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CONSTITUTION REVISION COMMISSION

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Court Reporter

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

2 THE SECRETARY: Quorum call, quorum call.  
3 All Commissioners indicate your presence. All  
4 Commissioners indicate your presence. Quorum  
5 call, quorum call. All Commissioners indicate  
6 your presence.

7 CHAIRMAN BERUFF: Thank you,  
8 Commissioners. We are going to take up  
9 Proposal 29 introduced by Commissioner Newsome.  
10 If you would like to make your introduction you  
11 can do that now.

12 COMMISSIONER NEWSOME: Thank you, Mr.  
13 Chairman. This is the e-verify proposal. I am  
14 an unlikely sponsor of this. This was the  
15 direct result of having sat through all of  
16 those hearings around the state when we went  
17 around which seems like forever ago, we kept  
18 hearing from these e-verify people.

19 I didn't know a thing about it, and then  
20 it was -- I am going to blame Commissioner  
21 Donalds, she knows that she is on the hook for  
22 this, but we were sitting there 15 minutes  
23 before the deadline at the airport and we were  
24 just talking about who sponsored what and I  
25 asked her, I said who sponsored e-verify,

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1 because we had heard more about e-verify than  
2 anything else, right, 25 percent of all of the  
3 proposals were about e-verify. Every single  
4 hearing, person after person, and she said, I  
5 don't think anybody. I said, why don't you do  
6 it?

7 I said I got -- I already got five or six.  
8 So I called Jeff Woodburn and solely to give  
9 these folks a voice, and because I believe in  
10 the proposal I filed it, and so here we are.

11 So as I said in the beginning of  
12 yesterday, for me there is three criteria for  
13 when something is in the Constitution: Number  
14 one, is there consensus. Not consensus among  
15 the lobbyists or necessarily the consensus  
16 among us, but is there a consensus among the  
17 people. Check. This thing polls at what you  
18 e-verify folks have said, and they have done a  
19 lot of research on this, 72 plus percent of the  
20 people are in favor of this.

21 Our Governor ran on it. He was able to do  
22 it just for the Executive Branch. The  
23 President of the United States ran on it. The  
24 people are for this, so check number one,  
25 consensus.

1           Number two, is there a reason like with  
2 the pork chop game that we need this in the  
3 Constitution, because the Legislature either  
4 can't or won't act. And the answer is yes.  
5 The answer is yes, as we saw during some of the  
6 hearings there were special interests after, no  
7 people by the way that I remember, but a lot of  
8 big money special interests.

9           Big ag, the big construction groups, they  
10 special-interested it up and we saw a lot of  
11 the big groups come in and speak against it.  
12 And so that same kind of pressure is on the  
13 Florida Legislature. And so I would suggest  
14 that this meets the second criteria. It is  
15 something we need to go to the people with.

16           And then third, the third criteria, is it  
17 going to do a lot of good for a lot of people,  
18 and the answer is an unequivocal yes, and there  
19 is three different kinds of people that are  
20 affected by this.

21           The first is -- there is a friend of mine  
22 in Orlando, his had name is John Krause. John  
23 Krause is a commercial painter, he has got a  
24 couple hundred workers that work for him. And  
25 I asked him, I said hey, man, I have been

1 hearing about this e-verify thing, what do you  
2 think?

3 He is like, can you please do it? Why?  
4 He said, well, my competitor, he goes, I  
5 already do e-verify, it is cheap, it is easy,  
6 you go online, you put the guy's name in, no  
7 big deal; it is free. But he said my  
8 competitors, the two biggest competitors are  
9 painter guys every week out of the back of  
10 their trunk with cash, and it is killing me.

11 So the second -- so the first group of  
12 people I am doing this for, the John Krause's,  
13 the folks who are -- especially the small  
14 business guys who are trying to follow the  
15 rules.

16 Second, are the legal workers. Jack Alder  
17 up here, who is the guy that has been pushing a  
18 lot of e-verify started his, raised his family  
19 as a middle class construction worker. He was  
20 a drywall worker, and it got to the point as he  
21 will tell you the reason he is here for this,  
22 is he couldn't compete. He couldn't compete  
23 because the folks who weren't legal, the folks  
24 that didn't have green cards, the people who  
25 weren't here on a work visa would undercut the

1 legal workers' wages and make it where folks  
2 like Jack Alder can't work.

3 There was another group about 10 years ago  
4 that I went down to Immokalee. This is where  
5 they used to have big African-American  
6 communities down there who used work, they used  
7 to pick, they were growers, and there was a  
8 family who contacted me as a plaintiff lawyer  
9 to say, hey, is there anything we can do.

10 And we researched the heck out of it and  
11 they had no standing, but they wanted to do  
12 something because they had been undercut. This  
13 whole community of people had been supplanted  
14 by illegal labor where they just couldn't  
15 support their families. So the second group is  
16 the legal workers. I did this for them.

17 And then the third group, and finally, it  
18 is a little bit of a different spin, but the  
19 Naples Daily News did a story on this about the  
20 abuses that befall the undocumented worker, and  
21 that is near and dear to me, because I have  
22 represented undocumented workers in my  
23 practice.

24 One group I got a call, catastrophic  
25 injury, the guy was hurt in Orlando was at one

1 of the big hospital who will go unnamed, and  
2 they are victims, too, because they are in a  
3 tough spot and they have got an undocumented  
4 worker, they are not covered by comp, they are  
5 not covered by Medicaid. And here is the  
6 hospital facing this massive lien for a  
7 catastrophic worker, and all of a sudden they  
8 hired some bagmen, I am not making this up, to  
9 come in in the middle of the night out of  
10 intensive care, slap him on a gurney, whisk him  
11 away in an unmarked car on a private jet and  
12 flew him back to Guatemala.

13 That happened. Nothing we can do.  
14 Nothing -- Google it, Google it, that kind of  
15 thing happens all the time. There is companies  
16 that make their living doing this.

17 There is another family that I  
18 represented, the O'Royal family, this was,  
19 gosh, 15 years ago, undocumented workers. They  
20 were staying in substandard housing as growers,  
21 they were seasonal. Dad comes home at the end  
22 of the day and there is all of these emergency  
23 people surrounding his house, which was a hovel  
24 that was below the code, the windows were  
25 painted shut, there was no smoke detectors, and

1 his three children and his wife died in a fire  
2 because that shack where they were told to stay  
3 didn't meet code; and as an undocumented worker  
4 he has no recourse.

5 So many abuses that happened to these  
6 undocumented workers, just look it up, read the  
7 Naples Daily News article. They did a  
8 wonderful expose on this about how undocumented  
9 workers get dumped and reported by their own  
10 employers when they get hurt on the job and  
11 kicked to the curb.

12 And so for all three of these groups I  
13 agreed to do this because the public wants it  
14 and we needed to protect people like my friend  
15 John Krause, the legal painter who is trying to  
16 follow the rules.

17 We need to do it to protect people like  
18 Jack Alder and his family or the family down in  
19 Immokalee that I tried to help, but I couldn't.  
20 They have been supplanted by illegal labor.  
21 And finally we need to do this for the  
22 undocumented workers, because anytime you have  
23 a group of people or a corner of the economy  
24 that is in the dark, it is not protected by the  
25 law, and there is something wrong with that.



1           There is something wrong with that and so  
2 I would like to hope someone would -- we  
3 brought this through, this is a last minute  
4 deal that Erica talked me into doing, and I  
5 have probably lived to regret it from time to  
6 time, but when we did it we just had to file it  
7 with Jeff.

8           And so it was this big bulky document, and  
9 so through the committee process we agreed that  
10 we needed to shorten it, and Chair Nocco and I  
11 had a chance to work together and we came up  
12 with some different drafts and all it really  
13 needs is a couple of things. And so what we  
14 have done here is, this is the late-filed,  
15 because Chris and I worked it out very last  
16 minute, which is how these things go, but, and  
17 it is amendment bar code 262124, and it is very  
18 simple.

19           It is very simple. It says, you know,  
20 first and foremost why this is what we stand  
21 for and I would suggest Rules can tweak this a  
22 little bit. I would suggest Rules --

23           CHAIRMAN BERUFF: Commissioner.

24           COMMISSIONER NEWSOME: Do you want me to  
25 shorten it up?

1           CHAIRMAN BERUFF: We need to, we need to  
2 introduce your Proposal 29 and stay with that.

3           COMMISSIONER NEWSOME: Okay.

4           CHAIRMAN BERUFF: And then we stop.

5           COMMISSIONER NEWSOME: Fair enough. So  
6 here is, let me lay the predicate and then I  
7 will stop.

8           CHAIRMAN BERUFF: Late-filed, it has got  
9 out of order and it will complicate my life.  
10 Make it simple.

11           COMMISSIONER NEWSOME: So here is what I  
12 would like permission to do, Mr. Chairman. To  
13 make your life and mine easier, I would like to  
14 then hopefully do whatever we need to do to  
15 have this agreement, this very short version  
16 taken up.

17           CHAIRMAN BERUFF: In the order that at  
18 least much smarter people than me have told me  
19 how to do it.

20           COMMISSIONER NEWSOME: Fair enough. Okay.  
21 So with that, I hope everyone can support the  
22 concept and that we can get this to Rules and  
23 in a format that hopefully everyone agrees to.

24           CHAIRMAN BERUFF: Thank you.

25           COMMISSIONER NEWSOME: What did I say,

1 Rules?

2 CHAIRMAN BERUFF: So we're at Proposal 29,  
3 and we will listen to questions on Proposal 29.  
4 Commissioner Diaz is recognized.

5 COMMISSIONER DIAZ: I have one question,  
6 and it both in the Bill and the amendments.

7 COMMISSIONER NEWSOME: Yes.

8 COMMISSIONER DIAZ: It mentions  
9 unauthorized alien. Is that defined anywhere?

10 COMMISSIONER NEWSOME: You know --

11 CHAIRMAN BERUFF: Commissioner Newsome.

12 COMMISSIONER NEWSOME: That was something  
13 we struggled with and --

14 CHAIRMAN BERUFF: Commissioner Newsome.

15 COMMISSIONER NEWSOME: Thank you, Mr.  
16 Chairman.

17 CHAIRMAN BERUFF: You have to slow down.

18 COMMISSIONER NEWSOME: Come on. Come on.

19 CHAIRMAN BERUFF: I got to rule.

20 COMMISSIONER NEWSOME: That is right, me  
21 and you both. No, it is not, and actually I  
22 kind of like the word "undocumented worker."  
23 This was something that came together very  
24 quickly. But I think the operative language,  
25 and this is where we really, I think, had to

1 sort of put our stake in the ground, was  
2 focusing on federal immigration law, federal  
3 immigration law. Now we didn't want to have  
4 the word "e-verify" in this thing because we  
5 thought well, gosh, what if they change the  
6 program, and isn't that really something the  
7 Legislature can focus on.

8 But in federal immigration law which is  
9 e-verify or defines whether a worker is legal  
10 or not, that is what I would suggest we can  
11 defer to in the Constitution. And then, of  
12 course, have the Florida Legislature hopefully  
13 come back and define it more appropriately with  
14 more definitions.

