 our response for the last number of days. Thus
17 far we have followed parts of the order we
18 couldn't be held in contempt for ignoring.

19 Think about that. So we are trying to
20 meet that threshold where we are not found in
21 contempt, but we didn't do everything the
22 Supreme Court asked this body to do in my
23 opinion. They asked us to make the map
24 publicly and it came out of a secret process
25 executed by three staff people. Now,

1 perception is everything by the way, I think
2 very highly of these folks, but three white men
3 in a closed room for 10 days.

4 I am not assuming that they did anything
5 improper, but perception is everything to
6 20 million people of every background and
7 ethnicity and culture in this entire state of
8 Florida. As a white man I can tell you I have
9 met some white men who may not necessarily take
10 that opportunity to do the right thing.

11 They asked us to record all non-public
12 meetings. Instead there are 10 days of
13 meetings for which we have no recording, no
14 records and no one has explained really what
15 happened, but we know it was 10 days, we know
16 the door was closed. We know that on occasion
17 counsel was brought in to answer perhaps
18 questions. I don't know why they were brought
19 in. Maybe they were delivering lunch. Could
20 be, we don't know.

21 We know there were conversations with
22 outside counsel, but apparently the memory,
23 nobody really understands, that is a problem,
24 those conversations. At the end of the day
25 what are we voting on today, because I have a

1 feeling we will be back in a few days to look
2 at something else. I think we have an
3 opportunity here through September 25th, nobody
4 knows what the Governor is going to do with
5 whatever we produce, to come up with maps that
6 meet some sort of constitutional approval with
7 the Supreme Court.

8 The fact that we have based this process
9 on that 10 days, if I am working somewhere and
10 somebody says, hey, a message came in for you,
11 they want you to call them back and I say, do
12 performance a favor, just answer the message,
13 do whatever you want. I think maybe I have
14 advocated my role perhaps as a supervisor,
15 perhaps as a decision-maker and allowed
16 somebody else to do it for me.

17 I think this chamber may have advocated
18 their role by doing the least requested to come
19 up with a product and we really, I don't think
20 anybody in this chamber can say because it is a
21 base map, we had anything with the production
22 of the map that is before us today. I would
23 challenge, I would submit to each person here
24 that perhaps we have done nothing for 10 days
25 other than spit out with all due respect, Chair

1 Oliva, because I think you are a marvelous
2 person, I think you have done what you needed
3 to do, but I don't think we have done what we
4 have needed to do as a body to incorporate our
5 thoughts as 120 members into a product that
6 meets the constitutional requirements that the
7 Court has asked us to come up with, and that is
8 a problem.

9 We could extend. Perhaps we will. We
10 could make this map something we can explain
11 publicly, perhaps we will, there is still some
12 of time for that, but as we are looking at this
13 map today there is some pretty big holes in
14 what we are producing in terms of it being
15 constitutional. And remember what I said about
16 perception, perception is everything.

17 So if we want to move forward today and
18 vote this map out which I am certain will
19 happen, keep in mind that perception is
20 everything. Can somebody in the public look at
21 this body and go, you know what, they did it
22 right this time. They select, they came up
23 with a different process because we did this
24 time by the way, we put three people in a room
25 for 10 days, that is different. And we said

1 come up with something and we will take a look
2 at it. That is pretty good, we will kick it
3 out on the House floor. That is what we are
4 doing. Not a whole lot of depth in my view in
5 terms of this product.

6 So be very careful, perception is
7 everything. And I challenge the members, my
8 colleagues, my friends to do the right thing
9 today. We are here working for the people.
10 Yes, we have to leave our personal lives and
11 come up here and do something, but let's make
12 the most of it. Let's have a bigger part in
13 what we do as a body and do the right thing.

14 Thank you, Mr. Speaker.

15 SPEAKER CRISAFULLI: Further debate?
16 Representative Cortes in debate.

17 REPRESENTATIVE CORTES: Thank you,
18 Mr. Speaker, and I also must say that you are
19 the best Speaker that I have ever had the
20 privilege to serve with, although this is my
21 first redistricting session.

22 One thing that I found out, redistricting
23 is supposed to be every 10 years based on
24 population growth, and we are supposed to be
25 the body that provides that. However, now this

1 is our third try at redistricting the maps in
2 as many years basically. But how many more are
3 we going to have to go through? After this
4 goes through, and obviously we have to deal
5 with the Senate in the future, but even this
6 one is going to be looked at and are we going
7 to be back here six months, a year from now,
8 two years from now doing it?

9 But, you know, actions have consequences,
10 and the consequences are, are our own voters.
11 The voters are the ones that are suffering the
12 consequences of all of this that is happening
13 and I will elaborate on that.

14 Consistency is not present. What I mean
15 by that is that today a voter might be in one
16 district and after the actions taken in this
17 body, the next day they are not. And they may
18 not be represented by the candidate of their
19 choice at that time, and they would have to
20 wait for the next election cycle to hopefully
21 change that.

22 So in this particular case the minority
23 groups are supposed to be protected by the
24 Voting Rights Act, but they are not in many
25 cases. So my question is where will it end?

1 Where will we draw the perfect map that
2 everybody will ever be pleased with that passes
3 the constitutional muster that the voters will
4 be -- will be satisfied, that the Plaintiffs
5 will be satisfied. In my opinion that will
6 never happen. That will never happen no matter
7 what is approved, because there will be always
8 be challenged.

9 So, you know, I can say my opinion is that
10 we cannot have this test drive reapportionment
11 system that we currently see where we can write
12 a redistricting, write up some maps and then we
13 test drive it for six months or a year and if
14 we don't like it gets challenged and it ends it
15 this. I believe that the system that is called
16 for that every 10 years is the one that we have
17 to abide by. Hopefully we can draw some good
18 maps that would last 10 years and never be
19 challenged.

