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Reported by:
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Court Reporter

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

2 SENATE SECRETARY: All unauthorized
3 persons will please leave the chamber. All
4 Senators and guests in the gallery, please
5 silence all electronic devices. All Senators,
6 please indicate your presence.

7 A quorum is present, Mr. President.

8 PRESIDENT GARDINER: The Senate will be in
9 order. Senators and guests, and the guest in
10 the gallery will please rise for the opening
11 prayer to be given today by Senator Altman.

12 SENATOR ALTMAN: Please bow your head.
13 This is a day the Lord hath made, to God we
14 thank you for this wonderful day here in
15 Tallahassee, this summer day, not unlike the
16 summer day in Philadelphia 227 years ago when
17 our Founding Fathers gathered to ratify our
18 Constitution, and in that Constitution they
19 mandated that we apportion our state every 10
20 years.

21 A lot of things have changed since then,
22 air-conditioning, Lord, we thank you for
23 air-conditioning, motor cars, cell phones, but
24 the greatest change and the most meaningful
25 change is the way that we look, the way members

1 look. God, with your blessing the miracle of
2 Philadelphia has become a reality. We are
3 diverse, men, women, ethnic groups, black,
4 white, brown.

5 We truly have met the dream of a true
6 republic, a representative democracy, and dear
7 God we thank you for that. We thank you for
8 your blessings and we ask for your guidance
9 that we can continue because ironically the
10 greatest challenge we have here today is to
11 preserve this great democracy, preserve this
12 great Union, a diverse group of individuals
13 that truly represent all people, all walks of
14 life.

15 We pray this in your name. Amen.

16 PRESIDENT GARDINER: Our Pledge will be
17 led today by our Majority Leader, Senator
18 Galvano.

19 SENATOR GALVANO: Join me. I pledge
20 allegiance to the flag of the United States of
21 America, and to the Republic for which it
22 stands, one nation, under God, indivisible with
23 liberty and justice for all.

24 PRESIDENT GARDINER: We will now continue
25 with the order of business. Are there reports

1 of committees?

2 SENATE SECRETARY: None on the desk,
3 Mr. President.

4 PRESIDENT GARDINER: Are there motions
5 relating to committee reference?

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

8 PRESIDENT GARDINER: Are there messages
9 from the Governor or other executive
10 communications?

11 SENATE SECRETARY: None on the desk,
12 Mr. President.

13 PRESIDENT GARDINER: Are there messages
14 from the House of Representatives?

15 SENATE SECRETARY: None on the desk,
16 Mr. President.

17 PRESIDENT GARDINER: Are there matters of
18 reconsideration?

19 SENATE SECRETARY: None on the desk,
20 Mr. President.

21 PRESIDENT GARDINER: Take up the Special
22 Order Calendar and read the first Bill.

23 SENATE SECRETARY: Committee substitute
24 for Senate Bill 2-B, a Bill to be entitled An
25 Act Establishing the Congressional Districts of

1 the State.

2 PRESIDENT GARDINER: Senator of the 26th
3 District, Senator Galvano, you are recognized
4 on your Bill.

5 SENATOR GALVANO: Thank you,
6 Mr. President. Good morning, Senators. The
7 Bill before you, Senate Bill 2-B, is the
8 congressional map that has come out of the
9 Senate Committee on Reapportionment.

10 As you recall when we were here a week
11 ago, Monday, to convene this special session we
12 talked about going into a remedial process in
13 order to comply with the requirements of the
14 Florida Supreme Court that came out in an
15 opinion on July 9th.

16 We started our process with a base map
17 that was the product of staff with counsel
18 without members or public or any other outside
19 influences, and as I told you at that time,
20 that map was a base map and I referred to it as
21 a discussion map before the members to discuss
22 that and make decisions going forward with that
23 as a base.

24 The reason why we were able to do that is
25 because the Court in its opinion was very

1 instructive. It opined with specificity with
2 regard to many of the districts. So it gave us
3 an opportunity to get a head start. I am very
4 pleased to report that the committee took its
5 role in earnest. We had meaningful meetings,
6 all of the members were engaged and we
7 discussed the map in great depth and certain
8 proposals were brought forward, vetted,
9 discussed, voted upon and some adopted.

10 And so the map that I present to you today
11 as Senate Bill 2-B is not the -- the base map
12 as was proposed at the onset of our session,
13 but instead the product of the Senate Committee
14 on Reapportionment. And so there are some
15 changes.

16 Frankly, those changes, Senators, improve
17 the Tier 2 aspects of what was the base map and
18 have now elevated the standards, if you will.
19 In this map that is before you, unlike the base
20 map, you have two more cities that are kept
21 whole, you have four less city splits, you have
22 one less impacted county, and the compactness
23 scores remain the same essentially and we have
24 not diminished any Tier 1 requirements, and so
25 we have this good product going forward.

1 With regard to the map, itself, you will
2 recall the Court was very specific as I
3 mentioned in what it ordered us to do with
4 certain districts, and there were eight
5 districts that were in play, Congressional
6 District number 5, Congressional Districts 13
7 and 14, 26 and 27, 21 and 22, and 25.

8 And so I am going to walk through in
9 general terms what is accomplished in the Bill
10 before you, and then we can get into questions,
11 Mr. President, and also I know there are
12 amendments that are pending. So let's start
13 with Congressional District 5.

14 As you recall when we were here last year
15 at this time making adjustments based on Judge
16 Lewis' Order, we modified what was then
17 Congressional District 5 that ran north/south.
18 The Florida Supreme Court in reviewing this had
19 district, frankly after Judge Lewis had
20 reviewed it and approved it, said, no, we are
21 not going to allow you to continue to have a
22 north/south configuration, and very clearly
23 said, and I think I will read you the exact
24 language, said, "We hold that District 5 must
25 be redrawn in an east/west manner." And so

1 really there is no question but -- no question
2 as to what the Court intended for us to do.

3 Further within its opinion it referenced
4 the Plaintiffs' map, one of the iterations, as
5 exemplar and basically for us created a safe
6 harbor which, based on the Court opinion, gives
7 us the comfort that will be the configuration
8 will be approved. And so that is where we are
9 with Congressional District 5 that you see on
10 the maps behind you and also the map has -- has
11 been distributed for you.

12 With regard to Congressional Districts 13
13 and 14, the Court said they must be redrawn to
14 avoid crossing Tampa Bay, and they were redrawn
15 to avoid crossing Tampa Bay, and as a result in
16 this map what we have are districts that are
17 now more compact and they split fewer cities
18 and counties.

19 In fact, the only city that is split is
20 Clearwater where District 13's boundary crosses
21 the peninsula into Pinellas County.

22 District 14 keeps the entire city of Tampa
23 whole. District 13's compactness scores are
24 higher in the enacted plan as well as District
25 14.

1 With regard to District 21 and 22, these
2 are the districts in the Palm Beach area that
3 were drawn vertical side to side. The Court
4 said these districts must be redrawn and you
5 have to achieve a greater Tier 2 compliance and
6 for those of you who -- who don't recall, the
7 Tier 2 is the following of geographic
8 boundaries, the following of jurisdictional
9 lines and the compactness of the districts
10 which we look at visually, and also there are
11 tests for the compactness, the Reock and the
12 Convex Hull are the two tests that we rely on
13 primarily.

14 Anyway, with regard to these districts,
15 the staff as well as the committee looked at
16 the configuration and in order to achieve that
17 Tier 2 compliance that the Court requested, the
18 vertical nature side by side of these districts
19 has now changed to a stacked nature.

20 These are now more compact and there is
21 one fewer district crossing the Broward line.

22 With regard to District 25, the Court said
23 District 25 must be redrawn to avoid splitting
24 Hendry County. This was done. Hendry County
25 has been kept whole and the base map, the base

1 map all of it is in 25 and it preserves the
2 minority voting strength in both it as well as
3 neighboring District 20.

4 With regard to Districts 26 and 27, here
5 the Court said these districts must be redrawn
6 to avoid splitting Homestead. Again, as you
7 can see on your maps, this was done.

8 Approximately 30,000 people were moved in this
9 to 27 when Homestead was made whole, and then
10 in order to comply with Tier 2 we followed the
11 geographical boundary of the turnpike in the
12 northwest section of that district.

13 So those are primarily the changes that
14 the Court had recommended and what you see in
15 this map before you, that is Senate Bill 2-B,
16 ultimately 22 of the 27 districts have been
17 modified as a result of addressing the
18 infirmities identified by the Court in the
19 eight districts in play. The good news with
20 regard to that is in doing so, we were able to
21 achieve overall a much higher compactness and
22 to reduce the number of county and city splits
23 that are in the -- in the map.

24 And Mr. President and Senators, that is an
25 overview of our Bill.

1 PRESIDENT GARDINER: Okay, members, we
2 have four amendments on the desk, but are there
3 questions for Senator Galvano before we go into
4 the amendatory process?

5 Senator Braynon for a question.

6 SENATOR BRAYNON: Thank you,
7 Mr. President. This is a question on
8 procedure. With the amendments that we have,
9 and I know on the committee we talked about how
10 some of our amendments were going to be
11 combined and we combine them to come to a final
12 product.

13 What is the process for the four
14 amendments that we have here should they get
15 adopted to create one map and how they may
16 effect each other?

17 PRESIDENT GARDINER: Senator Galvano.

18 SENATOR GALVANO: Thank you,
19 Mr. President. And Senator Braynon, as you
20 recall when in committee this is a complex
21 business because oftentimes in the way an
22 amendment sits in the queue is going to impact
23 the prior amendment.

24 As I understand the amendments that are
25 pending before us, we have one in 21 and 22.

1 There is a CD 5 amendment and then also I think
2 Senator Bullard has a 25 and 26 amendment. The
3 likelihood that they will impact each other is
4 still -- is still there, and if that does
5 happen the last adopted amendment I would
6 assume unless the Rules Chair has a different
7 opinion, would end up being the map, itself.
8 But to the extent that they can exist without
9 impacting each other, then you would adopt them
10 all into a single map.

11 PRESIDENT GARDINER: Senator Montford, you
12 are recognized.

13 SENATOR MONTFORD: Thank you,
14 Mr. President. Mr. Chair, first of all, thank
15 you for your leadership on this committee. The
16 staff was exemplary.

17 The question I have, your answer may have
18 an impact on how I will vote on the amendments
19 that we are looking at. You use terms in
20 describing the District 5, the terms from the
21 Court as safe harbor, exemplary. They would
22 perhaps would look favorably on the Plaintiffs'
23 map as has drawn for Senate 5, CD 5. Does that
24 mean, is that another way of saying you don't
25 have a choice?

1 PRESIDENT GARDINER: Senator Galvano, you
2 are recognized.

3 SENATOR GALVANO: Thank you,
4 Mr. President. It reminds me of when you are
5 at a carnival and you win a prize and they say,
6 well, you can choose anywhere from here this
7 way, but you can't choose anywhere from here
8 this way or down below and then you are left
9 with basically very little choice there in the
10 middle.

11 To answer to your question is, yes. In my
12 opinion and based on the recommendations of
13 counsel, while we might be able to tweak
14 something, if we want to be comfortable that
15 what we are sending to the Supreme Court will
16 get approved, then we will take them at their
17 word that this district as drawn in this map is
18 exemplar and will perform at the 45.1 threshold
19 that they say is enough.

20 PRESIDENT GARDINER: Senator Montford, you
21 are recognized.

22 SENATOR MONTFORD: Thank you,
23 Mr. President. Regarding 45.1, the BVAP score
24 45.1 and they are of the opinion that the
25 minority population in that district can indeed

1 elect someone of their choice?

2 PRESIDENT GARDINER: Senator Galvano, you
3 are recognized.

4 SENATOR GALVANO: Thank you,
5 Mr. President. Yes, that is the opinion of the
6 Court. And CD 5 has an interesting history
7 with regard to the BVAP score because as you
8 recall in the original enacted plan we -- the
9 score had gone up over 50 percent, it was 50.1.
10 The Court came back and said no, you don't,
11 that wasn't necessary.

12 So in the vertical configuration we
13 knocked it down to 48.11 which we discussed on
14 the floor about a year ago, and the Court in
15 this opinion has -- in addition to saying you
16 must, we hold you must draw east/west, said
17 that in their analysis the 45.1 is sufficient
18 to perform and would be upheld.

19 PRESIDENT GARDINER: Senator Montford for
20 a follow up.

21 SENATOR MONTFORD: Thank you,
22 Mr. President. Final question. Was there any
23 other congressional district in Florida, any
24 other part of Florida treated this way? In
25 other words, were they this specific, the

1 Supreme Court, this specific in any other part
2 of this state?

3 PRESIDENT GARDINER: Senator Galvano.

4 SENATOR GALVANO: Thank you,
5 Mr. President. CD 5 had the most specific
6 instruction, and you know, for the lawyers in
7 this room, actually the non lawyers at this
8 point, when a district is literally part of the
9 holding and you are told you must do something,
10 it is different than saying you must redraw and
11 here is some suggestions like we saw in 21 and
12 22.

13 There was some specificity with regard to
14 Homestead and Hendry County, but this one the
15 Court really focused in on said you must do
16 this and then gave an example of what they
17 would approve.

18 PRESIDENT GARDINER: Additional questions?
19 Senator Gibson for a question.

20 SENATOR GIBSON: Thank you, Mr. President.
21 In terms of the ability of minorities to elect
22 a candidate of their choice, does -- does the,
23 I guess functional analysis and the basis of
24 the diminution in BVAP, does that go to whether
25 or not a group can elect someone in a primary

1 or they can elect someone in a general?

2 PRESIDENT GARDINER: Senator Galvano, you
3 are recognized.

4 SENATOR GALVANO: Thank you,
5 Mr. President. The functional analysis looks
6 at both aspects, and then looks at the voting
7 age population as well.

8 PRESIDENT GARDINER: Senator Gibson for a
9 follow up.

10 SENATOR GIBSON: Thank you, Mr. President.
11 So in the Court's ruling where it says it must
12 be drawn east to west, does it use the term
13 wholly, w-h-o-l-l-y, wholly drawn east to west?

14 PRESIDENT GARDINER: Senator Galvano, you
15 are recognized.

16 SENATOR GALVANO: No, it does not. What
17 it says is we hold and I am going to quote, "We
18 hold that District 5 must be redrawn in an
19 east/west manner."

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

22 SENATOR GIBSON: Thank you, Mr. President.
23 I think you used the term tweak in your
24 response to Senator Montford and maybe I didn't
25 hear it in relationship to being able to tweak

1 CD 5 or tweak something else, if you recall.

2 Thank you.

3 PRESIDENT GARDINER: Senator Galvano.

4 SENATOR GALVANO: Thank you,

5 Mr. President. The point I was making to
6 Senator Montford was he was asking about the
7 configuration that we have in this particular
8 map, which is the Romo Plaintiffs' suggested CD
9 5.

10 The question was how specific was the
11 Court and what did this have to absolutely be
12 the district. The answer to that is, no, the
13 Court didn't say you must adopt this exact
14 configuration, but the Court did use this
15 configuration as an example and one that based
16 on their analysis would be approved and based
17 on the input from legal counsel and the
18 discussion we had in the committee we viewed it
19 as a safe harbor.

20 Is there -- is it impossible to conceive
21 of a district that is not exactly that that
22 maybe is tweaked one way or another? Yes, that
23 is possible, but when staff looked at it and
24 the committee looked at it we kept coming back
25 to here is what the Court will approve, here is

1 what they have instructed us, let's go forward
2 in this manner.

3 PRESIDENT GARDINER: Senator Gibson for a
4 follow up.

5 SENATOR GIBSON: Thank you, Mr. President,
6 and thank you for allowing me to serve on the
7 committee as well. I have had an interesting
8 time.

9 In terms of the Reock and the Convex Hull
10 scores, I know we spent a lot of time on the --
11 with legal testimony setting up the process,
12 but I don't remember talking about the weight
13 of each, which has come into play as we have
14 tried to develop the various districts. And so
15 are they weighted the same?

16 Is one more important than the other? How
17 do we -- why do we have the two, and then how
18 is it that one has primacy over another, I
19 guess, or it appears that way?