15 CHAIRMAN BERUFF: Questions on Proposal  
16 29.

17 Commissioner Stemberger is recognized.

18 COMMISSIONER STEMBERGER: Thank you,  
19 Mr. Chairman. Commissioner Newsome, do you  
20 know if there has been any attempt to file a  
21 Bill in the Legislature?

22 COMMISSIONER NEWSOME: I would --

23 CHAIRMAN BERUFF: Commissioner Newsome.

24 COMMISSIONER NEWSOME: I am sorry,  
25 Mr. Chairman, indulge me. I am being a problem

1 child. I believe that it has, it has raised  
2 its head, and I know that some of the  
3 leadership have been for this, but I also know  
4 there is been a lot of pressure, and I would  
5 allow some of our members to speak more to  
6 that.

7 But according to Mr. Oliver they have been  
8 trying to have this heard for 10 years. But  
9 this is an example of when you have got a very  
10 well-funded, very talented group of lobbyists,  
11 both contract and other on one side, and  
12 basically an unfunded purely grass roots group  
13 on the other.

14 And so, so this is the very essence of why  
15 this needs to be heard by the CRC.

16 COMMISSIONER STEMBERGER: Mr. Chairman?

17 CHAIRMAN BERUFF: Commissioner Stemberger.

18 COMMISSIONER STEMBERGER: So this is a  
19 question for whoever in debate appropriate. I  
20 would just like to know what the history is on  
21 attempts to have legislation filed and/or  
22 passed. I am not aware of a robust attempt to  
23 do this and that is a significant factor in the  
24 debates.

25 CHAIRMAN BERUFF: Further questions on

1 Proposal 29?

2 Commissioner Nocco, will you introduce  
3 your Amendment 364328, please?

4 COMMISSIONER NOCCO: Yes, Mr. Chair, that  
5 one could we postpone until we hear --

6 CHAIRMAN BERUFF: Then we are going to go  
7 to the amendment to that amendment, the  
8 substitute 542932. Would you like to introduce  
9 that? That is Commissioner Newsome's  
10 amendment.

11 COMMISSIONER NEWSOME: And I would  
12 withdraw that as well.

13 CHAIRMAN BERUFF: You withdraw that one.  
14 So -- so we are now -- we are going to a  
15 special late-filed amendment, which I believe  
16 is number 262124.

17 Would you introduce that amendment,  
18 Commissioner Newsome?

19 COMMISSIONER NEWSOME: Thank you,  
20 Mr. Chairman. This is the one -- this is the  
21 agreement that Commissioner Nocco and I worked  
22 out. This is skimmed down to the essence of  
23 the concept of e-verify.

24 It doesn't say "e-verify," but basically  
25 what it does, is it says three things: It

1 talks about employment, eligibility  
2 verification. I would suggest that when Style  
3 and Drafting takes this up, one of the things  
4 we talked about early was just re-branding this  
5 about the right to a legal workplace or  
6 something like that, but as it says here, the  
7 policy statement is very clear.

8 It says "unauthorized alien." We could  
9 say "undocumented worker," but may not work in  
10 state contrary to federal immigration law, and  
11 that is the essence of it, federal immigration  
12 law.

13 You want to have documented workers  
14 working for employers. And then secondly here  
15 on the back the Legislature by 2020 needs to  
16 basically take action to establish how this is  
17 going to work.

18 They could use the language that we had  
19 that was originally part of this whole giant  
20 proposal, they could do something differently,  
21 but the concept is they need to create a  
22 procedure whereby employers are required to  
23 check with federal immigration laws to make  
24 sure a worker is legal here.

25 Number one, so that they are protected by

1 the law and the playing field is fair. And  
2 then second, that the -- they will -- that the  
3 Executive Branch in Section 2 is tasked with  
4 developing a random auditing program for  
5 enforcement. So the Executive Branch enforces,  
6 the Legislature decides the specifics of how  
7 this is going to work, as they should, but that  
8 it is tied to federal immigration law; and  
9 those are the three points, Mr. Chairman.

10 CHAIRMAN BERUFF: Questions on late-filed  
11 Amendment 262124?

12 Commissioner Solari is recognized.

13 COMMISSIONER SOLARI: As this came late  
14 and there is little time to sort of think this  
15 out, but if -- does this apply from the date,  
16 some date going forward, or is it retroactive?  
17 In other words, and I was thinking of the  
18 County, the 800 employees of the County.

19 Does that mean we have to go back and see  
20 if all of them are legal, or will it start at a  
21 date, say at the beginning of '19 and every new  
22 hire?

23 COMMISSIONER NEWSOME: Well, I think that  
24 the --

25 CHAIRMAN BERUFF: Commissioner Newsome.



1           COMMISSIONER NEWSOME: Mr. Chair. Sorry.  
2 I think, Commissioner Solari, that the  
3 intention is to give everybody plenty of time,  
4 to level legislation to consider this, to craft  
5 this. We certainly don't want our employers to  
6 get caught in a bind or caught unaware, and I  
7 think the concept is that hopefully the  
8 Legislature will do this by July 1st of 2020,  
9 and after that point in time that is when the  
10 law or the full force and effect of this would  
11 go into -- into effect moving forward.

12           COMMISSIONER SOLARI: And, and again not  
13 having enough time --

14           CHAIRMAN BERUFF: Commissioner Solari.

15           COMMISSIONER SOLARI: My apologies, Mr.  
16 Chairman. Does -- I understand what your  
17 intent is then going forward, but is that what  
18 the paper says, and I don't know, I am just --

19           COMMISSIONER NEWSOME: Well --

20           CHAIRMAN BERUFF: Commissioner Newsome.

21           COMMISSIONER NEWSOME: I think that is the  
22 intent of this and to the extent we need to  
23 tighten that up a little bit in Style and  
24 Drafting, then Commissioner Heuchan is further  
25 tasked with that. But that is the intention.

1 I can tell you that.

2 COMMISSIONER SOLARI: Thank you,  
3 Commissioner. Thank you, Mr. Chairman.

4 COMMISSIONER NEWSOME: Thank you.

5 CHAIRMAN BERUFF: Thank you. Further  
6 questions on the amendment? No, we still have  
7 debate. I am learning. Debate on 262124.

8 Commissioner Nocco is recognized.

9 COMMISSIONER NOCCO: Thank you, Chair.  
10 The reason for this amendment is because I  
11 appreciate Commissioner Newsome going to  
12 committee and there were people from the  
13 e-verify groups that were speaking and from  
14 different groups that have come up for it or  
15 against it, and there was one thing that kept  
16 coming up was the unintended consequences.

17 You know, everybody was afraid that we  
18 were going to enact something, it was going to  
19 be in the Constitution and there was no way to  
20 go back and fix it. So that is why we worked  
21 on this amendment and we have been going back  
22 and forth. So I appreciate us working together  
23 on this because that is the one thing, this is  
24 a complicated issue.

25 There are people that, you know, and there

1 are people that are fundamentally for it and  
2 fundamentally against it, and the idea is to  
3 put it on the ballot. If it passes out then it  
4 goes back to the Legislature. The Legislature  
5 will enact, the Legislature will go through --  
6 and if you look, and I appreciate this, because  
7 I know Commissioner Sprowls is saying he was  
8 looking up how people did in other states'  
9 constitutional amendments. Last night I was  
10 looking up how other states did e-verify. And  
11 so with the verification system you saw the  
12 majority of states actually did it in the  
13 Legislature.

14 They enacted it through the Legislature,  
15 because they knew there is going to be multiple  
16 sides of this to get this through to make sure  
17 that when it is enforced and it is enacted it  
18 actually has some meaning to it.

19 So that is why this proposal, you will see  
20 and I know it went through today and everybody  
21 just got their pink slip that they are fired,  
22 but they got to stick around and read this  
23 amendment, but one, if this, if this passes it  
24 goes on the ballot.

25 If the citizens vote for it and it passes

1 through, one, it goes through the Legislature.  
2 Time certain, July 1st, 2020, they would have  
3 to enact something. So it gives them a couple  
4 of years to come up with a plan of how they  
5 want to do it.

6 It establishes a verification system. It  
7 doesn't name the verification, it says a  
8 verification system, and it enacts a statewide  
9 auditing program with it. The Legislature will  
10 enact a statewide auditing program. So  
11 basically this will allow our citizens to vote  
12 on it. If they approve it, it goes to the  
13 Legislature.

14 CHAIRMAN BERUFF: Commissioner Newsome is  
15 recognized.

16 COMMISSIONER NEWSOME: Thank you,  
17 Mr. Chairman.

18 CHAIRMAN BERUFF: On debate.

19 COMMISSIONER NEWSOME: Commissioner  
20 Carlton.

21 CHAIRMAN BERUFF: Commissioner Newsome,  
22 you understand you will get a chance to close.

23 COMMISSIONER NEWSOME: Yes, sir, I  
24 understand that, but I am told that  
25 procedurally I need to ask --

1           CHAIRMAN BERUFF: He is the expert.

2           COMMISSIONER NEWSOME: Yes, sir, and I am  
3 advised that I need to ask you for permission  
4 to file this late and for a two-thirds vote  
5 that we can take this up as a late-filed  
6 amendment.

7           CHAIRMAN BERUFF: Commissioner, help me  
8 here. So we shouldn't have gotten into --

9           COMMISSIONER CARLTON: Well, just to keep  
10 it according to the rules, it just -- he is  
11 just asking permission to introduce the  
12 amendment by the required two-thirds by the  
13 rules. So we should have technically probably  
14 have done that prior to going into questions  
15 and debate so that we keep in proper form.

16          CHAIRMAN BERUFF: Okay, so at this point,  
17 do we want to just call the question?

18          COMMISSIONER CARLTON: Yes. Yes, I don't  
19 think anybody has a problem with it.

20          CHAIRMAN BERUFF: So we need a two-thirds  
21 majority to even discuss what we have been  
22 discussing for 10 minutes, and that is my  
23 ignorance. So we will try to do that by a  
24 voice vote, and I am going to try to figure out  
25 how I hear two-thirds versus one-third, okay.

1           So all those in favor of the amendment,  
2           late-filed amendment, signify by saying --  
3           being introduced for debate and questions,  
4           signify by saying yea.

5           (Chorus of yea's.)

6           CHAIRMAN BERUFF: All those opposed  
7           signify by saying nay. Okay, so I am glad that  
8           we did that, because it is not all of wasted  
9           time. With that said, who else would like to  
10          speak on debate on Amendment 262124?

11          Commissioner Keiser is recognized on  
12          debate.

13          COMMISSIONER KEISER: Mr. Chairman, thank  
14          you. I appreciate the amendment, I appreciate  
15          the intent, and perhaps this is more of a  
16          question. But how do we go about making a  
17          decision on this when we really don't know the  
18          fiscal impact?

19          I know through the committee process we  
20          had an opportunity to discuss looking forward  
21          if we put something in the Constitution, what  
22          sort of financial obligation do we pass on to  
23          the State?

24          CHAIRMAN BERUFF: Debate, Commissioner  
25          Nocco or someone with a debate answer?

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1           COMMISSIONER KEISER: So do you share that  
2 concern, and because that is something from my  
3 perspective.