20 Now, a little bit further, according to
21 the Section 2, the Voting Rights Act and our
22 own State Constitution, Section 3, Article 20,
23 district lines cannot be drawn that deny
24 minority voters an equal quality opportunity to
25 participate in the political process and elect

1 a representative of their choice.

2 I believe in my opinion this map fractures
3 the Hispanic vote in Central Florida where I
4 represent, and not only sure that Hispanics in
5 the region, in our region will not have a
6 reasonable, and this will ensure, by the way,
7 that Hispanics in the region will not have a
8 reasonable opportunity to elect a member to
9 Congress that reflects their values.

10 CD 9 is a congressional district that
11 Osceola encompasses, Osceola and has an
12 opportunity to draw for the members of that
13 district to elect a candidate of their choice,
14 yet that normally doesn't guarantee that they
15 will, and it has happened already. But by
16 continuing taking out Hispanic voters out of
17 that district, it is not going to help the
18 voters to choose their candidate.

19 So there are three conditions that are
20 required to be considered when drawing the
21 congressional maps. Is there a possibility of
22 drawing a district so that a majority of the
23 voters belong, so that a majority of voters
24 belong to a compact racial or ethnic minority
25 community? Does the minority community usually

1 vote in a block for the same type of candidate?
2 And does the rest of the population usually
3 vote for a different block?

4 My opinion when it comes to the central
5 Florida Hispanic population, the answer to all
6 of these questions is a resounding yes. In
7 fact, in 2012 there were proposed maps that
8 drew CD 9 to encompass Osceola and heavily
9 Hispanic southwest -- southeast Orange County
10 to create a majority/minority district for the
11 Hispanic community. As we all too, that went
12 down to 41 percent as our Representative Torres
13 said, and then with the next go around in
14 August of last year it dropped to 38. And
15 rather than consolidating Osceola and Orange
16 heavy concentration of Hispanics into one
17 district, this proposed map does the opposite
18 by further fragmenting the group into three
19 separate districts.

20 Now, Hispanics make up nearly half of
21 Osceola County and while drawing the county
22 wholly into a single district is definitely a
23 good start, this proposed district misses the
24 mark by extending westward into rural Polk
25 County rather than north to encompass Orange

1 County Hispanic population. And the Hispanic
2 population in the region is growing
3 exponentially every year, and if a
4 majority/minority district was feasible in
5 2012, then it is without a shadow of doubt
6 practical and necessary in 2015.

7 So our political process doesn't work when
8 communities of interest are ostracized from the
9 process and don't have the opportunity to elect
10 leaders who reflect unique priorities. It is a
11 shame that the Supreme Court has even put us in
12 this position.

13 So like myself, the majority of Hispanics
14 in the region are Puerto Rican and we are a
15 tight knit community with similar morals and
16 values. It is a community that deserves its
17 fair representation in Washington and this
18 proposed map all but ensures that Hispanic
19 votes will almost be rendered meaningless when
20 it comes to congressional members in central
21 Florida.

22 I want to thank Chair Oliva and the
23 redistricting committee and the staff, all the
24 hard work they have done to put this
25 congressional map together. I know it is an

1 extremely arduous task, sometimes almost an
2 impossible type of Bill to meet and you guys
3 have done an exemplary job.

4 And with that, Mr. Speaker, I thank you
5 for your time.

6 SPEAKER CRISAFULLI: Representative Rouson
7 in debate.

8 REPRESENTATIVE ROUSON: Thank you very
9 much, Mr. Speaker. I am voting for these maps,
10 for this map today, and I understand some of my
11 colleagues who express concern, who indicate
12 that they are voting no and all because of the
13 process. And I have heard the recount of the
14 process, why we are even here in the first
15 place.

16 Like some others I wasn't going to debate
17 this matter. I was just going to vote, but I
18 have heard a co-equal branch of government
19 attacked, in fact even called overreaching and
20 inappropriate in their actions, and I guess it
21 really depends on your world view.

22 Thank God for the courts. Thank God for
23 the Legislature, thank God for the Executive
24 and the way our Constitution weaves the
25 separation of powers and the respect of powers

1 and I am a proud member of this Legislature. I
2 believe that in my seven years here I have been
3 able to participate in the legislative process,
4 the good of it, the bad of it, but I have made
5 it my duty after I receive Bills to be a part
6 of it. But thank God for the courts.

7 I mean, it depends on your world view. I
8 appreciate the courts in the *Dred Scott*
9 decision. I appreciate the courts in *Plessy*
10 *versus Ferguson* and *Loving versus Virginia* and
11 *Sweatt versus Painter*. I appreciate the courts
12 in the whole progeny of affirmative action in
13 civil rights cases and even ascending to the
14 Voting Rights Act.

15 I appreciate the courts. And what the
16 courts have done in this instance, the Florida
17 Supreme Court, it took Amendment 5 and 6 and it
18 said, you know what, the will of the people is
19 more important than the political will of
20 partisans. And like Representative Narain
21 said, whether you are Democrat or Republican,
22 what seeks to be elevated here is the will of
23 the people and the voice of the people to be
24 heard in the electoral process and their
25 participation in governing.

1 And the courts were pretty prescriptive
2 like Representative Gaetz said. They laid out
3 strong suggestions. Now, how many times do we
4 seek advisory opinions from the court and don't
5 get it, but in this instance they laid out
6 strong suggestions.

7 And it appears to me and I am proud of
8 this House. We followed some of those or most
9 of those suggestions and we have been given a
10 product, and Mr. Speaker, thank you for not
11 tinkering and risking us coming back again with
12 this base map.

13 I choose to vote yes today, not because I
14 endorse fully and wholly all of the process,
15 because I believe it is the best position we
16 can be in to move on and get ready for 2016,
17 and to honor the will of the people.