20 PRESIDENT GARDINER: Senator Galvano.

21 SENATOR GALVANO: Thank you,
22 Mr. President, and I also thank you for having
23 Senator Gibson serve on the committee. She was
24 a great asset to it. That is a great question,
25 because, and I may get this number wrong, but I

1 believe there are roughly 20, 21 different
2 independent tests that can be used to gauge
3 compactness. In addition to what we call
4 visual compactness, you just look at a district
5 and decide whether it is compact.

6 I am not aware that Reock or Convex Hull
7 have priority one over the other, but they are
8 two standards that the Court has depended
9 largely on that and historically we have within
10 the legislative process and frankly the
11 challengers and the experts depend on them, and
12 they approach the districts in two different
13 ways.

14 The Reock is to fit the district into
15 the smallest possible circle and then -- then
16 divide the percentage of that where Convex Hull
17 as I think our Attorney Levesque described it
18 as a rubber band which makes sense. You put a
19 rubber band around the district and you see
20 what it fills in.

21 They have to be used in unison because you
22 could have a district that is two inches wide
23 and 200 miles long, and it will have a perfect
24 Convex Hull score. So then in that instance
25 you are going to need the input or the data

1 from the Reock score, and the same analogy can
2 be made both ways. But one doesn't have
3 priority over the -- over the other. They are
4 just part of this inexact science.

5 PRESIDENT GARDINER: Senator Gibson for a
6 follow up.

7 SENATOR GIBSON: Thank you, Mr. President.
8 So in terms of the Constitutional Amendment, if
9 you know, in the body I guess of the amendment
10 or the wording of the amendment to the
11 constituents of the state of Florida, are all
12 of these parameters sent out in the
13 Constitutional Amendment so that all of our
14 constituents understood that we would be using
15 these scores and have to draw tight little
16 boxes in order to come up with a congressional
17 map?

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

20 SENATOR GALVANO: Thank you,
21 Mr. President. If you are referencing the
22 test, itself, no. That is not -- it talks in
23 terms, the Tier 2 standards refer to it as
24 compactness in general and following
25 jurisdictional lines and following geographical

1 boundaries once the Tier 1 requirements have
2 been complied with.

3 PRESIDENT GARDINER: Senator Hays and then
4 Senator Dean.

5 SENATOR HAYS: Thank you, Mr. President.
6 And Senator Galvano, I would like to thank you
7 and your committee members for your hard work
8 on this very complex issue.

9 I need some help when I get back to the
10 district explaining to my constituents how --
11 how did we really make any difference in what
12 we had? I mean, from looking at the map, all
13 we have done is swing a north/south district
14 around to the west and make it run east and
15 west, and it still is a gerrymandered district.

16 And my taxpayers ask me, Alan, why are you
17 wasting your time and wasting our money being
18 in Tallahassee and coming up with a map that --
19 that still is it has a 200-mile long district.

20 Can you -- can you give me some reason? I
21 mean, some of them have even suggested that in
22 the Supreme Court's direction they are
23 violating the Constitution, itself. So I am
24 not a lawyer, so help me explain to my
25 constituents, if you will, please.

1 PRESIDENT GARDINER: Senator Galvano, you
2 are recognized.

3 SENATOR GALVANO: Thank you,
4 Mr. President. We are in a unique circumstance
5 in this session, in this map drawing process.
6 As you recall we were here a year ago. We were
7 here after the Trial Court had issued an order
8 and instructed us to adjust two districts, and
9 we did that. And frankly, as I stand here
10 today I think we did a good job on that and
11 complied with what the Order was and so did the
12 Trial Court believe that we did as well, and
13 that involved the north/south configuration of
14 Congressional District 5.

15 And by the way, that district was drawn by
16 a Federal court in 1992, to comply with Federal
17 law. So it wasn't some gerrymandering idea
18 that emanated from the legislative process.

19 For whatever reason the Supreme Court of
20 Florida, despite the fact that no one offered
21 an east/west configuration in either chamber,
22 said you must draw CD 5 east/west. And so we
23 find ourselves in a remedial session where we
24 are under a time constraint. The Court said,
25 you must go back, you must redraw, you have 100

1 days to do it, and you are going to go back and
2 have a court hearing if challengers so desire,
3 and by the way, we have identified eight
4 districts that need to be redrawn and CD 5,
5 this is how you are going to redraw it.

6 The others, this is what you are going to
7 do in terms of redrawing it. So I would say to
8 your constituents, sir, I would say as a
9 co-equal branch of government we are performing
10 our duties with respecting the Florida Supreme
11 Court's ability to interpret the Florida
12 Constitution.

13 You don't have to necessarily agree with
14 it, but it is the Order we are under and that
15 is what our committee and what this Senate and
16 what this Legislature is trying to accomplish.

17 PRESIDENT GARDINER: Senator Hays.

18 SENATOR HAYS: Just a thought and then I
19 have a question, but a thought is that it
20 doesn't appear to me that we are being treated
21 as co-equals when -- when the Supreme Court
22 says you will draw it east and west, they are
23 telling us what to do, and all we are doing is
24 acquiescing to their direction, but that is
25 perhaps a discussion for another day.

1 My question is, my question is concerning
2 what I see a disturbing trend in the central
3 part of this state, we have several counties,
4 if I am reading the map correctly, that are
5 split into as many as three congressional
6 districts. Lake County where I live is one of
7 them, Orange County looks like it may have four
8 congressional districts, Polk County has three.

9 I find this disturbing and my question is,
10 if there is an opportunity for tweaking and
11 perhaps a better question would be, why in the
12 compilation of this map did we not put forth
13 more effort to try to follow county lines and
14 not have so many counties divided into so many
15 different districts? To me if you have one
16 county split into three districts, it is -- it
17 is somewhat counterproductive.

18 Many of those parts of the county are
19 going to feel like mere appendages in that
20 congressional district. Can you address that
21 for me?

22 PRESIDENT GARDINER: Senator Galvano.

23 SENATOR GALVANO: Thank you,
24 Mr. President. Overall we have significantly
25 improved the -- on the number of county and

1 city splits, and by improve I mean that we have
2 less. That is certainly a component of what
3 the committee and this Legislature are trying
4 to accomplish. That is a Tier 2 component and
5 it is a priority in this map and actually even
6 from the base map we have improved on that. So
7 it is not -- it is not a trend.

8 Why this is a complex undertaking and in
9 our -- as much as a science is because we have
10 to start with Tier 1, and Tier 1 involves, as
11 well as Federal law, the ability of minority
12 populations to elect a candidate of their
13 choice in certain districts.

14 And so once you plug in those districts
15 like, for example, Congressional District 5,
16 you have a ripple effect that goes on. So
17 then, then the Legislature along with staff, is
18 tasked with trying to put the Tier 2 components
19 together that don't prioritize one over the
20 other.

21 The constitution says if you are compact
22 then don't worry about jurisdictional lines or
23 geographical lines, nor the reverse. And so
24 all of that comes together and unfortunately
25 you are left with county splits and city

1 splits, but it was a priority, Senator Hays,
2 and you are right to bring it up, but it was a
3 priority.

4 PRESIDENT GARDINER: Senator Dean, you are
5 recognized for a question.

6 SENATOR DEAN: Thank you. Senator
7 Galvano, thank you for the explanation. I want
8 to go back to the fact in '92, that someone in
9 another Supreme Court venture figured out how
10 we would gerrymander that District 5.

11 Many times I read in the local papers that
12 we are the culprits, we didn't write that, we
13 didn't prepare that and I appreciate that
14 clarity.

15 Further questions that I have concerning
16 not only some points that Senator Hays had a
17 while ago about 9 and 10, if that compactness
18 is where we are looking at it in terms of an
19 east/west application, I can clearly understand
20 13 and 14, but what about that part of 15 that
21 is in Polk County and then the extension of
22 that goes over into the edge of Orange County
23 in 9?

24 I don't question how you arrived at that
25 because I understand you had to get your

1 numbers somewhere, but what was the rationale
2 behind that and in terms of what we will be
3 facing with another map probably today or
4 tomorrow, and that the extension of the
5 jurisdiction of 15 as it goes east and west?
6 Just give me some explanation on that, please,
7 sir.

8 PRESIDENT GARDINER: Senator Galvano, you
9 are recognized.

10 SENATOR GALVANO: Thank you,
11 Mr. President. With regard to District 9 it
12 includes central Orange County, all of Osceola
13 and eastern Polk. If you recall from not last
14 year, well, actually last year we addressed the
15 issue, but at one point we sought to make this
16 a Hispanic performing district, and the Circuit
17 Court determined that that wasn't -- the
18 creation of a Hispanic district in this area
19 was not required and did not justify the
20 configuration that we had.

21 So when we went back on 9 as you see it,
22 the idea was to be as Tier 2 compliant as we
23 possibly could, and that again being the
24 compactness and the jurisdictional and
25 geographical lines. And like I was explaining

1 to Senator Hays, it is not an exact science and
2 these districts when you are moving populations
3 and trying to find, it would be great if
4 everybody lived in one cluster, but in order to
5 reach the populations, that is why you see some
6 of this -- this configuration.

7 And this was also an area that during the
8 committee we had an amendment on to reduce some
9 other city, city splits, and to keep Tampa Bay
10 whole.

11 District 15, that was redrawn as a result
12 of the reconfiguration of 13 and 14. The
13 reconfiguration of 13 and 14 occurred because
14 the Florida Supreme Court told us we had to
15 reconfigure them, said we could not cross over
16 Tampa Bay any further. So it -- it encompasses
17 eastern and southern Hillsborough County, and
18 it had to pick up population and in doing so
19 picked up 174,000 people in Polk County.

20 So it is, as you point out, a little, a
21 little less compact but it also splits less
22 cities and it keeps Auburndale whole which are
23 part of the Tier 2 components. But again, all
24 of these impact one another.

25 PRESIDENT GARDINER: Additional questions?

1 Okay, Senators, where we are is the amendments
2 were drawn to the Senate Bill, but in the
3 meantime the amendments have now been drawn to
4 the House Bill as well. So I think the intent
5 would be is that we will get in the proper
6 posture and we will take up those amendments.

7 Senator Galvano, are you comfortable with
8 moving through a series of motions to get us in
9 the proper posture?

10 SENATOR GALVANO: I am as soon as the
11 script arrives.

12 PRESIDENT GARDINER: Okay, how about if I,
13 we can work through this. The Senator of the
14 26th District, Senator Galvano, moves that HB
15 1-B be substituted for CS SB 2-B. Is there
16 objections?

17 Read the House Bill.

18 SENATE SECRETARY: House Bill 1-B, a Bill
19 to be entitled, An Act Establishing the
20 Congressional Districts of the State.

21 PRESIDENT GARDINER: The Senator of the
22 26th District, Senator Galvano, is recognized
23 to explain the Bill. And actually I think,
24 well, Senator Galvano, you are recognized to do
25 that, but then we can go right into the

1 amendatory process which is your delete
2 everything and then we would go to the
3 additional amendments that have now been filed
4 to the Senator Galvano strike all amendment.

5 Senator Galvano.

6 SENATOR GALVANO: Thank you,
7 Mr. President. Senators, what we have, I have
8 described and what we have had a Q and A on is
9 exactly that, delete everything amendment. So
10 unless there is something further I think we
11 have covered it.

12 PRESIDENT GARDINER: Okay, take up and
13 read the first amendment.

14 SENATE SECRETARY: Bar Code 876908 by
15 Senator Galvano, delete everything after
16 enacting clause and insert amendment.

17 PRESIDENT GARDINER: Okay, this is the
18 substance of Senator Galvano's amendment which
19 we have discussed and taken questions on. My
20 intent would be at this point to take up the
21 amendments to the amendment, take up and read
22 the first amendment to the amendment.

23 SENATE SECRETARY: Late filed Bar Code
24 918370 by Senator Detert, deletes lines 50
25 through 6,621 and insert amendment.

1 PRESIDENT GARDINER: Senator Detert, you
2 are recognized on your amendment to the
3 amendment.

4 SENATOR DETERT: Thank you, Mr. President,
5 and I am going to withdraw my amendment based
6 on the fact that Senator Galvano's delete all
7 map would include my amendment. So if his
8 passes I am fine, so I withdraw the amendment.

9 PRESIDENT GARDINER: Okay, show that
10 amendment withdrawn. Take up and read the next
11 amendment to the amendment.

12 SENATE SECRETARY: Late filed Bar Code
13 418552 by Senator Bullard, delete lines 50
14 through 6,621 and insert amendment.

15 PRESIDENT GARDINER: Senator Bullard, you
16 are recognized.

17 SENATOR BULLARD: Thank you,
18 Mr. President. Senators, this would simply
19 move or make whole a traditional
20 African-American voting block in south
21 Miami-Dade County. Just to put it in laymen's
22 terms, if this amendment does not pass, what
23 ends up happening with this particular voting
24 block is that they would wholly be in their
25 County Commission district, wholly be in their

1 State Representative's district, wholly be in
2 their State Senator's district, but then be
3 split between congressional districts. So this
4 simply fixes and addresses that problem of
5 making sure that this non-municipal
6 predominantly African-American voting block
7 remains whole in one congressional district
8 versus being split between two.

9 That is the amendment, Mr. President.

10 PRESIDENT GARDINER: Are there questions
11 on the amendment? Senator Braynon for a
12 question.

13 SENATOR BRAYNON: Thank you,
14 Mr. President. Do you know how many people is
15 in this voting block that you were talking
16 about?

17 PRESIDENT GARDINER: Senator Bullard to
18 respond to the question.

19 SENATOR BULLARD: Thank you,
20 Mr. President. Approximately 35,000.

21 PRESIDENT GARDINER: Are there additional
22 questions on the amendment? Senator Gaetz,
23 President Gaetz, you are recognized for a
24 question.

25 SENATOR GAETZ: Thank you very much,

1 Mr. President. Senator Bullard, do you have
2 any reason to believe and, if so, what would be
3 your reason that your amendment would be more
4 acceptable to the Supreme Court than the
5 amendment that is before us sponsored by
6 Senator Galvano?

7 PRESIDENT GARDINER: Senator Bullard to
8 respond to the question.

9 SENATOR BULLARD: Thank you,
10 Mr. President. Thank you for the question,
11 Senator Gaetz. I would look at it in the
12 historical reference points, right. Since 1992
13 when this particular African-American voting
14 block was first able to elect a candidate of
15 its choice by being wholly contained, we have
16 seen diversity.

17 The first Congress person that was
18 represented in the area was then Congresswoman
19 Carrie Meek. The maps then were redrawn again.
20 That African-American voting block was split
21 and we saw really a diluting of the voting
22 power of that particular group because it was
23 split then between the two congressional
24 districts.

25 Since the redrawing of the maps in 2012 or

1 2010, 2012 after the census we have seen them
2 now wholly put back into a congressional voting
3 block and we have seen although volatility, but
4 the ability for that group to then elect a
5 candidate of its choice in the midst of the
6 volatility between electorate years. So I
7 think the Supreme Court would definitely
8 believe this would be helpful.

9 PRESIDENT GARDINER: President Gaetz.

10 SENATOR GAETZ: Thank you, Mr. President.
11 I am not a lawyer, but based on my reading of
12 the Supreme Court's ruling, while I find your
13 argument compelling, arguments like that made
14 previously by the Legislature appear not to
15 have been viewed as compelling by the Supreme
16 Court. So let me try my question a different
17 way.

18 Do you have any reason to believe that the
19 Plaintiffs in the lawsuits against the
20 Legislature would be more inclined to support
21 your amendment than to support some other
22 approach that would be more pleasing to them,
23 and therefore, the Supreme Court?

24 PRESIDENT GARDINER: Senator Bullard.

25 SENATOR BULLARD: Thank you,

1 Mr. President. When we are talking about the
2 specific congressional district maps that are
3 in play, 26 and 27, by eliminating in essence
4 that substantial portion of African-American
5 voters it may be viewed, it may be viewed by
6 the Court that an incumbent is being protected,
7 and rather than do that you get to kind of kill
8 two proverbial birds with one stone.

9 You get to maintain a voting block with
10 its consistency in one voting district while
11 also not being viewed as trying to protect an
12 incumbent. So it is kind of gets at both
13 issues.