4           CHAIRMAN BERUFF: Commissioner Keiser,  
5 Commissioner Nocco is recognized at the moment.

6           COMMISSIONER KEISER: Yes, sir.

7           CHAIRMAN BERUFF: Commissioner Nocco.

8           COMMISSIONER NOCCO: And that is why I  
9 worked with Commissioner Newsome on this  
10 because of the unintended consequences. So in  
11 a legislative standpoint, the Legislature would  
12 be the one enacting it; the Legislature would  
13 be the ones who funds it, so they would be the  
14 ones responsible for how it is implemented.

15           So that is why this -- this is as it is  
16 written right now, the only cost I could see is  
17 being on a ballot, that that is all the  
18 Supervision of Elections has to do. If it  
19 passes it goes through the Legislature, and  
20 then the Legislature would enact it the way  
21 they feel best, that a verification system  
22 would be best done and they are the ones -- who  
23 are the ones that are spending the money on it.

24           CHAIRMAN BERUFF: Commissioner Keiser, you  
25 are recognized.

1           COMMISSIONER KEISER: And thank you for  
2 that clarification. But once it is in the  
3 Constitution and if the citizens approve it,  
4 then it is mandatory that it makes the  
5 Legislature much more accountable. And to your  
6 point the funding would continue. So I am just  
7 looking through the process down the road.

8           And again, understand very good intent but  
9 looking at as we are challenged by many  
10 different issues, whether it is healthcare,  
11 whether it is the environment, whether it is  
12 our safety, against the merits of the proposal,  
13 but looking at potentially, once it is in the  
14 Constitution it codifies it, memorializes it,  
15 then the Legislature will be forced to act and  
16 funding will follow. And we still don't really  
17 know what that potentially could be, is that  
18 correct?

19           CHAIRMAN BERUFF: We are on debate and  
20 past the question mode.

21           But Commissioner Newsome, you can go take  
22 a stab at that.

23           COMMISSIONER NEWSOME: Well, the good news  
24 is that this has been done in a whole bunch of  
25 other states, and I don't know the specific



1 numbers, but for those of you who were there,  
2 this has been a resounding success in the other  
3 states where it has been done, and I would  
4 suggest that without drilling down too much  
5 into this, that it could potentially end up  
6 being a net positive for the State. Because we  
7 are talking about dragging some folks right now  
8 who are undocumented into the sunshine.

9 So that potentially, for example, my one  
10 client who is at ORMC, he is at ORMC getting  
11 stuck with potentially millions of bills --  
12 millions of dollars of bills.

13 That is just one example. So if that  
14 worker is now legal and he has workers'  
15 compensation, all of a sudden I would suggest  
16 and there may be some slight costs for the  
17 enforcement, the random audits, but the net  
18 positive to the State in terms of the drain on  
19 resources for healthcare, education, not to  
20 mention the economy, itself, for the legal  
21 workers, like my buddy, John Kraul, is going to  
22 be hugely net in the positive, if that makes  
23 sense.

24 CHAIRMAN BERUFF: The Chair will make a  
25 motion, entertain a motion.

1 Commissioner Cerio for one moment, please.

2 COMMISSIONER CERIO: Thank you, Mr. Chair.

3 I move the rules be waived and the Commission  
4 extend its meeting until 1:00 o'clock this  
5 morning.

6 I just want to see who was paying  
7 attention. Mr. Chair, I move that the rules be  
8 waived and the Commission extend the meeting  
9 until 7:00 tonight.

10 CHAIRMAN BERUFF: Okay, I like the 1:00  
11 the morning. All those in favor of the motion  
12 to waive the rules, say yea.

13 (Chorus of yea's.)

14 CHAIRMAN BERUFF: All those against, say  
15 nay. Motion carries.

16 Commissioner Keiser is recognized.

17 COMMISSIONER KEISER: Well, thank you very  
18 much for bringing this forward, and thank you  
19 for the opportunity to explore this further.  
20 Thank you, Mr. Chair, and sponsors.

21 CHAIRMAN BERUFF: Commissioner Solari is  
22 recognized on debate.

23 COMMISSIONER SOLARI: I just want to sort  
24 of talk about the fiscal impact, because  
25 Commissioner Newsome was talking about that,

1 more the fiscal impact to the private sector,  
2 which is something I asked before. But my  
3 understanding is it is actually the fiscal  
4 impact to the State.

5 That said, listening to everybody here  
6 talk about numbers, I think we are basically  
7 all math challenged, so I think we ought to  
8 probably just pass by the fiscal impact of most  
9 any proposal for now.

10 CHAIRMAN BERUFF: Further debate on the  
11 late-filed amendment. Would you like to close  
12 on your late-filed amendment?

13 COMMISSIONER NEWSOME: Thank you,  
14 Mr. Chairman. I just want to thank all of the  
15 e-verify volunteers from around the state who  
16 at their own nickel came and drove a long way a  
17 lot of times for their leadership. Like I  
18 said, I am just a messenger here.

19 This was truly a grass roots organization  
20 of people who really cared and gave it their  
21 time to be a part of this process, and so I am  
22 grateful for that.

23 I am also grateful for the Commission in  
24 allowing this to move forward and to hear the  
25 people, but this is truly something that I

1 think meets all of the standards for what  
2 should be in the Constitution, and I think it  
3 is going to do a lot of good for a whole heck  
4 of a lot of people. So with that I hope you  
5 can vote for this in the affirmative and that  
6 it can move forward in the process.

7 Thank you, Mr. Chairman.

8 CHAIRMAN BERUFF: So by voice vote we are  
9 going to vote on amendment, late-filed  
10 Amendment 262124. All those in favor signify  
11 by saying yea.

12 (Chorus of yea's.)

13 CHAIRMAN BERUFF: Those against signify by  
14 saying nay. The amendment is adopted. Now we  
15 will go to debate on Proposal 29 as amended.  
16 Debate.

17 Commissioner Stemberger is recognized.

18 COMMISSIONER STEMBERGER: Thank you, Mr.  
19 Chairman. I wanted to thank Commissioner  
20 Newsome. This is a major problem and it does  
21 need to be addressed, and I am so impressed  
22 with this citizen here, who I saw his face  
23 humbly and respectfully sit at every single  
24 hearing. I have heard his story.

25 His business was completely destroyed, his

1           livelihood, his savings. And so I get this  
2           issue, and he is just really a physical  
3           representation of this story repeating itself  
4           over and over and over again. And I was in the  
5           same hallways were you where they pulling me  
6           aside and I actually considered filing this  
7           amendment, but what I could not get over is I  
8           do not believe that it is appropriate in the  
9           Constitution.

10           It is not a fundamental right. It does  
11           not deal with the structure of government. It  
12           is not relating to an existing provision in the  
13           Constitution, and while you have criteria that  
14           I think are good for public policy, I don't  
15           think -- I can't get to the policy piece  
16           because I can't get over the constitutionality  
17           piece.

18           I am reminded by Sandy D'Alemberte, Martha  
19           Barnett and some of the other giants that have  
20           been in this process before us, that even if  
21           this thing does not make it, this debate is  
22           being heard by the world, by the media, by the  
23           Legislature.

24           We have a future Speaker of the House,  
25           Lord Willing in here. So I think things can

1           come out of this process if they don't come out  
2           of this Commission. So I rise in opposition  
3           sadly, just out of mere principle that this  
4           simply does not belong in the Constitution.  
5           Thank you.

6           CHAIRMAN BERUFF: I didn't want to  
7           interrupt Commissioner Stemberger, but I wanted  
8           to clarify, Commissioner Nocco, your proposal  
9           amendment is completely withdrawn, correct?

10          COMMISSIONER NOCCO: Yes, sir.

11          CHAIRMAN BERUFF: Very good. I just  
12          wanted to make sure for the record. Further  
13          debate on Proposal 29? We will close Proposal  
14          29, and Mr. Newsome, if you would close to  
15          close on your proposal.

16          Thank you.

17          COMMISSIONER NEWSOME: Thank you, Mr.  
18          Chairman. Commissioner Stemberger, I would  
19          like to respond to that, because that is a  
20          perfect place to close this debate.

21          The notion of the right to work in a fair,  
22          safe environment, the notion that everyone  
23          should have to follow the rules, not just some.  
24          The notion that if I break the rules I am going  
25          to be outside of that sunshine.

1           That is, that is, that is the core of the  
2           fundamental issues of law, the right to work,  
3           the right to a fair workplace is, I would  
4           submit, fundamental as a right that all  
5           Floridians want and deserve.

6           And so I would suggest that maybe you  
7           reconsider, certainly to the extent that it is  
8           a more fundamental right than politicians not  
9           naming a building after themselves. If we  
10          weigh what is more a fundamental right, I would  
11          suggest that this right of a fair and legal  
12          workplace and the right to compete fairly and  
13          to not be disadvantaged because the law and the  
14          system allows it, that is pretty fundamental.

15          And I think most Floridians, certainly the  
16          vast majority would agree with that. So  
17          reconsider that as a concept and I would  
18          encourage that the Style and Drafting think  
19          about characterizing this amendment as a  
20          fundamental right to work, and a fair and legal  
21          workplace.

22                 Thank you all, Mr. Chairman.

23                 CHAIRMAN BERUFF: Thank you.

24                 Mr. Secretary, will you open the board for a  
25                 vote? Commissioners vote, please. All

1 Commissioners vote, please. Please tally the  
2 vote.

3 THE SECRETARY: Nineteen yea's, 13 nay's,  
4 Mr. Chairman.

5 CHAIRMAN BERUFF: The motion carries as  
6 amended, and it is committed to Style and  
7 Drafting.

8 Commissioner Stemberger is recognized.

9 COMMISSIONER STEMBERGER: Thank you, Mr.  
10 Chairman. I would like to move pursuant to  
11 Rule 4.5 relating to removal of proposals for  
12 committee of reference, to remove Proposal 22,  
13 the Florida Privacy Restoration Act From the  
14 Judicial Committee where it was reported  
15 unfavorably and have it placed on the Special  
16 Order Calendar.

17 CHAIRMAN BERUFF: So my understanding is  
18 that is a simple majority vote to bring  
19 Proposal 22 back up. So do we do that by voice  
20 vote? I am sorry? Debate on the motion.

21 COMMISSIONER STEMBERGER: Thank you, Mr.  
22 Chairman.

23 CHAIRMAN BERUFF: Debate on the motion.  
24 Please open.

25 COMMISSIONER STEMBERGER: Commissioners,



1 if I could ask for your indulgence in  
2 considering this extraordinary request. I  
3 will -- I will limit my comments to why I think  
4 we should do this, not to the substance of the  
5 matter.

6 In the first set of hearings I went to all  
7 of them, and this issue, the privacy issue was  
8 the greyhound of the first hearing. We heard  
9 more about privacy from both sides, but  
10 specifically from people that wanted to fix the  
11 privacy right than any other issue. And I  
12 believe that is an accurate portrayal, that is  
13 not just saying that.