18 Thank you, Mr. Speaker.

19 SPEAKER CRISAFULLI: Representative Rogers
20 in debate.

21 REPRESENTATIVE ROGERS: Thank you,
22 Mr. Speaker. Members, who are we trying to
23 fool? And I am going to share something with
24 you. If I had a choice and was asked if I
25 wanted to recommend someone for that committee

1 of three, I would say why not a woman. I think
2 that would have been okay with me, but the body
3 that the selection is done and the all -- we
4 can't change it right now.

5 When we speak to the Court's decision and
6 I would say, thank God that there is a Senate,
7 there is a House and there is that judicial
8 body and there is also the Governor's veto or
9 endorsement powers. Thank God for that
10 process. It keeps us all balanced.

11 I have an issue, however, because the
12 Court did not stop us from using additional
13 data. There is a process that we call the
14 American Community Survey. That is ongoing.
15 After the census count to know the population
16 of the United States, the population of
17 Florida, then we begin to draw districts, and
18 the law states that we must draw districts
19 equally, especially our congressional
20 districts. We do not have that vast deviation.
21 The deviation is by one person, and you are
22 telling me with all of this new data we did not
23 include over 1.5 million people in this
24 process, in a congressional district, that is
25 what we are drawing, and we have that many

1 people that we chose.

2 And I am saying, we, because we are
3 allowed to delegate our responsibility and if
4 we agree that the three that were representing
5 us in drawing those districts, we delegated all
6 responsibility to those persons to draw the
7 districts. So we have to take ownership of the
8 product that they produced.

9 What direction did we give to that group?
10 That is what we do, right. When we are not
11 here in Tallahassee, we leave staff to do
12 certain things by law because that is what we
13 do. So we delegated, we could have given
14 instructions. So we did not, so there is over
15 1.5 million residents.

16 I wanted to make sure that the world know
17 that Congress know that Florida is growing. We
18 went from 25 Congressional seats to 27 and that
19 did not include the 1.8, the new count that we
20 are boasting and should be bragging and
21 boasting that people love Florida and they are
22 coming to our fair state, but when they came we
23 need to be able to provide the services and
24 that is what we do, and they need to have
25 representation.

1 I will take us back to some concerns about
2 people in prison and they cannot vote, but
3 there are also other people here in this
4 country that is included in the same count that
5 cannot vote. We are talking about them in the
6 presidential election, these are -- they are
7 undocumented that are here in our state that
8 should be counted so we know how to service and
9 we know what must be done.

10 If we want I could speak to why we need to
11 revisit why it is necessary for us to provide
12 that prison population a right to vote, okay,
13 but the Florida Constitution does not give them
14 a right to vote, so we count them.

15 Members, this is our third time taking a
16 bite of this apple, and yes, we could have done
17 a better job, and my reason for saying no this
18 time around because I know there is another
19 body that will have an amendment and because of
20 the process that we have to go through we will
21 hear from them, and that will give me another
22 opportunity. Hopefully it is a process that
23 includes a different population than we chose
24 in the House.

25 Chair Oliva, you got a tough job and you

1 did an awesome job with what you were given. I
2 believe the persons that were doing the count,
3 drawing the map for us did an awesome job based
4 on the direction they were also given, but I
5 have to do the job for the people who sent me
6 here and they wanted everyone in the state of
7 Florida to have been included in the count, but
8 I might just get another crack at it and be
9 able to do, cast a different vote.

10 I thank you for listening.

11 SPEAKER CRISAFULLI: Representative
12 Edwards in debate.

13 REPRESENTATIVE EDWARDS: Thank you,
14 Mr. Speaker. I have heard a lot of very
15 eloquent debate today on both sides and I have
16 immense respect for my colleagues. I came in
17 today with an open mind and an open heart
18 because I wanted to hear what those on both
19 sides had to say to try to truly be the
20 centaurus legislator, put the partisan politics
21 aside, listen and let's have the thorough
22 debate that this deserves.

23 I took a trip down memory lane and thought
24 about last year, last summer, in fact, 2014 we
25 were here for a special session. We voted on

1 these maps, we went home, we asked the same
2 types of questions, had a vigorous debate, we
3 went home. And I recall reading a newspaper
4 article from December of 2014, and I was
5 reminded about this blatant bastardizing and
6 mockery of the process and this amateur attempt
7 to yet again fool the voters, and what am I
8 talking about.

9 We are talking about bastardizing five
10 Supreme Court Justices, but where is the
11 offense at a Christmas card that went out from
12 three GOP political consultants with a
13 shredder, making a mockery of our process and
14 the work that we thought we did with fairness
15 and integrity just 2014, last session this
16 summer.

17 So I have to sit here in my seat and
18 think, my goodness, what trust do I have in
19 this process that I am not going to get a
20 Christmas card again in 2015, without the same
21 blatant mockery of this process just throwing
22 it back in our face, here, public, we are here,
23 watch my our little magical message get
24 shredded. That is so offensive. But yet not
25 one member has pointed out what sometimes in

1 this process of redistricting can be seen like
2 our co-equal counterparts, political
3 consultants.

4 And so I think we should all disavow that
5 type of behavior and I think we stand up and we
6 make not the Supreme Court Justices the enemy
7 of redistricting, but those who truly have
8 bastardized this process for their own profit,
9 their own motive, their own unconstitutional
10 intent. I think we need to add the word follow
11 to the oath. It has been quoted here a couple
12 of times.

13 And I will close in saying let us truly as
14 members support, protect, defend and follow the
15 Constitution, so help me God.

16 Thank you, Mr. Speaker.

17 SPEAKER CRISAFULLI: Representative
18 Gonzalez in debate.

19 REPRESENTATIVE GONZALEZ: Thank you,
20 Mr. Speaker. I am going to open with, you
21 know, they say there is providence in some of
22 the things that we do, and perhaps it is
23 providential that I came across this quote
24 quite coincidentally, and don't ask me what
25 project I was working on.

1 But I came across this quote on September,
2 from September 28, 1820, by Thomas Jefferson in
3 a letter that he addressed to William Jarvis.

