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SENATE SPECIAL SESSION C

OCTOBER 19, 2015

12:00 p.m.

Transcribed by:

CLARA C. ROTRUCK

Court Reporter

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

2 SENATE SECRETARY: All unauthorized
3 persons will please leave the Chamber. All
4 Senators and guests in the gallery, please
5 silence all electronic devices. 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 in the gallery,
10 please rise for an opening prayer to be given
11 this afternoon by the Senator of the 4th
12 District, Senator Bean.

13 SENATOR BEAN: Thank you, Mr. President,
14 good afternoon, Senators. Let's go to the Lord
15 in prayer. Heavenly Father, it is the Florida
16 Senate again, and again, Father, we say thank
17 you for all of our blessings, of family, of
18 friends, of colleagues in a state abundant in
19 beauty and resources.

20 We ask that you comfort Floridians who are
21 carrying a burden of sickness, worry or
22 sadness. We also say thank you for our
23 challenges, for we know they are opportunities
24 to better serve, to better ourselves, our state
25 and those that we serve, and what an

1 opportunity that stands before us.

2 We ask your blessing on this body as it
3 starts its journey of redistricting and a
4 blessing on the hands, all of our hands that
5 draw new lines. Give us the spirit to fight
6 for what is right and the strength to endure
7 and the guidance we so desperately need in our
8 consultations.

9 Granted that we all may seek to do your
10 will and the benefit of the people of Florida.
11 We beseech you to look favorably upon our state
12 and bless its people as they go about their
13 callings and vocations. In all of our doings
14 keep us mindful that we must answer for our
15 actions, not only to whom we represent, but
16 ultimately to you.

17 Finally, we thank you for the freedoms we
18 enjoy and ask for the wisdom to uphold them.
19 Please continue to bless the men and women who
20 project them, who have protected them and those
21 families and men and women who have made the
22 ultimate sacrifice for those freedoms. All of
23 these things we ask in your name and everybody
24 say together, Amen.

25 PRESIDENT GARDINER: Thank you, Senator

1 Bean. Please remain standing for the Pledge of
2 Allegiance to be led today by the Senator of
3 the 37th District, Senator Flores.

4 (Brief pause.)

5 PRESIDENT GARDINER: Madam Secretary,
6 please read the proclamation.

7 SENATE SECRETARY: To the honorable
8 members of the Florida Senate and the Florida
9 House of Representatives. We, Andy Gardiner,
10 President of the Florida Senate, and Steve
11 Crisafulli, Speaker of the Florida House of
12 Representatives, by virtue of the authority
13 vested in us in Article III, Section 3(c),
14 Florida Constitution, and Section 11.011,
15 Florida Statutes, do hereby jointly proclaim,
16 one, that the Legislature of the State of
17 Florida is convened in special session pursuant
18 to Article III, Section 3(c), Florida
19 Constitution, and Section 11.011, Florida
20 Statutes, at the Capitol in Tallahassee,
21 Florida, beginning at 12:00 p.m. on Monday,
22 October 19th, 2015, for a period of 19 days
23 ending at 3:00 p.m. on Friday, November 6th,
24 2015.

25 Two, that the Legislature is convened for

1 the sole and exclusive purpose of considering a
2 joint resolution establishing remedial
3 Senatorial districts for this state.

4 Signed, Andy Gardiner, President, Florida
5 Senate, signed, Steve Crisafulli, Speaker of
6 the Florida House of Representatives. Duly
7 filed and received by the Florida Department of
8 State this 5th day of October, 2015, by Ken
9 Detzner, Secretary of State.

10 The reading of the proclamation,
11 Mr. President.

12 PRESIDENT GARDINER: We will now proceed
13 to the reading of the Bills filed within the
14 call. The Secretary will read each Bill the
15 first time by number, introducer, and title;
16 and announce the President's reference.

17 SENATE SECRETARY: Senate Joint Resolution
18 2-C, by Senator Galvano. A Joint Resolution of
19 Apportionment. President's reference the
20 Senate Committee on Reapportionment.

21 The reading of the Bills, Mr. President.

22 PRESIDENT GARDINER: Thank you. Before we
23 go on to the business of the time, Senator
24 Gibson, you are recognized.

25 SENATOR GIBSON: Thank you, Mr. President.

1 For a moment of silence.

2 PRESIDENT GARDINER: Senators, if we can
3 have your attention. All rise.

4 SENATOR GIBSON: Members, as we get or
5 Senators as we get ready for putting together
6 our budget, many times the numbers kind of take
7 precedence over the people, and not all the
8 people, but the people in our economic drivers,
9 and one of those drivers that we talk about a
10 lot are our ports, and certainly the economic
11 benefit of ports is tremendous, but so are the
12 people who make those ports work.

13 Those who load the cargo, those who sail
14 on the ships to make sure the cargo gets to and
15 from its destination, and 33 of those
16 individuals are lost at sea and presumed lost
17 to us. And so I have asked with the
18 President's permission that we remember those
19 folks and their families in a moment of
20 silence.

21 Many lived in my district. They left from
22 the port in my district and their families are
23 in my district and they were hard working, many
24 of them Floridians, who impacted our lives on a
25 daily basis. So will you join me in a moment

1 of silence for the crew members of the El Faro.

2 PRESIDENT GARDINER: Please bow your
3 heads.

4 (Brief pause.)

