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HOUSE COMMITTEE SPECIAL SESSION 2015B

AUGUST 17, 2015

Reported by:

CLARA C. ROTRUCK

Court Reporter

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

2 SPEAKER CRISAFULLI: Members, the House will
3 come to order. Members and visitors in the
4 gallery, please rise for the prayer today, which
5 will be led by Representative Janet Adkins.
6 Representative Adkins, if you would, please
7 approach the well.

8 REPRESENTATIVE ADKINS: Thank you,
9 Mr. Speaker, Members, please bow your heads for
10 prayer. Almighty God, I thank you for your
11 blessings on our great state. I thank you for the
12 honor of serving with these distinguished members.
13 Lord, help us to know that we are nothing without
14 you. Help us to know that you alone are our
15 strength and our redeemer. Help us to know that it
16 is only through your grace and your mercy that we
17 are here.

18 Lord, I thank you for your strength, your
19 grace, your mercy and your redeeming love. I ask
20 that you forgive us, Heavenly Father, for our sins
21 and ask that you bestow upon us your wisdom and
22 grace to act with a renewed sense of commitment to
23 your principles and to your values.

24 God, you are holy and righteous and indeed we
25 cannot stand in light of your judgment, nor can we

1 raise our voice or our will against your will.
2 God, I ask that our words today be fashioned from
3 your words and that our tone will give honor and
4 place to your presence in this House.

5 Lord of Kings, we know that the decisions here
6 will affect the lives of many by the election of
7 your service to the United States Congress. We
8 know that for America to be great we must first be
9 faithful and obedient to you and stand united upon
10 your principles.

11 We ask that you send your Holy Spirit to be in
12 this House. We ask that your angels of mercy and
13 protection be with each member and their family. I
14 know that you recognize the great sacrifices that
15 these members make to serve in this House and,
16 Lord, I ask you to bless them for their
17 faithfulness.

18 I ask for a special blessing for Speaker
19 Crisafulli and his family. Lord, I ask you for
20 your grace today as we work to serve the citizens
21 of Florida. We know that often our voices become
22 weary and our tone perhaps less than acceptable,
23 but today I ask that you be with us.

24 And what you tell us in the Book of Isaiah,
25 "Remember ye not the former things, neither

1 consider the things of old. Behold, I will do a
2 new thing, now it shall spring forth, shall you not
3 know it. I will even make a way in the wilderness
4 and rivers and the desert."

5 So I would pray for boldness as we seek to
6 lead and serve the citizens of this great state.
7 Help us to understand that through your power the
8 impossible and the un-probable is possible.

9 Today I ask for us to be of one accord, Lord
10 God. I pray that you will help us to be an example
11 today for all Floridians.

12 Thank you for blessing this Chamber thank you
13 for blessing our great State of Florida. I pray
14 all of this in Jesus Holy and precious name. Amen.

15 SPEAKER CRISAFULLI: For what purpose does
16 Representative Williams rise?

17 REPRESENTATIVE WILLIAMS: For a moment of
18 silence.

19 SPEAKER CRISAFULLI: You are recognized.

20 REPRESENTATIVE WILLIAMS: Out of night that
21 covers me, black is the pit from pole to pole. I
22 thank whatever God there may be for my
23 unconquerable soul. In the fatal clutch of
24 circumstance I have not winced nor cried aloud
25 under the bludgeoning of chance. My head is bloody

1 but unbowed.

2 Members, I rise today to pay tribute to Julian
3 Bond, former Chairman of the National Association
4 for the Advancement of Colored People and former
5 Georgia State Legislator who passed away Saturday
6 in Fort Walton Beach, Florida.

7 Chairman Bond really had a story and amazing
8 life in which he dedicated himself to public
9 service. He left great impact, great courage and
10 great distinction. He was a tireless civil rights
11 advocate, renowned professor and political
12 organizer. Bond's life traced the arch of civil
13 rights movements from its efforts as a militant
14 young man to start a student protest group, through
15 a long career in politics and his leadership of the
16 NAACP, which many of us in both Caucuses are
17 members of.

18 Bond helped move Americans forward, creating a
19 more welcoming nation for all people regardless of
20 their race, religion or whom they love. In
21 countless civil rights marches, he was at the
22 front, taking the lead in the pursuit of progress.
23 When this country threatened to retreat into
24 violence and harden prejudice, he was the
25 courageous voice calling us back to the principles

1 of equality and respect for all men and women.
2 Julian Bond showed us what a life of purpose means
3 and what it can accomplish. When we vote, when we
4 speak, when we speak out against injustice, when we
5 pursue education for ourselves and our children and
6 our constituents, we honor his name.

7 Most recently, in the summer of 2013, it was
8 Julian Bond who came to the State Capitol and gave
9 the Dream Defenders the way to lead the Capitol for
10 those 30 days and 30 nights. He was the peaceful
11 resolve that we needed to end the action and move
12 them into action on their own.

13 Julian is survived by his wife Pamela and his
14 five children and is a resident of Florida,
15 part-time resident of Florida. Let's honor Julian
16 Bond, a titan for justice, a hero, with a moment of
17 silence and never forget his pioneering service to
18 our state and nation as a State Legislator and as a
19 civil rights advocate. Mr. Speaker, thank you.

20 SPEAKER CRISAFULLI: Members, let's just
21 observe a moment of silence for Julian Bond.

22 Thank you members. The Clerk will unlock the
23 machine and the members will record their presence.
24 Have all members recorded their presence? The
25 Clerk will lock the machine and announce the

1 presence of the quorum.

2 MR. WARD: 105 members voting. A quorum is
3 present, Mr. Speaker.

4 SPEAKER CRISAFULLI: Members and visitors in
5 the gallery, please rise for the Pledge of
6 Allegiance. Today's Pledge will be led by Speaker
7 Pro Tem Hudson from his seat.

8 (Whereupon, the Pledge of Allegiance was
9 recited.)

10 SPEAKER CRISAFULLI: Are there corrections to
11 the journal?

12 Hearing none, show the journal approved.

13 Are there matters on introduction reference?

14 MR. WARD: None on the desk, Mr. Speaker.

15 SPEAKER CRISAFULLI: Are there communications?

16 MR. WARD: None on the desk, Mr. Speaker.

17 SPEAKER CRISAFULLI: Are there vestments from
18 the Senate?

19 MR. WARD: None on the desk, Mr. Speaker.

20 SPEAKER CRISAFULLI: Are there reports of
21 standing committees and subcommittees?

22 MR. WARD: On the desk, Mr. Speaker.

23 SPEAKER CRISAFULLI: Read the report.

24 MR. WARD: "To the Honorable State Crisafulli,
25 Speaker of the House of Representatives. Dear Mr.

1 Speaker: Your rules, calendar and ethics committee
2 herewith submits a Special Order for Monday, August
3 17th, 2015. Consideration of the House Bills on
4 Special Order shall include the Senate companion
5 measures on the House calendar."

6 The reading of the report, Mr. Speaker.

7 SPEAKER CRISAFULLI: Representative Workman,
8 you are recognized on the report. Members, can we
9 have your attention, please.

10 REPRESENTATIVE WORKMAN: Thank you, Mr.
11 Speaker. The report sets a Special Order Calendar,
12 and I move the adoption of Special Order Report for
13 today, Monday, August 17th, 2015.

14 SPEAKER CRISAFULLI: Are these questions? Are
15 there objections? All in favor signify by saying
16 yea.

17 (Chorus of yeas.)

18 SPEAKER CRISAFULLI: Opposed? Show the
19 Special Order Report adopted.

20 Are there other reports?

21 MR. WARD: None on the desk, Mr. Speaker.

22 SPEAKER CRISAFULLI: Are there report of
23 Select Committees?

24 MR. WARD: None on the desk, Mr. Speaker.

25 SPEAKER CRISAFULLI: Are there motions

1 relating to committee and subcommittee references?
2 Are there matters on reconsideration? Are there
3 Bills or joint resolutions on third reading?

4 MR. WARD: None on the desk, Mr. Speaker.

5 SPEAKER CRISAFULLI: Are there Bills on the
6 Special Order Calendar?

7 MR. WARD: On the desk, Mr. Speaker.

8 SPEAKER CRISAFULLI: Read the first bill.

9 MR. WARD: By Representative Oliva, House Bill
10 1B, a Bill to be entitled, "An act establishing the
11 congressional districts of the state."

12 SPEAKER CRISAFULLI: Members, before we
13 started today if you would, be sure to take all
14 your conversations back to the bubble or off to the
15 side and give your full attention to those asking
16 questions and those answering.

17 At this time, Representative Oliva, you are
18 recognized to explain the Bill.

19 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
20 And before I present the Bill, Mr. Speaker, and in
21 light of the extraordinary circumstances that have
22 brought us here today, I would like your indulgence
23 and some latitude in giving some explanation to
24 some of those things that I know are causing
25 consternation among the membership. They certainly

1 did with me.

2 Upon reading the opinion by the Supreme Court,
3 my first feeling was that of indignation. One who
4 reads that opinion can easily derive from that
5 opinion that it is extrajudicial in its nature and
6 that it violates the separation of powers. It is
7 extrajudicial even within the judiciary where it
8 goes above and beyond its role as an appellate
9 court.

10 But then it reaches way beyond that in telling
11 this Legislature when to meet, what to do when we
12 meet and then how to do it. This, of course,
13 caused tremendous consternation, and, having been
14 given this charge, my attention immediately moved
15 to: How do we prevent it? How do we protect this
16 institution from this infringement?

17 So the first thing we looked at is, well, what
18 court can we appeal to? In matters of state law,
19 the Supreme Court is the highest court of the land.
20 They are the final arbiter on state law. But like
21 many of you I said, well, but these are
22 congressional maps. Do federal laws not apply?
23 Can we not appeal to a Federal Court? And, in
24 fact, Congresswoman Corrine Brown has filed a
25 complaint alleging that there have been Federal

1 voting rights Section II violations.

2 The irony of that is that, while she has filed
3 her claim, until such time as an injury has
4 occurred, the court cannot rule on a remedy. So,
5 therefore, until we pass a map and that map is
6 signed by the Governor, an injury has not occurred,
7 and, insofar as an injury has not occurred, the
8 Court will not rule.

9 That I ask -- can we ask for some form of
10 injunction? Well, that created a whole series of
11 other concerns about precedent and what we are
12 allowing courts to do in the Legislature. But I
13 also learned from that process that Federal Courts
14 do not enjoin the legislative process, and,
15 therefore, where we are right now is in a process.
16 This is a proposal that we are considering. So
17 nothing has yet happened.

18 Then, of course, you start to wander off into
19 the more radical areas of your mind and you say,
20 well, what if we did nothing at all? I considered
21 that and the answer to that was, if we do nothing
22 at all, this court has it completely within their
23 purview to draw these maps in their entirety. And
24 if you have read that opinion and you have seen
25 some of the conclusions that they have arrived at,

1 that is not a position that I wanted us in.

2 And the final one, of course, would be that
3 question of, what is my duty? I raise my right
4 hand and I vote to uphold the Constitution of
5 United States of America and of the State of
6 Florida. So what is my duty?