14 PRESIDENT GARDINER: President Gaetz for a
15 follow up.

16 SENATOR GAETZ: My final question,
17 Mr. President, thank you for your indulgence.
18 So with respect then, Senator Bullard, that
19 would be your opinion, but it would not, your
20 opinion is not informed, is it, by any
21 communication from the Plaintiffs in this case
22 that they would be pleased by your amendment?

23 PRESIDENT GARDINER: Senator Bullard, you
24 are recognized.

25 SENATOR BULLARD: No, it is not. It is

1 informed by the fact that I am a voter in this
2 particular district.

3 PRESIDENT GARDINER: Additional questions?
4 Senator Montford for a question.

5 SENATOR MONTFORD: Thank you,
6 Mr. President. Senator Bullard, I applaud your
7 efforts. The question I have for you and it
8 will be for the other members, too,
9 Mr. President, is unlike our Senate districts
10 which you have some variation of population, it
11 is my understanding from the staff that you
12 have a deviation of one, you can't go two
13 either way or one over that.

14 Is that the case with your amendment?
15 Have you looked at the population numbers and
16 are you indeed down to one when you compare
17 your amendment to the -- to the base map?

18 PRESIDENT GARDINER: Senator Bullard.

19 SENATOR BULLARD: If I am understanding
20 you, let me know if the answer to the question
21 answers your question, Senator Montford, and
22 thank you, Mr. President.

23 In looking at the population variation in
24 between the two maps, what I found and what we
25 were able to do in drawing up the amendment is

1 keep a traditional sort of contiguous group in
2 a non-municipal setting in the northeastern
3 portion of the map whole, while still allowing
4 the, again, traditional African-American voting
5 block in the middle of the map to be -- to
6 remain whole. So it -- it fixes, it fixes a
7 myriad of problems that are created by the map
8 in its current existence.

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

11 SENATOR MONTFORD: Thank you. Thank you,
12 Mr. President. And Mr. President, it may be
13 directed to our Chair, if that is all right.
14 And that is, if I am wrong, let me know, but
15 wouldn't, whatever amendment we are considering
16 today, the result of those districts have to be
17 no more than a deviation of one in those
18 districts, am I correct?

19 PRESIDENT GARDINER: Senator Bullard, will
20 you yield to Senator Galvano?

21 Senator Galvano, you are recognized to
22 respond to the question.

23 SENATOR GALVANO: Thank you,
24 Mr. President. You are correct.

25 PRESIDENT GARDINER: Are there additional

1 questions?

2 SENATOR GALVANO: For a question.

3 PRESIDENT GARDINER: Senator Galvano, you
4 are recognized for a question.

5 SENATOR GALVANO: Thank you,
6 Mr. President. Senator Bullard, on
7 August 17th, I received a letter as did
8 Chairman Oliva, and frankly, sir, it was a
9 scathing letter that I was offended by because
10 it impugned the professional staff that we have
11 here in the Senate, the same staff that
12 throughout this entire process has been found
13 unassailable by each aspect of the judicial
14 proceedings.

15 But my question to you is, did you in fact
16 write this letter or was that language provided
17 to you to affix your signature to? Because it
18 addresses specifically these two districts, 26
19 and 27, and given the remedial process that we
20 are in and the gravity of the Tier 1
21 requirements in our Constitution, I would like
22 to know where this was generated and how it
23 came to come to me.

24 PRESIDENT GARDINER: Senator Bullard to
25 respond.

1 SENATOR BULLARD: Thank you,
2 Mr. President. Yes, the letter was drafted by
3 me, Senator Galvano. I do apologize if you we
4 felt any sort of slight from the letter. It
5 was not meant to impugn or personalize it to
6 you or Representative Oliva, but the reality is
7 that the particular districts in question had
8 become accustom, accustom to a certain level of
9 voter participation from its African-American
10 population, and the maps prior to this
11 amendment and prior to the drafting of that
12 letter, were not reflective of the sort of
13 commitment to voting excellence that these
14 particular areas have had.

15 Just to put it in simple terms, when you
16 carve out that particular block of folks, over
17 the last 20 years three of those voting
18 precincts have represented three of the top 10
19 voting precincts in the state of Florida in
20 terms of voter participation.

21 And so I have a commitment to that -- to
22 that district because it is in fact mine. I
23 have a commitment to that community because it
24 is the community that has brought three
25 Bullards to the State House and State Senate.

1 And so my commitment to making sure that
2 those voters are protected was that. So I, if
3 it came off as fiery, it is because it comes
4 from a passionate place, absolutely, but it was
5 in no means, but by no means was it meant to,
6 you know, vilify or make it seem as though the
7 process had been skewed in any way, shape or
8 form. However, I have a commitment to those
9 voters and to make sure that they are protected
10 and that is why I am here.

11 I mean, I am supposed to be reporting to
12 school today. So I wanted to make sure I am
13 here to defend those voters.

14 PRESIDENT GARDINER: Further questions?
15 Senator Galvano for a follow up question.

16 SENATOR GALVANO: Yes, thank you,
17 Mr. President. And I appreciate that, that you
18 have apologized, but it is not me. As a member
19 of this body I put myself out there, I am
20 subject to criticism. I have my what I pursue
21 and what I don't pursue, and that is part of
22 the process, you know, this is a full contact
23 sport.

24 What I take exception to is when
25 professional staff is accused of, give me the

1 exact, having a goal that appears to be overt
2 and damaging and that the professional staff's
3 activities need to be condemned.

4 If there is anything that occurred in the
5 Reapportionment Committee that anybody in this
6 chamber has an issue with, the buck stops right
7 here, not with professional staff.

8 Having said that, you make reference to we
9 in the letter and I just want to know if you
10 can clarify who we is.

11 PRESIDENT GARDINER: Senator Bullard.

12 SENATOR BULLARD: We would refer to the
13 voters. I happen to be a voter in that
14 particular appendage in question, and when I
15 say, "we", I mean the communities, the
16 surrounding communities that would have been
17 impacted by the change.

18 PRESIDENT GARDINER: Are there additional
19 questions? Additional questions? Seeing none
20 we are in debate.

21 Is there debate on the amendment? Is
22 there debate?

23 Senator Braynon in debate.

24 SENATOR BRAYNON: Thank you,
25 Mr. President. I think one of the things that

1 Senator Bullard talked about is -- was glossed
2 over very quickly and it is the historical
3 background of the area that we are talking
4 about. And I think when we talk about the
5 letter that Senator Bullard wrote, we talk
6 about Senator Bullard not, you know, forsaking
7 his school duties so he could come up here, it
8 is because of the historical importance of this
9 area, the historical importance of the things
10 that have happened to the people that live in
11 this area and how there has been a history of
12 -- of them being under-represented or not
13 having an opportunity to elect the person of
14 their choice.

15 And in maps previous to this one in the
16 past I would say two decades we have recognized
17 that history and we have drawn them into
18 districts that they can -- that they can vote
19 for the person of their choice, and now with
20 this slight change that happened in the base
21 map because when we got, what you have to
22 understand is in the original map, so let's go
23 before the base map, in the original map, it
24 went right up US 1 and US 1 was the line and it
25 followed the line.

1 And then when we drew this base map US 1
2 deviated, they deviated off US 1, picked up
3 this neighborhood and came back in. So you
4 have to understand the appearance, you have to
5 understand the history and that will lead you
6 to where, and let me tell you something that
7 was said yesterday, is that appearance and
8 perception is a big part of this.

9 Intent is a big part of it. Those things
10 lead the Court to think of intent. And so the
11 appearance here could appear to be something
12 else, but I am sure that is not what we are
13 doing and that is why Senator Bullard has
14 submitted this amendment for us to correct that
15 and to correct the historical, the historical I
16 guess bad things that have happened to this
17 community and make sure that they are made
18 whole.

19 And I applaud Senator Bullard for his
20 effort and work in this community and I
21 100 percent support this amendment.

22 Thank you.

23 PRESIDENT GARDINER: Further in debate?
24 Further in debate? Senator Galvano in debate.

25 SENATOR GALVANO: Thank you,

1 Mr. President. And while I understand where
2 Senator Bullard is coming from, I would ask the
3 body to vote down this amendment. What we were
4 dealing with here was a directive from the
5 Court to keep Homestead whole. And you are
6 talking about two districts that historically
7 have been Hispanic performing districts.

8 And so in doing that, in moving the
9 population from Homestead back into 26, the
10 committee thought to balance the Hispanic
11 population and then move into a Tier 2
12 application which followed a geographical
13 boundary up into the north and to the west
14 being the turnpike.

15 If we adopt the Bullard amendment, because
16 of the Hispanic population shift that would
17 move one to the other, I would suspect that the
18 Court in its review would find that we have in
19 fact packed District 27. So I would ask that
20 you vote this down.

21 PRESIDENT GARDINER: Further in debate?
22 Further in debate? Senator Clemens, you are
23 recognized in debate.

24 SENATOR CLEMMONS: Thank you,
25 Mr. President. I don't think we have any

1 evidence that, that we have packed any
2 district. So I don't think that that would be
3 anything that the Supreme Court would find
4 considering that no one has shown any evidence
5 that that was Senator Bullard's intent with
6 this amendment.

7 So I am not sure that that is something we
8 should be considering unless we can show some
9 sort of intent on Senator Bullard's part, and
10 he can speak to this when he wraps up whether
11 or not he was intending to pack anybody into
12 any district. But what he is intending to do
13 is to keep a minority district, a minority
14 community whole and I think that makes sense.

15 His amendment comports with what the
16 Supreme Court has asked of us in terms of
17 keeping Homestead whole and also accomplishes a
18 goal of keeping a minority community whole at
19 the same time. It is an amendment that
20 approves the map and I would ask for your
21 support for it.

22 PRESIDENT GARDINER: Further in debate?
23 Further in debate?

24 Seeing none, Senator Bullard is recognized
25 to close on his amendment.

1 SENATOR BULLARD: Thank you,
2 Mr. President. Thank you, Senators. You know,
3 I am a history teacher by trade, so pardon me
4 if I am jumping into it a little bit. Prior to
5 1990, the south Miami-Dade communities had
6 never elected an African-American to the State
7 House, State Senate or the County Commission,
8 let alone Congress, and this has nothing to do
9 with the ability to elect an African-American
10 Congressperson by any stretch.

11 What it does, however, do is recognize
12 that the communities in question that are being
13 split by the current map as it stands now have
14 been a consistent voting block since 1990.
15 That 1990 voting block you saw, then
16 Representative Darrell Jones, who later became
17 State Senator. You then later see State
18 Representative Larcenia Bullard who then became
19 State Senator, Larcenia Bullard, you then saw a
20 County Commissioner, an African-American County
21 Commissioner elected to that area 1994.

22 All because this particular voting block,
23 although not municipal, have sort of a like
24 mentality because they are historically
25 predominantly African-American south Miami-Dade

1 communities that go in order. And as to my
2 colleague from Orlando, this is the area that
3 represents her feeder pattern for the then
4 segregated school that she went to, Mays Senior
5 High School.

6 So that group has been very consistent in
7 being able to elect a candidate of their choice
8 in a number of different areas. So it just
9 seems very obscure and overly problematic that
10 that particular community, that voting
11 consistent community would be split now between
12 two different very distinct congressional
13 districts, thus not giving those -- that
14 consolidated group of voters the opportunity to
15 select a candidate of their choice or at least
16 play a role, a significant role in electing a
17 candidate of their choice in their
18 congressional district.

19 So I would hope that as we go through this
20 process and that as you consider which button
21 you are going to press or how you are going to
22 vote or what you are going to say, yea or nay,
23 that you would consider the historical
24 ramifications of voting this particular
25 amendment down versus where this district has

1 been on the last 20 plus years.

2 Thank you, Mr. President.

3 PRESIDENT GARDINER: Senator Bullard
4 having closed on his amendment, all those in
5 favor signify by saying aye.

6 (Chorus of ayes.)

7 PRESIDENT GARDINER: All opposed.

8 (Chorus of nays.)

9 PRESIDENT GARDINER: No, show it not
10 adopted. Take up and read the next amendment.

11 SENATE SECRETARY: Late filed Bar Code
12 236730 by Senator Clemens, delete lines 50
13 through 6,621 and insert amendment.

14 PRESIDENT GARDINER: Senator Clemens, you
15 are recognized on your amendment.

16 SENATOR CLEMENS: Thank you so much,
17 Mr. President. My amendment deals with
18 specifically the issues with Districts 21 and
19 22. Those of you who were here for the
20 committee meetings last week and this week are
21 probably aware of this issue because there were
22 numerous groups that came up from south Florida
23 to testify about this issue presenting a lot of
24 evidence as to why this district should be
25 drawn differently than the way it was drawn in

1 the base map. And so that is what my amendment
2 speaks to.

3 I want to first read from the Supreme
4 Court decision as it relates to this district
5 so that we understand as a body what the
6 direction of the Court was, because in many
7 cases the Court directed that this be redrawn a
8 certain way.

9 In this case they did not direct that. So
10 there is a little bit more flexibility for the
11 Legislature here in order to be able to deal
12 with this issue. So the Supreme Court case
13 reads as thus. "Because the Legislature has
14 not justified its enacted configuration of
15 these districts we conclude the districts must
16 be redrawn. We do not, however, instruct the
17 Legislature must necessarily redraw the
18 districts in a stacked horizontal
19 configuration. Indeed the challengers have
20 conceded that a vertical configuration could
21 perhaps pass constitutional muster. And their
22 alternative maps introduced at trial did in
23 fact configure these districts in a vertical
24 manner. Accordingly we leave it for the
25 Legislature to determine how to redraw these

1 two districts with the understanding that Tier
2 2 compliance could be improved and given the
3 shift in the burden the Legislature must be
4 able to justify its redrawn configuration of
5 these districts."

6 So as you can clearly read in that, the
7 Supreme Court did not say we had to stack these
8 one on top of each other. What they said is we
9 have to improve Tier 2 compliance which is
10 exactly what my amendment does.

11 So looking at the actual amendment,
12 itself, and what it does, it, there was a small
13 portion of population from a strange appendage
14 that lies in the center of Palm Beach County
15 and moves it to the southern portion of
16 District 20, which makes Districts 22 more
17 compact and leaves the compactness measures of
18 21 at about the same.

19 So I am going to get into what those
20 compactness scores actually end up being so
21 that you are familiar and if anybody wants a
22 copy I have several copies of what those
23 compactness scores are back here in terms of
24 what the effect.

25 So in District 20 -- 21 in terms of the

1 compactness there is a slight increase over the
2 enacted plan in the Convex Hull and a slight,
3 very slight increase in the Pilsbury-Popper over
4 the enacted plan. And in District 22 there is
5 a slight increase, .04 increase in the Convex
6 Hull and a .03 increase in the Pilsbury-Popper.

7 So the compactness of the districts is
8 better than the enacted plan as it stands right
9 notice, but not quite as good as SB-2 which
10 Senator Galvano is presenting.

11 So the question would be, well, if the
12 compactness scores are not quite as good as the
13 plan that we have before us that Senator
14 Galvano is presenting, why would this be a
15 better plan? And it is because Tier 2
16 requirements aren't just about compactness.
17 They are about splitting cities as well, cities
18 and counties. And my plan splits three less
19 cities than the plan that we have before us.

20 So we are talking about an amendment that
21 compactness-wise isn't quite as good as the one
22 that Senator Galvano is presenting today, but
23 in terms of city splits, reduces the number of
24 city splits in the state by almost 14 percent,
25 which is a significant number.

1 So I would argue that Tier 2, Tier 2
2 reasoning really applies equally to both
3 compactness and the city splits and we have a
4 map in front of presented by Senator Galvano
5 that is a bit better on compactness, but is
6 deficient in terms of city splits. Conversely,
7 my amendment is a little bit worse in
8 compactness, but significantly better in city
9 splits. They are both Tier 2 requirements.

10 So keeping that in mind, then why is one
11 better than the other? Well, I am not going to
12 argue that one is necessarily better than the
13 other, but what I will say if one is better in
14 one area and the other is better in a different
15 area, then it is really up to the Legislature,
16 and what I would ask is that the Legislator
17 take into account the numerous testimonies that
18 we heard from people in both Palm Beach and
19 Broward County last week and this week saying
20 that they would prefer a map of the order of
21 the one that I have submitted rather than the
22 one that, that is currently in front of us.