5 PRESIDENT GARDINER: Thank you, Senators.
6 We will now continue with the order of
7 business.

8 Are there reports of committee?

9 SENATE CLERK: On the desk, Mr. President.

10 PRESIDENT GARDINER: Read the report.

11 SENATE CLERK: Dear President Gardiner,
12 the Committee on Rules met on October 8th,
13 2015, and after due consideration respectfully
14 recommends a revision to Rule 14 as follows.
15 Rule 14 seal and insignia. 14.1, seal and
16 insignia, one, there shall be an official seal
17 of the Senate. The seal shall be the size of a
18 circle of two and one half inches diameter,
19 having a center thereof a fan of the 1513
20 Spanish flag, the current Florida State flag,
21 the current United States flag, the 1564 French
22 flag and the 1763 flag of Great Britain, that
23 have flown or presently fly over Florida.
24 Above the disk containing the words In God We
25 Trust arched above a gavel, quill and scroll.

1 At the top of the field of flags shall be the
2 words Seal, at the bottom shall be the date
3 1838. The perimeter of the seal shall contain
4 the word Senate and State of Florida.

5 Two, there shall be an official Coat of
6 Arms for the Senate. The Coat of Arms shall
7 contain a fan of the 1513 Spanish flag, the
8 current Florida State flag, the current United
9 States flag, the 1564 French flag and the 1763
10 flag of Great Britain that have flown or
11 presently fly over Florida above the great seal
12 of Florida. At the base of the Coat of Arms
13 shall be the words The Florida Senate.

14 Three, all versions of the Senate seal,
15 the Senate Coat of Arms, official Senate
16 stationery, calling cards and facsimiles
17 thereof may be used only in connection with
18 official Senate business.

19 The change of vote sheet are attached
20 hereto and by reference made a part of this
21 report. Sincerely, David Simmons, Chair.

22 The reading of the report, Mr. President.

23 PRESIDENT GARDINER: Senator of the 10th
24 District, Senator Simmons, you are recognized
25 to add additional comments.

1 SENATOR SIMMONS: Thank you,
2 Mr. President. At the request of the President
3 and Leader Joyner the Rules Committee reviewed
4 the Senate seal at its last meeting and
5 recommends a change.

6 There is no record of why the flags now on
7 the seal were chosen, but they may have been
8 suggested by Mr. Patrick's 1947 book entitled
9 Florida Under Five Flags.

10 There have been 16 flags that have flown
11 over Florida or parts of Florida, and the flags
12 on the current rule appear to presume to
13 represent sovereign nations. However, our
14 research established that the Confederacy was
15 never legally a sovereign nation.

16 The committee therefore recommends
17 replacing the Confederate flag with the current
18 flag of the State of Florida. I think it is
19 most appropriate that if we are going to have a
20 seal for the State of Florida, that the flag of
21 the State of Florida be on that seal.

22 The revision also revises the ambiguous
23 reference to five flags by specifying the
24 actual historic and current flags that will
25 appear on the seal. Mr. President, I move the

1 report.

2 PRESIDENT GARDINER: Other questions of
3 Senator Simmons? Are there questions? Are
4 there questions? Seeing none. I apologize,
5 the Senator of the 7th District, Senator
6 Bradley, you are recognized for a question.

7 SENATOR BRADLEY: Thank you,
8 Mr. President. I confess, I didn't realize
9 this was on, that we were going to be
10 discussing this today. I thought we were only
11 going to be dealing with redistricting. So,
12 you know, this is -- this is a very emotional
13 controversial issue and I understand that, and
14 I have talked to some of my colleagues about
15 the issue, and are we -- I guess my procedural
16 question for the Rules Chairman is, are we
17 looking to do this today with finality?

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

20 SENATOR SIMMONS: Yes.

21 SENATOR BRADLEY: All right, well --

22 PRESIDENT GARDINER: And Senator Bradley,
23 if I just add a little bit to that. So the
24 intent to address this now, again this is
25 strictly within our rules and future

1 legislators have at any time the opportunity to
2 change the rules of the Florida Senate.

3 The reality is is that it will take time
4 to address this if it is the will of the Senate
5 to pass this, to get out, to get some of these
6 seals changed throughout the Capitol. So we
7 wanted to give the Sergeant's office the
8 opportunity to resolve that matter.

9 So that is -- that is why it came up today
10 and if it is by two-thirds, then it would be
11 the intent to start that process.

12 You are recognized.

13 SENATOR BRADLEY: Thank you,
14 Mr. President, and I certainly don't quarrel
15 with the fact that this -- because you have to
16 change all of the seals and we want to, if we
17 are going to do so need to do it before
18 session, I don't quarrel with that. I just, I
19 confess, I didn't realize that we were dealing
20 with it today and perhaps I missed something.

21 PRESIDENT GARDINER: Yes, I understand.

22 SENATOR BRADLEY: Was there any discussion
23 of alternative seals other than simply
24 retaining the seal as it with one flag being
25 removed? And I say that because, you know, I

1 am proud to be a student of history myself and
2 if you look at all of the flags on the seal I
3 think you would find that there were things
4 that occurred in the name of some of those
5 flags that history has now looked upon as being
6 abhorrent and terrible, that may be a
7 discussion to have about what occurred, you
8 know, in the name of other flags on there.

9 I just would like to have a discussion
10 because I think -- I think symbols are
11 important, and I would like to have a
12 discussion about what the seal is going to look
13 like, because it seems like the only
14 alternative is the current seal or the current
15 seal without one flag. And the idea of perhaps
16 having another seal altogether I think at least
17 is worthy of discussion and I don't know at
18 what time that discussion should have, but I
19 just don't want this moment to pass without at
20 least saying at least from my perspective that
21 I think it is important that we have a
22 discussion about what our seal is going to look
23 like and perhaps have other alternatives than
24 just two.