7 My duty, as someone interpreted, is to say I
8 can't vote for something that I find
9 unconstitutional, and seeing how we voted for some
10 maps last year that we found constitutional and the
11 Court found them unconstitutional, it puts us in
12 quite a conundrum. But the truth is that we are
13 not those who decide on what is constitutional.
14 That is what the judicial branch does. They decide
15 what is constitutional as they have done on many
16 other cases that we disagree with on, as has done
17 the United States Supreme Court.

18 They are the final arbiter. And once the
19 Florida Supreme Court has decided and interpreted
20 what is constitutional, then our duty falls to
21 abiding by the law. It is a very frustrating
22 position to be in, but I would like to let you know
23 one thing that I found our founding fathers in
24 their infinite wisdom knew, that that doesn't
25 necessarily end the debate. It is merely the

1 beginning.

2 See, we do not have the ability to be the
3 final arbiter of the Constitution, but we do write
4 law that affects that construction. So, therefore,
5 where I would tell you that defiance is not the
6 best course of action here, I would implore you in
7 the weeks and months to come that reform is
8 absolutely the course of action.

9 So having said that, Mr. Speaker, I want to
10 move my attention to how the Presiding Officers
11 arrived at their decision to have this map drawn in
12 the process that they did.

13 There is two major considerations that the
14 Presiding Officers arrived at. First, that the
15 maps would be drawn in seclusion so that they could
16 be free of any partisan taint.

17 And, two, that a map would be produced and
18 released simultaneously to the public and to the
19 Legislature. This was a reaction to two separate
20 events: First, the reaction by the Plaintiff that
21 claimed that in 2010, when this Legislature
22 performed all the different meetings around the
23 state, it claimed that the Legislature did not
24 propose a base map upon which the public could
25 comment.

1 So the idea was to propose a base map, but
2 also to address the concerns of the Supreme Court
3 that said and that found that only the map-drawers
4 themselves were above reproach and had acted in a
5 nonpartisan way. And so, coupling those two things
6 together, you end up with a production of a base
7 map, but then in a way that is sequestered from any
8 possible political intent, and that is how we
9 arrive here.

10 There is a series of questions that anyone
11 proposing a map or an amendment to the map must
12 answer, and they were part of the processing
13 request form. And so if you will indulge me, I
14 want to read some of these into the record because
15 anyone proposing any amendments will have to do the
16 same.

17 And the first of those questions is regarding
18 the e-mails and documents related to the drawing of
19 the Bill and if they had been submitted to the
20 General Counsel's office. In this case they have.

21 Regarding what was used to draw the map was
22 the application that is known as My District
23 Builder was used.

24 Regarding the identity of those people that
25 were involved in drawing, reviewing, directing or

1 approving the map, they are, on the House Select
2 Committee on Redistricting staff side: Staff
3 Director Jason Poreda, Special Adviser Jeff Takacs;
4 and on the Senate side Jay Ferrin. Legal counsel
5 consisted of George Meros, Andy Bardos, former
6 Supreme Court Justice Raoul Cantero, Matt Carson
7 and George Levett.

8 The criteria that was used by the map drawers
9 was one that would comply with the Supreme Court's
10 opinion, the Federal Voting Rights Act and all
11 relevant legal standards.

12 Regarding the question of nonpartisan
13 incumbent-neutral justification -- and this is one
14 that will occupy this Legislature for some time to
15 come -- the map drawers first began by addressing
16 the deficiencies outlined by the Supreme Court.
17 They used Tier 1 and Tier 2 considerations which
18 you will hear mentioned here today on many
19 different occasions.

20 With regards to the rest of the map and how
21 they filled that in, they used all of the different
22 considerations that map drawers have to use, some
23 specific to just congressional maps, but mostly
24 dealing with Tier 1 and Tier 2 considerations.

25 Regarding the functional analysis performed to

1 ensure the ability for minorities to perform in a
2 minority/majority district, staff did the
3 functional analysis of Districts 20, 25, 26 and 27,
4 and they found that, indeed, members of that
5 community could, in fact, elect a candidate of
6 their choice. The functional analysis for District
7 5 was done entirely by the Supreme Court and is
8 held in their opinion.

9 And then finally how this proposal satisfies
10 all of the Constitutional statutory criteria to
11 have criteria applicable to the congressional
12 redistricting plan, again here the staff used all
13 of the relevant Tier 1 and Tier 2 standards that
14 are required in putting together a map.

15 And so, having said all of that, Mr. Speaker,
16 that is the Bill.

17 SPEAKER CRISAFULLI: Members, are there
18 questions of the sponsor? Any questions of the
19 sponsor? Representative Clarke-Reed for a
20 question.

21 REPRESENTATIVE CLARKE-REED: Thank you,
22 Mr. Speaker, and, Representative, I just have one
23 question of you.

24 Having been the person that traveled in those
25 26 last hearings when we drew the maps, when we

1 drew the maps, I would like to know were any of
2 those persons identified as staff or counsel
3 involved in the last map redrawing involved in this
4 drawing?

5 SPEAKER CRISAFULLI: Chairman Oliva.

6 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
7 I believe -- and staff can probably help me with
8 this, but I believe that Jay Ferrin on the Senate
9 side was involved in that process.

10 SPEAKER CRISAFULLI: Further question?
11 Representative Clarke-Reed for a question.

12 REPRESENTATIVE CLARKE-REED: Were there
13 counsels persons other than Mr. Ferrin involved at
14 this time that were involved the last time as well?

15 SPEAKER CRISAFULLI: Chairman Oliva.

16 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
17 Yes, there were.

18 SPEAKER CRISAFULLI: Representative
19 Clarke-Reed.

20 REPRESENTATIVE CLARKE-REED: Can you identify
21 those persons for us?

22 SPEAKER CRISAFULLI: Chair Oliva.

23 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
24 It was George Meros was involved on the House side.
25 George Meros was involved.

1 SPEAKER CRISAFULLI: Further questions?

2 Representative Rouson.

3 REPRESENTATIVE ROUSON: Thank you very much,
4 Mr. Speaker. Representative, as far as
5 Congressional District 5 is concerned, how many
6 incarcerated individuals are included in this base
7 map configuration?

8 SPEAKER CRISAFULLI: Chairman Oliva.

9 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
10 That is not a consideration that is allowed in the
11 drawing of these maps. The consideration that is
12 required is the black voting-age population, not
13 their current status with regards to incarceration.

14 SPEAKER CRISAFULLI: Representative Rouson for
15 a question.

16 REPRESENTATIVE ROUSON: Thank you very much,
17 Mr. Speaker. Is it of concern that minority
18 populations incarcerated are considered when
19 considering the voting-age population in this
20 configuration of CD 5?

21 SPEAKER CRISAFULLI: Chairman Oliva.

22 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
23 In my opinion, of grave concern.

24 SPEAKER CRISAFULLI: Representative Rouson.

25 REPRESENTATIVE ROUSON: Thank you very much,

1 Mr. Speaker. Is that concern because they are
2 disenfranchised from voting or because of their
3 race they are being included in the voting-age
4 population.

5 SPEAKER CRISAFULLI: Chairman Oliva.

6 REPRESENTATIVE OLIVA: The answer to the
7 second question is that they are being included in
8 that statistic because of their race. The answer
9 to the first question is sound and I believe that,
10 yes, that a question can arise about
11 disenfranchisement of those populations.

12 SPEAKER CRISAFULLI: Representative Rouson.

13 REPRESENTATIVE ROUSON: Thank you,
14 Mr. Speaker. Does the same consideration play in
15 District 2?

16 SPEAKER CRISAFULLI: Representative Oliva.

17 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
18 No, District 2 is not a majority/minority district.
19 So, no, that same consideration does that apply.

20 SPEAKER CRISAFULLI: Representative Rouson.

21 REPRESENTATIVE ROUSON: Thank you very much,
22 Mr. Speaker. And are you able to quantify -- since
23 much of the map drawing that we are doing is based
24 upon numbers, are we able to quantify this
25 population in CD 5 and well as in CD 2?

1 SPEAKER CRISAFULLI: Representative Oliva.

2 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

3 The answer to the question is yes; they are
4 quantifiable, but they're not used as a
5 consideration and only in a non majority/minority
6 district. But the answer to your question is yes,
7 they would be quantifiable if one would look for
8 those statistics.

9 SPEAKER CRISAFULLI: Representative Rouson.

10 REPRESENTATIVE ROUSON: Thank you very much,
11 Mr. Speaker. I would like to get those numbers, if
12 possible.

13 Why do we -- is there some mandate from the
14 federal government that we count this population?
15 Is there something that says that their primary
16 residence is considered to be the prison where they
17 are?

18 SPEAKER CRISAFULLI: Chair Oliva.

19 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

20 There is a mandate to count this population with
21 regards to your first question. With regards to
22 your second question, there is no specific
23 instruction regarding residence, temporary or
24 otherwise.

25 SPEAKER CRISAFULLI: Representative Rouson.

1 REPRESENTATIVE ROUSON: Thank you very much,
2 Mr. Speaker. Moving on to CD 14, with the map that
3 is before us today, can you tell me what we have
4 done in terms of increasing or decreasing the black
5 voting-age population in Congressional District 14?

6 SPEAKER CRISAFULLI: Chairman Oliva.

7 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
8 What I can tell you is that the map-drawers could
9 not use that statistic that you are requesting as a
10 consideration on how to draw that district. The
11 claim was made -- when we fought against the case,
12 the claim was made that that was a coalition
13 district and that using those black populations
14 together with Hispanic populations and other
15 minorities could create a coalition district.

16 The Court found that there was no reason to
17 believe that that was the case. So, therefore,
18 District 14 had to hold to Tier 2 standards which
19 deal with compactness and keeping cities and
20 counties whole and using natural and political
21 boundaries.

22 SPEAKER CRISAFULLI: Representative Rouson.

23 REPRESENTATIVE ROUSON: Thank you very much,
24 Mr. Speaker. Then the net effect of that would be
25 to remove about 92,000 people, the majority of

1 which would be African-Americans, in Pinellas
2 County and St. Petersburg out of the base map, out
3 of CD 14. Is that correct?

4 SPEAKER CRISAFULLI: Chairman Oliva.

5 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
6 Yes, that is correct.

7 SPEAKER CRISAFULLI: Representative Rouson.

8 REPRESENTATIVE ROUSON: Thank you very much,
9 Mr. Speaker. Can you tell me then what is the net
10 effect of moving them out of 14 and into CD 13?
11 Does it have any impact on the ability of the black
12 population in St. Petersburg to elect a
13 representative of their choice?

14 SPEAKER CRISAFULLI: Chairman Oliva.

15 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
16 Again, in those two districts they are not
17 majority/minority districts, therefore, the map
18 drawers cannot use that as a consideration. And
19 so, while an answer does exist, it cannot be used
20 to consider how to configure these districts.