4 He said the following. "To consider the
5 Supreme Court Judges the ultimate arbiters of
6 all constitutional questions is a very
7 dangerous doctrine indeed, and one which would
8 place us under the despotism oligarchy. They
9 have with others the same passions party, for
10 power, and for privilege. Their power is the
11 more dangerous as they are in office for life
12 and not responsible as the other functionaries
13 are to the elective control."

14 The Constitution has erected no such
15 single tribunal. It is like he was standing in
16 this floor before us today. I agree with Chair
17 Oliva that the time to address this issue is
18 not today. We have another task before us.
19 But just because it is not going to be
20 addressed today makes it no less of a task and
21 no less urgent of a task.

22 So I will be helping those in our floor
23 here today who will be moving forward in trying
24 to address how we can solve some of these
25 problems that the great Thomas Jefferson calls

1 a danger for a despotism and an oligarchy.

2 But I am going to rise today again,
3 joining the crowd of those who didn't think
4 that he was going to stand and talk, I want to
5 address today because I want to talk about this
6 concept that I am hearing here over and over
7 again and is being repeated and I think needs
8 to stop, and that concept is that of being
9 grateful that we did not tinker with the maps,
10 that this House did not, quote, tinker with the
11 maps.

12 I think that is absolutely the wrong
13 attitude. We are brought here precisely to
14 tinker and to review and to study and to
15 suggest better maps. Now, I am going to vote
16 in favor of this map. I am going to vote in
17 favor of this map because I was given the
18 opportunity to tinker with it, because I felt
19 in a non-partisan and in a manner that did not
20 benefit an incumbent or hinder an incumbent, I
21 felt I had an argument to make before this body
22 that perhaps there could be a change that still
23 meant constitutional scrutiny, but took into
24 account factors that the Supreme Court cannot
25 possibly take into account with measures of

1 compactness and measures of HVAPs and BVAPs.
2 That is precisely why we exist. So as we move
3 forward, please let us not think that we are
4 here to submit to some outside numerical
5 regulations that impart upon us rules upon
6 which we are to comply in order to provide a
7 final product.

8 Those rules are supposed to be influenced
9 by your district's concerns. They are supposed
10 to be influenced about why you think it would
11 be better to draw a line slightly different in
12 a manner that would not avoid constitutional
13 scrutiny or not break with constitutional
14 muster.

15 And I got to tell you, I thank the Speaker
16 for giving me the opportunity to stand up and
17 deliver my arguments, and I know Representative
18 Kerner I think did it in committee and
19 Representative Hill did it as well and these,
20 it was proper for them to open up that door,
21 them, our chambers, those who help us negotiate
22 this process, to allow us to quote, perhaps
23 tinker, because if we don't have an open
24 process and if we are not here to represent the
25 members of those people, of our communities

1 that brought us here to represent them, then
2 what are we but other than a rubber stamp
3 committee.

4 You know, I got to tell you, the scariest
5 moment I have had since being elected in the
6 Legislature was staring at Chair McBurney and
7 having him ask me that first question, I was
8 like, oh, my God, I think I chewed on something
9 bigger than I could chew. But you know what,
10 nevertheless, despite the rigors, despite the
11 difficulty, despite the fact that the process
12 was made painfully transparent to the point of
13 maybe even obstructing and having a chilling
14 effect on our speech here on the floor, it was
15 done in a way that was invited and open to all
16 and it was in a manner that was allowed for the
17 greatest amount of scrutiny.

18 So I will vote in favor, reluctantly, like
19 Chair McBurney, but please, moving forward,
20 let's not ever say that we cannot tinker with
21 something. That is our right, our duty to
22 tinker with and to consider moving forward.

23 Thank you, Mr. Speaker, for your time.

24 SPEAKER CRISAFULLI: Representative Metz
25 in debate.

1 REPRESENTATIVE METZ: Thank you,
2 Mr. Speaker. I appreciate the opportunity to
3 be heeder on this, and members, thank you for
4 your patience. A lot of us have already spoken
5 today and I didn't want to speak at length but
6 I want to make an effort to clarify the record
7 because I intend to vote for the map today, for
8 the Bill before the body, and I am doing that
9 because I believe it is the least worst
10 alternative to what we have before us here with
11 the context of this special session.

12 And let's recall that we are here today
13 because of litigation that made its way to the
14 Florida Supreme Court and that litigation is
15 still ongoing as we speak here. The Supreme
16 Court in a very unprecedented way, I believe,
17 actually has continuing jurisdiction over that
18 litigation as we meet here today.

19 I want to remind everybody that this
20 litigation actually went to trial in the
21 Circuit Court of the Judicial Circuit In and
22 for Leon County that resulted in a 41-page
23 Judgment by Judge Terry Lewis July of 2014,
24 that we responded to at that time.

25 That 41-page Order had all the findings

1 that we have been hearing discussed in this
2 process with the special session. There has
3 been no new evidence, no new findings of fact
4 or conclusions of law at the trial court level.

5 It was that 41-page Judgment that the
6 Legislature took responsibility for by not
7 appealing last year. And so we came into
8 special session in August of 2014, and passed a
9 remedial map that complied in every respect
10 with the Trial Judge's findings and conclusions
11 of law. And in fact, the Trial Judge had
12 continuing jurisdiction over this institution
13 at that time and reviewed our actions and found
14 them to be compliant with the 41-page final
15 Judgment and the Florida Constitution.

16 It was the Petitioners who initiated the
17 lawsuit to begin with who weren't satisfied
18 with that result and pursued an appeal with the
19 Florida Supreme Court. And so here we are
20 today in a special session with the Supreme
21 Court having continuing jurisdiction over that
22 very litigation and watching everything that we
23 do because they intend I think to finish the
24 job if we don't. And that is why I
25 characterize our Bill today as the least worst

1 alternative because we are under these type of
2 pressures that normally don't exist.