25 PRESIDENT GARDINER: Okay. Well, we are

1 actually in questions. So I will take that as
2 a question and I will defer to Senator Simmons,
3 but I believe that this is a unanimous
4 recommendation of the Rules Committee to make
5 this change. And Senator Simmons, would you
6 like to add something to that?

7 SENATOR SIMMONS: Certainly,
8 Mr. President. And I appreciate your thoughts,
9 Senator Bradley. This is simply a replacement
10 of one of the flags. There are five flags that
11 are on the seal, and the replacement of the
12 Confederate flag with the flag of the State of
13 Florida.

14 We have the flag of the United States of
15 America there, and it is most appropriate that
16 it be replaced with the flag of the State of
17 Florida. And the fact of it is the committee
18 did have the opportunity to -- to review all
19 other kinds of options and the one that was
20 proposed that I submitted that seemed
21 reasonable, that continues with the history
22 since the early 1970s, of the state of Florida
23 was to take the five flags and replace one of
24 the flags, and the rationale that I had, and
25 this is just my personal view, is to staff

1 thoroughly researched this issue, and in Texas
2 versus White, which is an 1869 decision by the
3 United States Supreme Court, it dealt with the
4 issue of the validity of the -- of the
5 Confederacy and took -- and made the ruling
6 consistent with -- with President Lincoln's
7 statements in his first inaugural address that
8 he made, and that is when this Union was made
9 it was made as a perpetual Union, and when
10 Texas and all of the other states were
11 incorporated into the -- into the United States
12 as a new member and a political body, it was
13 final.

14 The Union between Texas and the other
15 states was as complete as perpetual and
16 dissoluble as the Union between the original
17 states.

18 There was no place for reconsideration or
19 revocation, except through revolution or
20 through consent of the states. The fact of it
21 is that there are several other cases that
22 specifically deal with this issue, one
23 involving Tennessee and various other states, I
24 think including Alabama. The decisions have
25 been unanimous that in fact if we are going to

1 have a seal we should be dealing with sovereign
2 nations that are in fact legitimate sovereign
3 nations.

4 And so for the state of Florida, for me,
5 it is most appropriate as a person who
6 researches these kind of issues and believes in
7 what we do for the seal of the State of Florida
8 to have those sovereignties that were in fact
9 legitimate sovereignties of this state on a
10 seal, and it seems to me most appropriate to
11 have on a seal for the State Senate a flag of
12 the State of Florida. And so those are the
13 reasons for doing this.

14 There are a multitude of other reasons
15 that other people have that are legitimate, and
16 I look at this and say that in order to deal
17 with this matter appropriately, the best thing
18 to do is what the unanimous decision of the
19 Rules Committee members was and that is in fact
20 to replace one flag.

21 PRESIDENT GARDINER: Additional questions,
22 additional questions? Senator Gibson for a
23 question.

24 SENATOR GIBSON: Thank you, Mr. President.
25 And Senator Simmons, didn't we in the

1 committee, I believe I made the request
2 actually, make copies of the seal to pass to
3 each member so that we could see the seal in
4 its current form and the committee could
5 understand the flag that -- the flag that was
6 going out and the flag that would potentially
7 go in and we had question and discussion about
8 that copy?

9 PRESIDENT GARDINER: Senator Simmons,
10 let's do this. You know, we are here to move
11 forward on the redistricting. I think that
12 there are some questions, and Senator Bradley,
13 it was our intent, and again, not to blindside
14 anybody, we want to make sure everybody has an
15 opportunity to fully understand the issue
16 before us.

17 So Senator Simmons, why don't we
18 temporarily postpone this rule change right now
19 and I would encourage the members that were not
20 on the Rules Committee to visit with Senator
21 Simmons and visit with John Phelps who made the
22 recommendation. And again, I apologize, it was
23 not our intent to catch people off guard.

24 I know everybody came up here with the
25 intent to talk about redistricting and this

1 popped up, but we will respect that request and
2 we will TP that at this time.

3 Okay, if we could, let's just move on.
4 Are there motions relating to committee
5 reference?

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

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

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

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

15 SENATE CLERK: On the desk, Mr. President.

16 PRESIDENT GARDINER: Senator of the 10th
17 District, Rules Chair Simmons. You are
18 recognized for a motion. We have the
19 concurrent resolution from the House here,
20 Senator Simmons.

21 SENATOR SIMMONS: Mr. President, I move
22 that the House Concurrent Resolution 1-C be
23 taken up in instanter. The concurrent
24 resolution allows each House to determine its
25 respective schedule of sitting dates and times

1 for adjourning and reconvening.

2 PRESIDENT GARDINER: Without objection
3 show the motion adopted.

4 Please read the concurrent resolution the
5 first time by title and the second in full.

6 SENATE CLERK: The Honorable Andy
7 Gardiner, President. I am directed to inform
8 the Senate that the House of Representatives
9 has adopted HCR 1-C and request the concurrence
10 of the Senate, Bob Ward, Clerk.

11 House Concurrent Resolution 1-C, a
12 concurrent resolution providing for adjourning
13 and reconvening of each House of the
14 Legislature and providing for adjournment sine
15 die during the 2015 Special Session C.

16 House Concurrent Resolution 1-C, a
17 concurrent resolution providing for adjourning
18 and reconvening of each House of the
19 Legislature and providing for adjournment sine
20 die during the 2015 Special Session C.