23 We heard from the Palm Beach County, I am
24 sorry, the Palm Beach County Mayor, we heard
25 from the Palm Beach Mayor, we heard from the

1 Broward County Mayor, that they would prefer to
2 see a map similar to the one that I have drawn,
3 and taking into account that each map has
4 similar deficiency or deficiencies that are
5 different than each other, I would argue that
6 my map would be the one that we should -- we
7 should now adopt.

8 That is my presentation, Mr. President.

9 PRESIDENT GARDINER: Questions on the
10 amendment? Senator Latvala for a question on
11 the amendment.

12 SENATOR LATVALA: Senator Clemens, I
13 certainly sympathize with the issue that has
14 been brought forward with this. I have a real
15 simple question though.

16 This is, as I recall the process, an
17 amendment has to be a total map, and maybe I
18 don't know whether I should ask you the
19 question or Senator Galvano, but it has to do
20 with your amendment.

21 Does your, the bottom line is, does your
22 amendment include the good points or the good
23 amendments that Senator Lee and Senator Detert
24 have included, because that will make a real
25 big difference on where I am coming from on

1 this?

2 PRESIDENT GARDINER: Senator Clemens, you
3 are recognized.

4 SENATOR CLEMENS: Thank you,
5 Mr. President. That absolutely was my
6 instruction to staff, to include the amendments
7 that have already been adopted. I have to tell
8 you, the amendment is about that thick so I
9 didn't go line by line, but I would ask staff
10 whether Senator Galvano or Jay would be able to
11 speak to that. But as far as I know, that was
12 the way that I asked for it to be drawn and I
13 believe that is the way it was drawn.

14 PRESIDENT GARDINER: Additional questions?
15 Additional questions? We are in debate. Is
16 there debate on the amendment? Senator Ring in
17 debate.

18 SENATOR RING: Thank you, Mr. President,
19 and Senator, my friend, Senator Clemens, we
20 spoke this morning and I told him I would have
21 to stand up and oppose this amendment obviously
22 on regional issues. The, you know, the folks
23 in Broward County is split north and south
24 between 595, and forever northern Broward
25 outside of the minority district has lacked

1 representation. The representation has been in
2 Palm Beach.

3 This seat I think creates fairness by
4 giving northern Broward representation.
5 Senator Clemens', you know, amendment again
6 kind of takes that away which the base map
7 hopefully would have provided. So I am going
8 to again stand up and just oppose this
9 amendment and ask people to vote it down.

10 Thank you.

11 PRESIDENT GARDINER: Further in debate?
12 Further in debate? Senator Galvano in debate.

13 SENATOR GALVANO: Thank you,
14 Mr. President. And I appreciate, Senator
15 Clemens, where you are coming from, and we did
16 have testimony from that area of the state in
17 committee. The challenge that we had was while
18 the Court didn't say specifically that you have
19 to draw them stacked, the Court did make that
20 reference and said, you know, here, have at it,
21 they don't have to be like this, but, you know,
22 see if you can figure out another way, and that
23 was the challenge.

24 Because in looking at these two districts
25 from a Tier 2 perspective, unless you start

1 impacting Tier 1, you don't get there in the
2 vertical configuration, and unfortunately in
3 your configuration you have taken the arm that
4 was in District 20, which is a minority
5 district, and moved it into 21, I believe. And
6 what that does is, yes, it reduces the number
7 of city splits, but you have also at the same
8 time taken a majority/minority district and
9 brought it below 50 percent, and frankly, that
10 is going to be problematic going forward, not
11 just at the state level but frankly at a
12 federal level because of the Federal Voters
13 Rights Act and I believe that would be
14 violative of that act.

15 So if you are to maintain that performance
16 in District 20, then you are below on both
17 compactness and splits. So unfortunately I am
18 going to did the Senators to vote down this
19 amendment because it does impact the Tier 1
20 requirements of our State Constitution.

21 PRESIDENT GARDINER: Further in debate?
22 Senator Latvala.

23 SENATOR LATVALA: Thank you. Since
24 Senator Galvano raised this point in his
25 debate, I am wondering if I could ask him a

1 question about what he just said.

2 PRESIDENT GARDINER: Okay. The question
3 to?

4 SENATOR LATVALA: Senator Galvano.

5 PRESIDENT GARDINER: Okay, you are
6 recognized for a question for the sponsor of
7 the Bill.

8 SENATOR LATVALA: Thank you. The question
9 deals with, you know, as I understood your
10 argument against the amendment, it had to do
11 with the fact that it would diminish the
12 minority population in a minority district.

13 My question to you is, have we done a
14 functional analysis which is the essence of
15 their ability to continue electing a minority,
16 and what was the result of that? Did that show
17 that this amendment would, in fact, inhibit
18 their ability to continue electing a minority
19 in that district?

20 PRESIDENT GARDINER: Senator Galvano for a
21 response to the question and we will get back
22 in debate.

23 SENATOR GALVANO: Thank you, President
24 Gardiner. A great question. Yes, a functional
25 analysis was performed and it would still

1 perform at the 48 percent, but what -- what we
2 are doing in this particular instance with
3 District 20 is that you actually have a
4 majority/minority district that we are now
5 bringing below the majority, below the
6 50 percent and based on conversations with
7 counsel we believe that is going to be
8 problematic from the Federal Voter Rights Act.

9 PRESIDENT GARDINER: In debate? Okay.
10 Senator Latvala and then we need to get back
11 into debate. Senator Latvala, you are
12 recognized.

13 SENATOR LATVALA: Thank you,
14 Mr. President. I think when this point was
15 raised in debate, I think it is important to
16 continue the line of debate that he has raised
17 here to get to the validity of that.

18 Did I hear the words, still perform at
19 48 percent? In other words, does the
20 functional analysis show a reduction in the
21 performance or does it show that the
22 performance would still be the same even with
23 this amendment by Senator Clemens?

24 PRESIDENT GARDINER: Senator Galvano.

25 SENATOR GALVANO: Thank you,

1 Mr. President. Yes, you did hear the words,
2 still perform in my answer. With the reduction
3 in the -- in the number to 48 percent you still
4 have performance.

5 PRESIDENT GARDINER: Further in debate?
6 Further in debate? Senator Clemens, you are
7 recognized to close on your amendment.

8 SENATOR CLEMENS: Thank you so much,
9 Mr. President, and I appreciate the question
10 and since we went there and you graciously
11 allowed a couple more questions, I am going to
12 start off my debate by first addressing that
13 particular issue, because it is an important
14 issue, the one that Senator Galvano raises and
15 I don't want to minimize it in any way.

16 I do have, again, if anybody is interested
17 in seeing a sheet that describes what happens
18 to this district, in terms of the BVAP and in
19 terms of the actual functional analysis that
20 Senate Latvala was asking a question about, and
21 after the changes that I am talking about, the
22 -- the functional analysis shows that in, for
23 instance the 2010 primary turnout, these are
24 voters that actually turned out in the 2010
25 primary. Of the Democrats who were black, that

1 number is at 59 percent, so that is a
2 significant number obviously.

3 This is a district that went 81.5 percent
4 for President Obama in 2012, and in this
5 district in the primary almost six out of every
6 10 voters was black. I think that the Supreme
7 Court has shown and has said that that is the
8 key here, that is the crux, the functional
9 analysis. BVAP is an important figure, but the
10 functional analysis, how a district actually
11 performs is the more important number.

12 So, yes, my amendment does take the BVAP
13 from 50 down to 48, but the functional analysis
14 still shows that minorities will have an
15 opportunity to elect a candidate of their
16 choice. The Federal Court in *Martinez*
17 determined that a BVAP of 46.9, quote, "will
18 afford black voters a reasonable opportunity to
19 elect candidates of choice and probably will in
20 fact perform for black candidates of choice."
21 So that is a 46.9 in CD 5 which is in the map
22 that Senator Galvano is proffering here. We
23 have a 45.1 BVAP. Again, in this district is a
24 48 BVAP.

25 So what I have in front of you here and

1 what you have in front of you is a district, a
2 series of maps that draws districts slightly
3 more compact than the ones that are enacted
4 right now, that meets the Tier 2 requirements
5 of dividing less cities, going down statewide
6 from 22 to 19. So three less cities statewide
7 that will be divided.

8 And finally comports with the wishes of
9 all the constituents that have come up here
10 over the past couple of weeks from both Broward
11 County and Palm Beach County in order to be
12 able to say, we would like these districts to
13 stay at north and south rather than having them
14 divided with an east/west line.

15 I think I have done a pretty good job of
16 proffering an alternative and I would love for
17 the Senate to be able to approve this
18 amendment.

19 Thank you, Mr. President.

20 PRESIDENT GARDINER: Okay, Senator
21 Clemens, having closed on his amendment, all
22 those in favor signify by saying aye?

23 (Chorus of ayes.)

24 PRESIDENT GARDINER: All opposed?

25 (Chorus of nays.)

1 PRESIDENT GARDINER: Show it not adopted.
2 Take up and read the next amendment.

3 SENATE SECRETARY: Late filed Bar Code
4 267580 by Senators Gibson and Simmons, delete
5 lines 50 through 6,621 and insert amendment.

6 PRESIDENT GARDINER: The Senator of the
7 9th District, Senator Gibson, you are
8 recognized.

9 SENATOR GIBSON: Thank you, Mr. President.
10 And let me first thank staff. Mr. Ferrin has
11 been a delight to work with, very patient as I
12 mentioned in our committee, and very amenable,
13 and I appreciated that and I know Senator
14 Simmons did as well. I think last Wednesday we
15 were back and forth about three times to the
16 capital because -- because of Mr. Ferrin's
17 willingness to draw and record all of our
18 efforts. And Senator Lee mentioned that he
19 spent three hours with Jay on one sitting and I
20 think we spent three back and forth, back and
21 forth to draw this map.

22 And let me also thank Senator Simmons, my
23 partner in progress and in the struggle by the
24 way, to try to -- to do what I think and I
25 believe that he thinks is right for the

1 constituents in CD 5, current CD 5, and
2 certainly for the CD 5 that is drawn in the
3 base map.

4 And so I also just want to mention that CD
5 5 is the most reconfigured district in the
6 entire map. And some would say that that was
7 necessary because it snaked down to Orlando,
8 but it is not about the snaking or the squaring
9 or the rounding of any district. It is about
10 the people who live within that district and
11 their ability to elect a candidate of their
12 choice, and probably in debate I will elaborate
13 a little more. So I will get on with the
14 explanation of the amendment.

15 And so the amendment attempts to really
16 enfranchise some constituencies who, because of
17 the reconfiguration of CD 5 currently, who
18 currently reside and are able to vote in a
19 largely minority district, this enfranchises
20 those folks who kind of fell out, not kind of
21 fell out, who fell out of a largely minority
22 district.

23 And so the map now includes a tweaking, if
24 you will, of the east/west mandate by the Court
25 to going just a little south to pick up Alachua

1 County and Union County.

2 It increases the BVAP from the current
3 base map of 45.1 percent to 46.5 percent, in an
4 effort to reduce the impact of diminution in
5 that, in the base map. The map is also smaller
6 in square miles, even though the Reock score is
7 -- the Convex Hull score is 46, which is less
8 than the base map, or not as close to one as in
9 the base map. However, the Reock ratio remains
10 the same at 12.

11 The map also, we heard from constituencies
12 from Leon County, namely Tallahassee, that
13 Tallahassee was being split in the base map.
14 And so this map reduces that impact to the city
15 of Tallahassee because we pick up more
16 constituents in the Alachua and Union County
17 area, and I believe that this map is more
18 parallel to the Voting Rights Act and does not
19 subordinate Tier 1 requirements to Tier 2.

20 And I will yield to Senator Simmons for
21 any further explanation if that is okay,
22 Mr. President.

23 PRESIDENT GARDINER: Okay, on the
24 amendment, Senator Simmons, is your desire to
25 weigh in on the amendment, withdraw the

1 amendment? What is the pleasure?

2 SENATOR SIMMONS: The pleasure,
3 Mr. President, is to having explained it
4 sufficiently by Senator Gibson, that there be
5 questions asked and then I would like to help
6 in the closing argument regarding it.

7 PRESIDENT GARDINER: We are in questions.
8 Senator Bradley for a question.

9 SENATOR BRADLEY: Thank you,
10 Mr. President. And I want to first thank my
11 good friend, Senator Gibson and my good friend,
12 Senator Simmons for your excellent work that
13 you both did on the committee. I really
14 enjoyed that time. I thought it was, Senator
15 Gibson had made the comment that the process
16 was -- was a good process. Everybody had their
17 say.

18 We went from the beginning to end and
19 learned exactly how this map was built by staff
20 and no stone was left unturned, and everybody
21 had their questions asked and answered.

22 With regards to this amendment, Senator
23 Gibson, and maybe this would be best to go to
24 staff, anytime you move a line as we know it
25 affects other districts, and I am looking at

1 District 3 which my recollection under the
2 Galvano map, District 3 is the most compact I
3 believe in the entire state of Florida. It is
4 almost a perfect circle. And then that is no
5 longer the case if this amendment were to be
6 adopted because that area that Senator Gibson
7 described regarding Union County and part of
8 Alachua, that would take District 3 into a
9 situation where there is an appendage almost
10 created.

11 So my question for staff or for Senator
12 Gibson is, did you compare District 3 under the
13 Galvano map, its compactness, to District 3
14 under this amendment?

15 PRESIDENT GARDINER: Senator Gibson to
16 follow up on the question.

17 SENATOR GIBSON: Thank you, Mr. President.
18 And I don't have the functional analysis for
19 District 3 on the amended map. So I would have
20 to ask staff that question.

21 PRESIDENT GARDINER: Senator Bradley, you
22 are recognized to respond.

23 SENATOR BRADLEY: I, and to be clear,
24 Senator. Thank you, Mr. President. To be
25 clear, Senator Gibson, my questions are not to

1 functional analysis, but they are to
2 compactness, and --

3 PRESIDENT GARDINER: Senator Gibson, you
4 are recognized for a follow up question.

5 SENATOR GIBSON: Thank you, Mr. President.
6 I don't think I have that one. This is --
7 under Senator Galvano's plan, the Reock for
8 District 3 is 71 and the Convex Hull is 89.
9 Under the Gibson/Simmons' map, the Reock is 54
10 and the Convex Hull is 81. Very close.

11 PRESIDENT GARDINER: Members, are there
12 any further questions?

13 Senator Montford, you are recognized for a
14 question.

15 SENATOR MONTFORD: Thank you,
16 Mr. President. Senator Gibson or Senator
17 Simmons, the question that I have is the
18 amendment that I presented the other day was
19 very similar to this. It was a little more
20 aggressive. It went down not only into
21 Alachua, to Marion County as well.

22 And in the opening day of our committee
23 meeting I asked counsel, the Supreme Court
24 directs you to go east and west, can you go
25 east and west and a little bit south. I

1 believe their answer to that was we would be on
2 thin ice if we do.

3 My question is, does this one more time
4 put us in jeopardy with the Supreme Court when
5 we present it back to them? I know that is a
6 judgment call, but I know you have considered,
7 you discussed it with staff and I wonder, my
8 question is what is the reaction of staff and
9 our Chair in terms of, and counsel, whether or
10 not we would be at jeopardy of this map being
11 completely thrown out because we have tweaked
12 District 5 too much?

13 PRESIDENT GARDINER: Senator Gibson, you
14 are recognized to respond.

15 SENATOR GIBSON: Thank you, Mr. President.
16 I am sorry, did you ask me if staff has said we
17 are in jeopardy or the Chair has said we are in
18 jeopardy, I would yield to the Chair I guess on
19 that answer.

20 PRESIDENT GARDINER: Senator Galvano, you
21 are recognized to respond to Senator Gibson's
22 deferral.

23 SENATOR GALVANO: Thank you,
24 Mr. President. And I think I heard the
25 question. You were asking about the concerns

1 that we had with deviating from the CD 5 that
2 is in the map before you, correct?

