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SENATE 2015 SPECIAL SESSION C

NOVEMBER 4, 2015

4:30 p.m.

Transcribed by:

CLARA C. ROTRUCK

Court Reporter

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

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

6 All Senators, please indicate your  
7 presence. A quorum is present, Mr. President.

8 PRESIDENT GARDINER: The Senate will be in  
9 order. The Senators and guests in the gallery  
10 will please rise for opening prayer to be given  
11 this afternoon by the Senator of the 36th  
12 District, Reverend Braynon.

13 SENATOR BRAYNON: Thank you. If you would  
14 press bow your head. Oh God, the fountain of  
15 wisdom who's will is good and gracious and  
16 who's law is truth, we beseech thee so to God  
17 and bless our Senators that they may enact such  
18 laws as shall please thee to the glory of thy  
19 name, and the welfare of our people. In your  
20 name. Amen.

21 PRESIDENT GARDINER: Remain standing for  
22 the Pledge of Allegiance to be led today by the  
23 Senator of the 10th District, Senator Hutson.

24 (Brief pause.)

25 PRESIDENT GARDINER: We will now continue

1 with the order of business. Are there reports  
2 of committees?

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

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

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

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

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

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

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

17 PRESIDENT GARDINER: Take up and read the  
18 message.

19 SENATE CLERK: The Honorable Andy  
20 Gardiner, President. I am directed to inform  
21 the Senate that the House of Representatives  
22 has passed CS for SJR 2-C with one amendment  
23 and request the Senate pass a bill as passed by  
24 the House or to agree to conference. Bob Ward,  
25 Clerk. CS for SJR 2-C, a Joint Resolution of

1 Apportionment. Bar Code 328937 by the Select  
2 Committee on Redistricting. Remove lines 56  
3 through 4,873 and insert amendment.

4 PRESIDENT GARDINER: Senator from the 26th  
5 District, Senator Galvano, you are recognized  
6 for an explanation.

7 SENATOR GALVANO: Thank you,  
8 Mr. President. Mr. President, Senators, this  
9 is the map that has returned to us from the  
10 Florida House of Representatives after their  
11 vote yesterday.

12 Essentially what we have here is the  
13 Senate map that has been modified with some  
14 influences from the Plaintiffs' map that we  
15 received the night before we came on to the  
16 floor.

17 Overall there are some compactness  
18 improvements throughout the state. The  
19 adjustments for the most part made resulted in  
20 compactness improvements. There was an  
21 analysis of the Plaintiffs' map that is  
22 reflected here in this map, but it is not -- I  
23 don't think it is ready to go without further  
24 inquiry.

25 And so I am prepared to recommend to this

1 body, Mr. President, that we do in fact have  
2 conference and at least have a further look  
3 before we make a final decision on this map.

4 PRESIDENT GARDINER: Before the  
5 explanation are there questions of Senator  
6 Galvano? Senator of the 20th, Senator Latvala,  
7 you are recognized for a question.

8 SENATOR LATVALA: Thank you,  
9 Mr. President. I -- I know that we deal in  
10 nuance around here, but I just wanted to make  
11 sure that I heard -- that I didn't hear or I  
12 want to make sure I heard correctly.

13 You weren't representing to the body that  
14 the only changes that were made from the Senate  
15 map that we passed were changes that -- that  
16 followed the Plaintiffs' maps, were you?

17 PRESIDENT GARDINER: Senator of the 26th,  
18 Senator Galvano.

19 SENATOR GALVANO: Thank you,  
20 Mr. President. No.

21 PRESIDENT GARDINER: Follow up, Senator  
22 Latvala, you are recognized.

23 SENATOR LATVALA: So there were some  
24 changes made by the House in various parts of  
25 the state that weren't -- that weren't in the

1 Plaintiffs' maps. How about were there changes  
2 that they made that weren't in either the  
3 Plaintiffs' maps or the base maps that we have  
4 been dealing with?