21 Be it resolved by the House of
22 Representatives of the State of Florida that
23 the Senate concurring that pursuant to Section
24 III, paragraph (e) of Article III of the State
25 Constitution, each House of the Legislature

1 may, without further consent from the other
2 House, determine its respective dates and times
3 for adjourning and reconvening during the 2015
4 Special Session C of the Legislature, beginning
5 Monday, October 19, 2015, and ending Friday,
6 November 6, 2015.

7 Be it further resolved that the
8 Legislature shall adjourn sine die at the
9 earlier of Friday, November 6, 2015, at 3:00
10 p.m., or upon motion after final passage by the
11 Legislature of a joint resolution establishing
12 the Senate districts in this state.

13 The reading of the resolution,
14 Mr. President.

15 PRESIDENT GARDINER: Are there questions?
16 Are there objection? All in favor of the
17 concurrent resolution, say yea?

18 (Chorus of yeas.)

19 PRESIDENT GARDINER: All opposed. By your
20 vote the concurrent resolution is adopted.

21 Senators, Senator Galvano will outline the
22 schedule of the committee meetings for the
23 Committee on Apportionment.

24 The Senator of the 26th District, Chair of
25 the Senate Committee on Reapportionment,

1 Senator Galvano, you are recognized.

2 SENATOR GALVANO: Thank you,
3 Mr. President. Good afternoon, Senators.
4 Mr. President, if you will, I am just going to
5 recap a little bit of where we have been, how
6 we got here and then what to expect over the
7 next couple of weeks.

8 As all of you recall and you may have read
9 most recently in the memo that I sent to the
10 President and the Senators on Friday, we,
11 myself and Chair Oliva had reached an agreement
12 with regard to an initial base map drawing
13 process.

14 That process took place and included the
15 map drawers from the Senate, map drawers from
16 the House of Representatives, together with
17 legal counsel who before they went in to draw,
18 created and suggested based on the status of
19 the law given all of the opinions up to this
20 date and the wording of the Constitution,
21 methodologies by which the map drawers should
22 draw the maps.

23 It was important to me that we had
24 multiple opportunities or multiple choices
25 within the process, because this is not an

1 exact science. Two methodologies were
2 proposed, six maps have come out, those were
3 the ones that were released last Wednesday that
4 you all have probably seen at this point.

5 Today at 2:00 p.m. we are going to have a
6 meeting of both the Senate Committee on
7 Reapportionment and the House Select Committee
8 on Redistricting. The purpose of this meeting
9 is to give the map drawers the opportunity to
10 explain the base maps, give the Senators on the
11 committee as well as the House members on the
12 committee, as well as any Senator who is not on
13 the committee, and I believe House members who
14 are not on the House committee will also be
15 invited an opportunity to hear from the map
16 drawers and engage in question and answers.

17 We also have on the agenda the opportunity
18 for the public to be there, and so we intend to
19 truly vet through where we are at least at this
20 point in the process with regard to the
21 products that have thus far come out.

22 On Wednesday at 9:00 a.m. the Senate
23 Committee on Reapportionment will then
24 reconvene to workshop the products that have
25 thus far come out, to further analyze, have

1 question and answer, and to consider at that
2 point any amendments or alternative proposals
3 that have come into the cue.

4 It is then my intention, Mr. President and
5 Senators, to reconvene again on Friday with the
6 hope that we would then come together as a
7 committee to pass out a Senate map. In order
8 to facilitate timing the amendment deadline for
9 that Friday meeting will be 5:00 p.m. -- 6:00
10 p.m. on Thursday.

11 Amendments, if you are making them are
12 under the same conditions that were established
13 for the Congressional districts. The amendment
14 has to be a whole map. Be prepared to explain
15 who was involved in the creating or drafting of
16 the amendment, be able to justify a
17 non-partisan purpose for the amendment. Be
18 prepared to provide a functional analysis for
19 any impact on minority voting rights.

20 And then with regard to the procedure, and
21 I will make another note here, the process thus
22 far has been taking place on the Senate side
23 and has been recorded, and as far as going
24 forward on the amendment process, if you are
25 having any discussion with our staff about

1 moving lines, and I don't want to be overly
2 broad about this, because there was a lot of
3 discussion about process and generalities that
4 take place, but if you are actually moving a
5 line and creating a product that is going to
6 either amend a map or require a vote, then that
7 process will be recorded.

8 It is then our intention to reconvene here
9 a week from tomorrow for special order. The
10 amendment deadline for special order will be
11 5:00 p.m. on Monday. So that at least explains
12 where we are going over the next week until we
13 get to the special order calendar and then we
14 will determine at that point whether we move to
15 a third and pass a map out or if we need
16 additional time on the floor.

17 I also am prepared to have a committee
18 meeting on Monday if by Friday we cannot reach
19 some sort of consensus among the members of the
20 committee.

21 And so, Mr. President, that is the
22 schedule for the next week and a half, and I
23 will take any questions or move into a series
24 of motions.

25 PRESIDENT GARDINER: Are there questions?

1 Senator Latvala for a question.

2 SENATOR LATVALA: Yes, Senator Galvano,
3 what opportunities -- we have seven members out
4 of 40 that are on the special committee. What
5 opportunities will there be prior to the
6 resolution coming to the floor for the other
7 members of the Senate to ask questions, to make
8 comments, because I would assume that once the
9 committee comes out with a plan, if the last
10 session on maps was any indication, there is
11 going to be a certain standing to that map?