3 PRESIDENT GARDINER: Senator Montford.

4 SENATOR MONTFORD: That is correct because
5 one of the reasons that was given in opposition
6 to the amendment that I presented the other day
7 which was similar but more aggressive, was that
8 we are running the risk that the whole map will
9 be thrown out, and I am hoping that this map is
10 less risky, excuse me, this amendment is less
11 risky so that we can encourage support of this
12 amendment.

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

15 SENATOR GALVANO: Thank you,
16 Mr. President. And to answer your question,
17 yes, we do move out of a safe harbor into a
18 risk scenario if we are to adopt this, this
19 amendment. And then, of course, we have
20 already seen some Q and A on the ripple effect
21 impacts as well.

22 PRESIDENT GARDINER: Senator Montford, you
23 are recognized for a question or is your
24 question to the Bill sponsor or to the Leader?

25 SENATOR MONTFORD: To the sponsor.

1 PRESIDENT GARDINER: You are recognized
2 for a question.

3 SENATOR MONTFORD: Thank you, Mr. Chair.
4 Senator Gibson, I applaud you for your efforts
5 and Senator Simmons in moving up the BVAP. I
6 have serious reservation again about the BVAP
7 of the current map and your efforts to move
8 that up should be applauded.

9 I believe if we are not mistaken you are
10 moving up like two points.

11 PRESIDENT GARDINER: Senator Gibson, you
12 are recognized to respond.

13 SENATOR GIBSON: Yes.

14 PRESIDENT GARDINER: Are there any further
15 questions for the amendment sponsor? Are there
16 any further questions for the amendment
17 sponsor? Seeing no further questions we are in
18 debate. Is there any debate on the amendment?

19 Senator Montford, you are recognized in
20 debate.

21 SENATOR MONTFORD: Thank you, Mr. Chair.
22 I would encourage the members of this body to
23 support this amendment. One more time, it is a
24 good indication of where we need I believe to
25 use our judgment because we are well in-tuned

1 with these maps. We are well aware of the
2 implications of it. I have serious
3 reservations about the current BVAP score of
4 the proposed map.

5 This amendment will, will increase it by
6 two points. So I would encourage your
7 favorable consideration of this amendment.

8 Thank you, Mr. President.

9 PRESIDENT GARDINER: Is there any further
10 debate? Senator Thompson, Senator from the
11 12th, you are recognized in debate.

12 SENATOR THOMPSON: Thank you,
13 Mr. President. Senators, I would urge all of
14 us to support this amendment this morning,
15 because it gives us an opportunity to have
16 people who have been locked out of the
17 political process to have greater opportunity
18 to participate.

19 When this amendment was introduced in
20 committee, Senator Simmons talked about the
21 complexion of our Legislature, and his desire
22 as I believe is the desire of all of us to have
23 a Legislature, to have a Congress that reflects
24 the diversity of the state of Florida and not
25 to see that diminished. This amendment would

1 mean that we would adopt a map that would give
2 us additional opportunities.

3 I have been a proponent of Fair Districts
4 because I believe that Fair Districts means
5 that in addition to the incumbents that we have
6 in Congress now who represent these minority
7 districts, we would have additional
8 individuals. And in committee I asked about
9 the representation of African-Americans in
10 Congress and the response was what I knew that
11 it would be, and that is for 23 years we have
12 had three African-Americans from Florida in
13 Congress, stagnant, 23 years.

14 And so this map would give us the
15 opportunity to have, in addition to rather than
16 instead of. We know that the configuration on
17 the base map for Congressional District 5 takes
18 in a lot of prisons, and while those
19 individuals who are incarcerated are counted in
20 the voting age population, they cannot vote
21 because they are incarcerated. And even if
22 they were to be released today they would be
23 unable to vote. Many of them would have to
24 wait five years, seven years before they could
25 even apply.

1 Florida is one of the few states in the
2 nation that has this kind of permanent
3 disenfranchisement. And so by coming south we
4 have an opportunity to have, in addition to
5 rather than instead of.

6 I think the current configuration of
7 Congressional District 5 runs the risk of
8 taking us back to a point where we have none,
9 and Fair Districts was designed to bring about
10 in addition to rather than instead of.

11 We have a very effective competent
12 individual representing us in Congressional
13 District 5, and I think that legislative
14 service is about bringing the resources to your
15 community and the incumbent has done that, and
16 without this amendment the map would
17 disadvantage and we are not supposed to draw
18 districts to disadvantage out incumbents. And
19 so I ask that you support the Gibson/Simmons'
20 amendment this morning.

21 Thank you, Mr. President.

22 PRESIDENT GARDINER: Further in debate?
23 Further in debate? Leader Galvano, you are
24 recognized in debate.

25 SENATOR GALVANO: Thank you, Mr.

1 President. And I, too, appreciate the genesis
2 of this amendment. I appreciate that both our
3 Rules Chair, Senator Simmons and Senator Gibson
4 have put effort into this and the concerns
5 raised as were raised by Senator Montford. I
6 am though going to ask that you vote down this
7 amendment, and the reason I am going to ask
8 that is because we are in a remedial process.

9 I said that many times, but the reality of
10 that cannot be lost at any step of the way. We
11 are here because the Court has given us
12 specific direction to go back and fix
13 infirmities that it has found and we have to
14 justify what we have done and have to get
15 reviewed again with the hope that we will be
16 approved or the product that the Legislature
17 puts forward will be approved.

18 And in this one instance with regard to CD
19 5, whether or not any of us agree with it,
20 whether we disagree with it being east/west or
21 the configuration, itself, the Court's opinion
22 is very specific and instructive, and is a safe
23 harbor with this very controversial district.
24 This was still the same district we came back
25 here last year to deal with. So I think you

1 put the product in product in jeopardy if we go
2 too far out of the -- out of the lines.

3 And then I will get into the ripple
4 effect, I think Chairman Bradley brought it up
5 in his Q and A and that is something you have
6 to take into consideration as well. So
7 unfortunately I am going to ask that you not
8 support this.

9 PRESIDENT GARDINER: Further in debate?
10 Further in debate?

11 Senator Gibson, you recognized -- Senator
12 Simmons.

13 SENATOR SIMMONS: Someone asked me why I
14 was doing this, and the answer is, is that it
15 truly is more than academic. It is, it is
16 personal. You know, I grew up on a farm, both
17 of my parents were public school teachers, and
18 to move from the farm to go to Ohio at times
19 because they didn't pay teachers hardly
20 anything in Tennessee at that time.

21 I know that for me Saturday was just
22 another work day and vacations were what other
23 people took. So while my -- my views on this
24 are in fact academic. They are also personal
25 and I also know I look around and I see Senator

1 Thompson and Leader Joyner and Senator Gibson,
2 and Senator Braynon and Senator Soto in the
3 rich diversity that we have here in this
4 chamber as well as in the House of
5 Representatives, as well as in the -- as in the
6 Congress.

7 And I will tell you this, you don't
8 lightly change the system that has assured that
9 individuals who are citizens not only have the
10 right to vote, but they have the right to
11 participate and be a part of this process as
12 the members here are. So I take it with real,
13 real sensitivity and personal interest when --
14 when we talk about changing the way that we are
15 going to permit individuals, citizens to be a
16 part of this process, a real part of this
17 process, not just voting, which is important,
18 of course, but in fact to be here.

19 And so Fair Districts, what does Fair
20 Districts say? Fair Districts says that we are
21 not to diminish the ability of minorities to
22 elect the individuals, the candidates of their
23 choice. Just like the Voting Rights Act, the
24 Federal Voting Rights Act, that legislation
25 that, that permitted the inclusion rather than

1 exclusion of minorities in this process. So I
2 have never taken the position that the Fair
3 Districts does anything other than to assure
4 the continued ability of minorities to elect
5 the candidates of their choice.

6 What I saw when I saw the Supreme Court
7 decision, and as many of you know, I am one of
8 the strongest advocates for our judicial
9 system, in our Supreme Court which I highly
10 respect, and the members of the Supreme Court,
11 and I take it that their decision was based not
12 upon the fact that they would go ahead and
13 adopt an east/west pattern for Congressional
14 District 5 simply because they wanted to do
15 that, but in fact, because we are as Chair
16 Galvano has said, in a remedial process, and
17 therefore, the Legislature has the burden of
18 proof under these circumstances and since the
19 Legislature has the burden of proof, we are to
20 give sufficient evidence that should not be an
21 east/west configuration as the Plaintiffs have
22 alleged in the underlying litigation.

23 Well, the fact of it is, is nothing
24 changes the fact that we are supposed to assure
25 that minorities have the ability to elect the

1 candidates of their choice. The question is
2 the execution of that plan and supposedly
3 Congressional District 5 does that. As
4 prepared and as drafted, we are trading a
5 north/south configuration for an east/west
6 configuration and we are diminishing I believe
7 the ability of minorities to elect a candidate
8 of their choice.

9 And in so doing we have traded under the
10 existing base map and map that is presented to
11 you, a map that has not 143 miles in length, as
12 the north/south configuration had, 143 miles
13 from Jacksonville to Orlando, trading it for
14 206 miles of length, another 60 miles of
15 length.

16 Now, what is a resident, a voter, a
17 constituent in Jacksonville going to do if
18 there is a Congress person representing them
19 headquartered in Tallahassee. It is a long
20 drive? And what about the size of that
21 district? This is the old Congressional
22 District 5, less than 2,000 square miles, and
23 this new one, almost 4,000 square miles.

24 And remember, we are not here for visual
25 esthetics, we are here for, as Senator Gibson

1 has said to you, it is to assure the
2 enfranchisement of people who have been
3 historically discriminated against. That is
4 what we are here for.

5 In other words, we are here as she said to
6 do the right thing, and I applaud Senator
7 Gibson for what she has done and she and I have
8 worked together and she has done an admirable
9 job in this.

10 And I also thank staff, Jay, for the
11 excellent job that he has done in assuring that
12 what has been created here is done the right
13 way. And I want to say to you that when you go
14 ahead and take a district that you are going to
15 change a few points and treat it as if it is
16 not something special, the difference between
17 48.11 percent black voting age population and
18 reducing it to 45.12 percent as this map does,
19 take every percent seriously and sensitively
20 because what you are doing is you are not just
21 talking about a couple of percent, you are
22 talking about a lot of history and you are
23 talking about lives.

24 You are talking about the future, and then
25 you take into consideration, well, what do you

1 see wrong with this east/west configuration.
2 First and foremost, I see that the analysis by
3 our Supreme Court on page 84 is just simply
4 incorrect.

5 I respect it, but just like the Trial
6 Judge, I can respectfully disagree with it, and
7 to take the position that simply because, as is
8 stated on page 84 of their opinion, because
9 they talk about the minority participation in,
10 in the district. Now there is a reason why
11 there is a high minority participation in this
12 district, this new district. It is because in
13 north Florida the Democrats oftentimes vote
14 Republican and don't show up for a primary.
15 But then the Supreme Court says and the
16 Democratic candidate is still likely to win the
17 general election since Democratic voters out
18 number Republicans 61.1 percent to 23 percent.

19 Well, the simple fact of it is, is that
20 doesn't take into consideration that many
21 voters simply have voted Republican
22 irrespective of them being Democrat. And so
23 the numbers and to give numbers like that fails
24 to in fact consider the circumstances.

25 I will tell you another thing that is

1 wrong, another thing is wrong is it takes into
2 considerations that there is 17,000 individuals
3 incarcerated in prisons in this district, and
4 approximately 50 percent of them are
5 African-American and they can't vote, and you
6 know what that does? The analysis that Senator
7 Gibson and I saw is that what is going to
8 happen is that that actually reduces the black
9 voting age population by one to one and-a-half
10 percent.

11 So we are not talking about 45.12 percent,
12 Senators, we are talking less than 45 percent
13 and every one of those percentage points is
14 critical. The fact of it is, is that,
15 Senators, I am concerned. I am concerned about
16 the rich diversity of our population, of our
17 citizens not being reflected in the elected
18 bodies that we have. And so I don't take
19 lightly the fact that this new district reduces
20 the amount, the number of those who are able to
21 elect a candidate of their choice. And so it
22 is personal to me, it is academic to me, and I
23 will tell you this, it is personal to you. It
24 is personal to all of us.

25 Now, at the same time you have heard what

1 Chair Galvano has said, and he is right, he is
2 absolutely right. His position is in fact I
3 believe one that has the merit and that is that
4 we are on, we are hanging by a thread right
5 now. If we go ahead and we adopt this, then
6 we, we risk the entirety of this and the other
7 good things that this map has, being challenged
8 and lost.

9 And so let me say this. We are at a
10 crossroads. We have lost a lot of ability here
11 to assure that we have the complexion in our
12 legislative bodies that we ought to have, and
13 with that I am going to -- I am going to defer
14 to Senator Galvano.

15 PRESIDENT GARDINER: Further in debate?
16 Senator Gibson, you are recognized in debate.
17 Yes, I apologize, you are recognized to close
18 on your amendment.

19 SENATOR GIBSON: Thank you, Mr. President,
20 and thank you, Senator Simmons, for all of our
21 work together, and certainly I appreciate all
22 of your comments and also recognize the
23 constraints in which we have been placed.

24 On the other hand, I also recognize that,
25 and I have a little bit of history here where

1 Josiah Walls was the first African-American to
2 get elected to Congress in 1871, and it took
3 116 years for another African-American to be
4 elected to Congress from the state of Florida,
5 116 years.

6 That is a very long time for people to
7 wait to be included in a process and make sure
8 that their interests were incorporated in how
9 the laws were developed in this state and how
10 the dollars that we send or they sent back
11 then, went to Washington and came back to this
12 state for the needs of the people of this
13 state.

14 And this morning my good friend, Senator
15 Detert and I, were having a discussion about
16 the lay of the land in general. We weren't
17 talking about lines, because we couldn't do
18 that without the recorder on, and the
19 discussion turned to race as I guess we have
20 discussed throughout this process, and race is
21 important and it is important that we recognize
22 that and embrace that as an issue in this
23 discussion.

24 And so after we were finished talking,
25 Senator Detert, I thought about the movie that,

1 I think most people in this chamber might
2 remember, Guess Who is Coming to Dinner.

3 You are too young? And the shock and awe
4 of an interracial relationship, and there is
5 shock and awe today. Not in my family, because
6 I have a very blended and diverse family, thank
7 God, but everybody doesn't think like that.
8 Everybody is not accepting no matter how much
9 we want to believe that times have changed, in
10 some places they haven't.

11 We can take down all of the Confederate
12 flags in the world, but until we change the
13 heart and mind of people we are not really
14 doing anything, and such is the case with the
15 drawing of the map.

16 I have seen how a Democrat or even a
17 Republican for that matter can work their tail
18 off and still not win the support of certain
19 ethnic groups. It is just a matter of fact.
20 It is just a part of history. And so I believe
21 this amendment is an opportunity to create
22 inclusion. It is not to create divisiveness.
23 We have enough of that.

24 So I am wholeheartedly giving all I can to
25 make sure that we end up with a district that

1 even though it is 81, not 87 Convex Hull which
2 is not that far removed for the district that
3 you spoke about, the impact that a new CD 5
4 with a little tweak to the south would create
5 inclusion and attention to the cultural impacts
6 that sometimes minority communities go through.

7 The health disparities, the income
8 disparities, all of those things that sometimes
9 it takes a representative of kind to understand
10 those things and then drive legislation and
11 physical priorities to a particular district.
12 And so I understand where this amendment is
13 going, but I do believe in it and I would ask
14 you for your favorable support.

15 Thank you.

16 PRESIDENT GARDINER: Senator Gibson having
17 closed on her amendment, all those in favor
18 signify by saying aye.

19 (Chorus of ayes.)

20 PRESIDENT GARDINER: All opposed.

21 (Chorus of nays.)

22 PRESIDENT GARDINER: Show it not adopted.
23 We are back on the strike all amendment by
24 Senator Galvano, which is the substance of the
25 committee product. Are there additional

1 questions on the Galvano amendment? Excuse me,
2 Senator Galvano amendment?

3 Is there debate on the Senator Galvano's
4 amendment? President Gaetz of the 1st District,
5 you are recognized in debate.