14 We heard from black Americans. We heard  
15 from white people, we heard from young and old,  
16 we heard from rich and poor people. We heard  
17 from fathers and mother, Catholics and  
18 Protestants. We heard people who spoke Spanish  
19 in Miami that needed interpreters on privacy.  
20 We heard people in North Florida speak with a  
21 southern accent.

22 We heard from children and families that  
23 put their kids in private schools, public  
24 schools, charter schools and home schools, and  
25 we heard from a very diverse group of people.

1           In response to that a former Justice Ken  
2 Bell, filed a public proposal relating to  
3 privacy which I picked up and became Proposal  
4 22. It did pass the Declaration of Rights  
5 Committee, it did go to Judiciary, where it was  
6 not reported favorably.

7           I would add that there were two members of  
8 Judiciary that were not present during the time  
9 of that vote. From the first hearing in  
10 Orlando to the last hearing in St. Petersburg,  
11 I personally have been attacked, I have been  
12 misrepresented. I have been charged with  
13 various things regarding my motive.

14           And even though I had a live microphone in  
15 front of me all the time, I said absolutely  
16 nothing. And my -- I have four kids, ages  
17 eight to 17, and my son asked me, Dad, what do  
18 you do, I fully engage my kids in everything we  
19 do, okay.

20           They are fully aware of everything in the  
21 world. I don't try to shield them. We try to  
22 guide them into the world and let them be fully  
23 aware. My son asked me, why are you letting  
24 people attack you? Why don't you defend  
25 yourself? And I told him what my father told

1 me when I was a little boy. He said, son, you  
2 need to know your place.

3 There is a time and a place for  
4 everything. And so that was not the place to  
5 speak up, not the place to defend myself. Many  
6 people were speaking out of great pain and  
7 great remorse and great anger frankly. And so  
8 it was difficult, some of it was extremely  
9 difficult for me, but what was more important  
10 than the folks that were attacking me and using  
11 my name over and over again, was the  
12 misrepresentation of what this issue is about.

13 And that is why I am asking you to give  
14 me -- allow me the ability to articulate before  
15 this body, before the media and the Supreme  
16 Court what the privacy issue is, and what it is  
17 about and what the proposal is.

18 I am asking you to give me that chance  
19 because as far as I -- there was one speaker in  
20 Ft. Lauderdale who accurately understood this  
21 issue in opposition, but accurately understood  
22 what it was we were talking about, and she was  
23 very articulate. I wanted to shake her hand,  
24 but I couldn't, almost to a person, every other  
25 person that spoke on 22 completely

1 misrepresented what it was about, what the  
2 federal law was, what the state law was, and in  
3 doing so personally charged me.

4 I am simply asking this body as a  
5 courtesy, I get the politics, I can read votes,  
6 it may or may not be successful, but I am  
7 asking for my 10 minutes to explain to this  
8 body what this proposal is about and let the  
9 chips fall where they may.

10 Thank you, Mr. Chair.

11 CHAIRMAN BERUFF: Debate on the motion?  
12 Commissioner Solari is recognized.

13 COMMISSIONER SOLARI: Thank you,  
14 Mr. Chair. This group has spoken about a lot  
15 of things and passed a lot of things forward,  
16 which I certainly, based on my voting, disagree  
17 with. But I don't think we have spoken about  
18 one thing which I don't think was appropriate  
19 to speak at this floor, and I for one am  
20 grateful for every conversation we have, and  
21 because of that and because of different things  
22 I have heard about the Proposition 22 vote at  
23 the public hearings before and since, I for one  
24 am very supportive of just having the further  
25 conversation.

1           The fact that I am supportive of the  
2 conversation doesn't mean I support a vote to  
3 move it forward, but I do believe the dialogue  
4 on this would be beneficial to everybody.

5           Thank you.

6           CHAIRMAN BERUFF: Commissioner Martinez on  
7 debate of the motion.

8           COMMISSIONER MARTINEZ: On whether or not  
9 to allow the Commissioner to bring up this item  
10 for discussion?

11          CHAIRMAN BERUFF: I am sorry?

12          COMMISSIONER MARTINEZ: Whether or not to  
13 allow him to --

14          CHAIRMAN BERUFF: Whether or not to allow.

15          COMMISSIONER MARTINEZ: The Commissioner,  
16 right, okay, so --

17          CHAIRMAN BERUFF: To bring it to this body  
18 tomorrow.

19          COMMISSIONER MARTINEZ: Right, so I am  
20 going to put my opinions publicly and it is  
21 going to obviously upset some of my friends who  
22 think I am going to say something else. I  
23 think he should have that right. I am going to  
24 vote against it ultimately.

25          I feel very strongly that we shouldn't

1 amend the Constitution with P-22, nor put it  
2 out to the voters for their decision, because I  
3 think the Constitution is very clear, the  
4 people should have a right to privacy. But I  
5 am going to allow Mr. Stemberger, Commissioner  
6 Stemberger, to have that opportunity.

7 So I am going to vote in favor of that,  
8 and I will probably be this person speaking  
9 against it once it gets to full debate. But  
10 you have that right and I have resented it  
11 every time that you have been attacked  
12 personally, because you are a good person. You  
13 have been very honorable and you have been a  
14 great member.

15 CHAIRMAN BERUFF: Further debate on the  
16 motion?

17 Commissioner Joyner, you are recognized.

18 COMMISSIONER JOYNER: Thank you,  
19 Mr. Chair. This amendment was given a full  
20 hearing and it was voted up in one committee  
21 and down in the other. And if the two persons  
22 who had not been there had been there, it still  
23 would have died on a tie. We have heard from  
24 thousands of people in this state on this issue  
25 at every hearing, and many people came and

1 spoke. We had speakers at each committee on  
2 this issue.

3 We had hundreds of people to come to say  
4 you defeated it in committee and, in fact, at  
5 one of the hearings some member of the  
6 Commission alluded to the fact that that is not  
7 before us because it was voted down, and the  
8 people who had read the rules said, but you  
9 have the ability to bring it back and we want  
10 to make it clear to you not to bring it back,  
11 follow the process that you have.

12 It died in committee and that should be  
13 the end of it. And so consequently I can't  
14 support this motion to bring it back now. I  
15 think that if the Commissioner wants to be  
16 heard on it, then we can listen to it, but not  
17 outside of the realm of bringing it back before  
18 us.

19 It had its day twice and it failed, and it  
20 goes back to -- well, I will let Senator Smith  
21 if he so desires, to speak for himself, but we  
22 are right back where we were with him  
23 attempting to bring back a proposal that had a  
24 lot of exposure from a lot of people over the  
25 state of Florida.

1           And the Commissioner has never been denied  
2 the right to speak on his proposal during the  
3 process that this body has put in place; and I  
4 hope that you would join me in opposing this  
5 motion.

6           CHAIRMAN BERUFF: Commissioner Smith,  
7 would you like to be recognized?

8           COMMISSIONER SMITH: Just watching.

9           CHAIRMAN BERUFF: Okay. I want to make  
10 sure.

11           Commissioner Carlton is recognized.

12           COMMISSIONER CARLTON: Thank you, Mr.  
13 Chairman. On the motion to remove the proposal  
14 from committee, you know, I think that we are,  
15 again, we are not having a substantive  
16 discussion on the underlying merits of the  
17 proposal. The underlying -- the proposal went  
18 through a committee, it was two committees.

19           It was defeated in committee. It received  
20 a full vetting, and although the rules do allow  
21 a motion to pull the Bill out of committee, I  
22 am going to be consistent.

23           I am going to vote no every time that  
24 motion is on this floor, because I don't think  
25 -- I don't like that rule, but it is one of our



1 rules, so you are properly, you know, calling  
2 for the motion. But I think that it is a  
3 little difficult for us to stay focused on what  
4 we are doing, complete the task at hand if we  
5 keep pulling things out of committee or  
6 attempting to pull things out of committee that  
7 were fully vetted and died in committee.

8 And so I would encourage you to be  
9 consistent with what happened earlier, which  
10 was the motion to remove Senator Smith's Bill  
11 from committee was defeated.

12 I would encourage you to be consistent  
13 with that and that we can move forward debating  
14 the proposals that are properly and fully  
15 before us.

16 CHAIRMAN BERUFF: Commissioner Stewart is  
17 recognized.

18 COMMISSIONER STEWART: Thank you, Chair.  
19 I agree with my good friend, Commissioner  
20 Martinez, that I was offended personally every  
21 time Commissioner Stemberger was attacked.  
22 That it was an inappropriate way to approach  
23 this process, and was very much against all of  
24 those folks that came forward speaking so  
25 negatively about him.

1           I agree with Commissioner -- I am drawing  
2 a blank, Carlton, sorry, that we established  
3 already today that we are not pulling proposals  
4 from committee, and I think it is important  
5 that we remain consistent about that and see no  
6 other reason to do that, just as we decided not  
7 to do that earlier today on Commissioner  
8 Smith's proposal. So I would be opposed to  
9 pulling this out of committee.

10           CHAIRMAN BERUFF: Debate on the motion?  
11 Proceed.

12           COMMISSIONER GAETZ: Thank you,  
13 Mr. Chairman, a parliamentary inquiry. Mr.  
14 Chairman, and Mr. Rules Chair, if Commissioner  
15 Stemberger is successful in pulling this matter  
16 out of committee, and if it is before us, in  
17 order for it to pass, is it viewed then as a  
18 late-filed and requires two-thirds, or would it  
19 pass if it passed on a majority vote?

20           CHAIRMAN BERUFF: Commissioner Cerio, do  
21 you want to address the question?

22           COMMISSIONER CERIO: Thank you, Mr. Chair.  
23 Commissioner Gaetz, if the proposal is brought  
24 back it would be heard at the earliest  
25 opportunity tomorrow. And if it is brought

1 back it is a proposal under our own rules  
2 brought back by a majority vote and would have  
3 to pass by majority vote.

4 CHAIRMAN BERUFF: Thank you, Mr. Cerio.  
5 Further debate on the motion to bring back  
6 Proposal 22? So we are going to call the  
7 question on a voice vote. We want to do a  
8 quorum. Commissioner Stemberger will have the  
9 opportunity to close. Please proceed to close.

10 COMMISSIONER STEMBERGER: Thank you,  
11 Mr. Chairman. This is not something that I  
12 just thought of yesterday or today because of  
13 some proposal that just came up. This is  
14 something that I have thought about and  
15 envisioned the moment that I was appointed as I  
16 thought through the process. I believe there  
17 is an extraordinary circumstance. I thank you  
18 for the consideration, thank you.

19 CHAIRMAN BERUFF: Very good. Those in  
20 favor of bringing Proposal 22 forward for  
21 further hearing tomorrow, please signify by  
22 saying yea?

23 (Chorus of yea's.)

24 CHAIRMAN BERUFF: Those against advancing  
25 it, signify by saying nay.

1 (Chorus of nay's.)

2 CHAIRMAN BERUFF: The nay's have it.

3 Thank you. We are now going to Proposal --  
4 excuse me, Proposal -- Commissioner Lee has a  
5 comment or -- you need three hands to make a,  
6 one -- two, three, open up the board.