5 PRESIDENT GARDINER: Senator of the 26th,  
6 Senator Galvano.

7 SENATOR GALVANO: Thank you,  
8 Mr. President. I believe that there were.

9 PRESIDENT GARDINER: Senator of the 20th,  
10 Senator Latvala.

11 SENATOR LATVALA: Make this real painful,  
12 Mr. President, but just so we can put it in  
13 perspective. A couple of the places where  
14 those changes were made were maybe in Okaloosa  
15 County, Pasco County, Duval County, maybe in  
16 Palm Beach County that were changes that were  
17 made that were not in the Plaintiffs' maps or  
18 not in the base maps, but they were just  
19 changes made by the House of Representatives?

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

22 SENATOR GALVANO: Yes, thank you,  
23 Mr. President. I can't tell you for sure in  
24 each of the areas that you identified that the  
25 changes don't track either the Plaintiffs' map

1 or the base map. Certainly there is a  
2 possibility in those particular areas, but  
3 there were changes made in the panhandle area,  
4 central Florida, Jacksonville area, there were  
5 some changes made in the Tampa Bay area and  
6 then significant changes made in the South  
7 Florida area.

8 PRESIDENT GARDINER: Senator Latvala.

9 SENATOR LATVALA: One more question. This  
10 is a really painful one, and it is going to be  
11 painful to answer I bet you.

12 As I recall, in the beginning of this  
13 process for the Senate Redistricting Session we  
14 all got a letter from you and that letter  
15 outlined the process that was going to be  
16 followed in the production of the maps and in  
17 the sessions and so forth, and as I recall, the  
18 letter from you and the assurances that you  
19 gave me individually were that the House of  
20 Representatives was going to follow the same  
21 process that we follow in the Senate with  
22 regard to recording of the conversations  
23 between the House leaderships, the House  
24 Chairman and their staff. Did that in fact  
25 happen?

1           PRESIDENT GARDINER:  Senator of the 26th,  
2           Senator Galvano.

3           SENATOR GALVANO:  Thank you,  
4           Mr. President.  What we had laid out was the  
5           base map drawing process, and the base map  
6           drawing process was done on the Senate terms  
7           with that process being recorded.

8           If you are asking did the House of  
9           Representatives when staff made the changes on  
10          the lines once we passed our map to them,  
11          recorded those conversations, then you are  
12          correct, the answer is no.

13          PRESIDENT GARDINER:  Any additional  
14          questions?  The Senator of the 36th, Senator  
15          Braynon, you are recognized.

16          SENATOR BRAYNON:  Thank you,  
17          Mr. President.  I guess that leads me to a  
18          question then.  So if going forward if we are  
19          now in I guess what we would call a conference  
20          position, will those things be recorded,  
21          anything that happens outside of the actual  
22          conference, would those be recorded?

23          PRESIDENT GARDINER:  Senator Galvano for  
24          the response.

25          SENATOR GALVANO:  Thank you,

1 Mr. President. If we are directing staff to  
2 get together with the Senate staff as part of  
3 the conference process, then yes, that should  
4 be recorded.

5 PRESIDENT GARDINER: Senator Braynon.

6 SENATOR BRAYNON: If there is any -- any  
7 members, those things will also be recorded as  
8 well, like if the Chairs need to meet with  
9 staff and those things, will that be recorded  
10 as well?

11 PRESIDENT GARDINER: Senator Galvano.

12 SENATOR GALVANO: Thank you,  
13 Mr. President. If the Chairs meet it will be a  
14 publicly noticed meeting.

15 PRESIDENT GARDINER: Senator Braynon for a  
16 follow up or clarification. Senator Galvano.

17 SENATOR GALVANO: Thank you,  
18 Mr. President. Yes. If I meet with staff that  
19 will be recorded.

20 SENATOR BRAYNON: Thank you.

21 PRESIDENT GARDINER: Senator Hays.

22 SENATOR HAYS: Thank you, Mr. President.  
23 Senator Galvano, could you explain to me the  
24 rationale behind splitting Lake County into  
25 North Lake and South Lake County?