21 SPEAKER CRISAFULLI: Representative Williams
22 for a question.

23 REPRESENTATIVE WILLIAMS: Thank you, Mr.
24 Speaker. Thank you, Chair Oliva for the work you
25 have put in so far.

1 Going back to a question that Representative
2 Rouson raised. He said he wanted to know about the
3 number of incarcerated individuals in I believe CD
4 2 or CD 5. And the response you came back went
5 directly to your consideration -- your concern was
6 the black VAP. You kind of caught me off guard a
7 little bit. But I guess what he was going with
8 was, regardless of ethnicity, what was the impact
9 of those individuals who are incarcerated being
10 included in that number?

11 SPEAKER CRISAFULLI: Chairman Oliva.

12 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
13 And my answer to him was that that number,
14 regardless of what it is, could not be used as a
15 consideration, as unfortunate as that is.

16 SPEAKER CRISAFULLI: Representative Williams.

17 REPRESENTATIVE WILLIAMS: Thank you,
18 Mr. Speaker. And I agree with you on the
19 unfortunate nature of it.

20 Moving to -- I want to move really to the
21 process. When you responded to my question, it
22 just kind of caught me off guard when we talked
23 about incarcerated and we went directly into the
24 black VAP versus the entire VAP.

25 Looking at process, when you were developing

1 this, and I guess the Presiding Offering were
2 developing this process that we were going to based
3 on what the courts have given us, was there any
4 consideration given to the makeup of the map
5 drawers being staff, but staff from both groups,
6 both caucuses within this chamber? I understand
7 that we had at least one individual who was part of
8 it before. Was there any consideration given to
9 someone either from the minority caucus being a
10 part of that or someone that would have
11 consideration for that?

12 SPEAKER CRISAFULLI: Chairman Oliva.

13 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
14 Not having within my purview as Chairman the
15 ability to put staff into place or to hire staff,
16 that was not a consideration that was before me.

17 SPEAKER CRISAFULLI: Representative Williams.

18 REPRESENTATIVE WILLIAMS: Thank you,
19 Mr. Speaker. Was there any consideration given to
20 at least observers -- I understand they were
21 sequestered, but was there any consideration given
22 to observers from the minority caucus to be in the
23 room as this process was unfolding to ensure one of
24 the concerns that the courts have brought forth
25 about transparency? Was there any concern or was

1 there any consideration given to that process?

2 And the reason I am asking that is obviously
3 we are going to be back here in October to go
4 through this all over again, so we want to make
5 sure we are responding to the people and make sure
6 that we are as transparent as possible.

7 SPEAKER CRISAFULLI: Chairman Oliva.

8 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
9 Well, one thing that must be noted is that the
10 political affiliation of staff members is not
11 known. That is not part of the hiring process.
12 And, therefore, we don't know what that affiliation
13 is.

14 Secondly, the Court held that staff had acted
15 without partisan political intent. And so we were
16 confident that, not knowing their political
17 orientation and having the direction and the
18 opinion of the Court, that they were above approach
19 that we would have the outcome that would be
20 nonpartisan.

21 I think making the assumption -- except in
22 those districts that the law requires us to look at
23 political data, making the assumption that bringing
24 in an observer from another political party almost
25 creates the presumption of partisan intent.

1 SPEAKER CRISAFULLI: Representative Williams.

2 REPRESENTATIVE WILLIAMS: Thank you,
3 Mr. Speaker. Thank you, Chairman. And I would
4 agree with you on that premises. And the same
5 thing I guess probably happens within the minority
6 caucus. We probably don't know the political
7 affiliation of some of our staffers. Some of the
8 responses we get we probably question or at times
9 thinking they just think we are crazy or maybe they
10 may not think like we do.

11 But, nonetheless, as we move forward -- and I
12 don't know the mechanics around this until we get
13 this better -- I won't say get it right, but get it
14 better next time, is there consideration that will
15 be given to observers for our next special session
16 as we deliberate on those maps that we are going to
17 have to redraw as well?

18 SPEAKER CRISAFULLI: Representative Williams,
19 I would just ask you to keep the questions to this
20 particular Bill. We can talk about the future in
21 the future, but today we are working on the Bill
22 that is before us.

23 Any further questions? Representative Torres
24 for a question.

25 REPRESENTATIVE TORRES: Thank you,

1 Mr. Speaker. First I want to thank the staff,
2 Jason and Jeffrey and Jay, before I begin my
3 questioning.

4 But, Representative, my question to you is, we
5 had the special session in August 2014 concerning
6 CD 5 and CD 10. Did we affect CD 9 during that
7 session?

8 SPEAKER CRISAFULLI: Chairman Oliva.

9 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
10 Staff informs me that CD 9 was affected, but that
11 is not the Bill before us today.

12 SPEAKER CRISAFULLI: Representative Torres.

13 REPRESENTATIVE TORRES: I understand that, but
14 do we have the percentage that was affected as a
15 result of that special session?

16 SPEAKER CRISAFULLI: Chairman Oliva.

17 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
18 The statistics that I have are of the base map that
19 I am representing here today.

20 SPEAKER CRISAFULLI: Representative Torres.

21 REPRESENTATIVE TORRES: I asked a question
22 during Tuesday. It was: CD 9 has a large
23 population of Puerto Rican and Latinos. What was
24 CD 9's present percentage now compared to the new
25 map that you propose?

1 SPEAKER CRISAFULLI: Chairman Oliva.

2 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
3 If you could give me some clarity on that question.
4 The percentage of what exactly?

5 SPEAKER CRISAFULLI: Representative Torres.

6 REPRESENTATIVE TORRES: Of the Latino
7 population in that CD 9.

8 SPEAKER CRISAFULLI: Chairman Oliva.

9 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
10 The current percentage is 32 percent, and staff has
11 been kind enough to provide me the answer to your
12 previous question regarding the enacted map, and
13 that was 38.9.

14 SPEAKER CRISAFULLI: Representative Torres.

15 REPRESENTATIVE TORRES: So my question is, in
16 that sense, we diluted the Hispanic vote in CD 9?

17 SPEAKER CRISAFULLI: Chairman Oliva.

18 REPRESENTATIVE OLIVA: That was not a
19 consideration that could have been made by staff
20 because that was not a majority/minority district,
21 therefore, that is not a consideration that applies
22 to Tier 1, therefore, Tier 2 is what they must use
23 the constraints of regarding compactness and using
24 political and natural lines.

25 SPEAKER CRISAFULLI: Further questions?

1 Representative Torres.

2 REPRESENTATIVE TORRES: The public map that
3 was submitted, 188, was that ever considered?

4 SPEAKER CRISAFULLI: Chairman Oliva.

5 REPRESENTATIVE OLIVA: I am not aware of the
6 exact map that you are discussing, map 188, but all
7 maps that were submitted were reviewed by staff to
8 make sure that they were compliant with Tier 1 and
9 Tier 2 standards.

10 SPEAKER CRISAFULLI: Representative Torres.

11 REPRESENTATIVE TORRES: Okay. That public
12 map, 188, gave the Puerto Rican and Latino in CD 9
13 a 41 percent of representation and the staff never
14 informed you of that?

15 SPEAKER CRISAFULLI: Chairman Oliva.

16 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
17 Again, had staff informed me of that particular
18 statistic they would have been outside of the
19 Constitutional restraints that had been placed upon
20 them, including the Federal Voting Rights laws.
21 That is not a majority/minority district, and so,
22 where it has suffered a deficiency, that cannot be
23 a consideration on how to draw it.

24 SPEAKER CRISAFULLI: Representative Wood for a
25 question.

1 REPRESENTATIVE WOOD: Thank you, Mr. Speaker.
2 And, Chairman Oliva, I really appreciate your
3 opening remarks giving the background of why we are
4 here.

5 And, in reading the opinion, the thing that I
6 am of great concern is this issue of
7 unconstitutional intent. And you referenced the
8 sacred oath that we all take upon entering the
9 House of Representatives to uphold our Florida
10 Constitution, which I really feel is a personal
11 obligation before God that I have.

12 And so my problem and the question I am coming
13 to is, this is the third time I am being asked to
14 vote on this map, and I have been told by, as you
15 say, the final arbiter, the Florida Supreme Court,
16 that my actions have been unconstitutional twice in
17 a row.

18 What can you respond to how I am to know that
19 this vote that we are to take, if we decide to vote
20 in favor of this bill, is in fact a constitutional
21 vote and not an unconstitutional intent?

22 SPEAKER CRISAFULLI: Chairman Oliva.

23 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
24 Representative Wood, the short answer is that I can
25 provide you with no warranty or guarantee to that.

1 Having said that, this map complies with the
2 remedies that were expressly written in the opinion
3 of the Supreme Court. They adhere to Tier 1 and
4 Tier 2 standards of compactness and the use of all
5 political boundaries. So, therefore, it is my
6 opinion that this map, regardless of how we feel
7 about it personally, and certainly regardless of
8 how we feel of the circumstances that brought us
9 here, it is my opinion that this map is
10 constitutional. How the Court will find, I can't
11 make any guarantees.

12 SPEAKER CRISAFULLI: Representative Wood for a
13 question.

14 REPRESENTATIVE WOOD: Thank you, Mr. Speaker,
15 and thank you, Chair, for your honesty, and I agree
16 with your answer.

17 So then my next question is for a member of
18 this institution, do we have any other choice, to
19 be constitutionally correct, other than to vote no?

20 SPEAKER CRISAFULLI: Chair Oliva.

21 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
22 As I outlined in my opening remarks, there is no
23 legal vehicle in the state or currently in the
24 federal government that would allow us to remedy
25 this current -- what we consider this current

1 injury as far as a breach of the separation of
2 powers or an infringement upon a different branch
3 of government.

4 That does not mean that there are not remedies
5 in the legislative process and there are certainly
6 remedies and questions that should occupy this
7 chamber and Legislatures to come regarding our
8 laws, our laws on reapportionment and how this
9 chamber and the separation of powers can be
10 defended.

11 SPEAKER CRISAFULLI: Further questions?
12 Further questions? Representative Pafford for a
13 question.

14 LEADER PAFFORD: Thank you, Mr. Speaker.
15 Chair Oliva, thank you for handling this complex
16 subject.

17 Just a couple of questions and it, oddly
18 enough, goes back to Representative Wood's line of
19 questioning. And specifically, as I understand it,
20 Gray Robinson has asked to be counsel on this
21 recent set of maps. Is that correct?

22 SPEAKER CRISAFULLI: Chairman Oliva.

23 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
24 That is correct.

25 SPEAKER CRISAFULLI: Leader Pafford.

1 LEADER PAFFORD: Thank you, Mr. Speaker. And
2 that same firm has been responsible in terms of
3 guidance and their legal counsel the previous two
4 efforts on these maps. Is that correct?

5 SPEAKER CRISAFULLI: Chairman Oliva.

6 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
7 Yes. That is correct.

8 SPEAKER CRISAFULLI: Leader Pafford.

9 LEADER PAFFORD: Thank you, Mr. Speaker. So
10 my question also is if, in fact -- and I don't know
11 what the intent is. I am not an attorney also.
12 But I am curious in terms of the opinion that the
13 firm has on this set of maps given the fact that we
14 have used the same staff which have demonstrated to
15 be very good at what they do, the Court has agreed
16 the staff has been fantastic, not so much in this
17 process previously. Given the fact that
18 information has passed on to the folks putting
19 these together, everything lines up more or less
20 the same way in terms of those who have
21 contributed, perhaps a little differently.