6 SENATOR GAETZ: Mr. President, will I be
7 allowed to ask a question?

8 PRESIDENT GARDINER: I apologize,
9 President Gaetz, absolutely, you are recognized
10 to ask a question.

11 SENATOR GAETZ: Thank you very much,
12 Mr. President. Senator Galvano, thank you for
13 all your work and the work of our professional
14 staff under extraordinary circumstances.

15 And my question has to do with sort of the
16 bicameral nature of our Legislature. Our
17 colleagues and partners in the House of
18 Representatives have taken action on a revised
19 congressional redistricting map.

20 They have approved the base map in, one
21 must observe was a grudging obedience to the
22 Supreme Court. If we approve the amendment
23 which has been filed under your name, what --
24 what sense could you give the Senate that there
25 would be good faith on the part of both the

1 Senate and the House to accept some or all of
2 the changes in the base map which are
3 encompassed in the amendment that bears your
4 name?

5 And I am standing sensitive in asking this
6 question to the admonitions of Senator Latvala
7 on more than one occasion that we are the
8 Senate and that we need to speak from a basis
9 of analysis that we develop here. So I am not
10 asking for you to tell us that we ought to
11 kowtow to anyone else, although apparently we
12 are kowtowing to someone here, otherwise we
13 wouldn't be here, but what basis do you believe
14 there might be for a good faith negotiations
15 between the two chambers on this matter, or are
16 we making a statement?

17 PRESIDENT GARDINER: Senator Galvano to
18 respond to the question.

19 SENATOR GALVANO: Yes, thank you,
20 Mr. President. And I appreciate President
21 Gaetz, you bringing that up. First of all, let
22 me tell you, this is not just theater. We had
23 a meaningful committee process that involved an
24 analysis of the base map, and frankly the
25 adoption of much of it, just like the House has

1 done. But as part of our committee work we
2 were able to achieve a product that in fact is
3 better on Tier 2 than the map that we began
4 with as a discussion point.

5 And so having achieved that improvement I
6 have no reason to doubt that there will be a
7 good faith discussion between the chambers and
8 it is my intention and I was going to say this
9 in close, that when we complete our work here
10 today to reach out to Chairman Oliva and invite
11 him in a public setting to sit down with myself
12 and counsel and staff, and frankly since it
13 public, anyone else who wants to come and be
14 there, and discuss the differences so that we
15 might explain how the amendment that was put on
16 which was a blended amendment during the
17 committee process, improve the map.

18 I believe our product that we have before
19 us today is compliant with Tier 1 and Tier 2 of
20 the State Constitution, abides by Federal law
21 and is something that we should stand by and be
22 proud to send across the hall.

23 PRESIDENT GARDINER: President Gaetz for a
24 follow up question.

25 SENATOR GAETZ: Thank you very much,

1 Mr. President. Chair Galvano, I know that you
2 don't have the gift of prophecy, maybe you do,
3 but I would like to ask you as well based on
4 your scholarly and extraordinary study of the
5 Supreme Court's ruling and your masterful, and
6 your height, and your masterful dedication of
7 this process, that is the part where we say,
8 but.

9 However, notwithstanding that, Chairman
10 Galvano, do you believe that the -- that the
11 amendment that, that is before us today will
12 satisfy the Supreme Court and will satisfy the
13 Plaintiffs in this case who appear to have in
14 all cases the ear of the Supreme Court?

15 The Plaintiffs based on my analysis and my
16 reading of the popular press have already
17 criticized the base map and said that is not
18 acceptable. And so therefore have -- have you
19 come to any kind of conclusion that you might
20 share with us as we vote as to whether or not
21 you believe that those who will now make the
22 policy in this state, which is the Plaintiffs
23 in this matter, will be satisfied with your
24 proposal?

25 PRESIDENT GARDINER: Senator Galvano to

1 respond.

2 SENATOR GALVANO: Thank you,
3 Mr. President. President Gaetz, what I can
4 tell you and the rest of the Senators is that
5 we entered this session with a high level of
6 respect for the opinion that the Supreme Court
7 offered, and I say respect for it based on the
8 way our system of checks and balances work.

9 I am not saying necessarily in agreement,
10 but what that respect meant was that we were
11 going to undertake the process as we felt like
12 within the opinion it was laid out, and there
13 were discussions with Chairman Simmons. The
14 legal counsel gave us some advice and then of
15 course, as you mentioned, I have spent a great
16 deal of time looking at the opinion myself.

17 So to begin with I feel like we have
18 conducted ourselves in a, through a process
19 that the Supreme Court or a Circuit Court as
20 the case may be, is not going to be able to
21 find fault with.

22 We have been transparent, we have taken
23 extraordinary steps of even recording meetings
24 between staff and members as distasteful as
25 that might be to some or all of us here. And

1 so having taken these extraordinary steps I
2 believe that we -- we have achieved a process
3 that is far different than the process on which
4 the Court found violations in Tier 1.

5 The next step was to look at the opinion
6 and determine what instruction the Court had
7 for the specific districts, and that is why the
8 Presiding Officers, rightfully so, sent staff
9 into a meeting with attorneys to go through the
10 opinion and create a basis for us to begin our
11 real discussion and the real actual
12 decision-making on the map, and I went through
13 in the opening today the certain aspects of the
14 eight districts that were raised by the Court,
15 the instructive opinion that we got.

16 We heard just a few moments ago on CD 5,
17 how there are other ways to approach, but
18 again, in reference, in deference to the
19 opinion of the Court we are approaching the
20 remedial plan a certain way.

21 So, yes, I have confidence in the remedial
22 plan. If I didn't I wouldn't waste everybody's
23 time here today to go through it and to present
24 it and to push it forward. Can I predict what
25 the Court will do? I wish I could. My hourly

1 rate will go way up.

2 And as far as the Plaintiffs are
3 concerned, the Court was responding
4 specifically to the challenges raised by the
5 Plaintiffs. I should hope that they will look
6 at this map in good faith and look at it
7 against the back drop of the opinion and look
8 at it in terms of how we have come back here
9 and engaged in a process that I just described
10 and recognize that this -- this is a product
11 that is, is constitutional and acceptable.
12 Whether they do that I do not know.

13 You know, President Lee said we are on a
14 hamster wheel of sorts and that may be the
15 case, and these types of redistricting issues
16 are replete with challenges and sometimes it
17 goes on and on and on. But I do believe if
18 anyone analyses what we have produced and how
19 we produced it with an objective view, they are
20 going to find that we fulfilled the
21 requirements of the judicial branch.

22 PRESIDENT GARDINER: President Gaetz for a
23 follow up.

24 SENATOR GAETZ: Final question,
25 Mr. President. And I take nothing away from

1 the Plaintiffs. They have been brilliant, they
2 have out lawyered us, of course it always helps
3 with the Referees are wearing the same color
4 jersey as the opposing team.

5 But my final question, Chair Galvano, is
6 this. In all of the efforts that you and
7 professional staff and your committee and the
8 House and its committee have made, have the
9 Plaintiffs in this case come forward ever and
10 said, here is what we will satisfy us, ever?

11 PRESIDENT GARDINER: Senator Galvano, you
12 are recognized.

13 SENATOR GALVANO: Thank you,
14 Mr. President. The Plaintiffs have put maps
15 forward. They have not appeared before the
16 committee. They were invited to appear before
17 the committee, and they did send a letter in on
18 Friday, this last Friday. We responded to that
19 letter and invited team to have further input.

20 But if you are asking me if there was
21 testimony and presentation before the committee
22 from the Plaintiffs, the answer is no.

23 PRESIDENT GARDINER: Okay. We are in
24 debate. Is there debate on the amendment? Is
25 there debate? Senator Braynon in debate.

1 SENATOR BRAYNON: Thank you,
2 Mr. President. This is my, I think this is my
3 third time debating on this map. This is my
4 third time talking about the redistricting
5 process, and I made some comments and I have --
6 I have made some votes and, you know, I am
7 going to say that my opinion or I guess that is
8 what we are calling it, my opinion has things
9 that I think are wrong with maps or things that
10 I think are wrong with the process has been
11 confirmed three times.

12 I am 3 and 0 with the Supreme Court. So I
13 am going to proffer my opinion again and it may
14 be somewhat of a, maybe look into a crystal
15 ball and as Senator, President Gaetz said,
16 maybe it is they are wearing the same team
17 jersey, but I am going to proffer my opinion.

18 And my opinion is that I would really,
19 really, really, really like us to look again at
20 Senator Bullard's amendment. Senator Bullard's
21 amendment, and again, it is important that we
22 think about the past rulings and about intent,
23 and what happened -- it is not at times they
24 talk about what it leads to, to form your
25 intent. But whether you agree or disagree with

1 what the Court said, that is what they have
2 been saying.

3 And what the change in this district does
4 is it draws out, it comes off of a main highway
5 and draws out a huge African-American
6 community. And why do you do that?

7 Well, the reasons were given, right, but
8 what other reasons could we have? Well, you
9 know, it is important that you understand that
10 we are not supposed to take into account, and
11 again, maybe I am helping us to defend or
12 helping us to understand what is about to
13 happen in the Court.

14 You are not supposed to look at
15 performance, at political performance unless it
16 is a voted VRA protected seat, both of these
17 seats are. So therefore we do get to see their
18 performance, we do see their performance and
19 you are not supposed use it, but you can't see
20 it, right. So that kind of, that kind of
21 frames it to say that you actually, you
22 actually do know how they perform.

23 So now we take home -- so the Court orders
24 is to take Homestead out, and all of a sudden
25 we pick this community and we draw them into

1 it.

2 What is our intent? What is our intent
3 and what is the Court going to think our intent
4 is? Now, we can say what we want, but I am
5 just, I am telling you and we even, it has been
6 proven time and time again in front of the
7 Supreme Court, if they believe our intent is
8 something other than what it is we are saying
9 because we have made very good legal cases for
10 what our intent was to draw these maps before,
11 and they have come back and said, but we think
12 your intent was this.

13 And I am telling you, there is another way
14 to draw to find population that does not come
15 off of a main highway, encompassing an entire
16 African-American community, to put population
17 back into, what was that, 27. So I really
18 think that is, that is where we are going to go
19 ayre, and if we don't go back and look at that
20 we are basically setting ourselves back up to
21 do this all over again, or worse case scenario
22 because I have heard people talking about this,
23 is advocate our duties and let the Court draw
24 it.

25 That is, that is my opinion, and I have

1 been through this a few times and I am 3 and 0.
2 I hope not to be 4 and 0, but I can never --
3 you can never say I didn't tell you. So I -- I
4 -- I really think you need to relook at that as
5 we go through discussions with the House.
6 Thank you, Mr. President.

7 PRESIDENT GARDINER: Further debate?
8 Further debate? Senator Galvano, you are
9 recognized to close on your amendment.

10 Senator of the 19th district, Senator
11 Joyner in debate.

12 SENATOR JOYNER: Thank you, Mr. President.

13 PRESIDENT GARDINER: Well, just real
14 quick, Senator Joyner. Is there any further
15 debate before I recognize the Minority Leader
16 and then, Senator Lee. You are recognized.

17 SENATOR LEE: Yes, thank you,
18 Mr. President. And I want to thank you for
19 allowing me to participate and sit on this
20 committee, and allow me to spend two additional
21 weeks of my summer in Tallahassee. It is
22 always where I wanted to be in August.

23 But this committee worked really hard on
24 your behalf, Mr. President, and under the
25 direction and supervision of Senator Galvano,

1 and we came up here for a reason. We had -- we
2 had maps drawn in tandem, base maps drawn in
3 tandem by House and Senate staff, Jay Ferrin
4 and two staffers from the House on the 20th
5 floor of the Capitol working with our lawyers
6 and the Supreme Court ruling in their hand,
7 drew a base map and we were called into special
8 session to look at that. If Senator Galvano
9 said it once he said it 15 times, that this map
10 was a base map for discussion purposes, a
11 discussion map. It was not intended to be a
12 final product, and I know my leadership well
13 enough in this chamber to know that if I was
14 called up here simply to rubber stamp something
15 that was drawn on the 20th floor by staff they
16 have told me.

17 I could have gotten a lot of work done
18 here, back home over the Internet in my
19 business as opposed to paying attention and
20 trying to understand the concerns of my
21 colleagues, read the news clips, see the
22 feedback we were getting from back home and
23 various parts of the state and try to see if we
24 couldn't find a way, a better way to build a
25 mouse trap. If I had known our job here was

1 simply to come up and rubber stamp a map that
2 was drawn by three staff people, all of which
3 are proven to be extremely talented and done a
4 marvelous job in creating a starting point for
5 us, but that was not what I was told. That is
6 not what we were told.

7 I know that is not what Senator Galvano
8 thought and I know that is not what our
9 President thought. And so, you know, for me to
10 -- to hear that we are somehow foreclosed from
11 considering amendments when I listened to some
12 of the debate at the other end of the hall, I
13 don't know what direction they received from
14 their membership, but I know that no one has
15 ever told me that.

16 And the person that was in the center of
17 what became this amendment I want to tell you,
18 that there is zero institutional pride, ego,
19 pride of authorship or anything in what we have
20 done here.

21 Very simply, I heard loud and clear from
22 Senator Detert through the newspaper, not from
23 a conversation I had with her or any phone call
24 or e-mail, but through the newspaper reporting
25 that went on down in her area of the state that

1 there was some concern about what happened to
2 Congressional District 16.

3 That resulted in Senator Bradley having an
4 amendment that was being drafted and ultimately
5 offered in committee to reverse course on the
6 base map with respect to Congressional District
7 16 which further effected Hillsborough County.

8 I heard from Senator Joyner who on the
9 record in committee expressed concerns about
10 the coalition nature of Congressional District
11 14 and was there a way to improve that
12 district's performance from a coalition
13 standpoint, while not doing any damage to the
14 compactness.

15 I came here with frustrations going back
16 to the early '90s, about how Hillsborough
17 County had been a donor county, not just one
18 congressional district, districting, but
19 consistently had been a donor county to other
20 counties as congressional districts converged
21 in my county but the representation lived
22 somewhere else. Frankly the base map improved
23 on that condition.

24 And so I saw as many of you do when you
25 sit in committee, wow, there is some concerns

1 coming out of one area, there is some concerns
2 back home from my history in the community, and
3 listening to Senator Joyner, maybe it makes
4 sense to sit down with our staff and see if
5 there is a way to resolve some of these
6 differences.

7 Again, operating against the back drop
8 that we are free to come up with amendments.
9 So I am handed the Constitutional amendment
10 that says all of these districts are Tier 2
11 standard districts. Your challenge, Senator,
12 is to build a better mouse trap, but to improve
13 the map along the way because the burden of
14 proof is going to be on you.

15 Now, I would like to take credit for the
16 total credit for the work product, but the
17 truth is that our staff has forgotten more than
18 I will ever know about redistricting. But when
19 push came to shove, when we worked through
20 Amendment 9046, it had compaction issues.

21 We developed 9048. It was better on
22 compaction but still it had compaction issues
23 and city split issues. And then an idea came
24 up that resulted in Amendment 9054 that was
25 adopted in committee and has now become

1 overlaid on the base map, and we have four less
2 city splits in this map, four less city splits.
3 That means we kept two cities together more
4 than in the base map.

5 We have one less county split than was in
6 the base map and our compaction scores are
7 better depending on where you set your
8 priorities in terms of looking at these two,
9 but they are certainly no worse. We have
10 produced a better map.

11 Now, other people might disagree with
12 that, but all I can do is look at the
13 Constitution which says you got to keep cities
14 and counties together where you can and you
15 have to focus on compaction and none of those
16 are priority over the other and every metric we
17 have improved on the base map.

18 And I want to thank the committee, thank
19 the Chairman, thank the Senators for allowing
20 us to make use of our time up here and not be
21 sent up here to rubber stamp something, that is
22 not what we do. And I realize we are in a
23 remedial process and I realize that we have to
24 be very cautious about how far we go, but as
25 our staff said in committee, once you overlay

1 on to the map, the Tier 1 district issues that
2 have to be addressed, and address the things
3 that were specifically referenced by the
4 Supreme Court in its Order, there is still a
5 blank canvas out there that has to be filled in
6 by this Legislature, and how you do that is
7 going to set priorities on the basis of those
8 Tier 2 standards and there are going to be
9 districts that when you push on the balloon one
10 place they pop out somewhere else and there are
11 going to be winners and losers, there is going
12 to be effected parties and we tried as best we
13 could on a practical basis to minimize that as
14 much as possible because I know that every time
15 you push on a reapportionment map it pops out
16 somewhere else and some -- you may pick up some
17 other objection.