3 Now, we have a seven member Supreme Court
4 and they don't votes just like we do when they
5 are making decisions. It shouldn't be lost on
6 us that we had two Supreme Court Justices who
7 did not agree with the five member majority,
8 only four of whom joined in that opinion that
9 we are talking about.

10 And I don't want to take time giving me
11 own interpretation of the Supreme Court
12 majority's opinion because Justice Kennedy in
13 his dissenting opinion said it far better than
14 I ever could, but I do want to for the record
15 articulate some of his thoughts.

16 And he said early in the opinion, "The
17 majority's decision to reverse the Circuit
18 Court and to invalidate numerous districts in
19 the remedial Congressional District Plan
20 adopted by the Legislature involves an extreme
21 distortion of the appellate process deployed to
22 effect a serious violation of the separation of
23 powers."

24 Near the end of the opinion Justice
25 Kennedy goes on to say, "This decision causes

1 serious damage to our constitutional structure.
2 The proper functioning of the judicial process
3 is deformed and the separation of powers is
4 breached in an unprecedented manner. Since
5 2012 this Court's decisions concerning the
6 redistricting process have been characterized
7 by a repeated rewriting of the rules."

8 And then he concludes by saying, "The
9 decision abandons the well established boundary
10 between the trier of fact and a reviewing
11 appellate court and transgresses the
12 independence of the core function of the
13 legislative branch in conducting the
14 legislative process."

15 Members, although I am going to vote for
16 the Bill today I completely agree with Justice
17 Kennedy's dissent, joined in by Justice Polston
18 and I thank him for his courage in writing that
19 opinion and filing it. If you think about what
20 courage that takes in a seven member court in
21 writing an opinion that has that type of
22 conclusion in it. That is courageous and I
23 really appreciate that.

24 But the reason why I can reconcile my vote
25 for the Bill today, even though I believe in

1 the dissenting opinion's statements completely
2 is the pressure we are under with the calendar.
3 We have elections in 2016, and we have a
4 regular session starting January 12th. We have
5 committee week starting next month. We have a
6 lot of business to conduct for the people of
7 Florida who sent us here that have nothing to
8 do with redistricting at all and we shouldn't
9 jeopardize the opportunity to do our work in
10 the manner that we determine on all of those
11 issues that we have to deal with by having
12 continuing problems with the Supreme Court over
13 redistricting.

14 So we have on to at this point recognize
15 the calendar drivers the decision here. This
16 Bill drafted by, the map I should say, drafted
17 by the drafters in the very pristine
18 environment I think meets those requirements.
19 It doesn't mean that we are agreeing with the
20 majority opinion of the Supreme Court to pass
21 this Bill.

22 My position is that you can vote for the
23 Bill today, advance this project down the road
24 and avoid the prejudice to the public that
25 would occur if we had delays in our elections

1 but not agree that we are acceding any power to
2 the Supreme Court on our legislative
3 prerogatives.

4 And finally I just want to thank the staff
5 for the job they did in drafting the map. The
6 process in this special session was open to
7 members if they wanted to. They mentioned that
8 at the workshop last week and I took advantage
9 of that and met with staff about an issue that
10 came out of my district in Lake County because
11 in the current map before this body Lake County
12 is divided into three sections and that is not
13 something that is pleasing to most of the folks
14 who have looked at the issue in Lake County and
15 they have let us know. All of our Lake County
16 members I am sure have heard the same feedback.

17 So I met with staff to try to work that
18 out and I was very educated by that because I
19 had not been involved in the map drawing
20 previously. So they explained the limitations
21 of geography, the Federal Voting Rights Act,
22 the Supreme Court's findings with respect to
23 the north Florida minority access district, the
24 Tampa Bay issue, south Florida and a couple of
25 places, and when you put all of that together

1 it and you try to drive the compactness down,
2 the scores down and have it very compact and
3 contiguous and do not divide political
4 subdivisions and so forth, it is very, very
5 challenging. And so I was able to conclude
6 that it would not be in the best interest of
7 either my district or the state of Florida to
8 try to amend the base map because it was too
9 problematic. It would come out in other areas
10 that would create more problems for us.

11 So I did not file an amendment to try to
12 reduce the number of divisions for Lake County,
13 but in the process of coming to that conclusion
14 I was very impressed with the good work of our
15 staff, how they maintained integrity in the
16 drafting process. They explained everything to
17 me. I just want to thank them and Chair Oliva,
18 you, and all the folks that were involved in
19 the process to make that available to me so
20 that I could represent my constituents and come
21 to the conclusion that I did about this map and
22 my vote today.

23 So members, in closing I just want to say
24 a vote for this Bill in my opinion does not
25 mean we are agreeing with the Supreme Court

1 majority. We can maintain our legislative
2 independence and prerogatives by still
3 advancing this Bill today and then looking down
4 the road at how we respond in the future to
5 these situations.

6 Mr. Speaker, thank you very much for my
7 time.

8 SPEAKER CRISAFULLI: Representative Dudley
9 in debate.

10 REPRESENTATIVE DUDLEY: Thank you,
11 Mr. Speaker. And there has been so much said
12 here this morning about how we got here. Let's
13 not forget that we have a citizen, non-partisan
14 citizen interest groups that were Plaintiffs
15 that appealed the remedial maps that were
16 passed by this chamber, that there were a
17 number of no votes on those maps last round,
18 and we continue to struggle to get this right.

19 So to have 1.5 million people not included
20 in the count and to count prisoners that can't
21 vote tells you there is something fundamentally
22 wrong with this process. And I am not
23 impugning members here. I think it is the
24 process. I believe take when Democrats are at
25 the wheel that it is a matter of self interest.

1 That when Republicans are at the wheel they
2 show their self interest, that we need an
3 independent redistricting commission.