1           PRESIDENT GARDINER:  Senator Galvano.

2           SENATOR GALVANO:  Thank you,  
3           Mr. President.  And I believe that came from  
4           one of the base maps that had the methodology  
5           established for the map drawers with the  
6           influence of counsel, and the instruction was  
7           to follow the constitutional mandates.

8           And so there were different configurations  
9           that were put together, but the rationale for  
10          any of the base map configurations is, you  
11          know, first to comply with Tier 1 and then  
12          second, to comply with the components of Tier  
13          2.

14          PRESIDENT GARDINER:  Senator Hays, I  
15          apologize.

16          SENATOR HAYS:  Correct me if I am wrong,  
17          but I was under the impression that one of the,  
18          I don't know if it is Tier 1 or Tier 44  
19          considerations, but one of the considerations  
20          was supposed to be trying to keep together  
21          political bodies more or less.  Try not to  
22          split cities, try not to the split counties and  
23          that sort of thing.  Am I correct in that?

24          PRESIDENT GARDINER:  Senator Galvano.

25          SENATOR GALVANO:  Thank you,

1 Mr. President. Yes, you are correct. That is  
2 a Tier 2 consideration. The idea of following  
3 jurisdictional lines, geographical lines as  
4 well as compactness.

5 PRESIDENT GARDINER: Senator Hays.

6 SENATOR HAYS: Chairman Galvano, would you  
7 please make a point in any conference committee  
8 meetings or any other chance you get to let it  
9 be known that I very strongly object to  
10 splitting Lake County into two pieces that way.  
11 And I also find it very offensive that The  
12 Villages is split up as well.

13 Now, I recognize The Villages is not  
14 incorporated as a city, certainly not a county,  
15 but that is a settlement, if you will, a  
16 development of well over 100,000 people that  
17 has a significant political interest in being  
18 treated in one district instead of being split  
19 up into multiple districts, and for whatever it  
20 may be worth, would you please make sure that  
21 that is introduced in all of your deliberations  
22 to consider those two things, please?

23 PRESIDENT GARDINER: Senator Galvano.

24 SENATOR GALVANO: Thank you,  
25 Mr. President. And your concerns are noted and

1 certainly will be raised.

2 PRESIDENT GARDINER: Senator Gibson for a  
3 question.

4 SENATOR GIBSON: My little light bulb  
5 thing is missing. Thank you, Mr. President.  
6 As we contemplate going to conference will that  
7 process begin by going through the Fair  
8 Districts, the way Fair Districts has -- the  
9 way Fair Districts is to be applied to the map  
10 as well as the Tier 1 issues, particularly as  
11 it relates to diminution and compactness?

12 Will we have time in the beginning to go  
13 back through a little bit the legal questions  
14 that we have asked our legal counsel to set the  
15 stage for another map?

16 PRESIDENT GARDINER: Senator Galvano.

17 SENATOR GALVANO: Thank you,  
18 Mr. President. And first so we understand what  
19 -- what we are talking about here. For the  
20 most part this is the Senate's map with some  
21 changes that overall improve the metrics across  
22 the board.

23 There are some -- some questions that some  
24 members have had that we may look into further.  
25 All of the considerations that take place with

1 regard to the map have to relate back to the  
2 constitutional requirements, and certainly we  
3 have counsel to advise on that.

4 PRESIDENT GARDINER: Senator of the 38th,  
5 Senator Garcia, you are recognized.

6 SENATOR GARCIA: Thank you, Mr. President  
7 and Chairman Galvano, thank you for the work  
8 you have done. You have done an outstanding  
9 job.