12 And so I am just wondering when is the
13 rank and file members of the Senate going to
14 have an opportunity to ask questions in a
15 public forum, public setting or make
16 suggestions or make observations?

17 SENATOR GALVANO: Thank you,
18 Mr. President.

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

21 SENATOR GALVANO: First, I would note that
22 in the congressional process we amended the map
23 twice here on the floor after it was amended in
24 committee. Having said that and directly to
25 your question, we can begin today. I am

1 inviting all of the members or any member that
2 wishes to attend the joint meeting today to do
3 so.

4 You are welcome to attend the meeting on
5 Wednesday, as well as the meeting on Friday.
6 Many of you have served on committees with me.
7 I am going to be as open as I possibly can in
8 terms of the ability to ask questions even if
9 you are not on the committee.

10 With regard to amendments, do not wait
11 until Thursday or up against the amendment
12 deadline. You have opportunities now to begin
13 looking at what you might consider to be an
14 amendment and to do so.

15 Senator Braynon has already put forth a
16 map that I assume will become his amendment.
17 So there is opportunity beginning right at this
18 moment, Senator Latvala, and I am happy to
19 assist in any way that I can as is Jay Ferrin.

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

22 SENATOR LATVALA: Thank you. With regard
23 to the more global issues, let's take, for
24 example, issues like numbering. Let's take,
25 for example the issue of what happens to a

1 sitting member who is in the middle of a four
2 year term who's district doesn't change, which
3 I have seen a Supreme Court decision that says
4 that in that event the term doesn't end.

5 But when is -- when is the committee
6 planning on having a conversation about how
7 that will be determined?

8 SENATOR GALVANO: Thank you,
9 Mr. President. That will -- the numbering will
10 be determined once we determine what the map,
11 itself, will be. If you look at the memo I
12 sent on Friday, my message was simply this,
13 that we are going to go back through and number
14 the districts based on those areas that have
15 the most commonality with the existing map.

16 In other words, the numbers were not
17 challenged, the Plaintiffs have not challenged
18 them, no one else has challenged them. The
19 consent order and the consent that was entered
20 into made reference to the elections that were
21 up in 2016.

22 And so it is the position of the Senate
23 Committee on Reapportionment that the numbers
24 will be put back in as close as possible to the
25 existing districts once the map has been

1 determined.

2 As far as having to run again, it is the
3 Senate Committee on Reapportionment's position
4 that if you are in a four year seat and you
5 have that, that number, you are not going to
6 have to run again. At the end of the day the
7 entity that determines who is qualified to
8 serve in the Florida Senate is the Florida
9 Senate. And so that is the position we are
10 taking.

11 We have substantial legal support for it.
12 Is it absolutely black and white, no, I cannot
13 represent that to you, but we will be taking
14 that position.

15 SENATOR LATVALA: Thank you.

16 PRESIDENT GARDINER: President Gaetz, you
17 are recognized for a question.

18 PRESIDENT GAETZ: Thank you very much,
19 Mr. President. Chair Galvano, thank you for
20 your good work. My question has to do with the
21 full and open public disclosure that the joint
22 agreement between the House and the Senate and
23 your direction imposes on all of us.

24 We have to fully and openly and
25 appropriately disclose all of those who may

1 have had influence on or have directed us in
2 any way in the development of an amendment or a
3 map.

4 My question, sir, is when you are taking
5 public testimony from individuals who may or
6 may not be cat's paws for someone else,
7 something we found to be the case retroactively
8 in the original redistricting, will they be
9 required to do as legislators do, and that is
10 to fully and openly disclose who has been
11 involved in the development of their testimony?
12 And, if so, will you be using sworn, will those
13 individuals be sworn in, or how will you ensure
14 the full and open testimony?

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

17 SENATOR GALVANO: Yes, thank you,
18 Mr. President, and thank you for your question.
19 We have invited any member of the public or
20 anyone who wants to propose a map to come
21 before the committee. It is my intention that
22 the committee will be thorough in its analysis
23 of a proposal that comes to it from an outside
24 source.

25 I have not determined yet whether we would

1 go into a sworn testimony position with someone
2 from outside the Senate submitting a map.

3 I will point this out though, that
4 different than the congressional litigation
5 that we were just in, there is an opportunity
6 for discovery following this session which
7 would give us an opportunity to look further
8 into the background and motives and influences
9 that may exist or may not exist.

10 PRESIDENT GARDINER: President Gaetz for a
11 follow up.

12 PRESIDENT GAETZ: Thank you,
13 Mr. President. Will you ask individuals who
14 come before the committee to testify to
15 represent that their testimony is of their own
16 making or ask them to identify groups or
17 individuals who have assisted them in the
18 development of their testimony, amendments or
19 proposed maps?

20 PRESIDENT GARDINER: Senator Galvano of
21 the 26th for a follow up.

22 SENATOR GALVANO: Thank you,
23 Mr. President. Yes, and that occurred the last
24 committee -- committee hearing as well. Where
25 it gets tricky is where maps are submitted

1 after we have adjourned legislatively and
2 before the hearing, but again with the
3 opportunity for discovery maybe that may be
4 different.

5 PRESIDENT GARDINER: Senator Clemens for a
6 question.

7 SENATOR CLEMENS: Thank you,
8 Mr. President. You had indicated earlier that
9 the -- I am sorry, Senator Galvano, Mr. Chair,
10 you had indicated earlier that the Senate
11 Committee on Reapportionment had decided that
12 the -- that a Senator who's district did not
13 change appreciably would not have to run again.