18 So every effort was made to try to
19 minimize the collateral impacts of the map that
20 we came up with by virtue of the concerns that
21 were expressed in committee, and I know we are
22 headed into a reconciliation process of some
23 form, and I just wanted to make it abundantly
24 clear again, I have immense respect for the
25 other parties that are participating in this

1 from the Joint Committee standpoint, my
2 colleagues in the House, and whatever their
3 view of the world might be with respect to our
4 map, but we need, we were instructed to look at
5 this in the context of performance as to 1 and
6 2, as to Tier 1 and Tier 2 only. Not to look
7 at who votes how or what districts people might
8 be in, but to respect county, city boundaries,
9 respect geographical boundaries, respect these
10 compactness scoring methods that after been
11 identified, the geometrics, if you will, of
12 compactness.

13 Respect visual compactness and essentially
14 draw maps in the dark. And I think when the
15 record is reviewed and I know it will be, and I
16 hope it will be, that people will see that the
17 process that we followed to get from point A to
18 this moment in time on the Senate floor was
19 entirely in the open, was entirely focused on
20 Tier 1 and Tier 2 issues as contained in the
21 Constitution, and nothing, nothing else.

22 Now, if our map is not as compliant
23 constitutionally as the alternative map that is
24 being offered by the House of Representatives,
25 then let's have that conversation, let's come

1 to the conclusion. But let's not let this come
2 down to a pride of authorship question or for
3 goodness sake, suggest that we were all sent up
4 here simply to adopt and rubber stamp a map
5 that was drawn by three people on the 20th
6 floor that is going to effect 20 million people
7 that we were all elected to represent.

8 Now, some will say, well, you know, this
9 is not our first bite at the apple and that we
10 are only here because some mistakes have been
11 made. Well, I think there is probably a third
12 of this Senate that wasn't here when these maps
13 were originally drawn, maybe more, because
14 there was election in 2012, and we had one of
15 the largest freshmen class in history.

16 We have had elections since then when
17 Senators Hudson came in, and I know I wasn't
18 here, but I have heard loud and clear how we
19 got to this remedial process. I understand
20 where we are at. I have seen the Court's
21 reception or their ruling as to our process,
22 and have made every effort myself to do exactly
23 what they have asked us to do, but not come up
24 here and take two weeks out of my summer simply
25 to sit here and pretend that my job has been

1 relegated to the staff of the Florida
2 Legislature and that I have no function but to
3 hit this red or green button.

4 That is not the way we operate, but if it
5 is the way we operate then there is some good
6 news because we have another special session
7 coming, and we have a full session coming, and
8 perhaps, you know, we could just come up here
9 in March of next year in the last week and just
10 see what staff has produced and then we will
11 just hit red and green buttons until we can get
12 out of here.

13 That is not the way we operate here, and I
14 know my leadership well enough to know, we
15 might produce a better work product actually
16 now that I think about it, but I know my
17 leadership well enough to know that they just
18 didn't waste my time, that this was supposed to
19 be a meaningful process and I think as a result
20 of the work product that we have all
21 collaborated together to create we have built a
22 better mouse trap.

23 And I just think it is important as we
24 move in this reconciliation process that we --
25 that this body know that the process that we

1 followed was honest, it was consistent with our
2 mandate from the Court. There was integrity,
3 there was transparency, every conversation was
4 recorded. This was an objective approach to
5 try to build a better mouse trap. We have
6 accomplished that, and I feel very, very
7 confident after talking with our lawyers and
8 Senator Galvano that we have a more
9 constitutionally compliant map as a result of
10 the work of this Florida Senate than what we
11 were presented with to begin with.

12 Thank you, Mr. Chair.

13 PRESIDENT GARDINER: Thank you, President
14 Lee. Senator Montford. Senator Montford, in
15 debate.

16 SENATOR MONTFORD: Thank you,
17 Mr. President, and I will make this very brief.
18 I want to thank you, Mr. President, for
19 assigning me this committee. If I had not been
20 on this committee I don't think I would have
21 understood nearly as well as I do today the
22 constraints, the limitations, the parameters in
23 which this committee had to work, but I will be
24 remiss if I didn't express some concerns that I
25 have.

1 It concerns me that, that we take one part
2 of Florida, north Florida, and we are treating
3 it differently. The instructions that I got
4 finally dawned on me after several hours of
5 discussion, that basically we were instructed
6 to take District 5, the Romo A and put it in
7 place and start in south Florida and move up.
8 To me that is treating this area of Florida
9 different.

10 We are unique in north Florida,
11 Tallahassee, Leon county and surrounding areas,
12 we are different in a lot of ways.
13 Tallahassee, Leon County is the hub of medical
14 services, it the hub of educational services,
15 if you will. Certainly it is the employment
16 center of most of north Florida, and I
17 understand the concern about the distance, but
18 we have people driving to Tallahassee almost
19 100 miles one way.

20 My Senate District is two time zones, 11
21 counties, thank goodness I get along with my
22 counterpart in the House. We ride together, it
23 is like a Pony Express sometimes. He drives a
24 while and I drive a while until we get to where
25 we are going. But it concerns me that we have

1 taken one part of Florida and treating
2 differently.

3 It concerns me that Florida State
4 University under this map and all the
5 amendments and Florida A&M University will be
6 represented by two different Congress people.
7 It concerns me that Florida State University's
8 campus divided in two congressional districts.
9 It concerns me that we once again in this
10 particular part of Florida is being treated
11 differently, and that gives me, that gives me a
12 great of deal of concern. But considering the
13 constraints that we have, considering the
14 limitations we have been given, considering the
15 fact that we also know that we are entered into
16 the same process with our own Senate districts
17 I am a realist and understand that we have got
18 to move forward with this.

19 So again, Mr. President, I thank you for
20 the opportunity to serve with Senator Galvano
21 and this committee.

22 PRESIDENT GARDINER: Further in debate?
23 Further in debate? Senator Joyner, you are
24 recognized in debate and then Senator Galvano.

25 SENATOR JOYNER: Thank you, Mr. President.

1 First I would like to say that this has been
2 indeed an enlightening process. And initially
3 I did inquire about increasing the BVAP in
4 Congressional District 14, but I receded from
5 that position because I wanted to know the
6 totality of what the state would look like with
7 reference to the congressional districts and
8 since, if you push this way you pop somewhere
9 else and without any assurance that that would
10 not do harm to someone else, I stood back from
11 my request.

12 A lot has been said this last week and a
13 lot of it dealt with what we are here doing
14 today, looking at the map, making sure that we
15 send back a constitutionally approved map as
16 dictated by the Florida Supreme Court. But I
17 have been so ashamed of the comments that some
18 of my colleagues have made about the House,
19 about the Florida Supreme Court, both in this
20 chamber and the other chamber.

21 I have listened at the Florida Supreme
22 Court has been accused of overreaching, as they
23 have been accused of wrongdoing in violations
24 of their oath. I watched to utter
25 embarrassment that some have demanded and thank

1 God it was no one here in the Senate, that the
2 Justices be brought before the Legislature by
3 subpoena to explain their actions.

4 Some even suggested that they be
5 impeached. It is time to stop. It is really
6 time to stop it and that is what we need to do.
7 We are not here because of any impropriety by
8 the Florida Supreme Court. They do not need to
9 explain themselves. They have sent us
10 literally hundreds of pages explaining
11 themselves. So it is time we listened.

12 It is time we acted in conformity with the
13 oath that we took. It is time we stopped
14 acting petulantly. This is not the time for
15 hubris, it is the time for our humility.
16 Frankly, it is time for someone to apologize to
17 the citizens of this great state.

18 The voters overwhelmingly passed the Fair
19 District Amendment. How often do 63 percent of
20 Floridians agree on anything in an election?
21 And what they agreed on was that we should draw
22 lines without advancing the interests of a
23 political party or an incumbent. The Florida
24 Supreme Court, a separate independent branch of
25 government, created by the Constitution and

1 entrusted and instructed to interpret the law
2 and yet we disagree with their opinions, but
3 who are we to assail them at the level with
4 which we did. There has been talk, reform
5 them, change them and who knows what that was.

6 PRESIDENT GARDINER: Senator Joyner, if
7 you could, in your reference to some say, could
8 you please clarify the intent or who said that,
9 because I am not aware of any of those comments
10 that have come from any of the Senators in this
11 chamber?

12 SENATOR JOYNER: I said earlier that it
13 didn't come from the Senate. There was
14 statements made by Senators not agreeing with
15 the Supreme Court, and I acknowledge that we
16 have that right not to agree with them.

17 That is the freedom of speech that we are
18 all accorded, but to assail them just because
19 they did their job is like assailing us because
20 we do ours. And I just think that it is
21 inappropriate for us to decide that we are the
22 ones who should decide how they should rule.

23 If that is the case then why, why a
24 separate branch? But we as the Legislature
25 traveled around the state of Florida declaring

1 to anyone that would listen that this was a
2 transparent, a non-partisan process, except
3 that it wasn't as evidenced by the opinion and
4 what came out in the Court.

5 On page 27 of the Supreme Court opinion
6 states that partisan operatives exchanged maps
7 with legislative staff through non-public
8 e-mails and secret Drop Boxes.

9 Page 23, on line 5 said that the
10 operatives were paid and working for the
11 Republican party of Florida. In fairness,
12 decades ago I can envision that the Democratic
13 led Legislature of the State of Florida also
14 had partisan operatives doing the redistricting
15 process, but except back then we did not have
16 the Fair District Amendment embedded in the
17 Constitution.

18 So there is no equivalency. What was done
19 this time was wrong and it was in violation of
20 our Constitution according to the Florida
21 Supreme Court. The evidence produced and is
22 shown in the record says that e-mails were
23 destroyed, and of course, we did what we all do
24 when seeking to have adequate representation,
25 we lawyer up. And we, the Legislature, spent

1 millions of dollars to effect, and the lawyers
2 sought to make sure that the discovery was done
3 and to keep what they saw in their minds as
4 being detrimental to their clients to keep it
5 from coming up, but -- and from being
6 discovered.

7 But the League of Women Voters and common
8 cause would dog it. So they carried the burden
9 of bringing truth to power so that we could
10 find out if our Constitution had been violated.
11 And let me say most proudly, I am thankful of
12 the Supreme Court of the State of Florida that
13 they were willing to stand up and defend the
14 rules of law no matter how many accusations
15 were hurled their way because that is their
16 job. Just as it is ours to make the law that
17 so many people say why did they pass that damn
18 law.

19 Well, we didn't consider it bad when we
20 passed it. Whatever these myriad of laws that
21 we pass, we are all subject to being at a level
22 out that by those who send us here. And then
23 my or colleagues across the hall, they think
24 they casting stones is somehow a smart
25 strategy, but they need to be reminded that

1 that same opinion shows incriminating e-mails
2 as it relates to a former Speaker and others.

3 Sanctimony is ironic as it is
4 hypocritical, but the fact that this body has
5 chosen to admit its wrongdoing, that is -- that
6 is a great start. The truth is we need a whole
7 lot more reconciliation, and I heard today that
8 that is what we are going to do.

9 Nobody involved in any of this has been
10 disciplined in any way or reprimanded, and some
11 of those who benefited to carry out this is
12 still working for us. This is America, and the
13 lawyers who were a part of the process, they
14 are still in business. We have spend millions
15 in taxpayer dollars defending the indefensible,
16 in my opinion, lawyers are not supposed to
17 enable bad behavior, they are supposed to
18 advise them and I find them equally culpable
19 for the mess that we are in today.

20 So let me do something that has not been
21 done yet by anyone in the process. I would
22 like to apologize to the people of the state of
23 Florida. Even though I know I had nothing to
24 do with what was discovered with respect to the
25 e-mails and the Drop Boxes and all of that came

1 about as a result of discovery that brought us
2 here, the people of this state need to know
3 that at least one person in this body has
4 regrets for what has happened, and I am sure
5 that many of us share that with me.

6 The people have a right to be angry, and I
7 am sorry that this body did not comport
8 themselves consistent with our obligations as
9 Senator leaders, and today I will vote against
10 this map because although the vast majority of
11 it is much better than what preceded it, it is
12 still inexplicably shifts black communities in
13 Richmond Heights and West Perine from District
14 26 to District 27.

15 This is an important issue, and in my
16 judgment we have not sufficiently responded to
17 the concern as enumerated by Senator Bullard
18 with respect to this one piece of this puzzle,
19 this map that we have come back to produce upon
20 direction by the Florida Supreme Court. I know
21 we can do better.

22 We are the best that there is in this
23 state. We have come to this time and this
24 place and all of the discussion has been good
25 here today, and, no, I did not offer any maps

1 to change anything. Senator Bullard made it
2 clear that he was going to deal with my major
3 concern and that was 26 and 27.

4 I have that right to look at the
5 cumulative effect of what we have done and to
6 select any portion of it in reaching my
7 decision as to whether I will or will not
8 support the map here today, and I have
9 enumerated that as we each will have that
10 opportunity when we decide either to press the
11 red or the green button.

12 That is the beauty of this system. We
13 each have that right and I respect everyone's
14 right to do what it is that they feel that is
15 best for the people of the state of Florida and
16 I have expressed how I feel about it, and I
17 respect each and every one of you and how you
18 arrive at your decision and we each do that
19 differently, least we would be just poles of
20 each other if we all just automatically
21 followed what one thinks as opposed to our own
22 thoughts. And today I have manifested my
23 thoughts in my oral expression with no malice
24 in my heart.

25 Thank you, Mr. President.

1 PRESIDENT GARDINER: Senator Galvano, you
2 are recognized to close on your amendment.

3 SENATOR GALVANO: Thank you,
4 Mr. President. Mr. President, let me start by
5 thanking you, sir, for putting together the
6 committee. As President Lee said, you gave no
7 prescriptive instruction other than to do the
8 best job that we could do in complying with the
9 Constitution of the State of Florida, and
10 reacting to the opinion issued by the Supreme
11 Court. And that is what we did, and we put our
12 efforts towards producing a product that was
13 unassailable against that back drop.

14 And as I said during the line of questions
15 from President Gaetz, that didn't necessarily
16 mean that we agreed with the Supreme Court of
17 Florida. The Supreme Court of Florida frankly
18 the opinion I disagree with. Judge Lewis had a
19 different opinion than the Supreme Court of
20 Florida. Democratic Congresswoman Corrine
21 Brown has brought a challenge in the Federal
22 Courts because she disagrees with the way that
23 the Florida Supreme Court has made its
24 decision.

25 So our efforts here today are not to

1 somehow affirm or corroborate or prove the
2 world that we are in legally. Instead, it is a
3 question of respect for the fact that in our
4 system at this point the Supreme Court of
5 Florida is the interpreter of our Constitution,
6 and has interpreted the congressional maps in
7 the way that it has and has put forth an
8 opinion with very specific instructions with
9 regard to eight districts, and your committee
10 sought to abide by that opinion and that is
11 exactly what we have done.

12 Our staff which has been unbelievable, by
13 the way, Jay Ferrin, I can't believe the work
14 that you have done and the patience that you
15 have had and the time you spent working with
16 each and every one of us.

17 Our staff, together with House staff, did
18 a great job in capturing for discussion
19 purposes the essence of the opinion and
20 relating it to the certain districts involved.
21 But as you say, President Lee, the real process
22 began last Monday when we came in here and we
23 as a Legislature, as the ones who are elected
24 to make the decisions, began to deliberate and
25 discuss and review and consider what it was

1 that needed to be put into a congressional map.

2 And I am very pleased with the way the
3 committee conducted itself. I didn't feel at
4 any point in the process that we were there on
5 a perfunctory basis. Every day the questions
6 came from not just the committee members but
7 people who were not on the committee who were
8 invited to attend and given the opportunity to
9 question and have a discussion with us, and it
10 was thorough and it was meaningful and it was
11 detailed and went into a lot of depth. And as
12 part of that process the elected Senators on
13 that committee brought forth amendments.