10 But if we are going to go into conference  
11 and we are going to go into conference, I would  
12 ask you to please keep in mind and for the  
13 committee to keep in mind the Hispanic access  
14 seats that we have, that the protected Hispanic  
15 seats that we have and especially in Dade  
16 County and ensure that there is no  
17 retrogression as we move forward.

18 I think it is very important for those  
19 that we represent that they do have a voice in  
20 this Legislature. So that is just my concern  
21 and my thoughts to you, if you can relay that  
22 message to the committee, we would truly  
23 appreciate that.

24 PRESIDENT GARDINER: Senator of the 26th,  
25 Senator Galvano.

1           SENATOR GALVANO: Thank you,  
2 Mr. President. And your concern is duly noted.

3           PRESIDENT GARDINER: Additional questions,  
4 additional questions?

5           Senator Sobel for a question.

6           SENATOR SOBEL: Thank you, Mr. President.  
7 Senator Galvano, we all know you are doing a  
8 great job and I am sure you can answer this  
9 question.

10           Did any of the maps include the primaries  
11 in 2012 and 2014, with the new data of 1.5  
12 million people that possibly could have helped  
13 with minority districts?

14           PRESIDENT GARDINER: Senator Galvano.

15           SENATOR GALVANO: Thank you,  
16 Mr. President. The data that was used is the  
17 same data that has been used throughout the  
18 litigation that brought us here into this  
19 Chamber today. It is the same data, frankly,  
20 that was used in the map that was submitted by  
21 the Plaintiffs the night before we came on to  
22 the floor to vote.

23           There has been than an introduction of  
24 some 2012 data, that is not statewide and that  
25 data is yet to be verified.

1           PRESIDENT GARDINER:  Senator Sobel, follow  
2 up.

3           SENATOR SOBEL:  Thank you.  Have any of  
4 the coalition maps included 2012 and 2014,  
5 primary data?

6           PRESIDENT GARDINER:  Senator Galvano.

7           SENATOR GALVANO:  Thank you,  
8 Mr. President.  There was another map submitted  
9 after the map that came in before we were on  
10 the floor that I think two of them, but the --  
11 that did include some 2012 data, but it was  
12 still cherry picked throughout the state and  
13 again it was not verified.

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

16          SENATOR SOBEL:  Are you saying actually  
17 that all of the data is not on the same level  
18 playing field in terms of interpretation of,  
19 you know, change in the population?

20          PRESIDENT GARDINER:  Senator of the 26th.

21          SENATOR GALVANO:  No, what I am saying is  
22 that we are here as a result of a suit that had  
23 maps drawn based on data that no party,  
24 including the Plaintiffs, have challenged.  We  
25 have been here based on Tier 1 which led to

1 Tier 2 configuration.

2 In the 11th hour of this session we are  
3 getting in spurts, frankly, because it is not  
4 uniform or verified, certain data that purports  
5 to be from a more recent election, but given  
6 where we are in the process, where we are in  
7 the litigation it is not a practical tool to  
8 incorporate at this point.

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

11 SENATOR SOTO: Thank you, Mr. President.  
12 With regard to conferencing, melding the two  
13 maps or not, can you walk us through the  
14 process of how that would look? Is that going  
15 to be done in the committee or is that going to  
16 be done between staff behind closed doors?  
17 Like, how will the maps be melded from the  
18 House and the Senate or otherwise?

19 PRESIDENT GARDINER: Senator Galvano.

20 SENATOR GALVANO: Thank you,  
21 Mr. President. And again, let me preface that.  
22 For the most part we have a product that has, a  
23 return that is largely the Senate plan. What I  
24 would suspect is that we would have staff take  
25 a look at certain areas and see if there could

1 be an improvement in the metric.

2 PRESIDENT GARDINER: Senator Soto.

3 SENATOR SOTO: Thank you. Would the  
4 committee get more than one option or is there  
5 just going to be one option you anticipate  
6 being presented?