22 Representative Wood asked is there any other
23 vote besides no. You suggested that your opinion
24 is that these maps meet that test in terms of
25 constitutionality. Is that based on your opinion

1 or the legal counsel that is representing the House
2 on this effort?

3 SPEAKER CRISAFULLI: Chairman Oliva.

4 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
5 With regards to the first part, it wasn't really a
6 question, but more of a comment. The staff and
7 legal counsel were not in any way cited in the
8 opinion of neither the Trial Court nor the
9 Appellate Court and the Supreme Court to be outside
10 of the Constitutional boundaries to draw these
11 maps.

12 In regards to the counsel being given by legal
13 counsel, it is counsel regarding the legality and
14 the Constitutionality and now the Constitutionality
15 as interpreted by the Supreme Court.

16 SPEAKER CRISAFULLI: Leader Pafford.

17 LEADER PAFFORD: Thank you, Mr. Speaker.
18 Along those same lines, we had talked briefly at
19 least in some of the questions about there being no
20 other vehicle, and that is true. Right now we are
21 obligated to do this.

22 During this special session there is a Bill
23 that is filed that would create a commission based
24 on appointees from I believe the Speaker, the
25 President, the Governor, the Minority Leader. That

1 could be a vehicle, but I don't believe that that
2 Bill is part of this call. Is that correct?

3 SPEAKER CRISAFULLI: Chairman Oliva.

4 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
5 That is correct.

6 SPEAKER CRISAFULLI: Leader Pafford.

7 LEADER PAFFORD: Thank you, Mr. Speaker. As
8 far as you know -- and perhaps Chair Workman might
9 know, but if, in fact, we were to permit a bill
10 like that and we used the full time to address the
11 unconstitutionality of these maps, which I believe
12 is September 25th, could that be an option so we
13 could once and for all give some ability for every
14 member in here to feel comfortable knowing that
15 what we are going to do this week will resolve this
16 effort once and for all, and specifically having a
17 bill like Representative Jennings' pass, provide a
18 vehicle that we can agree on all the rows on
19 here --

20 SPEAKER CRISAFULLI: Leader, I would ask that
21 you keep the questions to the Bill that is before
22 us. Hypotheticals are not part of this bill. So
23 if you would keep it to the issue that is before
24 us.

25 Further questions? Leader Pafford.

1 LEADER PAFFORD: Thank you, Mr. Speaker. So,
2 Chair Oliva, is there any way to assure this body,
3 based on the vehicle that we have to use, that what
4 we are going to produce this week is
5 constitutional, is guaranteed to be constitutional
6 by the Court?

7 SPEAKER CRISAFULLI: Chair Oliva.

8 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
9 I think that that was asked and answered, and the
10 answer is that, us not being the final arbiter of
11 the State Constitution, there is never any
12 guarantee that can be provided in this chamber that
13 something will be held constitutional.

14 SPEAKER CRISAFULLI: Further questions?
15 Further questions? Representative Cruz for a
16 question.

17 REPRESENTATIVE CRUZ: Thank you very much, Mr.
18 Speaker, and, Chair Oliva, thank you. My question
19 is about the process and the process that was used.

20 The process that I thought was used or what I
21 saw to produce the maps in my opinion was closed
22 and opaque. The map by design and the direction
23 was drawn by three members of a professional staff
24 hired probably by the majority. And they also
25 consulted with counsel though without recording or

1 taking notes behind closed doors.

2 The Legislature had delegated its authority
3 and the representation actually of 19.5 million
4 Floridians to three men who were working in secret.

5 So my question to you today is, do we believe
6 that our process -- could you defend the process
7 and could you tell me if you believe this process
8 will be satisfactory when it gets to the Court,
9 back to the Court?

10 SPEAKER CRISAFULLI: Chairman Oliva.

11 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
12 Well, there is several assumptions made in that
13 statement, first, regarding the nature of how the
14 maps were drawn and whether that was an opaque
15 secretive process.

16 Truthfully, and as I mentioned to address the
17 two separate concerns, one by the Court regarding
18 partisan intent and the other by the Plaintiffs in
19 the suit regarding their concern of not having a
20 base map and bringing those two together, I would
21 say that a better analogy would be that they were
22 in a bubble.

23 They weren't necessarily in a secret place
24 where you had a different or lessened ability to
25 affect those maps than, say, I did as Chairman of

1 the committee. You, I and the public saw those
2 maps simultaneously for the first time on August
3 5th.

4 With regards to the product that it is going
5 to produce, again -- and that is a similar answer
6 to the questions asked prior. Can I say that,
7 under the constraints put upon us by the Supreme
8 Court, that this map meets constitutional muster?
9 I can say that, but I am not the final arbiter of
10 that. And with regards to your question about, do
11 I think this is the best process, absolutely not.
12 The best process is the legislative process that
13 the elected members of this body, elected directly
14 by the residents, the citizens of this state would
15 create. So, no, I don't feel this is the best
16 process, but this is what we are under.

17 SPEAKER CRISAFULLI: Further questions?

18 Representative Kerner with a question.

19 REPRESENTATIVE KERNER: Thank you, Mr.

20 Speaker. Chair Oliva, thank you for your
21 participation and leadership in this process.
22 There has been a lot of questions and a lot of
23 concerns about whether the ultimate product that
24 this chamber will produce is constitutional. I
25 appreciate your comments on those issues,

1 especially Tier 1 and Tier 2 compactness and the
2 overall position that it is constitutional.

3 And I understand that the Supreme Court is the
4 ultimate arbiter, but I am really just trying to
5 lay a foundation here for a judicial review. In
6 your opinion and from your perspective as Chairman,
7 has there been any partisan influence or has there
8 been any incumbent influence in this process that
9 would nullify our efforts?

10 SPEAKER CRISAFULLI: Chairman Oliva.

11 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
12 Well, let me say, only half kidding, that the
13 Supreme Court does not need you to lay any
14 foundation to establish a review. It can do that
15 well on their own, as they have shown.

16 With regards to, do I believe that there has
17 been no partisan intent in the development of this
18 map, I firmly believe that to be true.

19 SPEAKER CRISAFULLI: Representative Kerner.

20 REPRESENTATIVE KERNER: Thank you,
21 Mr. Speaker. And just going one step further, does
22 that position or does your opinion apply to the
23 issue of incumbency protection as well?

24 SPEAKER CRISAFULLI: Chairman Oliva.

25 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

1 That is a more complicated question because, as is
2 before the Federal Court now in a suit, the Court
3 may very well find and we found last year that
4 there was a more constitutional way without
5 negatively affecting an incumbent which is not
6 allowed in Tier 1.

7 That configuration was found unconstitutional.
8 So you have to understand that I am in a position
9 of defending a configuration that I don't believe
10 in my personal interpretation fits the
11 Constitutionality requirements as did the enacted
12 map.

13 SPEAKER CRISAFULLI: Representative Kerner.

14 REPRESENTATIVE KERNER: Thank you,
15 Mr. Speaker. And I can -- Mr. Chairman, I can't
16 empathize with you, but I can sympathize with the
17 fact that you are in awkward procedural posture
18 here defending a map that you really didn't get to
19 participate in.

20 But has there any incumbent influence? Has
21 there been any incumbent discussion? Has an
22 incumbent contacted anyone on the staff and
23 participated in the map-drawing itself?

24 SPEAKER CRISAFULLI: Chairman Oliva.

25 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

1 No incumbent has participated in the drawing of
2 these maps. No communication has been made. Our
3 rules set forth determined that any such
4 communication should be reported immediately and
5 those opinions should be ignored.

6 With regards to hearing from incumbents, we
7 did hear -- in the Joint Committee between the
8 House Select Committee on Redistricting and the
9 Senate Reapportionment Committee, we did hear from
10 Congressman Daniel Webster who came before the
11 committee, and, on the House Select Committee, we
12 did hear from an incumbent in District -- the
13 current District 5, Congresswoman Corrine Brown.

14 SPEAKER CRISAFULLI: Further questions?
15 Further questions? Representative Barbara Watson
16 for a question.

17 REPRESENTATIVE WATSON: Thank you,
18 Mr. Speaker. Chair Oliva, could you tell us what
19 is the total population differences in Florida
20 between the 2010 census and today?

21 SPEAKER CRISAFULLI: Chairman Oliva.

22 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
23 No, I cannot.

24 SPEAKER CRISAFULLI: Representative Watson.

25 REPRESENTATIVE WATSON: Thank you,

1 Mr. Speaker. Is it not true from the period of the
2 2010 census and now, according to the United States
3 Census Bureau, Florida has overtaken New York and
4 become the third largest state in the Union?

5 SPEAKER CRISAFULLI: Chairman Oliva.

6 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
7 Proudly, yes.

8 SPEAKER CRISAFULLI: Representative Watson.

9 REPRESENTATIVE WATSON: Thank you,
10 Mr. Speaker. Does this proposed map take into
11 account the almost 1.5 million people that have
12 relocated in the state of Florida since the 2010
13 census report?

14 SPEAKER CRISAFULLI: Chairman Oliva.

15 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
16 It does not. That is not a consideration that the
17 map drawers had before them.

18 SPEAKER CRISAFULLI: Representative Watson.

19 REPRESENTATIVE WATSON: As you may be aware
20 from last week I presented five court cases that
21 really addressed that issue, that it is possible
22 that the mapmakers could engage in proper
23 increasing of districts based on credible
24 information from a good source that would allow
25 them to take those 1.5 million people into account

1 and make it part of this new development of a map.

2 SPEAKER CRISAFULLI: Chairman Oliva.

3 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

4 I am aware that you provided those in committee and
5 that they are part of the record. I don't agree
6 that those type of estimates can be used in map
7 drawing, specifically, in building a district, the
8 map drawers must use census blocks. Those census
9 blocks are based on the last census. And,
10 therefore, any estimates that would be made as you
11 suggest would not be made down to the degree of
12 census blocks, and, therefore, could not be used in
13 building a district.

14 SPEAKER CRISAFULLI: Representative Watson.

15 REPRESENTATIVE WATSON: Thank you,
16 Mr. Speaker. Chair Oliva, of the five court cases
17 that was presented to the committee last week, it
18 directs the attention that those kind of new
19 estimates could be applied to any kind of
20 redistricting maps because of the fact that, if it
21 is provided through a very credible source, and the
22 sources of which the map numbers are 1.5
23 increasement, came directly from you, the
24 University of Florida, which we are as a state
25 under contractual agreement to be able to use those

1 numbers to do the distribution of resources or
2 revenue to the state of Florida.

3 With that being said, would you not agree that
4 the contractual, the contractual agreement between
5 the University of Florida and the State of Florida
6 would not be a credible source to use numbers from?

7 SPEAKER CRISAFULLI: Chairman Oliva.

8 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
9 And with all due difference to a great University
10 and being certain that they could provide some very
11 good estimates, I would repeat that, wherein those
12 estimates are used for things as you well have
13 noted, like funding of different programs and
14 things, they will meet the reconciliation at the
15 end of the year that is done at the budget process.

