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NOTICED MEETING OF CHAIR GALVANO AND CHAIR OLIVA  
ON REDISTRICTING  
AUGUST 21, 2015

Transcribed by:  
CLARA C. ROTRUCK  
Court Reporter

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

2 SENATOR GALVANO: Good morning, Chairman,  
3 thank you for joining me here today. Sorry  
4 that we are running a little bit late, but  
5 hopefully we can -- we can begin to make some  
6 -- some progress.

7 Obviously you saw where our formal  
8 position is in the Senate from this morning's  
9 proceedings, but it is my understanding that we  
10 may have an opportunity to work together and  
11 engage staff to perhaps look at some of the  
12 differences that we have and see if there is a  
13 way that we can perhaps come together.

14 And we are willing to do that if -- if you  
15 are, and I think the main issues revolve around  
16 your concerns with Orange County, the cuts that  
17 we are concerned about to Hillsborough as well  
18 as the variable to 16 and, you know, there may  
19 be -- there may be an opportunity to address  
20 it. And so we are here to do that.

21 If you don't think that is possible,  
22 again, we have formally requested a conference  
23 and the Senate is prepared to go into that  
24 process as well.

25 CHAIRMAN OLIVA: Thank you, Chairman and



1 Senate has made it a real point that it -- that  
2 it wants to in some way be able to have had an  
3 effect upon the map.

4 We -- we accepted those on our side. We  
5 continue to be in a very inconsistent  
6 situation, and I know that on the Senate floor  
7 you mentioned that that argument had no basis,  
8 but we continue to in the Senate amendment, we  
9 continue to use a methodology of bringing a  
10 district more into a county that already has a  
11 district fully within it, and we do this in the  
12 same amendment we remove the only district that  
13 is fully within another county. By any measure  
14 that is an inconsistency.

15 You also spoke about the issue that we did  
16 not raise any Tier 1 issues. It is true that  
17 in fact we have tried to stay away from the  
18 raising of Tier 1 issues in large part because  
19 Tier 1 issues deal with intent.

20 When we begin to litigate intent we  
21 possibly fall into the arena of impugning a  
22 person or a person's intent, not a situation  
23 that the House or me personally want to be in.  
24 But the fact remains that the parochial nature  
25 of that, while may not bring up discussion of

1 intent on the House floor, will certainly be a  
2 consideration for the Court, and knowing that I  
3 could not recommend that to the House.

4 And so what I would say to you is, if you  
5 feel that including staff, and once again, the  
6 irony of this would be that staff drew a base  
7 map together and then it went through the  
8 legislative process and now we will return to  
9 staff. But we are perfectly okay with that,  
10 but if that is what is going to happen, a  
11 couple of things we have to be clear on.

12 The House's position is that this current  
13 configuration would not hold up to Tier 1 or to  
14 apportionment one opinions, that is our strong  
15 position.

16 Secondly, if we are going to enter into  
17 discussions and we are going to include staff,  
18 we should be cognizant of the fact that there  
19 is a 12:00 deadline before us and if what we  
20 are talking about is extending, then I have a  
21 whole series of questions about how do you  
22 envision this process? What is the structure  
23 of it? What kind of directive are we going to  
24 give to the staff?

25 So I would turn it over to you in the

1 hopes that you can begin to explain to us how  
2 you envision this process.

3 SENATOR GALVANO: Well, I think my first  
4 response is if we are here on essentially the  
5 last day of a session and there are Tier 1  
6 concerns, I think we need to flush those out.

7 If there is a concern that the House of  
8 Representatives has that they have not shared  
9 during this process or shared yesterday after  
10 our meetings, then, you know, I don't know why  
11 it was held back, but you have raised it.  
12 Let's, let's talk about it.

13 Let's bring it forward, because it is  
14 eventually going to be vetted out and I think  
15 we are prepared to address it. That is why we  
16 recorded our meetings, that is why we had an  
17 open discussion in committee. That is why we  
18 made sure that everything we did along the  
19 process was corroborated and so the genesis of  
20 ideas and amendments was known.