7 PRESIDENT GARDINER: Senator Galvano.

8 SENATOR GALVANO: Thank you,  
9 Mr. President. I think that depends on what --  
10 what comes of any direction we give staff.

11 PRESIDENT GARDINER: Okay. Any other  
12 questions? Any other questions? Seeing none,  
13 Senator Galvano, you are recognized for a  
14 motion.

15 SENATOR GALVANO: Thank you,  
16 Mr. President. Mr. President, Senators, I move  
17 that the Senate refuse to concur in House  
18 Amendment Bar Code 328937 and the Senate accede  
19 to the request of the House for a conference  
20 committee on CS for SJR 2-C.

21 PRESIDENT GARDINER: Show that motion  
22 adopted without objection.

23 Senators, on behalf of the Senate we have  
24 an individual that has pretty much this has  
25 consumed his life for no telling how many

1 months, and this is usually when we read off a  
2 list of conferees, but I am confident that I am  
3 going to pick the conferee. So I have asked  
4 Senator Galvano to lead the charge and  
5 represent the Senate on the conference.

6 That conference will start tonight at  
7 6:30, and that if you have an interest in that  
8 which I know a lot of you do, I hope that you  
9 will be there and express your opinion, but  
10 also work with Senator Galvano. So the Senator  
11 will represent us and we will go from there.  
12 And that meeting tonight is in 412, Knott  
13 Building, 6:30, 412 Knott.

14 Senator of the 10th District, Rules Chair  
15 Simmons, for what purpose do you rise?

16 SENATOR SIMMONS: For a motion,  
17 Mr. President.

18 PRESIDENT GARDINER: Senator, before I  
19 take -- for a question, Senator Latvala, you  
20 are recognized.

21 SENATOR LATVALA: Could we and I know  
22 there is a number of the members that are  
23 wondering about our schedule.

24 PRESIDENT GARDINER: Yes.

25 SENATOR LATVALA: Tomorrow versus Friday

1 and maybe want to go home for the day. Is  
2 Senator Simmons going to cover that in his  
3 remarks?

4 PRESIDENT GARDINER: We are going to have  
5 a motion for our sitting tomorrow which I  
6 believe has been changed to noon, 12:00, and  
7 that is with an understanding that we most  
8 likely will have a conference meeting in the  
9 morning. And again, this is all very fluid, so  
10 I would encourage the members to stick around.

11 That meeting at noon, the meeting here  
12 could happen, or it may not. It may go later  
13 in the day. We just don't know yet, Senator  
14 Latvala, it depends on what comes out of the  
15 product in the morning.

16 And Senator Simmons, you had a couple of  
17 motions and I will accept your motion to  
18 adjourn and then we have got -- and we will go  
19 from there.

20 SENATOR SIMMONS: The motion that I will  
21 have, Mr. President, is to for adjournment, so.

22 PRESIDENT GARDINER: Okay, before I -- so  
23 we have a motion to adjourn on the table and to  
24 come back at noon.

25 Before I accept that, Senator Gaetz, you

1 are recognized.

2 SENATOR GAETZ: Thank you very much,  
3 Mr. President. As I concluded my point of  
4 personal privilege last Wednesday I could have  
5 chosen a different word, I could have chosen a  
6 better word to describe the actions of a fellow  
7 Senator.

8 The Senator of the 20th, Senator Latvala  
9 and I have met together. We have spoken very  
10 frankly to each other and I have shared these  
11 same sentiments with him.

12 PRESIDENT GARDINER: Senator Latvala, you  
13 are recognized.

14 SENATOR LATVALA: I want to thank Senator  
15 Gaetz.

16 PRESIDENT GARDINER: Thank you, members,  
17 thank you. And with that we are -- there is  
18 the motion is on the table, we are adjourned.

19 (Whereupon, the proceedings were  
20 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 20 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 5th day of November, 2015.

\_\_\_\_\_

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037