14 They brought forth amendments that were
15 stand alone. We had discussions about
16 combining certain amendments. Staff was sent
17 on many tasks to go back and review and along
18 with our legal counsel that has also been
19 tremendous through this process, and eventually
20 we produced a product that was not the base
21 map, as good as the base map is, but in fact,
22 more objectively constitutionally compliant
23 than the base map.

24 We actually improved on the Tier 2 aspects
25 in terms of splits to cities and then populated

1 split to a county, and again, members, it was
2 genuine. The Bill that you are about to vote
3 on represents a map that is more
4 constitutionally compliant, has greater Tier 2
5 compliance than any map from this Legislature
6 or filed in the judicial proceedings, and for
7 those of you who don't know when I say filed,
8 the Plaintiffs have also put forth maps in the
9 proceedings.

10 This map beats them all, and this map
11 beats what came out from across the hall as
12 well, and it is a product of many hours, but a
13 product of the elected members of this body.

14 With regard to the specific districts, I
15 understand as I said earlier, Senator Bullard,
16 and Vice Chairman Braynon, I call him Vice
17 Chairman, he is the Vice Chairman, he did a
18 great job. The argument being put forth on 26
19 and 27, but frankly we were talking about two
20 Hispanic performing districts that had a
21 specific instruction to restore Homestead whole
22 which was done and at that point it went into
23 the Tier 2 process and the population that was
24 -- was picked up was on the northwest side
25 bordering the turnpike.

1 Simple compliance with the -- with the
2 Constitution, and to have adopted the amendment
3 that was put forward would not maintain that
4 compliance in my opinion.

5 So I ask you all to support this map, to
6 vote yes. Regardless if you have some
7 reservation, Senator Gibson, I know you have
8 reservations, Senator Montford and Chairman
9 Simmons with record to CD 5. That fight is not
10 over.

11 No, that is part of the challenge that has
12 been brought in the Federal Court, but right
13 now we are dealing with the Florida Supreme
14 Court and we have a very specific instruction
15 and a safe harbor opportunity. It is my goal
16 as I am sure it is the goal of everybody in
17 chamber to get this map passed, get through the
18 judicial process, because by the way, we are
19 still part of a Circuit Court proceeding.

20 The Supreme Court said we relinquish this
21 to the Circuit Court, Circuit Court, while you
22 have it, here is what is going to happen.

23 The Legislature is going to be back in and
24 redraw and you are going to come back and
25 decide whether it is a good product. So for

1 all intents and purposes we are still in an
2 open legal proceeding as I speak with you
3 today, and I am ready for that to be over.

4 I am ready for us to have gone through a
5 process like we did, taking it on the chin by
6 taking extraordinary steps that frankly offend
7 me as a co-equal branch of government, as a
8 member of the Florida Senate, because I do
9 believe we have a greater level of autonomy
10 than the opinion sets forth, but I am ready for
11 us to be over and to have produced something
12 that is not going to continue to be challenged
13 and challenged and challenged, and I cannot
14 think of any aspect of the last two weeks that
15 is susceptible to a meritorious challenge.

16 Now, there may be those out there
17 including the Plaintiffs who want to just keep
18 on going and churning and because it is good
19 political fodder and that is the reality of it,
20 but if we are being responsible and if they are
21 being responsible they will recognize the
22 extraordinary steps that we have taken.

23 And with regard to the substance, the same
24 thing. We have gone line by line through that
25 opinion, and by the way, it is not a short

1 opinion, and with each reference the Court
2 makes to a specific district we have taken the
3 time to try to understand exactly what they are
4 saying, and where it was a gray area, Chairman
5 Simmons, you know this, where it was a gray
6 area we erred on the more instructive
7 conservative side of the Court. We gave the
8 Court the benefit of the doubt, because we are
9 ready to show that this is done right, it is
10 constitutional compliant, constitutionally
11 compliant and we are ready to move, move on
12 with it.

13 So I am confident that we have achieved
14 that. Hopefully all of you are confident that
15 we have achieved that, and while there remains
16 some differences between the chambers, I hope
17 to work those out. As I said earlier, I am
18 going to invite Chairman Oliva in a public
19 setting to sit down with us so we can have a
20 full discussion as to what those differences
21 are, and it involved one particular part of the
22 state.

23 It is not that large of a caesium that we
24 shouldn't be able to work this out, have a
25 final product voted out by both chambers and on

1 to the final judicial review. So I would
2 expect that you would see that later this
3 afternoon, Mr. President, if my invitation is
4 accepted.

5 So again I thank all of you for your time
6 today, your consideration, the amendments that
7 were filed, and just know if you hit the green
8 button you are hitting the button for, again,
9 the most objectively constitutionally compliant
10 map that has gone through this process, or
11 frankly through the judicial process.

12 Thank you.

13 PRESIDENT GARDINER: Senator Galvano,
14 having closed on, has deleted everything as to
15 the enacting clause amendment to the House
16 Bill, all those in favor signify by saying aye.

17 (Chorus of ayes.)

18 PRESIDENT GARDINER: All opposed? Seeing
19 none, show it is adopted.

20 Senator of the 26th District, Senator
21 Galvano, moves that the Bill be read a third
22 time by the required two-thirds vote. Is there
23 objection? Seeing none, show the motion
24 adopted. Read the House Bill.

25 SENATE SECRETARY: House Bill 1-B, a Bill

1 to be entitled An Act Establishing the
2 Congressional Districts of the State.

3 PRESIDENT GARDINER: Senators, we are now
4 on the -- on third reading on the House Bill,
5 House Bill 1-B as amended with the Senator
6 Galvano amendment.

7 Is there additional debate? I know we
8 went through it pretty good on the amendment,
9 but I would certainly entertain if there is
10 additional ones. If not then before we close
11 there has been a lot of people to thank, but as
12 your Presiding Officer I want to thank Senator
13 Galvano.

14 So much of what you have seen is the
15 product of Senator Galvano and his ability to
16 bring all sides together. It is not without
17 notice that the product before you passed out
18 of committee unanimously. Individuals working
19 together and to look at the issues that they
20 faced and that would not have happened if not
21 just for the Senate, but for Senator Galvano.
22 So Senator, thank you for your leadership on
23 this very, very difficult issue.

24 And I also want to recognize and thank Jay
25 Ferrin. There is not a person that, you know,

1 two weeks ago Jay actually had a hair do like
2 Senator Latvala, but it is worn on him a little
3 bit, but while the committee did the work, this
4 individual was thrown into something that I
5 can't imagine the amount of time that he has
6 had to put in, and I know at one point last
7 week Reynold Meyer said, whatever we do we need
8 to let Jay get home and get some rest, and that
9 shows the amount of time and the passion that
10 he has for this process. So, Jay, thank you,
11 thank you for stepping up for the Senate on
12 this one.

13 And then finally before we close I want to
14 thank our legal team and their advice, George
15 and the team. I joke quite often and for those
16 of you that will be blessed to preside over
17 this incredible chamber, and I joked to
18 President Gaetz that nobody told me that I
19 would be the managing partner of the largest
20 law firm in Florida, and there is some truth to
21 that when you not only look at this issue but
22 the many issues that the legislative branch can
23 get caught up in the legal matters. So to
24 George and the team thank you for everything
25 that you have done, and this is as I said, and

1 as Senator Galvano said, this is a product that
2 we can be proud of.

3 We indicated last week, Senator Galvano
4 did and I did in memos to you that the base map
5 was a starting point and at the end of the day
6 that the legislative branch would see fit to
7 make changes and we did and we feel very
8 comfortable with those.

9 So with that Senator Galvano, are you
10 ready to close, you had your fill? The
11 Secretary will unlock the board and members
12 proceed to vote.

13 Have all members voted?

14 Secretary, lock the board and announce the
15 vote.

16 SENATE SECRETARY: Twenty-eight yeas,
17 eight nays, Mr. President.

18 PRESIDENT GARDINER: By your vote the Bill
19 passes. Take up reading the next Bill.

20 SENATE SECRETARY: None on the desk,
21 Mr. President.

22 PRESIDENT GARDINER: Senator Simmons, for
23 what purpose do you rise?

24 SENATOR SIMMONS: Mr. Chair,
25 Mr. President, to make a motion.

1 PRESIDENT GARDINER: I think before you do
2 that I do have two of our colleagues I need to
3 recognize. I apologize, Senator Simmons, if
4 you could take a seat for a second.

5 Senator Bullard, did you have an
6 announcement?

7 SENATOR BULLARD: Thank you,
8 Mr. President. I would like to ask for a
9 moment of silence.

10 PRESIDENT GARDINER: Will all Senators and
11 guests in the gallery please rise. I think you
12 are still recognized, Senator Bullard.

13 SENATOR BULLARD: Thank you,
14 Mr. President. As we all know, school is
15 starting in many of our counties and we are
16 starting next week and as a teacher one adage
17 that always impacts us is the one that says a
18 parent should never bury a child.

19 Many of the teachers feel the same way
20 about their students. The class of 2004 was
21 significant for me because it was the first
22 time I had seen my ninth graders matriculate
23 all of the way through high school. And
24 yesterday one of the members of that class, of
25 the class of 2004, unfortunately had to succumb

1 to a four-year battle with breast cancer at the
2 ripe age of 29.

3 So I just wanted to take a moment,
4 Senators, to recognize the life, the short life
5 but the impactful life of Mrs. Sandy Sheppard
6 who graduated twice from Florida A&M
7 University, was a resident here in Tallahassee,
8 Florida even though her family still resides in
9 my district, and also was employed with two
10 different state agencies, and leaves a husband
11 and two living children. And understanding why
12 the work that we do is so critically important
13 here in the state of Florida we think about
14 things like the cancer research that we fund
15 here, understand that it has a real impact and
16 the idea that a young lady who has meant so
17 much to so many unfortunately lost her life and
18 lost her battle yesterday at the age of 29
19 should be recognized. So I just want to
20 recognize Mrs. Sandy Sheppard.

21 PRESIDENT GARDINER: Will all members and
22 guests, please bow your heads for a moment of
23 silence.

24 (Brief pause.)

25 PRESIDENT GARDINER: Thank you, Senators.

1 Senator Soto, you have an announcement as well.
2 You are recognized.

3 SENATOR SOTO: Mr. President, a moment of
4 silence for a hero from central Florida. I
5 rise today to ask the Senate to observe a
6 moment of silence and pay tribute to
7 Ms. Mildred Zapata. Ms. Zapata was born on
8 January 9th, 1939, in Mayaguez Puerto Rico, to
9 Jose Vidal Zapata and Adela Vasquez. At the
10 time of her passing on August 9, 2015, she was
11 a respected community liaison, volunteer and
12 organizer for several different organizations
13 that benefited the Hispanic communities and
14 promote the Hispanic culture throughout the
15 United States.

16 Mildred was the founder of several
17 organizations such as Casa de Puerto Rico
18 Organization and Demarcas organization. Ms.
19 Zapata's experience as a Board member and Vice
20 President of the New York Puerto Rican Day
21 Parade, later became the founder and President
22 of the most famous contribution which is the
23 Puerto Rican Day Parade of Florida that we have
24 held in Orlando for the last 24 years until
25 2013.

1 As founder and President of the Puerto
2 Rican Day Parade of Florida Mildred has been
3 able to hand out scholarships for Hispanic
4 students, share Free Kings day with under
5 privileged children and senior citizens and
6 worked with the Center for Drug Free Living,
7 and Orlando Fights Back.

8 She was more recently awarded the J. C.
9 Penney Golden Rule award which acknowledges
10 exceptional volunteer service to a community
11 for at least 10 uninterrupted years.

12 Therefore, I ask the Senate to observe a moment
13 of silence to Mildred Zapata's efforts and
14 achievements to our community.

15 PRESIDENT GARDINER: Please bow your heads
16 in a moment of silence.

17 (Brief pause.)

18 PRESIDENT GARDINER: Thank you. Is there
19 additional announcements?

20 President Gaetz, you are recognized.

21 SENATOR GAETZ: Thank you very much,
22 Mr. President. It is appropriate that on this
23 floor today there was a great deal of
24 discussion about equal rights and civil rights.
25 The civil rights movement lost an extraordinary

1 leader the day before yesterday when Julian
2 Bond, my part time constituent died in Ft.
3 Walton Beach.

4 Julian Bond was one of the great leaders
5 of the civil rights movement in this country,
6 and he as well was at one time a Senator from
7 the State of Georgia, he was a Georgia State
8 Senator. And Julian and his wife vacationed
9 and lived part time in Destin and he and I
10 often saw each other at his favorite haunt
11 which was Harbor Docks restaurant in Destin,
12 and he was always amused when I insisted on
13 calling him Senator, because probably being a
14 Florida or a Georgia State Senator was what he
15 did in his life but it was probably one of the
16 least of the honors that he accumulated in his
17 extraordinary career as an advocate.

18 We would call each other Senator across
19 the restaurant and then both laugh. But today
20 it is with great sadness that I tell you that
21 Senator Julian Bond, one of the great leaders
22 for Equal Justice in America has died in my
23 district. He is a credit to all Americans who
24 believe in the causes for which he gave and
25 dedicated his life, and I ask, Mr. President, a

1 moment of silence in memory of Julian Bond.

2 PRESIDENT GARDINER: All members please
3 bow your heads.

4 (Brief pause.)

5 PRESIDENT GARDINER: Thank you. Senator
6 of the 12th District, Senator Thompson, you are
7 recognized.

8 SENATOR THOMPSON: Thank you,
9 Mr. President. Senators, I ask for a moment of
10 silence for Ms. Eugenia B. Thomas of Miami.
11 Ms. Thomas was the State President of the PTA
12 and devoted her life to children. She is
13 honored in the Miami area with a K-8 school
14 that is named for her, the Eugenia B. Thomas
15 school.

16 She was instrumental in reviving Virginia
17 Beach which was the segregated beach in Miami.
18 She and her husband, Lawson Thomas, did a lot
19 in the Overtown Miami area, and Lawson Thomas
20 was the first African-American Judge in Florida
21 since reconstruction. And Eugenia Thomas was
22 very special to me because she is family.

23 Her son, John Thomas, is married to my
24 oldest daughter, Latrice Thomas. So we have
25 suffered a great loss with the passing of

1 Eugenia B. Thomas and I ask for a moment ever
2 silence for her.

3 PRESIDENT GARDINER: Senators, please bow
4 your heads.

5 (Brief pause.)

6 PRESIDENT GARDINER: Thank you. Are there
7 additional announcements? Just a couple of
8 things, members, just from a scheduling
9 standpoint. I am going to take a motion from
10 Senator Simmons here in a minute that we
11 adjourn until 10:00 a.m. tomorrow morning or
12 upon the call of the Chair.

13 If you have seen our activity today I
14 don't think the House actually comes in until
15 10:00 tomorrow or maybe 9:30, but my guess is
16 is that while we will say at 10:00, we most
17 likely will not be in here at 10:00, but we
18 will be in sometime tomorrow, so stay tuned.
19 Keep an eye out for where we are.

20 Senator Galvano mentioned that he is going
21 to request a public meeting today for the sides
22 to begin the dialogue in regards to the
23 differences between the two maps. Upon, when
24 that time is set if it is accepted we will have
25 a two-hour notice on that so that each of you,

1 if you choose to, can attend, and we would
2 encourage you to be a part of that discussion.

3 So I would stay tuned, hopefully we will
4 come out of that meeting with something that
5 the chambers could work on together and be very
6 proud of.

7 So Senator Galvano, am I forgetting
8 anything or is that consistent with where you
9 think we are?

10 Okay. All right, Senator Simmons, for
11 what purpose do you rise?

12 SENATOR SIMMONS: Mr. President, I move
13 that the Senate adjourn until 10:00 a.m. on
14 Thursday, August 20, or upon the call of the
15 President for purposes of holding committee
16 meetings and conducting other Senate business.

17 PRESIDENT GARDINER: Without objection the
18 Senate is now adjourned for the day.

19 (Whereupon, the proceedings were
20 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 01 through 136 is a true and correct record of my stenographic notes.

Dated this 20th day of August, 2015, at Tallahassee, Leon County, Florida.

CLARA C. ROTRUCK

Court Reporter

Commission No.: FF 174037

Expiration date: November 13, 2018