21 With regard to including staff, I would  
22 have the staff sit right here in front of us  
23 with the Legislature or with the members here  
24 to watch the process. And frankly, from a  
25 procedural standpoint I think conference is

1 really a better option. That is what has been  
2 designed and put into our rules to help us  
3 remediate issues where we can't come together.

4 We have our lawyers here. Let's have the  
5 legal discussion. If you believe still that  
6 there is an inconsistent application, then  
7 let's vet that out, too, because the more we  
8 discuss and come to a resolution on openly in  
9 this process, the less the Court is going to  
10 have to figure out later.

11 So what I would recommend first and  
12 foremost is let's get these Tier 1 issues out  
13 on the table, let's discuss them, let's get  
14 right into it and once we are past that, if it  
15 is your pleasure we can have staff publicly  
16 right here show us some -- some different  
17 options or we can simply go back to our  
18 respective chambers with our request for a  
19 conference pending.

20 CHAIRMAN OLIVA: Well, and just for  
21 clarity, when we talked, I am just a small  
22 business owner from Hialeah that got into this  
23 process because it appeared to be  
24 dysfunctional, and now that I am in it I can  
25 fully confirm that for everyone.

1           What I will tell you is, if we have not  
2 brought up a Tier 1 violation it is because we  
3 do not rule on Tier 1. And so it has -- it has  
4 -- it has not been brought up because I cannot  
5 speak to the intent of that amendment sponsor,  
6 because I don't know the intent of that  
7 amendment sponsor. But having to err on the  
8 side of not impugning the integrity of a person  
9 I will err on the side of not impugning that  
10 integrity.

11           I have certainly tried to show that there  
12 is a clear violation of an apportionment one  
13 opinion because that is of a more technical  
14 nature, but to suggest that in any way this  
15 process has been delayed because I have not  
16 chosen to enter into the politics of impugning  
17 the integrity of a member, I fully reject.

18           So that we can move forward, give us an  
19 idea what -- what is the time frame of this  
20 meeting? So let's look, staff will come before  
21 us now so that everyone can understand, staff  
22 will come before us and they will sit here.

23           At what time do you suggest staff come  
24 before us to sit here?

25           SENATOR GALVANO: We cannot move forward



1           until we vet the Tier 1. That issue has been  
2           brought up. That is why we are here and I  
3           respect that you may have had some  
4           recalcitrance.

5           If what you are getting at is that there  
6           was a parochial basis for the amendment that  
7           went on in committee, then let's talk about, or  
8           we can bring in the five hours of audio tape  
9           that would reveal how that amendment came into  
10          being.

11          But I would feel much safer sending a  
12          product to the Court that has on the record  
13          vetted through that issue. And -- and like I  
14          said, I respect where you are coming from, but  
15          this is a serious game and we are talking about  
16          of the tiers, the very first tier that brought  
17          us here in the first place.

18          And I don't know if, I see President Lee  
19          is here and I don't know if Senator Detert is  
20          here, I see Senator Bradley, but all of us  
21          participated in the drafting of the map in  
22          committee and then it was again vetted on the  
23          floor. So if we can put that issue to bed,  
24          then great.

25          We can have the legal argument on the

1           apportionment one opinion. I am of a different  
2           opinion than you are and I believe frankly our  
3           counsel have different opinions as well, and we  
4           can talk that through. We are a Legislature  
5           that needs to comply with the Constitution and  
6           perhaps someone no one is going to raise a  
7           point that will resonate with myself and the  
8           rest of the Senators. So if we need to have  
9           that we can do it.

10           In terms of procedure, you know, we are  
11           willing, it is almost 10:00 now. We are on a  
12           short time frame, but to -- with all of us  
13           here, here is some ideas about how we address  
14           your concern in Orange, while at the same time  
15           addressing the concerns in south Florida.

16           I did have staff prepare an amendment that  
17           has not been brought forward yet. It is not  
18           frankly an amendment yet, it is actually a  
19           draft, where we took a look at maybe combining  
20           both the House amendment and the Senate plan,  
21           and I am willing to do that, but, you know, I  
22           really think if there is something we need to  
23           get on the record with regard to intent, now is  
24           the time.