16 This does not have that review that would
17 occur. And also, unless those estimates would
18 drill down into census blocks -- and I don't
19 believe they have the authority to establish census
20 blocks. Unless they would do that, a map drawer
21 simply could not know where to put that population
22 or even how to identify that new population that
23 have been found through those estimates.

24 SPEAKER CRISAFULLI: Representative Watson.

25 REPRESENTATIVE WATSON: Thank you,

1 Mr. Speaker. Last question. The State of Florida
2 utilizes those numbers from the University of
3 Florida to distribute tax revenue to each of our
4 counties and our municipalities throughout the
5 state.

6 Given that fact, it would tell me or hopefully
7 will tell all of us that it isn't a census
8 blocking, because they do need to know how to
9 distribute monies throughout the entire state of
10 Florida.

11 So my question to you is, are we saying that
12 those numbers are not credible enough to distribute
13 the revenue to the various municipalities and
14 counties?

15 SPEAKER CRISAFULLI: Chairman Oliva.

16 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
17 No. I think what we are saying is that the
18 distribution of funds does not require the building
19 of a map that is made entirely of census blocks,
20 and so, without providing those census blocks, one
21 could not build a census block, and those census
22 blocks are provided by the U.S. Census Bureau.

23 SPEAKER CRISAFULLI: Representative Moraitis
24 for a question.

25 REPRESENTATIVE MORAITIS: Thank you, Mr.

1 Speaker, and I thank you, Chair Oliva and the
2 Committee for the work. I guess my first question
3 is, were there any changes from the base map
4 released to the public to the map that we are going
5 to be voting on I guess tomorrow?

6 SPEAKER CRISAFULLI: Chairman Oliva.

7 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
8 There have been multiple proposed amendments, none
9 that have been adopted. So the map that you see
10 here is the base map.

11 SPEAKER CRISAFULLI: Representative Moraitis.

12 REPRESENTATIVE MORAITIS: Thank you,
13 Mr. Speaker, if I may, for a follow up. But I am
14 concerned particularly about Districts 21 and 22.
15 Those are Broward and Palm Beach County. In
16 reviewing the Court's holding, basically it said
17 that the districts could either be vertical or
18 horizontal, that the challengers in the case had
19 sort of proposed a horizontal.

20 It seem to be sort of an undue deference to
21 one of the particular mapmakers from the original
22 redistricting process, Mr. Kelly, in coming up with
23 perhaps a horizontal stack. But I guess is the
24 committee -- did they consider using a -- I guess
25 evaluating that criteria, why was a horizontal map

1 done instead of a vertical map when they adopted
2 the base map?

3 SPEAKER CRISAFULLI: Chairman Oliva.

4 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
5 What the Court found in District 21 and 22 is that
6 they had to be drawn in a more compact
7 configuration, and the only way to achieve a more
8 compact configuration -- even though we were not --
9 staff was not directly instructed by the Court to
10 draw them in a stacked fashion, and even though in
11 Representative Kerner's amendment showed it would
12 be dividing communities of interest. That
13 unfortunately was not a consideration that could be
14 made. The main consideration, as directed by the
15 Court, was greater compactness, and these districts
16 as configured achieved that directive.

17 SPEAKER CRISAFULLI: Representative Rader for
18 a question.

19 REPRESENTATIVE RADER: Thank you, Mr. Speaker,
20 and thank you, Chairman Oliva, for really working
21 on this important bill.

22 My first, I guess, question or questions are
23 going to deal with how the map -- how the base map
24 was drawn being sequestered as it was, and I have
25 heard your answer to other questions. So if I

1 repeat it, I am not trying to just have you say the
2 same thing twice.

3 Why not, during that sequestering -- and I
4 understand why you wanted to do it based on what
5 the Supreme Court said, but why not include some of
6 the minority party during that just to make sure
7 that everything was really being done above and
8 beyond reproach rather than just doing it the way
9 that you did do it?

10 SPEAKER CRISAFULLI: Chairman Oliva.

11 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
12 I think the involvement of any group of people,
13 particularly because of their political partisan
14 affiliation would have immediately tainted that
15 process in the eyes of the Court. We would have
16 made a decision on who to put in a room based
17 solely on what party they are a part of. That
18 would have been a massive infraction.

19 SPEAKER CRISAFULLI: Representative Rader.

20 REPRESENTATIVE RADER: Thank you, Mr. Speaker.
21 Why not include someone from the majority party and
22 the minority party then for just to watch to make
23 sure that it was all being done, again, above
24 reproach as in 2011 and 2012, we heard many, many,
25 many times that this procedure of redistricting was

1 going to be the most transparent ever in the
2 state's history? Why did we do that?

3 SPEAKER CRISAFULLI: Chairman Oliva.

4 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
5 Again, because the only thing that distinguishes
6 the majority and the minority party outside of our
7 ability to play softball so very much better, is
8 the fact that we have a particular partisan party
9 affiliation. And so using that consideration would
10 have immediately tainted the process.

11 SPEAKER CRISAFULLI: Representative Rader.

12 REPRESENTATIVE RADER: Thank you, Mr. Speaker.
13 I like the partisan crack there. I was paying
14 attention.

15 I am sorry if this question was asked on
16 committee by a representative, but why not -- after
17 we passed this out of committee, it seems that we
18 have a little bit of time. Why not do a 10-day
19 tour throughout the state in different parts and do
20 some kind of letting the public know what the new
21 districts are going to be and why we are doing it
22 that way, specifically in areas like Sarasota
23 County, Palm Beach, Broward, up in Jacksonville,
24 obviously here in Leon, just to show them, the
25 public, why we are doing what we are doing? Why

1 not make it more public, more transparent?

2 SPEAKER CRISAFULLI: Chairman Oliva.

3 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

4 As you know, that was the option chosen by the 2010
5 Legislature and it took many months. Ten days and
6 the constraints placed upon us by the Court would
7 not allow for all the notification, the logistics
8 planning and the organizing what you recommend.

9 SPEAKER CRISAFULLI: Representative Rader.

10 REPRESENTATIVE RADER: Thank you, Mr. Speaker.

11 I did -- as you probably saw me, I did stick around
12 on Tuesday for the joint committee to listen how
13 the base maps were drawn even though I do not sit
14 on the committee that was voted on last week.

15 And I was a little intrigued by some of the
16 questions that were asked and some of the people
17 that came up to speak. I was just shocked and I
18 just wanted to hear your opinion. And what
19 actually occurred was -- I believe it was the
20 Senator from the Seventh District that said that
21 Democratic groups drew parties of the map and then
22 I think I understood that, no, Democratic groups
23 didn't draw the map, that they had some parts of
24 the map that were accepted by our mapmakers.

25 Can you just give me a good overview of what

1 Democratic groups drew the map, and if they did or
2 they didn't or what-have-you? That question was
3 asked several times on committee last week.

4 SPEAKER CRISAFULLI: Chairman Oliva.

5 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
6 What they were referring to was the east/west
7 configuration of Congressional District 5. And the
8 map -- the configuration that we adopted was the
9 map that the Supreme Court used and embedded in
10 that opinion, did a functional analysis of to
11 ensure that it performed as a majority/minority
12 district and held it, as legal counsel likes to
13 say, as an exemplar of how that district should
14 look.

15 Therefore, that district, under the advice of
16 legal counsel, was put into the map. The origins
17 of that configuration and how they make their way
18 to the courts was proven during those proceedings
19 that was drawn by the National Democratic Party or
20 the Democratic Congressional Committee.

21 SPEAKER CRISAFULLI: Representative Rader.

22 REPRESENTATIVE RADER: Thank you, Mr. Speaker.
23 I have got to digest that a little bit. I might
24 come back to it because it is not to any of my
25 knowledge that the DNC drew the map, but maybe you

1 are correct.

2 Also in that meeting the Congressman from the
3 Tenth District, Daniel Webster, came to speak where
4 he basically -- and I think I am summing this up --
5 said that the districts are now disfavoring him.

6 He said a lot of things during that meeting,
7 and, from what you remember or recollect, do you
8 agree with that comment, that they're disfavoring
9 him or should they be disfavoring him?

10 SPEAKER CRISAFULLI: Chairman Oliva.

11 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
12 The Court had a rule that an east/west
13 configuration of CD 5 had to occur. It left the
14 district in the enacted plan, CD 5, that kind of
15 snaked from Jacksonville down to the Orlando area,
16 left a tremendous gap in that area that had to be
17 -- a population that had to be then configured into
18 all of those different districts. The district
19 where Congressman Webster is currently the
20 incumbent in changed radically from one
21 configuration to the other.

22 So, to the extent that he made the case that,
23 under the new configuration, we were disfavoring
24 him as the incumbent and he would, therefore, be
25 unelectable in that district, I think statistically

1 the numbers hold that.

2 SPEAKER CRISAFULLI: Representative Rader.

3 REPRESENTATIVE RADER: Thank you, Mr. Speaker.

4 I understand what you are saying, but when I heard
5 his testimony and I went back to the actual Supreme
6 Court 172-page document that they came out with, it
7 basically said on page 29 that the way that the
8 maps look now are what our mapmakers from the House
9 had prepared it.

10 And then it said, in one graphic example cited
11 by the Trial Court, the revisions changed the
12 performances of Districts 5, 7, 9 and 10 from four
13 Democratic performing or leading seats to two
14 Democratic and two Republican performing seats.

15 So outside Republican operatives changed the
16 district to favor the member from District 10, the
17 U.S. Congressman from District 10. Don't you
18 believe that to be the case that it is not
19 disfavoring now, that it is doing what it was
20 intended to do?

21 SPEAKER CRISAFULLI: Chairman Oliva.

22 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

23 First, I cannot speak to the intent of anyone who
24 drew the district. What I can tell you
25 statistically from the enacted map and the claim

1 that I think that Congressman Webster was making in
2 his testimony, from the enacted map that was
3 enacted in August of last year by this chamber, two
4 of the current configuration, as can be seen in the
5 base map, he and his ability to be reelected has
6 been tremendously disfavored and diminished.

7 SPEAKER CRISAFULLI: Representative Rader.

8 REPRESENTATIVE RADER: Thank you, Mr. Speaker.
9 In your opening few sentences that you spoke, I
10 wrote a few of the things down you said. You said,
11 reform is the course of action, defiance is not the
12 course of action. I think you said defiance first
13 and then reform. Whatever. You get the point.
14 When you said reform is the course of action, what
15 type of reform are you alluding to?

16 SPEAKER CRISAFULLI: Chairman Oliva.

17 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
18 And, again, that is probably outside of the scope
19 of this presentation of this map and the debate for
20 this Legislature in months to come. But, generally
21 speaking, I would say any reform that would remedy
22 those consternations that have brought us here
23 today for those who feel consternation.

24 SPEAKER CRISAFULLI: Further questions?

25 Further questions? Seeing no -- Representative

1 Berman for a question.

2 REPRESENTATIVE BERMAN: Thank you, Mr.
3 Speaker. Chair Oliva, I just want to go back a
4 little bit to some of the points that Rep Watson
5 brought up.