7 Please vote. Commissioners, please vote.  
8 Please tally, close the board and tally the  
9 vote.

10 THE SECRETARY: Eighteen yea's, 14 nay's,  
11 Mr. Chairman.

12 CHAIRMAN BERUFF: The vote is corrected  
13 and we will hear the motion. We will hear 22  
14 tomorrow at the end of the special order  
15 calendar.

16 Proposal 9, which was temporarily  
17 postponed earlier. Commissioner Timmann, if  
18 you would like to open, that would be great.

19 COMMISSIONER TIMMANN: Thank you,  
20 Mr. Chairman. Okay, let's talk about veterans.  
21 My proposal would amend Section 11, Article IV  
22 of the Constitution to require rather than  
23 simply authorize as it is now, the Legislature  
24 to provide for the Department of Veterans  
25 Affairs and prescribe its duties by general law

1 and specifies that the head of the department  
2 is the Governor and Cabinet.

3 The idea for my proposal actually  
4 originated from a public proposal that  
5 recommended that we totally remove that  
6 provision from the Constitution because there  
7 was a Department of Veteran's Affairs, so why  
8 did it matter?

9 And that caught my immediate attention and  
10 frankly my great concern. I did have the honor  
11 when I worked for the Governor's Office of  
12 being a Deputy Chief of Staff working closely  
13 with Veteran's Affairs, and it was one of the  
14 most rewarding experience of my career.

15 Since then, and I reviewed it more and  
16 reviewed the Constitution and the original  
17 provision, and this provision was brought  
18 before the Executive Committee and did pass  
19 unanimously. There I was surprised that I had  
20 five Purple Heart recipients sitting behind me  
21 when I presented at the committee.

22 I had intended to wait until tomorrow to  
23 do this proposal when I found that they, the  
24 veterans were actually celebrating, as I  
25 mentioned earlier today, the opening of a home

1 in St. Lucie County, which is close to my area  
2 on the Treasure Coast to serve those  
3 individuals and veterans there for long-term  
4 care needs.

5 Just to give you some background, in 1988  
6 Floridians did approve the creation of Section  
7 11 of Article IV. It was a  
8 legislatively-referred Constitutional Amendment  
9 that gave the Legislature the authority to  
10 establish the department.

11 Prior to that, veteran services were  
12 divided among a number of different agencies.  
13 So veterans didn't really have one stop, one  
14 place they could go for help. They had to hop  
15 around based on what a particular need might be  
16 and try to determine what agency might be able  
17 to provide the services that they deserved.

18 Section 11 currently reads, "The  
19 Legislature by general law may provide for the  
20 establishment of Veteran's Affairs," and they  
21 did so through Section -- Chapter 20 of the  
22 Florida Statutes.

23 This was a very popular amendment as you  
24 can imagine, and it sent a proud message to our  
25 veterans that we did support them, and let

1 veterans know nationwide that Florida would  
2 welcome them, but it wasn't strong enough.

3 And in talking to veterans they felt that  
4 way but they were so excited that they had one  
5 place in the Constitution. We had military  
6 operations heating up in the Persian Gulf in  
7 1988 when this passed, but it was before  
8 Operation Desert Shield and Desert Storm, the  
9 Gulf War, and before the operations Iraqi  
10 Freedom and Enduring Freedom, the global war on  
11 terrorism.

12 We never could have contemplated the  
13 returning veterans that we have now and their  
14 very special needs. They come home with  
15 traumatic injuries and long-term needs that the  
16 voters just could not have contemplated, and I  
17 remember being one of those voters and I  
18 imagine many of you here were as well.

19 Now 1.5 million veterans call Florida  
20 home. That is 12 percent of our population.  
21 In recognition of these unique needs, the  
22 mission of the Department of Veterans Affairs  
23 is to advocate with purpose and passion for  
24 Florida veterans and link them to superior  
25 services, benefits and support.

1           For some that may mean protecting the  
2           direct infusion of \$17 billion annually into  
3           Florida's economy. It may mean supporting the  
4           homes, as I mentioned before, that provide  
5           long-term care and services; or it may simply  
6           mean showing our gratitude for their service  
7           and dedication.

8           That brings us back to my current  
9           provision, which essentially says that the  
10          Legislature may -- I am sorry, the proposal  
11          before said they may provide for the  
12          establishment. This finishes that intent.

13          Now we have the chance to ask Floridians  
14          if they are ready to not only renew but to  
15          strengthen their promise to the men and women  
16          of all generations who put their lives at risk  
17          to serve our nation and our state.

18          So my simple but significant proposal is  
19          as follows: "The Department of Veterans  
20          Affairs, the Legislature, by general law, shall  
21          provide for a Department of Veterans Affairs  
22          and prescribe its duties."

23          The head of the department is the Governor  
24          and the Cabinet. This proposal ensures that  
25          there is no conflict with governing statutes



1 currently. It is also consistent with similar  
2 provisions in our Constitution. It also  
3 mirrors the constructure of the agency. It  
4 appropriately retains the Legislature's role to  
5 establish policies to meet the changing needs  
6 of our veterans.

7 It also ensures the Department is a  
8 Cabinet agency, and for Style and Drafting it  
9 also grammatically fixes the missing apostrophe  
10 in the word veteran's in the Constitution to  
11 clarify that this belongs to all veterans. The  
12 most important change is that the word "now" or  
13 "may" is replaced by "shall."

14 That, Mr. Chairman, is the summary of my  
15 proposal. I would be happy to answer any  
16 questions.

17 CHAIRMAN BERUFF: Thank you, Commissioner.  
18 There are no amendments. So we will take  
19 questions on the Proposal P-9. Questions? Are  
20 there any questions on P-9?

21 We will close questions and go straight  
22 into debate on P-9. Debate on P-9? Debate on  
23 P-9? Seeing -- Commissioner Schifino.

24 COMMISSIONER SCHIFINO: I want to applaud  
25 us. We love to make statements, and that is

1 what we are doing. We are making a -- and I  
2 will just suggest to you that I think this is  
3 the tenth statement we are making. And I know  
4 we are asking a lot of my good friend to my  
5 right, Commissioner Heuchan, but this is going  
6 to be some ballot that we are going to be  
7 asking Floridians to look at and hope, hope  
8 that they start making their way down from four  
9 to five to six to seven to eight to nine to  
10 ten. Thank you.

11 CHAIRMAN BERUFF: Further debate on P-9?  
12 Seeing none, Commissioner Timmann, would you  
13 like to close on P-9?

14 COMMISSIONER TIMMANN: Briefly I would.  
15 Thank you, Mr. Chairman.

16 CHAIRMAN BERUFF: Thank you.

17 COMMISSIONER TIMMANN: Yes, I agree that  
18 this proposal will take up space on the ballot,  
19 very small space, but I have to tell you, the  
20 veterans fought really hard for that space, and  
21 I am just here to try to ensure that that space  
22 is permanent.

23 I know that our great state will support  
24 our veterans and encourage veterans nationwide  
25 to come here. But let's just make sure that

1 they know that is a permanent promise to them.

2 So I ask for your support to move this  
3 important message forward, whether it is the  
4 ninth or the tenth, I just believe it is  
5 significant and I would appreciate your  
6 support. Thank you.

7 CHAIRMAN BERUFF: Secretary, please open  
8 the board for a vote. Commissioners, vote.  
9 Commissioners, please vote. Everybody has  
10 voted. Please close the board and announce the  
11 tally.

12 THE SECRETARY: Twenty-nine yea's, four  
13 nay's, Mr. Chairman.

14 CHAIRMAN BERUFF: Proposal -- I got, first  
15 of all, this proposal is adopted and committed  
16 to Style and Drafting Committee.

17 Commissioner Smith.

18 COMMISSIONER SMITH: Thank you, Mr. Chair.  
19 I have a motion.

20 CHAIRMAN BERUFF: On this?

21 COMMISSIONER SMITH: No.

22 CHAIRMAN BERUFF: Okay, so we are done  
23 with this one?

24 COMMISSIONER SMITH: Yes.

25 CHAIRMAN BERUFF: Thank you. What is the

1 motion -- for what motion?

2 COMMISSIONER SMITH: Motion to reconsider.

3 CHAIRMAN BERUFF: Reconsider.

4 COMMISSIONER SMITH: The vote by which the  
5 motion to remove 61 from Committee failed. I  
6 was on the prevailing side, I would like to  
7 reconsider.

8 CHAIRMAN BERUFF: We are going to take a  
9 pause while I learn.

10 (Brief pause.)

11 COMMISSIONER SMITH: I was on the  
12 prevailing side, I voted against my motion,  
13 that put me on the prevailing side. Now I am  
14 moving to reconsider.

15 A VOICE: And that was on the main motion?

16 COMMISSIONER SMITH: It was on the motion  
17 to remove 61 from Committee.

18 A VOICE: The motion, you voted against  
19 it.

20 COMMISSIONER SMITH: To reconsider it,  
21 yes. You voted it down, you voted down the  
22 motion to reconsider, removed it. Now I am  
23 moving to reconsider that vote so we can  
24 re-vote.

25 A VOICE: And you were on the prevailing

1 side?

2 COMMISSIONER SMITH: Yes, I voted no.

3 A VOICE: I --

4 COMMISSIONER SMITH: It was a, it was a  
5 voice vote.

6 A VOICE: I --

7 A VOICE: It was a voice vote.

8 COMMISSIONER SMITH: It was a voice vote,  
9 yes.

10 CHAIRMAN BERUFF: Commissioner Smith,  
11 would you please explain your motion for the  
12 members of the Commission?

13 COMMISSIONER SMITH: Thank you, Mr. Chair.

14 CHAIRMAN BERUFF: Thank you.

15 COMMISSIONER SMITH: When I voted -- when  
16 we voted, I did the motion to remove 61 from  
17 Committee just like we did 22. There was a  
18 vote to remove it from Committee and it was a  
19 voice vote and it was ruled by the Chair that  
20 it was in the negative.

21 Because it was a voice vote any member can  
22 move to reconsider. So my motion is to  
23 reconsider that vote so we can vote on it  
24 again.

25 CHAIRMAN BERUFF: The floor is open for

1 debate on Mr. Smith's motion to reconsider  
2 bringing forth Proposal 61.

3 Commissioner Carlton is recognized.

4 COMMISSIONER CARLTON: To the point, I  
5 would support the motion to reconsider by  
6 Commissioner Smith. I think it is only fair  
7 that if we are going to pull, begin pulling  
8 bills out of Committee, I think it is only  
9 fair. So I would encourage you to vote for the  
10 motion to reconsider.

11 CHAIRMAN BERUFF: Commissioner Keiser is  
12 recognized.

13 COMMISSIONER KEISER: I would also support  
14 Commissioner Smith's motion to reconsider. In  
15 fact, I was in that Committee when it was a tie  
16 vote, and I do think that the rules do provide  
17 this process where we can reconsider something  
18 if enough, by two-thirds vote, we would like  
19 to. So I speak in support. Majority -- excuse  
20 me, thank you.

21 CHAIRMAN BERUFF: Commissioner Donalds is  
22 recognized.

23 COMMISSIONER DONALDS: Thank you. I have  
24 a procedural question. We would be voting to  
25 reconsider and then we would vote again on

1           whether to bring back the item, is that  
2           correct? Thank you.