14 When did the committee make that decision?

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

17 SENATOR GALVANO: Thank you,
18 Mr. President. The decision and the position
19 that I have taken as Chairman of the committee
20 is based on the advice of counsel and the idea
21 that we have not received a challenge with
22 regard to the numbering or the terms, and also
23 it is consistent with the consent judgment that
24 was entered into between the Plaintiffs and the
25 Legislature, which is specifically worded.

1 PRESIDENT GARDINER: Senator Clemens for a
2 follow up question.

3 SENATOR CLEMENS: Thank you,
4 Mr. President. Just so I want to be clear, so
5 it was a decision made between you and legal
6 staff? This wasn't a committee decision, is
7 that correct?

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

10 SENATOR GALVANO: Thank you,
11 Mr. President. We have yet to convene our
12 committee. It is the legal position that we
13 are taking.

14 PRESIDENT GARDINER: Senator Clemens for a
15 follow up.

16 SENATOR CLEMENS: Thank you,
17 Mr. President, a different question. Senator
18 Galvano, today and then also in your memo you
19 indicated that Senators and the public will be
20 able to submit alternative maps and any
21 testimony regarding those maps for
22 consideration on Wednesday at your meeting.

23 Is there a deadline for that to happen if
24 the public wants to submit a map? When do they
25 kind of have to have it to staff in order to be

1 able to -- to have it viewed at the meeting on
2 Wednesday?

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

5 SENATOR GALVANO: Thank you,
6 Mr. President. If we were going to take up a
7 vote on Wednesday, the amendment deadline would
8 be 6:00 p.m. on Tuesday. I would use that as
9 the benchmark.

10 PRESIDENT GARDINER: Senator of the 34th
11 District, Senator Sachs for a question.

12 SENATOR SACHS: Thank you, Mr. President.
13 And thank you, Chair Galvano for all you have
14 done. Suggestion attorney to attorney. Either
15 when folks come and give testimony as to maps
16 and they are not part of the Senate or the
17 House, either one, they should be placed under
18 oath so that that way if a discovery process
19 ensues later in litigation, at least we would
20 know that we have some -- they have some
21 legitimacy behind their testimony that it was
22 their map.

23 Or two, when somebody submits a map, it is
24 in writing, and maybe it could be at the very
25 bottom of that form, a little note that says or

1 a little paragraph that says that these are the
2 people who have assisted me in drawing this
3 map, and that -- and their signature, and that
4 way we have it on record that if somebody from
5 the public submits a map that at least they are
6 disclosed and transparent, and who helped them
7 if anybody or any group to draw the lines of
8 that map.

9 Just a suggestion, I think that it would
10 go far in lending your process to a transparent
11 one and one that may not have to be, you know,
12 in the throws of discovery and litigation later
13 on after we conclude.

14 And the second issue, if I could, I am
15 going to go into a second question, if that is
16 okay, Chair Galvano. When I was in the
17 original redistricting committee, it seems like
18 years ago, but it wasn't that long ago, we had
19 a Lottery system for the numbers.

20 Is what you are saying, and this is a
21 direct question, is what you are saying that
22 the staff will assign a number to a newly
23 designed or a newly drawn district that is
24 close to a previous one and that is how that
25 newly drawn district will get its new number?

1 SENATOR GALVANO: Thank you,
2 Mr. President. I am going to start backwards.

3 SENATOR SACHS: Okay, good.

4 SENATOR GALVANO: The committee, that will
5 be part of the committee process with the
6 assistance of staff when we determine what the
7 map will look like. The current numbers that
8 you see on the base map are what the staff
9 calls place holders, and they were not achieved
10 by any particular methodology, but in order to
11 be consistent with whatever the challenges
12 were, what the consent order said and what we
13 believed the case law to say, we are going to
14 go back and look geographically and identify
15 districts and numbers based on what I call
16 commonality.

17 With regard to your first issue, a great
18 suggestion. I intend to talk with legal
19 counsel and make sure that they have a
20 discussion also with House counsel so we can
21 all be on the same page going forward.

22 PRESIDENT GARDINER: Senator of the 34th
23 District, Senator Sachs.

24 SENATOR SACHS: Thank you, sir. And Chair
25 Galvano, I think that that would be, and again,

1 I am thinking about legal counsel as well, just
2 a little notation on the bottom of the page
3 that says these are the groups, and that should
4 also be for the House, for their testimony as
5 well. It should be one form for both Houses to
6 make it a lot easier for the court to decide.

7 Thank you, sir. Thank you.

8 PRESIDENT GARDINER: The Senator of the
9 35th District, President Margolis, you are
10 recognized.

11 PRESIDENT MARGOLIS: Mr. Chairman. I
12 reviewed the six -- the six -- the maps that I
13 got regarding my district and certainly the
14 Democratic district also. And I find that
15 about a half a dozen of the cities in all of
16 the -- in all of the maps have been -- have
17 been divided, some in two, some in three, but
18 the district that I represent now is divided up
19 into all kinds of little quarters and things
20 that -- that we were trying to overcome.

21 That is why we are doing the redistricting
22 and I just really wonder how that is going to
23 be treated as we go forward.

24 PRESIDENT GARDINER: Senator Galvano, you
25 are recognized.

1 SENATOR GALVANO: Yes, thank you,
2 Mr. President. And this afternoon, President
3 Margolis, we are going to have an opportunity
4 for the map drawers to go through and discuss
5 the drafting of the maps that you have just
6 referenced. And to refer back to the
7 methodologies that were provided by legal
8 counsel.