25           CHAIRMAN OLIVA: Well, here is what I have

1 said and here is what is on the record. I have  
2 no way, and the reason why I think these  
3 amendments are flawed and that these amendments  
4 are going to create problems for this  
5 Legislature and Legislatures to come is that  
6 because proving a negative is nearly  
7 impossible.

8 These amendments have put upon us an  
9 insurmountable obstacle. And so when you are  
10 talking about, you continue to go back to if  
11 there are concerns. My concern is the  
12 interpretation of the Court. The Court has  
13 shown its tendency to use circumstantial  
14 evidence and to place the burden upon this  
15 Legislature and that is what I am trying to  
16 free us of.

17 The intent of the Bill sponsors, whether  
18 it is President Lee or whether it is Senator  
19 Detert, I have no way of knowing, and to the  
20 degree that I know them personally I have no  
21 reason to impugn their integrity. And so I  
22 won't.

23 And so there is no hidden understanding,  
24 there is no hidden idea that I had. My only  
25 idea is will this meet constitutional muster

1 and how will the Court, based on how they have  
2 seen things before, see this, and in my opinion  
3 the Court will not look favorably on this.

4 SENATOR GALVANO: The problem with that  
5 type of reasoning though, respectfully, is then  
6 you relegate it completely to the staff.

7 The idea of taking out the amendment that  
8 went on committee can be equally suspect. I  
9 mean, obviously if we want to see specters in  
10 the woodwork we could go around the state and  
11 see them everywhere.

12 CHAIRMAN OLIVA: Yes.

13 SENATOR GALVANO: Or we could box  
14 ourselves into a situation where  
15 Representatives and Senators from a certain  
16 region are unable to impact that region for  
17 fear that there is some sort of parochial  
18 taint, and I challenge the Court on that.

19 I think if the Supreme Court of Florida or  
20 any Circuit Court that reviews this map is  
21 going to make that presumption, then they might  
22 as well just have a very simple ruling and say  
23 we can't draw it, it is the province of staff.

24 So I understand where you are coming from,  
25 but I am not -- I cannot back off of that, that

1 aspect. We are not going to not do an  
2 amendment simply because a member is from a  
3 certain region. Frankly I think that is all  
4 the more reason to, to respect the input of  
5 that member. And once an amendment goes on in  
6 one body, then any movement on any part of the  
7 map on that, the basis you enunciate could be  
8 suspect, so.

9 CHAIRMAN OLIVA: Let me, let me --

10 SENATOR GALVANO: Well, let me just finish  
11 with my thought on this.

12 CHAIRMAN OLIVA: I just want to be clear.

13 SENATOR GALVANO: Let me finish with my  
14 thought on this, let me finish my thought on  
15 this, respectfully.

16 All I can say is that we agreed as  
17 chambers that the base map was a discussion  
18 map. We came into committee with a very open  
19 process, we discussed it through at length. We  
20 had several amendments, some went on, some did  
21 not.

22 We put our members, I put our members in  
23 the very uncomfortable position for really the  
24 first time that I know historically where they  
25 would sit with staff and be recorded and have

1 those sessions recorded, which yielded hours of  
2 tape, just to make sure that we didn't have to  
3 deal with some speculative presumption.

4 And if the House has a speculative  
5 presumption nonetheless, then this process was  
6 done from the start. Frankly, we were dammed  
7 if you do, dammed if you don't. And so, you  
8 know, I think at this point I am just going to,  
9 Chairman, respectfully reiterate the Senate's  
10 request for a conference and leave it at that.

11 Thank you.

12 CHAIRMAN OLIVA: Well, certainly members  
13 of the House, I think -- I think that that  
14 probably speaks a little bit to the nature that  
15 this has taken. I think up until now these  
16 meetings were held in a very courteous fashion  
17 and what you see here is probably which should  
18 concern all of you and certainly anybody out in  
19 the public about the function of their  
20 government.

21 Thank you, members, again, and we  
22 apologize for having to bring you back here so  
23 early.

24 (Whereupon, the proceedings were  
25 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 14, is a true and correct record of my stenographic notes.

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

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CLARA C. ROTRUCK

Court Reporter

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