4 That should have been taken up even though
5 it doesn't cure these issues, but a better job
6 could be done. We are here because there are
7 Plaintiffs that have appealed the remedial map,
8 League of Women Voters, common cause and other
9 groups that brought, appealed the decision of
10 the Trial Court, and properly so.

11 So if we are living by the spirit of the
12 law we do better. If we are living by the
13 letter of the law which seems to be the case,
14 we don't do as well. We need to do much
15 better.

16 Thank you.

17 SPEAKER CRISAFULLI: Representative
18 Clarke-Reed in debate.

19 REPRESENTATIVE CLARKE-REED: Thank you,
20 Mr. Speaker. The people whom I represent in
21 the state of Florida, those that vote for me
22 depend upon the courts as their fairness, where
23 they would get their fairness from. So they
24 are looking to me and they are looking to this
25 body to be fair and to give them the

1 opportunity to elect persons of their choice.

2 I don't see that happening with this map
3 the way I hoped it would. So therefore I am
4 not going to be able to support this map today.
5 But as we move through this process and I hear
6 my colleagues saying they would have liked to
7 have done this or they would have liked to have
8 done that, the point is we are here to do
9 whatever it is you are supposed to do or you
10 feel you need to do. And if change has to come
11 about in a way that you -- that is not the
12 typical way, then we have to get in the way of
13 change, and get in the way meaning we have to
14 do what is necessary.

15 So today I say to you, Mr. Speaker, and to
16 Representative Oliva, that I appreciate you
17 having given us this opportunity, and this is
18 my third time at this opportunity. So I know
19 that I hope that this isn't three strikes and
20 you are out.

21 I hope that when this map does go to the
22 courts that they will look at it and see that
23 that 1.5 million persons who have come into
24 this state are not counted in this map. That
25 they will look at the issue of what is

1 happening in CD 5. I really feel that I have
2 been used in a way because I depended upon
3 those persons who we gave the responsibility
4 to, to draw the maps, to have done it in a way
5 that is fair and legal for all of us.

6 So today, members, I will not be voting
7 for this map, and I hope that I will not be
8 back here to do something that I do not think
9 we have -- I hope that I will be back here to
10 do something that we haven't done.

11 Thank you.

12 SPEAKER CRISAFULLI: Representative Rader
13 in debate.

14 REPRESENTATIVE RADER: Thank you,
15 Mr. Speaker, and thank you for allowing me
16 again to stand and to speak. Thank you for
17 your direction on this all important matter of
18 redistricting, and I want to thank Chairman
19 Oliva for his guidance in moving this process
20 along as smoothly as possible.

21 I wasn't going to speak but there were
22 three points that I -- that came to me and I
23 had not heard them spoken yet, so I figured I
24 would announce them because I think they are
25 important to be heard, especially since two of

1 them we are hearing now across the rotunda on
2 the Senate side.

3 And two of them I asked questions to
4 Chairman Oliva yesterday. The first one was
5 there is a Senator who is mentioning many times
6 that Democratic groups including the Democratic
7 National Committee drew the map which doesn't
8 make sense to me.

9 I have asked many Democratic colleagues in
10 this chamber, do you know anything about this
11 and they don't and I think where it kind of
12 evolves down from is that the map that the
13 Plaintiffs put forward are sometimes Democratic
14 leaning in some of their opinions and their
15 views, and they might have consulted with the
16 DNC.

17 I don't know if that is true or that is
18 not true, but what I find interesting is that
19 our make map makers who were secluded when they
20 were doing it found that how they drew some of
21 the areas were the most fair ways to draw them,
22 the most constitutional ways which happened to
23 agree with the Plaintiffs.

24 I am not so sure how we get to that the
25 Democrats drew the maps. And I heard, I think

1 I heard that even yesterday when I was
2 re-listening to the tape on the Florida Channel
3 of the Senate proceedings, the Senate committee
4 meeting that they had yesterday, the tape delay
5 of it.

6 So that was one point that I wanted to
7 make that this is, it seems to be a very fair
8 map, and I want to commend staff on doing it
9 the most fair way. I asked staff questions at
10 the Joint Committee last week, I asked
11 questions yesterday and I have heard nothing
12 except that they have done an outstanding job,
13 even though maybe next session we can hopefully
14 get them arranged with our budget surpluses
15 that we have since State employees have not had
16 raises in many, many years from what I
17 understand and believe.

18 The second point that I want to ask or
19 mention was that the Congressman from the 10th
20 District came in front of the Joint Committee
21 last week to talk about how he is being
22 disfavored, and I guess he would have a point
23 unless you actually read the opinion of the
24 Supreme Court, the judgment, the verdict,
25 whatever this document is called, the opinion

1 of the Supreme Court, where on page 29 it
2 basically argues against what he said, because
3 our map makers, it is funny when I say map
4 makers, I always think it is on match maker,
5 match maker, make me a match, map maker, map
6 maker, make me a map. That is my intent for a
7 joke.

8 And the Senator, the Congressman from the
9 10th District was not given a very favorable
10 seat. He was not given a very favorable seat,
11 and once those maps were given, right there on
12 page 29, the first two, the two paragraphs
13 there, mention how they -- he did not have, he
14 probably did not have a seat the first map that
15 came out that our map makers did.

16 But then the staff of this body gave it to
17 Republican consultants that took four
18 districts, 5, 7, 9 and 10 and made them from
19 four Democratic performing or leaning seats to
20 two Democrat and two Republican performing. So
21 he got a seat because of being favored that the
22 Supreme Court said it was unconstitutional.

23 So that a member from the 10th
24 Congressional District to stand up and say that
25 he is being disfavored is, I don't believe is

1 true according to the Supreme Court finding.

2 The -- and the third point that I wanted
3 to make, again I had not heard it, and it came
4 about because of the member from the 4th
5 District, Representative Gaetz, went on to say
6 how the Senate admitted to being partisan in
7 their redistricting process during 2011/2012
8 period, and they admitted to that.