9 With regard to the methodologies, you had
10 really two. One involved the effort to keep as
11 many counties whole as possible and keep as
12 many districts within a county as possible.
13 The other was to minimize county splits and
14 those are different, though may sound the same.

15 With regard to the cities, based on the
16 case law that has led us up to this point, the
17 court has put priority on the counties, and one
18 of the reasons is that city lines change.

19 There is annexations and other things that
20 take place, but there is more of a comfort
21 level with county lines.

22 PRESIDENT GARDINER: Senator Gibson for a
23 question.

24 SENATOR GIBSON: Thank you, Mr. President.
25 Going back to the testimony and who signs on

1 the bottom of a map that is submitted, the
2 groups and all of that, and so there is no
3 confusion to our public constituencies, a map
4 doesn't technically come into play unless a
5 member uses a map submitted to the public
6 system by someone or some group of people.

7 It doesn't come into play unless a member
8 actually uses that map to amend the maps
9 that -- or to amend any of the maps or the map
10 that we come up with at the end, or not so much
11 at the end but in committee. So there is no --
12 this seems to be a confusion that if somebody
13 submits a map they submit it before the
14 amendment deadline, someone other than a
15 Senator, and it goes as an amendment and that
16 is not the case, correct?

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

19 SENATOR GALVANO: Thank you, Mr.
20 President. Senator Gibson, thank you for that,
21 that clarification. Absolutely an amendment to
22 be considered has to be submitted by a member,
23 and I think once that submission takes place
24 then that will actually get into addressing
25 some of President Gaetz's concerns and some of

1 Senator Sachs' concerns. So thank you, I am
2 glad you made that clarification.

3 PRESIDENT GARDINER: Senator Soto, you are
4 recognized.

5 SENATOR SOTO: Thank you, Mr. President.
6 With regard to triggering a reelection, I
7 understand the number part of it, but is there
8 any change or substantial change to a district?

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

11 SENATOR GALVANO: Thank you,
12 Mr. President. The numbering will be based on
13 the district that has the most in common with
14 the existing district in the enacted plan. And
15 so that is, that is how it will -- there is not
16 an absolute threshold that has to be met.

17 We will have to look at the maps. Some of
18 them are not going to change really at all, but
19 whatever has the most in common is going to
20 receive that number.

21 PRESIDENT GARDINER: Senator Soto for a
22 follow up.

23 SENATOR SOTO: I understand that. And so
24 once numbers are assigned if a district
25 changes, is it any change or a substantial

1 change that would trigger a reelection or a new
2 election in 2016, for that particular seat?

3 PRESIDENT GARDINER: Senator Galvano.

4 SENATOR GALVANO: Thank you,
5 Mr. President. Our position will be from the
6 committee's standpoint or based on the legal
7 research, that if you are a sitting Senator and
8 you receive -- you remain in the district that
9 has the number that you are in, you -- it won't
10 matter whether it is substantial or minimal.

11 PRESIDENT GARDINER: Senator of the 14th
12 district for a follow up.

13 SENATOR SOTO: Thank you, Mr. President.
14 Who would be deemed an incumbent in this
15 Chamber, not individually naming them but what
16 would the description of the Senator be deemed
17 incumbent under the Fair District amendments?
18 Would it be someone who was elected before 2012
19 or before 2010? How would that work?

20 PRESIDENT GARDINER: Senator Galvano.

21 SENATOR GALVANO: Thank you,
22 Mr. President. If we are drawing lines now,
23 any sitting member of this body would be deemed
24 an incumbent.

25 SENATOR SOTO: Okay. Thank you,

1 Mr. President. With regard to Tier 1
2 protection for minority districts, would -- did
3 there have -- does there have to be a minority
4 district or an access seat or a coalition seat
5 created before 2010, before 2012, or if it was
6 currently a coalition or minority seat, would
7 that be for a protection under Tier 1?

8 PRESIDENT GARDINER: Senator Galvano.

9 SENATOR GALVANO: Thank you,
10 Mr. President. If it is current, so if our
11 process now diminishes the opportunity of a
12 minority district to elect a candidate of its
13 choice, then we have run afoul.

14 PRESIDENT GARDINER: Okay, are there
15 additional questions? Seeing none, Senator
16 Galvano, I believe you have a series of
17 motions.

18 SENATOR GALVANO: Yes. Thank you,
19 Mr. President. Mr. President, to allow for
20 sufficient time for amendments to be drafted I
21 move the rules be waived to establish the
22 amendment deadline of 6:00 p.m. each day prior
23 to committee meeting scheduled for Wednesday,
24 October 21st, and Friday, October 23rd.

25 PRESIDENT GARDINER: Are there questions?

1 Any objection? Show the motion adopted.

2 Chairman Galvano, you are recognized for
3 another motion.

4 SENATOR GALVANO: Mr. President, I move to
5 waive Rule 2.10 and allow the Senate Committee
6 on Reapportionment to continue meeting past
7 6:00 p.m. today until completion of the
8 meeting.

9 PRESIDENT GARDINER: Are there questions?
10 Are there objections? Show the motion adopted
11 without objection.

12 Senators, if we could stand in informal
13 recess for five minutes.

14 (Brief recess taken.)

15 PRESIDENT GARDINER: Okay, we have a
16 series of motions but we have a rules report
17 that we left pending and I know that there has
18 been a lot of communication back and forth and
19 I appreciate the Senators working together and
20 getting some of the questions answered.