6 You said that, in order to draft the maps, we
7 can't use the present-day census information
8 because we have to use census blocks. Could you
9 explain where we get the information for those
10 census blocks from?

11 SPEAKER CRISAFULLI: Chairman Oliva.

12 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
13 From the United States Census Bureau.

14 SPEAKER CRISAFULLI: Representative Berman.

15 REPRESENTATIVE BERMAN: Thank you, Mr.
16 Speaker. I want to change the topic a little bit.
17 I know that we talked before that staff gave a
18 limited waiver of the attorney/client privilege.
19 What was the exact limited waiver that was given in
20 conjunction with the staff working with the
21 attorneys?

22 SPEAKER CRISAFULLI: Chairman Oliva.

23 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
24 In waiving that privilege, what they said is that
25 any communication between the staff and the legal

1 counsel could be inquired upon and would be
2 answered should the public or any member of this
3 Legislature ask. They also said that any e-mails,
4 to the extent that they would exist, would also be
5 made public, and any communications, any notes that
6 went between them and such.

7 SPEAKER CRISAFULLI: Representative Berman.

8 REPRESENTATIVE BERMAN: Thank you,
9 Mr. Speaker. So do we know -- are there any
10 e-mails and/or are there any notes that were
11 produced as a result of that limited waiver?

12 SPEAKER CRISAFULLI: Chairman Oliva.

13 REPRESENTATIVE OLIVA: I am not exactly aware
14 of the nature of those communications as, when that
15 process was happening, I like you, was outside of
16 it. So, to the extent that that answer can be
17 found, it can be found the same by you or I.

18 SPEAKER CRISAFULLI: Representative Berman.

19 REPRESENTATIVE BERMAN: Thank you, Mr.
20 Speaker. So we would need to do a request to get a
21 copy of those e-mails and notes in order to get
22 whatever was produced at that time? Is that the
23 proper procedure?

24 SPEAKER CRISAFULLI: Chairman Oliva.

25 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

1 Yes.

2 SPEAKER CRISAFULLI: Representative Berman.

3 REPRESENTATIVE BERMAN: Thank you, Mr.

4 Speaker. I do want to inquire about CD 5. It is
5 my understanding that the staff advised the
6 mapmakers that they should follow the proposed
7 Plaintiffs' map and that, therefore, there were no
8 drafts made at all for any other drafts of CD 5.
9 Is that correct?

10 SPEAKER CRISAFULLI: Chairman Oliva.

11 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
12 And, just as a point of clarification, legal
13 counsel advised staff that that would be the
14 most -- under this Court, the most constitutionally
15 acceptable map because of their actions, the
16 Court's actions in holding it up. So the staff,
17 having taken that recommendation, they started from
18 that point and no additional drafts were made.

19 SPEAKER CRISAFULLI: Representative Berman.

20 REPRESENTATIVE BERMAN: Thank you, Mr.

21 Speaker. Chair Oliva, is there any recordings of
22 that information of staff giving the map -- of the
23 attorneys giving the mapmakers the information not
24 to -- to actually follow the Plaintiff's version of
25 CD 5?

1 SPEAKER CRISAFULLI: Chairman Oliva.

2 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

3 No, there are no recordings, but it has been said
4 in the public and here again today on numerous
5 occasions.

6 SPEAKER CRISAFULLI: Representative Berman.

7 REPRESENTATIVE BERMAN: No further questions.
8 Thank you.

9 SPEAKER CRISAFULLI: Representative
10 Richardson.

11 REPRESENTATIVE RICHARDSON: Thank you, Mr.
12 Speaker. Thank you, Chair Oliva, for all the work
13 you have done on this.

14 I would like to follow up on a couple of
15 questions we had earlier. Can you talk to us a
16 little bit about the relationship that you have had
17 with the staff? I mean, it is difficult when you
18 are Chairman of a committee that you will oversee
19 and give direction to staff.

20 So can you talk to us a little bit about when
21 you first met with the staff, what kind of
22 direction you gave to them to accomplish this goal
23 of map drawing? Can you tell us whether or not
24 those instructions were written instructions or
25 whether they were oral? Just give us some

1 background, if you could.

2 SPEAKER CRISAFULLI: Chairman Oliva.

3 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

4 Those instructions did not come from me, the
5 Chairman of the Committee. Those instructions were
6 set forth by the Presiding Officers prior to the
7 map-making process. Therefore, the first time that
8 I spoke with staff and any time that any direction
9 was given was post the simultaneous release of the
10 base map.

11 SPEAKER CRISAFULLI: Representative
12 Richardson.

13 REPRESENTATIVE RICHARDSON: Thank you, Mr.
14 Speaker. Let me ask you this: Did you have a
15 meeting with the staff as they began their work?

16 SPEAKER CRISAFULLI: Chairman Oliva.

17 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
18 No.

19 SPEAKER CRISAFULLI: Representative
20 Richardson.

21 REPRESENTATIVE RICHARDSON: Thank you,
22 Mr. Speaker. When I say "a meeting," I would also
23 include in that a phone conversation to give
24 direction. Did you have any communication with the
25 staff at all?

1 SPEAKER CRISAFULLI: Chairman Oliva.

2 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.

3 And, to be perfectly clear, there was no
4 communication via phone, text, e-mail, message, no
5 form of conversation with staff prior to them
6 drawing the map.

7 SPEAKER CRISAFULLI: Representative
8 Richardson.

9 REPRESENTATIVE RICHARDSON: Thank you, Mr.
10 Speaker. So would it be fair to say that the only
11 guidance the Legislature gave to the staff would be
12 the joint resolution of the call?

13 SPEAKER CRISAFULLI: Chairman Oliva.

14 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
15 No. There was more specific guidance. It was to
16 remedy those districts that the Supreme Court had
17 found to be unconstitutional and to strictly adhere
18 to all the pertinent federal and legal requirements
19 in drawing these maps regarding Tier 1 and Tier 2.

20 SPEAKER CRISAFULLI: Representative
21 Richardson.

22 REPRESENTATIVE RICHARDSON: Thank you,
23 Mr. Speaker. Thank you, Chair. Now, Leader
24 Pafford raised some questions about the general
25 counsel that was retained, and I just learned today

1 that Gray Robinson was retained for a third time.
2 So it raises the question in my mind since Chair
3 Wood had told us that we are now working on
4 something for the third time.

5 So, if the same general counsel was retained
6 previously, was it a good idea to get the same
7 counsel again, given that we have had
8 constitutional problems, and can you talk to us
9 about that decision?

10 SPEAKER CRISAFULLI: Chairman Oliva.

11 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
12 I think your question and that of Leader Pafford
13 makes the assumption that legal counsel draws maps
14 and that they come up with these configurations.
15 Legal counsel is there to counsel on whether the
16 proposed maps meet the Constitutional standards in
17 Tier, Tier 2 and the Federal Voting Rights Act.

18 They are also there to advise and give counsel
19 on, for instance, what sort of avenues can we
20 pursue, as I explained in my opening, the entire
21 process that I went through in trying to stand in
22 defense of this institution. Legal counsel does
23 not sit and draw maps. Therefore, to the extent
24 that their advice is important, it is important
25 because they have an understanding of the

1 Constitution. How that constitution will be
2 interpreted by the Court, we can vividly see, is
3 very unpredictable.

4 SPEAKER CRISAFULLI: Representative
5 Richardson.

6 REPRESENTATIVE RICHARDSON: Thank you, Mr.
7 Speaker. Who made the decision to hire Gray
8 Robinson?

9 SPEAKER CRISAFULLI: Representative, that has
10 nothing really to do with the Bill. I think we
11 have hammered home on Gray Robinson. I would like
12 you to move on to the questions pertaining to the
13 Bill, itself. Representative Richardson.

14 REPRESENTATIVE RICHARDSON: Thank you,
15 Mr. Speaker. Is it fair for me to ask whether or
16 not Gray Robinson was involved in any of the
17 map-drawing activities?

18 SPEAKER CRISAFULLI: Chairman Oliva.

19 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
20 And I think that that was answered. And they were
21 involved in giving the map drawers the counsel of
22 using CD 5 as was embedded in the Supreme Court
23 opinion because it was held up as an exemplar. And
24 they were there to advise and counsel on the
25 Constitutionality of decisions as they were asked.

1 They were not an active part of the map-drawing in
2 the rooms. They were there for counsel when asked.

3 SPEAKER CRISAFULLI: Representative
4 Richardson.

5 REPRESENTATIVE RICHARDSON: Thank you,
6 Mr. Speaker. And when those questions were asked,
7 can you tell me how staff conducted the
8 questioning? Did they call on the phone? Was it a
9 verbal question, or were written questions
10 submitted to counsel and answers were provided in
11 writing or was it all just verbal?

12 SPEAKER CRISAFULLI: Chairman Oliva.

13 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
14 I can't comment to those as I was not part of the
15 process during that time. That was the actual
16 map-drawing process where they were sequestered.

17 SPEAKER CRISAFULLI: Further questions?
18 Representative Richardson.

19 REPRESENTATIVE RICHARDSON: Thank you,
20 Mr. Speaker. I just want to follow up on this last
21 question that Representative Watson and Berman
22 asked about the additional population increase.

23 So is there anything that would prevent us, in
24 terms of the law, federal or state law, prevent us
25 from using current population if we have that data

1 or are we mandated by law to use the census data
2 from '10?

3 SPEAKER CRISAFULLI: Chairman Oliva.

4 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
5 Technically speaking, nothing would prevent us from
6 drawing this map in any way that we see fit and
7 using any data that we see fit, but it stands to
8 reason that the Court has made their opinion and
9 given their direct -- their direct directions based
10 on the numbers that are held by the 2010 census.
11 So then one could conclude that, if add an entire
12 million and a half people to that and add them in
13 those areas that we have decided through our
14 sources to estimate that they are, that the Court
15 would not hold that map to be constitutional.

16 SPEAKER CRISAFULLI: Representative Dudley for
17 a question.

18 REPRESENTATIVE DUDLEY: Thank you, Mr.
19 Speaker. Representative Oliva, thank you for your
20 work in this ongoing process. But I do want to ask
21 you why we are back here? This is a our third try
22 at this. We will probably be spending more than,
23 well, we know about \$8 million so of taxpayer money
24 to do this and we have seen that the Florida
25 Supreme Court has said that this -- there was

1 improper political intent in the efforts
2 previously.

3 So we have legislative staff working in a
4 bubble. Why in heaven's name don't we have as part
5 of this call an independent redistricting
6 commission to take the Legislature out of this --

7 SPEAKER CRISAFULLI: Representative Dudley.

8 REPRESENTATIVE DUDLEY: Yes.

9 SPEAKER CRISAFULLI: Can you get to a question
10 on the Bill itself? You are asking about
11 hypotheticals. If you would ask a question on the
12 Bill itself.

13 REPRESENTATIVE DUDLEY: Would this Bill,
14 Representative Oliva, be better drawn in terms of
15 the bubble concept by having an outside commission
16 do this as opposed to having to create a bubble
17 around staff? That is my question.