9 Well, I think this document from the
10 Supreme Court basically says that this body was
11 also partisan in devising these maps, even
12 though we may not have admitted to it and no
13 one from this side has admitted to it, but I
14 think this document basically says that we are
15 guilty of it, and that is the real shame part
16 of it.

17 I intend to be voting for this map. I
18 think it was the most fair way of doing it in
19 the short time period that we had to do it and
20 hopefully it will pass out of this Legislature
21 and the Governor will sign it and the Supreme
22 Court will accept it.

23 Thank you, Mr. Speaker.

24 SPEAKER CRISAFULLI: Further debate?
25 Further debate, Representative Broxson on

1 debate.

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REPRESENTATIVE BROXSON: Thank you,

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Mr. Speaker. And as I have listened to this

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debate, frankly it is somewhat confusing. We

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have members who have stated to us in advance

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that they think what we are doing today is

8

again unconstitutional, and that if I vote yes

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it will be my intent to break my oath.

10

Then we have members who have pointed out

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that the Supreme Court has said to us that we

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intentionally voted the first time knowing that

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it was unconstitutional. Well, I will to

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declare to you today as one member that I did

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not intentionally vote yes for something that I

16

knew was unconstitutional. And I think there

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is many members that would also stand and say

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the same thing.

19

There may be members who knew more than I

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knew that really did believe that it was a

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defective product. Here is my dilemma. If I

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accept the accusation of the court that I as

23

one member from the 3rd District intentionally

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voted for a defective document, then I have

25

agreed with them. But if I vote no I am saying

1 to them, if you think I did, prove it, and my
2 -- my desire today is I don't want to agree
3 that we go through this process because now the
4 minority of the House has declared that what we
5 are doing is an intentional vote on a defective
6 document.

7 I think the map that I voted on before was
8 a good map. I think this is a good map. We
9 have to decide today how we are going to vote
10 based on our own conscious, and I am not going
11 to agree with the Supreme Court that I broke my
12 oath when I voted on the first map, and if they
13 want to challenge this group, this body and
14 draw their own map, then I think we have to
15 deal with them directly.

16 Thank you, Mr. Speaker.

17 SPEAKER CRISAFULLI: Further debate? All
18 right, members, seeing no further debate,
19 Representative Brodeur suggest an absence of a
20 quorum. Roll call. The Clerk will lock the
21 machine and announce the presence of a quorum.

22 HOUSE SECRETARY: A 112 members voting. A
23 quorum is present, Mr. Speaker.

24 SPEAKER CRISAFULLI: Representative Oliva,
25 you are recognized to close.

1 REPRESENTATIVE OLIVA: Thank you,
2 Mr. Speaker. I kind of prefer the version
3 recently which is Oliva. It has a certain
4 little flare to it that I kind of like.

5 Mr. Speaker, having really front loaded my
6 comments yesterday I will try to be as brief as
7 possible, but I did want to address two things
8 that I think are important.

9 I know that Representative Rogers and
10 Representative Watson has brought up, and
11 others, the importance of counting 1.5 million
12 people that are unaccounted for. And it is
13 very important but I do want to make clear that
14 that is not a choice that we made to not count
15 them. It was not within what we could do in
16 redrawing these maps.

17 And so I want you to know that and I do
18 also want you to know that those people will be
19 voting in their election, and if anything, it
20 is a bit of a detriment to whatever incumbent
21 is in there that there are voters in there that
22 he or she does not know their makeup,
23 demographic or otherwise, but it is a very
24 valid concern and so I wanted to address that.

25 I also wanted to address Leader Pafford's

1 comments regarding having this process in a way
2 that we could all come together and participate
3 in it. I believe that that is exactly what we
4 should aim to do and I believe that is exactly
5 what the Speaker has sought to do here.

6 The truth is we are here in a remedial
7 process. This is not a new process, and the
8 truth is that it is not this Legislature that
9 caused this remedial process, but it is this
10 body, and so we have to respond to that. And
11 so the situation we find ourselves in is that I
12 believe that it is our duty to abide by the
13 law, to make sure that we provide the remedy
14 that has been sought. And in doing so reassert
15 the Legislature's rightful place as a co-equal
16 branch of government and to reassert our
17 prerogative and our authority as ascribed in
18 the Constitution, but to do that we have to get
19 ourselves in the proper posture.

20 That, the next reapportionment will be a
21 for a Legislature that I won't be a part of and
22 a lot of people here won't, but it is our duty
23 to reposition this Legislature in its proper
24 posture so that when that time comes that
25 process can be done as Leader Pafford suggest,

1 by the entire body.

2 But another challenge remains to that,
3 that we should also be very cognizant of, and
4 that is that Amendment 5 and 6, particularly
5 the Tier 1 standards, are almost insurmountable
6 in a bipartisan way.

7 As Representative Gaetz pointed out,
8 proving a negative and as Representative Kerner
9 pointed out in committee, proving a negative is
10 very difficult. And so proving intent in a
11 body like ours that is partisan by nature is
12 going to be very difficult, and that is
13 something that this Legislature should look at
14 so that we don't leave a legacy to future
15 Legislatures and future reapportionment
16 hearings that would end in the same result. I
17 think that it is very important to understand
18 the role that that played in this entire
19 process as well.

20 I also want to say a couple of things
21 because we are still in this special session
22 and we are still in the legislative process,
23 and the Senate is still meeting. And so it is
24 very possible that we are will come together
25 here again to contemplate additional revisions

1 to this map. And so it is important that we
2 lay a couple of things out, like with any
3 revision it is important that they meet the
4 very stringent Tier 1 and Tier 2 standards.

5 In apportionment one which was the
6 opinion, the first opinion of the Court, the
7 Court outright rejected the Senate's definition
8 of compactness dealing with communities of
9 interest. It rejected the idea that
10 communities of interest can mean compactness.