3           CHAIRMAN BERUFF: Commissioner Solari is  
4           recognized.

5           COMMISSIONER SOLARI: I think I have to  
6           support this motion just so I can have another  
7           debate about home rule with Commissioner Lee.

8           CHAIRMAN BERUFF: Further debate on the  
9           motion to reconsider? So we will call the  
10          question by a voice vote initially anyway. All  
11          those in favor of reconsidering the motion to  
12          bring back Proposal 61 signify by saying yea.

13          (Chorus of yea's.)

14          CHAIRMAN BERUFF: All those against,  
15          signify by saying nay. The yea's have it. We  
16          will now reconsider the motion to bring back  
17          61.

18          Debate, excuse me, we can debate the  
19          motion to bring back 61. Who would like to  
20          debate on that motion? Commissioner Joyner.

21          COMMISSIONER JOYNER: Thank you,  
22          Mr. Chair. It is obvious that this chamber is  
23          interested in second chances, because one was  
24          given recently and one had been denied, and in  
25          the interest of fairness and to show the people

1 that proposals can come out and be  
2 reconsidered, they can come out of Committee  
3 pursuant to the rules, the proposal by the  
4 Senator, by Senator, Senator Commissioner Smith  
5 is worthy of our giving a second chance, and I  
6 would ask each of you to vote to support that  
7 and let it come to the floor.

8 So as, as Commissioner Martinez said on  
9 the prior motion, let it be debated fully here  
10 and let us decide whether it is worthy of going  
11 forward and being sent to Style and Drafting.  
12 It just appears to me that it is a fair and  
13 equitable thing to do.

14 Now since contrary to what, and  
15 contravention to Senator Carlton's position  
16 that she took initially that we didn't need to  
17 start this because it would open the door. The  
18 door has been opened, and it is only fair that  
19 we continue to allow those that we feel have  
20 merit, and this one does, home rule is very  
21 important, that we fully vet it as a body.

22 Does this body want to deal with home rule  
23 in accordance with the proposal that Senator  
24 Smith has explained many times, and I am eager  
25 for the debate on that issue, and I ask you to



1 join me in supporting this motion.

2 CHAIRMAN BERUFF: Commissioner Heuchan is  
3 recognized.

4 COMMISSIONER HEUCHAN: Thank you, Mr.  
5 Chairman. I voted no on Commissioner  
6 Stemberger's motion to reconsider, despite my  
7 feelings for Commissioner Stemberger, despite  
8 my feelings for the issue that is found in that  
9 proposal. The reason I voted no was for this  
10 precise reason.

11 When we, when Commissioner Schifino came  
12 up with the now infamous Schifino Callback  
13 Rule, you guys will recall that that was  
14 contained in a strike-all amendment that was  
15 offered by me.

16 They are not my rules, they are our rules  
17 now. That rule was described on that day and I  
18 represented to you that the reason that that  
19 rule was there is to not allow a small group of  
20 people to dictate to the larger group of people  
21 the will of this body and this chamber and this  
22 Commission.

23 That is the reason that that rule was  
24 there. It was not contemplated, though I fully  
25 support what Commissioner Martinez said about

1 the dutiful attention that Commissioner  
2 Stemberger, and I am going to get to  
3 Commissioner Smith in a second, I got a lot of  
4 nice things to say about him, too. But look,  
5 folks, I am for people having their day in  
6 court. I am for people having their five or  
7 ten minutes.

8 Did I want to give Commissioner Stemberger  
9 that? Of course I did, for all the reasons  
10 that were said. Look, I have been personally  
11 attacked as well, many times, in those same  
12 Commission meetings.

13 I was attacked even administratively and I  
14 kept my mouth shut, too, for all of the good  
15 reasons that Commissioner Stemberger's dad told  
16 him to do so. So I am going to vote no on  
17 Commissioner Smith's motion, just like I voted  
18 no on the other one for extremely consistent  
19 reasons.

20 I would -- I wish we wouldn't have done  
21 that, because we could go down the list.

22 CHAIRMAN BERUFF: Commissioner Schifino.

23 COMMISSIONER SCHIFINO: Thank you, Chair  
24 Beruff. I, too, voted no on Commissioner  
25 Stemberger's motion. I had voted no on

1 Commissioner Smith's motion. Our Callback  
2 provision and Commissioner Heuchan described it  
3 accurately, it is there for a good reason, and  
4 if there is a proposal that wasn't treated  
5 fairly, didn't get its opportunity to be heard  
6 and was something that the majority of us felt,  
7 not just needed a little air time, but really  
8 was the wrong decision, I would be all behind  
9 this.

10 You know, it was there for a reason. We  
11 were really working hard to get our rules done,  
12 and you can look back six or eight months, 12  
13 months, however long it was, but that rule was  
14 put in place as an accommodation to try to get  
15 us to the point we are today, and if you  
16 recall, that did put an end, not that  
17 particular call-back, but that day we have done  
18 really good work.

19 I will again vote no. I think it is bad  
20 policy here, unless Commissioner Smith  
21 articulates in my mind a reason that we are  
22 bringing this back. And I am not sure, I don't  
23 recall what it was before, what he said, but if  
24 there is a good -- it didn't get a fair  
25 hearing. if there was anything like that, then

1 I am certainly open to hearing whatever else.

2 CHAIRMAN BERUFF: Commissioner Lee is  
3 recognized.

4 COMMISSIONER LEE: Thank you, Mr. Chair,  
5 and I empathize with Commissioner Smith's  
6 situation. I do, I think there are a probably  
7 a number of us that do, and that the reasons  
8 why these call-back, this provision that we are  
9 now referring to as call-back provision is  
10 important is because as these Bills go through  
11 committee or these proposals go through  
12 committee, you know, sometimes a very small  
13 subset of the members of this Commission can  
14 keep a proposal from getting to this whole body  
15 for consideration.

16 And that is why you do these things. And  
17 I am not suggesting that that has happened in  
18 this case, but I know it has happened and I  
19 know it has been difficult at times to know who  
20 was going to be in attendance at a meeting.

21 Maybe barely having a quorum. It depends  
22 on who is in the room sometimes, how proposals  
23 go; so I think this provision is important to  
24 have in the rules.

25 The only thing I would point out is that

1 this is a little bit of a different situation,  
2 Commissioner Smith, because as you and I both  
3 know, we had competing proposals that ended up  
4 in the same place, and that is stuck in  
5 committee that did precisely the opposite  
6 thing. And I am not going to impose upon the  
7 body a vote to pull my proposal out of  
8 committee, because I frankly don't believe I  
9 have a solution that would result in a  
10 compromise that we could get our heads around  
11 here in the time that we have available to us.

12 And so while this is certainly available  
13 to us and I appreciate the Senator's, the  
14 Senator and Commissioner's interest in reviving  
15 this proposal, I probably can't support it just  
16 because I know that it -- it -- it puts us in  
17 an awkward situation where we have one proposal  
18 to consider that does one thing, but the other  
19 proposal isn't before us. And I don't want to  
20 have both of them before us, but I am certainly  
21 not adverse to this body considering it.

22 You should never fear the debate, and if  
23 it is the will of the body to bring this back  
24 for it and give Commissioner Smith an  
25 opportunity to have this heard, I certainly

1 understand.

2 CHAIRMAN BERUFF: Commissioner Levesque.

3 COMMISSIONER LEVESQUE: Thank you, Mr.  
4 Chairman. So Commissioners, I voted no on  
5 bringing back Commissioner Smith's proposal and  
6 then I voted yes on Commissioner Stemberger's.  
7 So I want to explain to everyone why I voted  
8 inconsistently, because I am going to ask you  
9 to vote no on reconsidering Commissioner  
10 Smith's proposal.

11 I agree with what Senator Carlton,  
12 Commissioner Carlton said, that there is a  
13 reason that the Bills or the proposals that  
14 went through the committee process, there was,  
15 that is why we have the committee process.

16 We have given, we have 36 proposals that  
17 made it through the committee process that  
18 should be heard, but here is the difference and  
19 I want to -- I want to say this because I think  
20 there is a lot of you who feel like since we  
21 brought Commissioner Stemberger's back, it is  
22 only fair to bring back Commissioner Smith's,  
23 and here is the difference.

24 Commissioner Stemberger has given me his  
25 word, and he has given this word to other

1 people that he asked to support bringing out of  
2 committee, that he is not going to make us take  
3 a vote on that proposal.

4 He wants his opportunity to have five  
5 minutes to get up and explain why he thought it  
6 was important, and then he is going to TP it,  
7 and we are not going to vote on it.

8 And I will support Commissioner Smith's  
9 proposal to bring it out of committee if he  
10 gives me his word that he only wants to talk  
11 about it and he is not going to make us vote on  
12 it.

13 But to be consistent, right, I only  
14 supported Commissioner Stemberger's to bring it  
15 out of committee because he wanted an  
16 opportunity to correct the record of people who  
17 attacked him in those Commission hearings when  
18 he couldn't speak, and he is not going to make  
19 us vote on it.

20 So you can be consistent by voting no on  
21 Commissioner Smith's proposal, because he is  
22 going to ask us to take a vote and then that  
23 would make it different than all the other  
24 proposals that were killed in committee.

25 CHAIRMAN BERUFF: Commissioner Sprowls is

1 recognized.

2 COMMISSIONER SPROWLS: Thank you,  
3 Mr. Chairman. Well, we have obviously created  
4 a quagmire for ourselves a little bit. So  
5 let's see if we can't walk it back. Like  
6 Commissioner Levesque, I think many of us were  
7 under the understanding, true understanding  
8 that because Commissioner Stemberger was in a  
9 situation, and I think he was correct not to  
10 engage in a public hearings.

11 He wanted an opportunity, Mr. Chair, to  
12 address some of the informational things that  
13 came out, wanted to be able to state the reason  
14 he filed his proposal and maybe correct some of  
15 the things that were said along the way.

16 I think we wanted to extend him that  
17 courtesy because they were personal in nature,  
18 and I think that is a little bit different. So  
19 we want to extend him that courtesy. He did  
20 not intend, and does not intend to ask for a  
21 vote.

22 But I get where we are and I respect  
23 Commissioner Smith for making this motion. So  
24 I think there may be a better way to do this.

25 I would be willing to -- to suggest, you



1 know, to the Chair that maybe we grant at some  
2 point when it is convenient during this CRC  
3 process a few moments, four or five minutes,  
4 five minutes, ten minutes, for Commissioner  
5 Stemberger, a moment of personal privilege, to  
6 address some of the things that came out during  
7 the Commission.

8 I think that -- and he is willing to  
9 withdrawal his proposal so that we can kind of  
10 walk back the inconsistency situation that we  
11 find ourselves in, which would underscore his  
12 intention which was to never hear the proposal  
13 in a substantive way as we have heard all of  
14 the rest of the proposals.

15 so I don't know if Commissioner Smith is  
16 willing to do that, but I think that that would  
17 give us our situation where we can address some  
18 of the concerns that Commissioner Stemberger  
19 has, but not find ourselves in this thing for  
20 the next few days where we are all looking back  
21 at all of the proposals that have died and  
22 starting to try to claw them back. So that  
23 would be my suggestion, Mr. Chair, to the body.