21 Senator Simmons I believe you have a
22 thought. You are recognized.

23 SENATOR SIMMONS: Yes, Mr. President. I
24 -- the discussion has to do with the, exactly
25 what the seal should be. We have discussed it

1 and I move that the Senate accept the report in
2 its entirety.

3 PRESIDENT GARDINER: Are there questions?
4 Are there objections?

5 Seeing none, show the report adopted in
6 its entirety.

7 Senator Simmons, I believe you have a
8 series of other motions.

9 SENATOR SIMMONS: Yes. Mr. President, the
10 special order calendar group will meet 15
11 minutes after adjournment in Room 401 of the
12 Senate Office Building. And as a reminder, the
13 amendment deadline for the special order
14 calendar to be considered on Tuesday,
15 October 27th, is 5:00 p.m. on Monday,
16 October 26.

17 And then I have something that is a real
18 reminder to all of the -- all of the Senators,
19 and that is the -- the issue of deadlines that
20 we have, and --

21 PRESIDENT GARDINER: Senators, if we
22 could, if we could go back just real quick.
23 The Senator of the 10th District Rules Chair,
24 Senator, you are recognized for a motion and
25 the second to the motion which goes with the

1 adoption of the rule, Senator Simmons moves
2 that, further moves that the Secretary be
3 authorized to make any necessary technical or
4 conforming changes.

5 Without objection show the motion adopted.
6 I apologize. If we could go to the additional
7 motions and then I think we are done for the
8 day.

9 SENATOR SIMMONS: All right, sorry
10 Senators. Because the regular session convenes
11 on January 12th next year, the President and I
12 would like to remind you of the accelerated
13 Bill drafting deadlines.

14 According to Senate Rule 3.7, all Bills
15 must be filed for introduction no later than
16 12:00 o'clock noon on the first day of regular
17 session.

18 The President has established January the
19 8th, as the deadline for approving final Bill,
20 drafts of Bills. This means that all Bills
21 must be in final form and approved
22 electronically to file by 5:00 p.m. that day.
23 So I want to repeat that. That the President
24 has established January the 8th, as the
25 deadline for approving final drafts of Bills.

1 This means that all Bills must be in final form
2 and approved electronically to file by 5:00
3 p.m. that day.

4 In the weeks leading up to these deadlines
5 it is extremely important that Bill drafting is
6 able to contact your office with questions
7 about your draft request. This year the weeks
8 preceding opening day occurred during the
9 holiday season. Given these deadlines and the
10 important work --

11 PRESIDENT GARDINER: Senators, if you
12 could give the Rules Chair your attention,
13 please. We are talking about timing for the
14 regular session. As your President I am a
15 little bit concerned that drafts are going to
16 come in late. We are going to get close to the
17 holidays and if you would please pay attention
18 to Senator Simmons, we want to talk a little
19 bit about the deadlines, and if you are not
20 following it I hope your staff is watching,
21 because this is going to be very important as
22 we get closer to the holidays.

23 Senator Simmons, you are recognized.

24 SENATOR SIMMONS: Thank you,
25 Mr. President. In the weeks leading up to the

1 deadlines it is extremely important that Bill
2 drafting is able to contact your office with
3 questions about your draft request. Remember,
4 your draft request must be in by January the
5 8th.

6 So this year because of the -- of the
7 deadlines and the holidays and the weeks
8 preceding opening day occurring during the
9 holiday season, we are going to ask that you
10 make sure that your staff is given the
11 telephone numbers of Bill drafting so that Bill
12 drafting will be able to contact them and
13 coordinate during the holiday season.

14 So it is incredibly important that you get
15 your phone numbers and your staff's phone
16 numbers to Bill drafting so that Bill drafting
17 can work with your staff and you during the
18 holidays, and particularly leading up to
19 January the 8th, for you to be able to not be
20 caught in a bind.

21 So please, get your information, your
22 contact information of yourself as well as your
23 staff to Bill drafting.

24 Thank you.

25 PRESIDENT GARDINER: Senator Simmons, I

1 believe you have a series of motions.

2 SENATOR SIMMONS: Yes, Mr. President.

3 PRESIDENT GARDINER: You are recognized.

4 SENATOR SIMMONS: Again, Mr. President,
5 the special order calendar group will meet 15
6 minutes after the adjournment in Room 401,
7 Senate Office Building, and the amendment
8 deadline for special order calendar to be
9 considered on Tuesday, October 27th, is 5:00
10 p.m. on Monday, October 26th, and
11 Mr. President.

12 PRESIDENT GARDINER: Are there -- are
13 there objections?

14 Seeing none, show it adopted.

15 SENATOR SIMMONS: Mr. President.

16 PRESIDENT GARDINER: You are recognized.

17 SENATOR SIMMONS: Mr. President, I move
18 that the Senate adjourn until noon on Tuesday,
19 October 27, or upon the call of the President
20 for the purpose of holding committee meetings
21 and conducting other Senate business.

22 PRESIDENT GARDINER: Without objection the
23 Senate is now adjourned for the day.

24 (Whereupon, the proceedings were
25 adjourned.)

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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF LEON)

I hereby certify that the foregoing transcript is of a tape-recording taken down by the undersigned, and the contents thereof were reduced to typewriting under my direction;

That the foregoing pages 2 through 47 represent a true, correct, and complete transcript of the tape-recording;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this 2nd day of November, 2015.

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