18 SPEAKER CRISAFULLI: Chairman Oliva.

19 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker.
20 And that really speaks to the much greater question
21 that will occupy this Legislature, and that is,
22 what is the definition of "independent."

23 So I can tell you that, no, I would never
24 believe -- and we will not be here some years from
25 now and some years after that the majority and

1 minority will be inverse, but what stands above all
2 of that is this institution and its ability to do
3 the work of the people. We have traditionally and
4 legally created those districts. We are elected by
5 the citizens of this state, the residents of this
6 state, and they can choose remedy when they feel
7 that we have not done our job in the way that we
8 have done it.

9 Sequestering that further to a, quote,
10 "independent body" whose independence is as in
11 question as yours and mine I don't feel would be a
12 better process and I hope we never get to that
13 place.

14 SPEAKER CRISAFULLI: Further questions?
15 Seeing no further questions. Amendments on the
16 desk.

17 MR. WARD: On the desk, Mr. Speaker.

18 SPEAKER CRISAFULLI: Read the first amendment.

19 MR. WARD: Representative Hill offered the
20 following. Strike all amendment and the title
21 amendment, Bar Code 085087, remove everything after
22 the enacting clause and insert amendment.

23 SPEAKER CRISAFULLI: Representative Hill, you
24 are recognized to explain your amendment.

25 REPRESENTATIVE HILL: Mr. Speaker, I withdraw

1 my amendment.

2 SPEAKER CRISAFULLI: Show that amendment
3 withdrawn. Read the next amendment.

4 MR. WARD: Representative Gonzalez offered the
5 following. Strike all amendment with the following
6 amendment, Bar Code 617051, remove everything after
7 the enacting clause and insert an amendment.

8 SPEAKER CRISAFULLI: Representative Gonzalez,
9 you are recognized to explain your amendment.

10 REPRESENTATIVE GONZALEZ: Thank you,
11 Mr. Speaker. First of all, I start by thanking
12 Chair Oliva and the map drawers and all of the
13 individuals who were involved not only with the
14 map-creation process, but also with the committee
15 in reviewing it and for all the hard work that they
16 did in coming up with a map that met constitutional
17 muster to the best of their abilities.

18 It is because there are other factors,
19 nonpartisan factors and factors that are not
20 inclusive or completely included in the numbers
21 that we review and in the conformities that the
22 Legislature needs to consider those factors from
23 the various districts.

24 In my district there is a great concern about
25 keeping Sarasota County together in its

1 representation before Congress. And, for that
2 matter, Mr. Speaker, my amendment proposes a
3 regional difference or variance from the rest of
4 the map that is proposed in the base map that would
5 serve to keep Sarasota whole within one district.
6 And that is the amendment, Mr. Speaker.

7 SPEAKER CRISAFULLI: Are there questions of
8 the sponsor? Representative McBurney, you are
9 recognized.

10 REPRESENTATIVE MCBURNEY: Thank you, Mr.
11 Speaker. Representative, at the committee meeting
12 held last Thursday, I asked all persons who are
13 either presenting a bill or amendments or who
14 otherwise presenting a map to present in accordance
15 with the procedure for Special Session 2015B on
16 Congressional Reapportionment, be prepared to
17 explain on the floor seven questions.

18 And so, to be fair -- and I believe the
19 Chairman has already gone through those questions
20 himself. To be fair, I am going to ask you those
21 questions that we have asked of everyone else who
22 presented a map.

23 So Representative first, have all e-mails and
24 other documents related to the drawing of the Bill
25 or amendment been submitted to the House General

1 Counsel's Office?

2 SPEAKER CRISAFULLI: Representative Gonzalez.

3 REPRESENTATIVE GONZALEZ: Thank you,

4 Mr. Speaker. Yes, they have.

5 SPEAKER CRISAFULLI: Representative McBurney.

6 REPRESENTATIVE McBURNEY: Thank you, Mr.

7 Speaker. Was the bill or amendment created using

8 the My District Builder application, and, if not,

9 what other data was used?

10 SPEAKER CRISAFULLI: Representative Gonzalez.

11 REPRESENTATIVE GONZALEZ: Thank you,

12 Mr. Speaker. The My District Builder of the House

13 was not used. The program that was used was the

14 Senate's program which used identical data, as the

15 bill that I am submitting is supposed to reflect

16 the identical -- I am sorry, the amendment that I

17 am submitting is supposed to reflect the identical

18 amendment before the Senate Chamber.

19 SPEAKER CRISAFULLI: Representative McBurney.

20 REPRESENTATIVE McBURNEY: Thank you, Mr.

21 Speaker. What is the identify of every person

22 involved in the drawing, reviewing, directing or

23 approving the proposed Bill or amendment, including

24 a member submitting a bill or amendment to Select

25 Committee staff and legal counsel?

1 SPEAKER CRISAFULLI: Representative Gonzalez.

2 REPRESENTATIVE GONZALEZ: Thank you,

3 Mr. Speaker. My understanding is that Jay Ferrin

4 is the individual who actually laid pencil to paper

5 or computer maps to computer to create the map. I

6 also received assistance from Jason Poreda. I

7 spoke and received assistance from Senator Detert.

8 I also communicated my intentions -- although they

9 did not assist me in the writing of the amendment

10 or of the proposed map, I did communicate my

11 intentions to Leader Young and to Chairman Oliva.

12 SPEAKER CRISAFULLI: Representative McBurney.

13 REPRESENTATIVE McBURNEY: Thank you,

14 Mr. Speaker. What were the criteria used by the

15 map drawer?

16 SPEAKER CRISAFULLI: Representative Gonzalez.

17 REPRESENTATIVE GONZALEZ: Well, the

18 overarching criterion that was used by the map

19 drawers is always to try to the best of their

20 abilities to maintain compliance with our

21 Constitution, with the directives of the Supreme

22 Court. However, within that the request that

23 Senator Detert gave the map drawer, Mr. Ferrin, and

24 to which I made sure that there was confirmation,

25 was that the map drawers find a manner in which to

1 keep Sarasota whole within one congressional
2 district while still maintaining compliance with
3 the Constitutional provisions outlined by the
4 Supreme Court.

5 SPEAKER CRISAFULLI: Representative McBurney.

6 REPRESENTATIVE MCBURNEY: Thank you,
7 Mr. Speaker. What is the nonpartisan and
8 incumbent-neutral justification for the proposed
9 configuration of each district?

10 SPEAKER CRISAFULLI: Representative Gonzalez.

11
12 REPRESENTATIVE GONZALEZ: Thank you,
13 Mr. Speaker. That is to me the crucial question
14 that motivated me to come here before this great
15 body to consider this variation on the base map.
16 The reasons that I propose for the consideration
17 are nonpartisan and incumbent-neutral, and they are
18 simply this: Within my district, within District
19 74 which encompasses south Sarasota County, there
20 is a great concern of a disparate treatment in
21 legislation, in budgeting and in representation
22 between south Sarasota County and north Sarasota
23 County. That is a nonpartisan concern. It is
24 simply a concern about fair and adequate
25 representation.

1 In the manner in which the map is presently
2 drawn, number one, separating a third of Sarasota
3 County from the rest of Sarasota County, in other
4 words leaving separately one-third of south
5 Sarasota from the northern two-thirds of Sarasota
6 County, and then placing Sarasota County in the
7 region -- in a district where the populations and
8 the business interest differ markedly, it placed a
9 great concern amongst the citizens of my district,
10 namely those of south Sarasota County, that this
11 would translate, number one, to a greater degree of
12 disparate treatment within the congressional
13 chambers of that portion of Sarasota County; and,
14 number two, that it would place representation of
15 Sarasota County potentially in the hands of a
16 congressman or congresswoman that in the future
17 might have difficulty juggling those potentially
18 disparate interests.

19 So for those reasons I present this as a
20 consideration for the House today.

21 SPEAKER CRISAFULLI: Representative McBurney.

22 REPRESENTATIVE MCBURNEY: Thank you, Mr.
23 Speaker. What were the results of any functional
24 analysis performed to ensure that the ability of
25 minorities to elect candidates of their choice is

1 not diminished?

2 SPEAKER CRISAFULLI: Representative Gonzalez.

3

4 REPRESENTATIVE GONZALEZ: Thank you,
5 Mr. Speaker. Essentially the results showed that
6 there were some minor variations between the base
7 map and the map that we are proposing both for
8 District 16 and 17, that there was no significant
9 impact on the ability of a minority, any minority
10 group to select the candidate of their choice based
11 on these changes.

12 SPEAKER CRISAFULLI: Representative McBurney.

13 REPRESENTATIVE McBURNEY: Thank you,
14 Mr. Speaker. Was there any diminishment in your
15 functional analysis of the minority representation?

16 SPEAKER CRISAFULLI: Representative Gonzalez.

17 REPRESENTATIVE GONZALEZ: Well, regarding the
18 BVAP for District 16, the BVAP at the base map
19 stands at 7.32 percent. With the proposed change
20 it will diminish to 5.82 percent. For District 17
21 the BVAP which stood at 6.77 percent with the base
22 map will actually increase to 8.31 percent under
23 the proposed map.

24 Similarly for the Hispanic VAP, the HVAP so to
25 speak for District 16 under the base map is 12.32

1 and it will diminish to 8.75 under the new proposed
2 amendment.

3 Additionally for District 17 the HVAP will
4 increase from 11.31 at the base map to 15 with the
5 new proposed district.

6 SPEAKER CRISAFULLI: Representative McBurney.

7 REPRESENTATIVE MCBURNEY: Thank you,
8 Mr. Speaker. Last question. How does the proposal
9 satisfy all the Constitutional and statutory
10 criteria applicable to a congressional
11 redistricting plan?

12 SPEAKER CRISAFULLI: Representative Gonzalez.

13 REPRESENTATIVE GONZALEZ: Well, I will step
14 back a little bit and acknowledge that the
15 amendment speaks to the state map as a whole as was
16 required by our rules.

17 So, speaking to the map as a whole, this
18 proposal leaves undisturbed any other district
19 other than 14 as one that could potentially be
20 involved in the commentary by the Supreme Court.

21 Regarding 14, one of the criteria that the
22 Supreme Court described as being necessary to pass
23 constitutional muster is that Tampa Bay not be
24 crossed from north to south with a new district map
25 for the Hillsborough County district, specifically

1 District 14. This was maintained and it was
2 maintained by essentially trading the affected
3 population from 16 to 17 rather than intruding into
4 14.

5 SPEAKER CRISAFULLI: Further questions?
6 Representative Pilon for a question.

7 REPRESENTATIVE PILON: Thank you, Mr. Speaker
8 and Representative Gonzalez. Obviously, we share
9 the district that we are talking about,
10 Congressional District 16.

11 A couple of questions. First of all, in the
12 Supreme Court decision, was CD 16 directly found
13 unconstitutional?

14 SPEAKER CRISAFULLI: Representative Gonzalez?

15 REPRESENTATIVE GONZALEZ: Thank you, Mr.
16 Speaker. No, it was not.

17 SPEAKER CRISAFULLI: Representative Pilon.

18 REPRESENTATIVE PILON: Thank you, Mr. Speaker.
19 Representative, was District 16 found in any way
20 not to be compact?