24 If we go forward with this vote I would  
25 ask you to vote no and that way we can go

1 through that process of having Commissioner  
2 Stemberger withdraw his proposal and we will go  
3 back to, we will go back to even. Thank you.

4 CHAIRMAN BERUFF: There is a lot of  
5 microphones today, and I would like to make  
6 sure I don't call people -- I am trying to keep  
7 in order when I see them go first so I am fair.  
8 Commissioner Carlton, do you want to speak now?  
9 You would have been -- yes, okay.

10 Yes, no, I was, I am trying to keep order  
11 so when I see the mikes go up, I want to try to  
12 follow up. So you would be the next one, but  
13 if you would still like to speak.

14 COMMISSIONER CARLTON: Well, yes, thank  
15 you, Mr. Chair.

16 CHAIRMAN BERUFF: Commissioner Carlton is  
17 recognized.

18 COMMISSIONER CARLTON: So, and I think it  
19 is kind of hard to follow up what Commissioner  
20 Sprowls just said because if that is what  
21 Commissioner Stemberger is going to do, I would  
22 think -- I don't know, I mean, I would think  
23 our rules allow for a point of personal  
24 privilege on the floor, you know, at any point  
25 in time that any of us can ask for the Chair's

1 indulgence for a point of personal privilege  
2 where we can, you know, for a few moments, say  
3 whatever we want to or, you know, show pictures  
4 of our dog or whatever.

5 I don't know. But, so I am a little bit  
6 stumped as to what to say now that Commissioner  
7 Sprowls said that, because if there are certain  
8 things that are going to happen and that is  
9 going to change what I am going to say. So I  
10 don't know if that is what Commissioner  
11 Stemberger's intention is. So now we -- are we  
12 walking back or are we not walking back? That  
13 is, I guess, my question.

14 CHAIRMAN BERUFF: Being the least  
15 knowledgeable on the rules in this room I would  
16 like to stay on Commissioner Smith's motion.

17 COMMISSIONER CARLTON: All right, you want  
18 to stay on that motion, all right, you know --

19 CHAIRMAN BERUFF: Because Commissioner  
20 Smith would like us to take a vote on his  
21 motion.

22 COMMISSIONER CARLTON: Okay, so if  
23 Commissioner Smith wants to take a vote on this  
24 motion, then call me inconsistent. I am going  
25 to change my vote, because I think that it is

1           only fair if we are going to go down the path  
2           of pulling proposals out of committee, I cannot  
3           sit here in this chair and say which ones are  
4           deserving of being pulled out and which ones  
5           aren't. And whether there was a quorum there  
6           and whether there was not, and if there would  
7           have been three or four other people there or  
8           not.

9           I mean, we could go back and recreate the  
10          entire last year, year of our committee  
11          meetings, okay. So if you want to do that for  
12          one of us, then honestly, it is in the fair  
13          category. We should do that for all of us,  
14          because I don't think -- I don't even know what  
15          Commissioner Smith's proposal does. I have no  
16          idea. I wasn't in any of those committees.

17          I don't know what he and Senator Lee are  
18          talking about. So, you know, that, and that  
19          is -- and that is fine. So I can't sit here  
20          now that -- now that we are in a position of  
21          having to make judgment calls on whether to  
22          pull things out of committee.

23          I can't make a judgment call. So then I  
24          am going to -- I am going to vote and say,  
25          well, if we are going to pull Commissioner

1 Stemberger's proposal out of committee, which I  
2 am familiar with, I voted against in committee,  
3 then I am going to say it is only fair to vote  
4 for Senator Smith's motion to reconsider his  
5 proposal and remove it from committee.

6 So I would ask you to support Commissioner  
7 Smith's motion.

8 CHAIRMAN BERUFF: Commissioner Donalds is  
9 recognized.

10 COMMISSIONER DONALDS: Thank you, Chair.  
11 I have to reject the notion that all proposals  
12 are created equal, and that if we bring one  
13 then we have to bring all. I am sorry, that is  
14 not the case.

15 I, too, voted to allow Commissioner  
16 Stemberger to bring back his proposal, which I  
17 am familiar with, I voted for in one committee.  
18 I watched the entire Judiciary Committee  
19 hearing where he laid out his case, and I would  
20 welcome the opportunity to be able to vote, and  
21 I think that others would, although he has as  
22 was stated, said that he simply wanted to make  
23 his case in front of the entire body, which I  
24 would give him an opportunity to do.

25 In the case of Commissioner Smith's

1 proposal, it is a different proposal. It went  
2 through a different process, and as  
3 Commissioner Lee stated, there were two  
4 competing proposals that came through our Local  
5 Government Committee, and then Commissioner  
6 Smith's proposal went to the Legislative  
7 Committee.

8 And I also followed that proposal and its  
9 demise, if you will, in the Legislative  
10 Committee. That is not the same thing in my  
11 mind as the proposal that I said I would be in  
12 favor of bringing to this floor.

13 And if other proposals are brought forward  
14 I am going to make a determination on that  
15 particular proposal based on the facts and  
16 circumstances of that particular proposal and  
17 whether I think that that proposal should come  
18 to this full body for consideration.

19 I have been watching this entire process  
20 as many of you have and watched as many  
21 committee hearings as possible. I have read  
22 all the proposals. I have read all the staff  
23 analysis, and I am not trying to be necessarily  
24 fair in the sense that all proposals are  
25 created equal.

1           I am looking at each individual proposal  
2 and the process that we have gone through to  
3 say whether or not I believe that it should  
4 come, and I would say I hope that very few, if  
5 none, come to this floor, because I believe in  
6 the process that we have been through to  
7 thoroughly vet these proposals in the committee  
8 hearings and I think that we are in a very good  
9 place.

10           But I would reject that, because I vote  
11 one way on bringing it up on the full floor on  
12 one proposal, that I would have to vote that  
13 way on every proposal, when each one of these  
14 is very unique, very different, has gone  
15 through a very different process, whether it be  
16 amended or whether there were competing  
17 proposals that were both killed or died in  
18 committees at the same time. And now one is  
19 being brought up and not the other.

20           I would just say that we have to consider  
21 each proposal on its own merits. Thank you,  
22 and I will be voting against the  
23 reconsideration.

24           CHAIRMAN BERUFF: Commissioner Stemberger  
25 is recognized.

1           COMMISSIONER STEMBERGER: Thank you,  
2 Mr. Chairman. I just want to verify that it is  
3 true, at least 17 members of this Commission  
4 over the last couple of days, I have personally  
5 gone to them and told them I wanted to be  
6 heard, and that after being heard that I would  
7 withdraw the amendment or TP it, either way, it  
8 doesn't matter to me. That was my intention  
9 all along.

10           I just want to be clear that that is the  
11 case, and if I am given the opportunity to  
12 present for ten minutes tomorrow I will  
13 withdraw it and it will be over with.

14           CHAIRMAN BERUFF: Commissioner Solari is  
15 recognized.

16           COMMISSIONER SOLARI: Well, there is a few  
17 people here who like home rule more than me.  
18 There is -- the point of it is not to win, and  
19 I am not sure that at the end of the day if  
20 this amendment is even in the Constitution that  
21 it really settles anything.

22           For some reason there is animosity  
23 basically in the House against home rule, and I  
24 don't know what, what the basis of it is, but I  
25 don't think a contentious item like this helps



1 us get to where we need to be.

2 And for that reason I would like what  
3 Commissioner Sprowls said. He gave a good  
4 opening for Commissioner Stemberger, and I  
5 would much rather think of the long term  
6 relationship which is necessary to be formed  
7 and to grow for every local elected leader and  
8 every member of this Legislature.

9 So I am willing to give up support of this  
10 issue if we just understand that we actually  
11 need to rethink this. There are many reasons  
12 and I have had a brilliant nine-and-a-half  
13 minute speech why it was so good to put this  
14 Constitution here in local government, I hope  
15 you all go back to watch it. But at the end of  
16 the day this isn't going to work if we build up  
17 a wall of anger and hatred on the other side.

18 Because it can't work for the people in  
19 the state of Florida if we have two fighting  
20 bodies, two sets of enemies. So for that  
21 reason and I am just -- I am going to vote  
22 against this simply with the hope, and I am not  
23 usually one who leads too much on hope, I would  
24 much rather work on experience, that this could  
25 be a start of rethinking the basis for the

1 present relationship and the value of a new  
2 one. Thank you.

3 CHAIRMAN BERUFF: Commissioner Timmann is  
4 recognized on debate to bring back Proposal 61.

5 COMMISSIONER TIMMANN: Just very briefly I  
6 promise. I never thought I would thank  
7 Commissioner Solari for being such a  
8 peacemaker. But I do, and, of course,  
9 Commissioner Sprowls. I would like to  
10 reiterate, I did -- I was one of the ones who  
11 did vote in favor of Commissioner Stemberger's  
12 bringing -- just bringing it back and having  
13 the opportunity to speak.

14 But I recognize that, I am also a rule  
15 follower, and I think it is very important for  
16 all of us, we have kept good parameters on  
17 everything we do. I don't want to say that I  
18 regret the vote because I gave my word that I  
19 would give him the opportunity to be heard. I  
20 did not give him my word that I would vote for  
21 his proposal, but he gave me his that he would  
22 withdraw it ultimately.

23 But again, in the interest of peacemaking  
24 and cooperation, I am going to vote against  
25 Commissioner Smith's proposal, which by the

1 way, I voted for in Local Government. Thank  
2 you.

3 CHAIRMAN BERUFF: Commissioner Stemberger  
4 is recognized.

5 COMMISSIONER STEMBERGER: Thank you, Mr.  
6 Chairman. I would like to let the Chair know  
7 along with the rest of these Commissioners that  
8 I am willing to withdraw the proposal now as  
9 long as I have the Chair's word that I have the  
10 ability to present tomorrow for a period time  
11 on this issue.

12 CHAIRMAN BERUFF: You have my word that  
13 you will have your ten minutes.

14 COMMISSIONER STEMBERGER: Then I will  
15 withdraw the proposal at this time, 22.

16 CHAIRMAN BERUFF: Commissioner Coxe is  
17 recognized on Commissioner Smith's motion.

18 COMMISSIONER COXE: Thank you, Mr. Chair.  
19 I recognize and acknowledge that Commissioner  
20 Stemberger was unfairly attacked as  
21 Commissioner Nunez was also unfairly attacked.  
22 I voted not to bring Commissioner Stemberger's  
23 back, and I don't have to say how I voted  
24 because it was a voice vote on Commissioner  
25 Smith's. So whichever you want to hear right

1 now, Commissioner Smith, is the way I voted.

2 I agree with Commissioner Carlton, to go  
3 down this road to me gives me heartburn in two  
4 respects: Number one, it is almost an  
5 abandonment of the committee process that we  
6 agreed to participate in, in the first place.

7 Number two, I think we were telling the  
8 public in the forums we had 37 proposals and  
9 now we go down this road, it is not 37 that we  
10 led the public to believe it, it is a lot more  
11 than 37 when we started doing this.