11 It also spoke very directly to a
12 consistent methodology, and that is that if the
13 map drawers or those who have revised those
14 maps chose to split cities and counties in a
15 certain way in the north of the state, then
16 that same methodology should be very apparent
17 in the middle, in the central and the southern
18 part of the state, and so that consistency is
19 important.

20 Of course, there are the Tier 2
21 consistencies of compactness and cities and
22 county splits, but this will help you
23 understand the thresholds that exist there.
24 They are very large. So if we return here to
25 contemplate any revisions please understand

1 that it will have had to meet all of that
2 criteria.

3 And lastly, I would like to thank everyone
4 that was involved in this process. I want to
5 thank the members that offered amendments both
6 here and in committee, the members that got up
7 and debated both here and in committee. I
8 appreciate it.

9 I want to thank my Vice Chair McBurney,
10 this was not an easy task that we were given.
11 So thank you for guiding us through that
12 committee the way that you did. I really
13 appreciate it, it certainly made it a little
14 bit easier to have a partner in the process.

15 I want to of course thank the
16 redistricting staff, Jason Poreda, Jeff Takacs,
17 and on the Senate side because this was a
18 partnership of the House and the Senate in
19 drawing this map, Mr. Jay Ferrin. I also want
20 to thank Stephanie Berman who reminds us that
21 we have our own internal laws and we have to
22 hold to those as well.

23 I want to thank in-house counsel, Matt
24 Carson who's wife had a baby last week while we
25 were going through this process. And I want to

1 thank Jason Rojas which as late as Sunday night
2 was taking phone calls from me at all hours of
3 the night asking all sorts of questions. I
4 also want to thank the legal team, the same
5 legal team that took us through the House
6 redistricting maps that were not found to be
7 unconstitutional, and that team was composed of
8 George Meros, Andy Bardos, Justice Raoul
9 Cantero, Jason Zaccai and George Lovett. Thank
10 you for everything that you did to guide us
11 through this process in a legal way.

12 I want to thank the Speaker's office. It
13 has been a non stop job for them. And last
14 week our very own Kathy Mears was in the
15 emergency room with a family member not once
16 but twice and still didn't skip a beat. So I
17 want to thank them for all that they did.

18 And finally I want to thank the Speaker,
19 thank you, Mr. Speaker, I think for giving me
20 this opportunity. Thank you for your
21 confidence, but also thank you for the
22 structure that you created and the tone that
23 you insisted upon so that we could get through
24 this very challenging and unprecedented time.

25 Thank you very much. And so I hope to

1 have everyone's support for this map, if not,
2 everyone's agreement.

3 Thank you. With that I close,
4 Mr. Speaker.

5 SPEAKER CRISAFULLI: Members, the question
6 now occurs on final passage of HB 1-B. The
7 Clerk will unlock the machine, the members will
8 proceed to vote. Have all members voted? All
9 members voted? The Clerk will lock the machine
10 and announce the vote.

11 HOUSE SECRETARY: 76 yeas, 35 nays,
12 Mr. Speaker.

13 SPEAKER CRISAFULLI: Show the Bill passes.
14 Read the next Bill?

15 HOUSE SECRETARY: None on the desk,
16 Mr. Speaker.

17 SPEAKER CRISAFULLI: Are there Bills on
18 special order calendar?

19 HOUSE SECRETARY: None on the desk,
20 Mr. Speaker.

21 SPEAKER CRISAFULLI: Are there resolutions
22 on the desk?

23 HOUSE SECRETARY: None on the desk,
24 Mr. Speaker.

25 SPEAKER CRISAFULLI: Other announcements?

1 Other announcements?

2 All right, members, seeing no
3 announcements if you would, take your seats.
4 First of all thank you, Chairman Oliva, for the
5 work that you put forth. Fortunately I will
6 say that we are done with our initial work, but
7 I think we still have some work to do, and
8 knowing that there is still uncertainty as we
9 move forward which is obviously a part of this
10 process.

11 Let me start with saying what I do know.
12 Tomorrow the Senate is scheduled to go into
13 session and as you know currently we have a
14 difference amongst the two maps that we have
15 put forward.

16 We will obviously be sending our map over
17 and then they will get to the floor and we will
18 watch to see how that process will unfold over
19 there. I do not know if the Senate plans to
20 roll that Bill tomorrow and vote it out what
21 Bill they plan on taking up. I do not know if
22 they will do that on Thursday.

23 There is a possibility that we will need
24 to come back for additional committee meetings
25 or session or possibly both. So I advise you

1 to stay close for the rest of the week.

2 I would remind you that for the special
3 session we are on two-hour committee meeting
4 notice deadline, and my office will provide you
5 with the information that you will need and
6 hopefully in as much advance notice as we
7 possibly can. So keep an eye your e-mails
8 throughout the next few days and please
9 remember to stay close.

10 So once again, thank you for your work. I
11 appreciate the work that this House has done, I
12 appreciate the work that the staff has done and
13 in the demeanor in which we did that.

14 And having said that, Representative
15 Corcoran, you are recognized for a motion.

16 REPRESENTATIVE CORCORAN: Mr. Speaker, I
17 move that the House after receiving reports
18 adjourn for the purpose of holding committee
19 and subcommittee meetings and conducting other
20 House business, to reconvene upon call of the
21 Chair.

22 SPEAKER CRISAFULLI: All in favor signify
23 by saying yea.

24 (Chorus of yeas.)

25 SPEAKER CRISAFULLI: Opposed no. Show the

1 motion agreed to. The House is adjourned.

2 (Whereupon, the proceedings were

3 concluded.)

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CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 1 through 104, is a true and correct record of my stenographic notes.

Dated this 19th day of August, 2015, at Tallahassee, Leon County, Florida.

CLARA C. ROTRUCK

Court Reporter

Commission No.: FF 174037

Expiration date: November 13, 2018