21 SPEAKER CRISAFULLI: Representative Gonzalez.

22 REPRESENTATIVE GONZALEZ: In the Supreme Court
23 opinion, no; it was not.

24 SPEAKER CRISAFULLI: Representative Pilon.

25 REPRESENTATIVE PILON: Thank you, Mr. Speaker.

1 Representative, in view of the questions on the
2 BVAPs and HVAPs and all those VAPs, under the
3 existing map prior to the decision and even after
4 the decision, was CD 16 out of compliance in any
5 form in the percentages for those minority issues?

6 SPEAKER CRISAFULLI: Representative Gonzalez.

7 REPRESENTATIVE GONZALEZ: Thank you,
8 Mr. Speaker. No, it was not.

9 SPEAKER CRISAFULLI: Representative Pilon.

10 REPRESENTATIVE PILON: Mr. Speaker.

11 Representative, in devising this amendment and
12 changing what you have outlined in 17, 14 and 16,
13 in dealing with the opinions of the transparent
14 staff and Senator Detert, did they give you any
15 opinion if we adopted this amendment as part of
16 this map as to how the Supreme Court would opine on
17 it?

18 SPEAKER CRISAFULLI: Representative Gonzalez.

19 REPRESENTATIVE GONZALEZ: Thank you,
20 Mr. Speaker. Before I answer that question I will
21 emphasize the words of Chairman Oliva, and that is
22 that all of our guesses are as good as anybody
23 else's. We can only do our very best to try to
24 comply with what we believe is appropriate within
25 the Constitutional constraints and the applicable

1 laws.

2 Specifically I asked that question to all who
3 helped me, and I specifically had a protracted
4 conversation with Mr. Ferrin about this specific
5 issue. And his answer was, to the best of his
6 abilities, this proposed change would also meet the
7 Constitutional constraints. If there was any
8 concern that Mr. Ferrin raised was that, because of
9 the reconfiguration of the shape of District 16 and
10 some of the changes that had to be imparted upon 17
11 as well, the compactness of 16 and 17 would suffer
12 somewhat, but in his opinion and in my opinion,
13 since I am proposing an amendment that according to
14 my own office has to comply with what I believe is
15 the Constitution, is the requirements of the
16 Constitution of Florida and the Constitution of the
17 United states. Despite those small losses in
18 compactness, both of our opinions are that it would
19 still comply with the Constitutional muster
20 maintained by the Supreme Court.

21 SPEAKER CRISAFULLI: Further questions?

22 Further questions? Seeing no further questions,
23 are there amendments to the amendment?

24 MR. WARD: None on the desk, Mr. Speaker.

25 SPEAKER CRISAFULLI: Are there substitute

1 amendments?

2 MR. WARD: None on the desk.

3 SPEAKER CRISAFULLI: Is there a debate on the
4 amendment? Is there a debate on the amendment?
5 Representative Pilon in debate.

6 REPRESENTATIVE PILON: Thank you, Mr. Speaker.
7 And thank you, Representative Gonzalez. As a
8 fellow member in Sarasota County, I appreciate your
9 efforts in working with Senator Detert on this.
10 They are going through the similar process, members
11 in the Senate committee, today. We will know the
12 results of that.

13 But I can tell you that the basis of my
14 questions that I just asked the Representative
15 should find it clear to all of us that, one, this
16 district was in compliance from day one. It was
17 never challenged at any time. We have just heard
18 recently, with the exception of perhaps a small
19 compactness issue which is worse now in my opinion
20 under the map as it exists, that it was testified,
21 when similar questions were asked in the
22 Redistricting Committee of the attorneys would the
23 map meet muster, well, we don't know until we send
24 it to them and they make that decision as Chairman
25 Oliva said. But I do recall that the opinion

1 presented in the Redistricting Committee to
2 Chairman Oliva and other members was a question
3 about the existing base map. They were saying
4 pretty much, yes, they didn't like it, but it would
5 past muster.

6 So there is not much difference in CD 16.
7 Making this minor change, it is not affecting the
8 entire state. It is actually probably making
9 things better, even in the minority situation as
10 those total 14, 16 and 17 numbers are added up. So
11 I know that many of you have your own districts you
12 are concerned about. Many of you have said, well,
13 let's move on and see what happens. But I
14 encourage you to vote for this amendment in the
15 issue of fairness, compactness and the fact that it
16 wasn't one of the problem children and that it
17 doesn't create more problem children if we make
18 this minor change. Thank you, Mr. Speaker.

19 SPEAKER CRISAFULLI: Further debate? Further
20 debate? Representative Wood in debate.

21 REPRESENTATIVE WOOD: Thank you, Mr. Speaker.
22 And I certainly can emphasize with my fellow Reps
23 from Sarasota County as to their concerns for their
24 areas and the response to their constituency, but
25 that is not really what we need to focus on.

1 This decision of the Supreme Court is what we
2 need to focus on, and for me the standards that
3 have been set forth in this decision put us in a
4 position of not knowing what is constitutional.
5 And, therefore, the only vote that I can take is
6 no. Thank you, Mr. Speaker.

7 SPEAKER CRISAFULLI: Further debate?
8 Representative Oliva in debate.

9 REPRESENTATIVE OLIVA: Thank you, Mr. Speaker,
10 and thank you, Representative Gonzalez. Now you
11 have gotten a small window into what my life has
12 been like over really the last 10 days or so with
13 all of these different considerations that must be
14 given.

15 And I can certainly understand as is the case
16 with anyone wanting to keep counties and districts
17 whole. I can tell you that this map keeps more
18 counties and more cities whole than any other map
19 that has been proposed before it. So it certainly
20 tries its best to hold to those Tier 2 constraints.

21 Specifically in regard to your amendment.
22 Your amendment would reduce the Tier 2 dealing with
23 compactness. It would reduce the scores in both
24 the Reock score which, as has been said in
25 committee, is kind of like a circle drawn around

1 the district, and the Convex Hull score, which is
2 sort of like a rubber band put around the district.

3 So the reduction of those two scores in both
4 districts under your configuration means that there
5 is a diminished adherence to Tier 2, and, as a
6 result of that, there is not an improvement of the
7 base map but actually diminishes some of its
8 scores. So personally I cannot support that
9 amendment at this time, but I thank you for your
10 effort.

11 SPEAKER CRISAFULLI: Further debate? Seeing
12 no further debate, Representative Gonzalez, you are
13 recognized to close on your amendment.

14 REPRESENTATIVE GONAZLEZ: Thank you,
15 Mr. Speaker. You know this question -- the
16 question that is going to come before us about
17 whether to adopt this amendment brings to the
18 forefront the very question of why we are here.
19 And it bring the question of why we are here in the
20 face of the scrutiny of the Supreme Court.

21 See the Supreme Court, we have all discussed,
22 has a very intimate relationship with the
23 Legislature, but it is up to the Legislature to
24 pass the laws of our great state, and that is
25 something that is mirrored as well in the federal

1 side of the House.

2 So the question is: If the Supreme Court has
3 said that the map that we provided previously is
4 unconstitutional and we have to change it, then
5 what is our role here as legislators? Is it to
6 rubber stamp the great efforts that some map
7 drawers have made in finding the very best numbers
8 and numerical formulas to adhere to? I think that
9 is part of it.

10 But does it encompass more than that? Does it
11 also encompass the necessity, the continued
12 necessity and the continued responsibility for us
13 as legislators to appear before this body and make
14 recommendations, perhaps to the detriment of some
15 of the markers, but for the benefit, the
16 nonpartisan benefit of the members of our
17 community?

18 I would say that it very much encompasses that
19 latter responsibility because the only people that
20 can provide testimony to that responsibility, to
21 those factors are we who are sitting here today.
22 So, with all deference to all the work, great work
23 that you have done, and yes, I have gotten a small
24 taste and I think I treated it with some Zantac and
25 other anti-hypertensive medicines as well, but I

1 totally understand and appreciate the great work
2 you put in there, but my role as a legislator is to
3 bring to you the concerns of my district, and my
4 district is concerned with this.

5 My district is concerned about increasing the
6 divide between north Sarasota County and south
7 Sarasota County by separating its representation
8 before Congress. And my district is concerned
9 about the ability of a legislator who represents my
10 district within the confines of a disparate
11 district as was drawn to effectively be represented
12 in Congress. And for that reason I present to you
13 an option that still maintains compliance with
14 constitutional scrutiny, is still a valid --
15 potentially, we believe to the best of our
16 abilities, a valid map, and will accomplish what my
17 constituents asked me to come here to do for them.

18 So, without any further commentary, I very
19 humbly ask for you support in this amendment.

20 Thank you, Mr. Speaker.

21 SPEAKER CRISAFULLI: Representative Gonzalez
22 having closed on his amendment, all in favor
23 signify by saying yea.

24 (Chorus of yeas.)

25 SPEAKER CRISAFULLI: Opposed no.

1 (Chorus of nays.)

2 SPEAKER CRISAFULLI: Show the amendment as not
3 adopted. Read the next amendment.

4 MR. WARD: None on the desk, Mr. Speaker.

5 SPEAKER CRISAFULLI: Show the Bill rolled over
6 in third reading. Read the next Bill.

7 MR. WARD: None on the desk, Mr. Speaker.

8 SPEAKER CRISAFULLI: Are there resolutions on
9 the desk?

10 MR. WARD: None on the desk, Mr. Speaker.

11 SPEAKER CRISAFULLI: Other announcements?

12 Other announcements? See no announcements. Leader
13 Pafford for an announcement.

14 REPRESENTATIVE PAFFORD: Thank you, Mr.
15 Speaker. Sorry about that. I wanted everybody to
16 wish a person in the last row who doesn't want to
17 be known, Representative Pritchett, it is her
18 birthday. So happy birthday, Representative.

19 SPEAKER CRISAFULLI: Happy birthday,
20 Representative. Further announcements?
21 Representative Boyd, for an announcement.

22 REPRESENTATIVE BOYD: I wasn't going to, but
23 now there is also a member in the front row that
24 has a birthday today, and that is Representative
25 Ben Albritton.

1 SPEAKER CRISAFULLI: Representative Albritton,
2 happy birthday. Any other birthdays,
3 anniversaries, anything? All right, seeing none,
4 Representative Brodeur. Representative Corcoran,
5 for a motion?

6 REPRESENTATIVE CORCORAN: Thank you, Mr.
7 Speaker. I move the House, after receiving
8 reports, adjourn for the purpose of holding
9 committee and subcommittee meetings and conducting
10 other House business to reconvene on Tuesday,
11 August 18th, 2015, at 10:00 a.m. Whereupon, call
12 the Chair.

13 SPEAKER CRISAFULLI: All in favor signify by
14 saying yea. Opposed no. Show the motion agreed
15 to. The House is adjourned.

16 (Whereupon, the proceedings were concluded.)
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CERTIFICATE OF REPORTER

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I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 02 through 85 is a true and correct record of my stenographic notes.

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

CLARA C. ROTRUCK

Court Reporter

Commission No.: FF 174037

Expiration date: November 13, 2018