12 I am a big believer in I think fairness  
13 and for that reason I am going to vote in favor  
14 of bringing his back.

15 CHAIRMAN BERUFF: Any further debate  
16 before I ask Commissioner Smith to close on his  
17 proposal, to bring back his proposal?

18 Commissioner Smith, would you please close  
19 on your motion to --

20 COMMISSIONER SMITH: Thank you, Mr. Chair.  
21 I just wanted to, one comment that was made by  
22 my good friend, Commissioner Donalds. When she  
23 said all proposals aren't equal and I  
24 100 percent agree, because my proposal passed  
25 the first committee four-three, just like 22

1 passed four-three. Then my proposal in the  
2 second committee had a 2-2 vote whereas  
3 Proposal 22 on its second committee had a  
4 two-four and four against vote. Yes, so they  
5 are nearly equal.

6 Mine had much more support in committees  
7 and then you voted to bring it back. So we are  
8 at a point, I am not going here to grandstand  
9 and try to, you know, do anything. I want to  
10 get it passed, and out of the 16 years in this  
11 chamber and working so many years here and  
12 walking around with both sheets serving in the  
13 minority, I can count.

14 I am not bringing this forward to make a  
15 point of bringing it forward just to, you know,  
16 because I am angry. I am bringing it forward  
17 to try to get it passed, and I have gone  
18 through my vote sheet in the last 10 minutes  
19 while you all spoke and I can count. So with  
20 that I withdraw my motion.

21 CHAIRMAN BERUFF: Thank you, Commissioner  
22 Smith, that is very gracious of you, very  
23 gracious.

24 We will now -- I have lost where I am  
25 quite frankly. Where are we? We are going to

1 -- we are going, we are going to temporarily  
2 postpone 67. No?

3 Now, what do you mean -- no, that is what  
4 I was told. Hold on. Commissioner Levesque.

5 COMMISSIONER LEVESQUE: I would like to be  
6 recognized to make a motion to reconsider the  
7 withdrawal of Mr. -- Commissioner Stemberger's  
8 proposal.

9 CHAIRMAN BERUFF: It is already withdrawn.  
10 It is not available.

11 COMMISSIONER LEVESQUE: We didn't vote on  
12 that one.

13 CHAIRMAN BERUFF: It was withdrawn by --  
14 so, 67 -- we are now going to call for Proposal  
15 72, Commissioner Karlinsky, would you please  
16 present your proposal? Thank you.

17 COMMISSIONER KARLINSKY: Well, this is  
18 going to be anti-climatic. So --

19 CHAIRMAN BERUFF: We are ready for  
20 something simple.

21 COMMISSIONER KARLINSKY: I would like to  
22 move to reconsider my withdrawal of my  
23 non-withdrawal. So the bad news is we are not  
24 going to get to vote on this because I think  
25 that we would have passed this good proposal

1           unanimously.

2           The good news is that the Legislature has  
3 passed the same proposal and it is going on the  
4 ballot as Amendment Number 5. So Proposal 72,  
5 Mr. Chair and Commissioners, would have  
6 required a two-thirds vote to increase taxes or  
7 fees or create any new taxes or fees.

8           As you all know, we have had seven years  
9 of unprecedented economic growth in the state  
10 of Florida. Governor Scott and the Legislature  
11 have cut taxes over 80 times, representing  
12 \$10 billion in money back to the citizens and  
13 the businesses of the state of Florida. And  
14 fortunately this proposal, if adopted by the  
15 voters, which I know we all hope will be done,  
16 will continue our economic growth in the state  
17 of Florida.

18           So with that, Mr. Chair, I withdraw  
19 Proposal 72 and hope that it does pass in the  
20 form that the Legislature put it on the ballot.

21           CHAIRMAN BERUFF: And moments like this I  
22 do believe in miracles.

23           Commissioner Nunez is recognized.

24           COMMISSIONER NUNEZ: Thank you,  
25 Mr. Chairman. I just wanted the record to

1 reflect that for the first time that I have  
2 been sitting here for the past few days,  
3 somebody finally said the Legislature did a  
4 good thing, so --

5 CHAIRMAN BERUFF: Commissioner Karlinsky  
6 is recognized.

7 COMMISSIONER KARLINSKY: I would like to  
8 withdraw the comments I just made. Just  
9 kidding.

10 CHAIRMAN BERUFF: Okay, we are moving on  
11 to Proposal 10. Commissioner Gaetz, if you  
12 would like to introduce your proposal.

13 COMMISSIONER GAETZ: Thank you very much,  
14 Mr. Chairman. First of all, I have never been  
15 unfairly attacked. I bask in universal  
16 admiration.

17 Mr. Chairman, Constitutions are  
18 instruction manuals for government, we know  
19 that, but Constitutions are, as so many have  
20 said during these days, expressions of what  
21 Madison called self-evident truths.

22 Proposal 10 amends Article 9, the  
23 education section of the Constitution, and it  
24 is one-sentence long. Here it is. "As  
25 education is essential to the preservation of



1 the rights and liberties of the people the  
2 Legislature shall provide by law for the  
3 promotion of civic literacy in order to ensure  
4 that students enrolled in public education  
5 understand and are prepared to exercise their  
6 rights and responsibilities as citizens of a  
7 constitutional democracy."

8 This proposal is not prescriptive. It is  
9 not a requirement to teach a particular  
10 curriculum or even to have a civics course.  
11 That would not belong in the Constitution.  
12 This proposal leaves the methods and means of  
13 promoting civic literacy to the Legislature,  
14 the Board of Education, the Department of  
15 Education.

16 Proposal 10 simply says that it is the  
17 constitutional responsibility of our K-20  
18 school system to ensure that by the time  
19 students graduate they understand and are  
20 prepared to exercise their rights and  
21 responsibilities as citizens.

22 Why does this issue rise to a level of  
23 importance that we would consider it here?  
24 Because according to research from the  
25 Education Commission of the States, the Pugh

1 Research Center, the Council of Trustees and  
2 Alumni and the Annenberger Center for Public  
3 Policy in their 2017 report, a majority of  
4 recent college graduates cannot identify the  
5 substance of the First Amendment.

6 Seventy percent of recent college graduates  
7 don't know the Constitution is the supreme law  
8 of the land. Three-fourths cannot name all  
9 three branches of government.

10 A majority of college seniors in the top  
11 55 colleges in America could not identify  
12 Valley Forge or the Gettysburg Address and did  
13 not know basic facts about their own voting  
14 rights. Eighty percent of recent college grads  
15 didn't know what the Emancipation Proclamation  
16 did.

17 Two-thirds don't know how the Constitution  
18 is amended, and an alarming percentage of  
19 recent college graduates in America think that  
20 owning a pet is guaranteed by the Bill of  
21 Rights, and that Judge Judy is on the Supreme  
22 Court.

23 How is Florida doing? We are doing better  
24 than many states. Our next generation Sunshine  
25 State Standards call for a curricular content

1 in civics. The Bob Graham Center here in  
2 Florida is doing nationally significant work in  
3 teaching our teachers how to teach civics.

4 Our State Board and Department of  
5 Education have made progress in this area, and  
6 as a consequence our students are testing at a  
7 higher level of proficiency in basic civics  
8 than the rest of the country. So why can't we  
9 just leave this to the Legislature? Because  
10 the Legislature changes its mind.

11 That is the nature of the Legislature, and  
12 the Legislature issues come and go. They go in  
13 and out of fashion, and especially education  
14 issues go in and out of fashion. Physical  
15 education requirements were raised, then  
16 modified, then raised, then changed again  
17 during my time in the Senate.

18 Career technical education was in the back  
19 lot of the school for decades, now it is funded  
20 like advanced placement. Standardized testing  
21 was the fashion, then end-of-course exams were  
22 viewed as more reliable and were mandated for  
23 every single course. And then legislators  
24 responded to criticism and then, of course,  
25 exams were unfair and so they were repealed for

1 many courses. Online instruction was an  
2 oddity, then it became a mandate, and now you  
3 can satisfy your physical education requirement  
4 online.

5 New leadership comes to Tallahassee and  
6 for two years or four years priorities change.  
7 That is appropriate, but then the priorities  
8 change again. Education methods change and  
9 they should change, but the Constitution  
10 enshrines what we don't change our mind about.  
11 Constitutions say what should be permanent.

12 That is why Florida's Higher Education  
13 Coordinating Council has recommended making  
14 civic literacy a fundamental and permanent  
15 responsibility of our K-20 system. The  
16 survival of our democratic institutions depends  
17 on citizens who know their rights and  
18 responsibilities and know how to exercise them.

19 That is a self-evident truth and that is  
20 why the promotion of civic literacy is a  
21 fundamental value. It belongs in the  
22 Constitution and that is what Proposal 10 would  
23 accomplish and that is the proposal, Mr.  
24 Chairman.

25 CHAIRMAN BERUFF: Proposal, questions,

1 Commissioner Smith is recognized.

2 COMMISSIONER SMITH: Thank you,  
3 Commissioner Gaetz. Now, this would only cover  
4 public schools. How about schools receiving  
5 public dollars?

6 CHAIRMAN BERUFF: Commissioner Gaetz.

7 COMMISSIONER GAETZ: Thank you, Mr.  
8 Chairman. The proposal as it stands, the  
9 proposal as it stands, Senator Smith, says  
10 students enrolled in public education. And so  
11 consequently it would be up to the Legislature  
12 to determine whether or not students who are  
13 enrolled in what we may call schools that take  
14 Step-Up for Children's Scholarships and other  
15 forms of public funds would be included or not  
16 included.

17 I would leave that to the Legislature.  
18 That is not prescriptive in this legislation,  
19 in this proposal.

20 CHAIRMAN BERUFF: Commissioner Smith.

21 COMMISSIONER SMITH: So if the  
22 Legislature, in looking at past history from  
23 the Legislature, if the Legislature determines  
24 that public education only includes public  
25 schools, which would include public schools and

1 charter schools, would this be a burden put on  
2 public schools and charter schools that is not  
3 put on private schools?

4 CHAIRMAN BERUFF: Commissioner Gaetz.

5 COMMISSIONER GAETZ: Thank you,  
6 Mr. Chairman. First of all, Commissioner  
7 Smith, I would not classify the promotion of  
8 civic literacy as a burden. I would classify  
9 it as a responsibility that could be carried  
10 out in many ways. There is no requirement here  
11 for a particular course or even that there be a  
12 course.

13 But the answer to the question would  
14 depend upon how the Legislature defined the  
15 extent of this constitutional requirement.  
16 They could define it either way and I would  
17 leave that to the members of the Legislature.

18 CHAIRMAN BERUFF: Questions? Commissioner  
19 Washington.

20 COMMISSIONER WASHINGTON: Good afternoon.  
21 Thank you, President Gaetz, Commissioner Gaetz,  
22 as we had a very good conversation about this  
23 in Education Committee. The question that I  
24 had in committee still remains. One, if we,  
25 you are saying it doesn't have a specific

1 course or requirement.

2 How would this be implemented? Would  
3 anything change with this amendment?

4 CHAIRMAN BERUFF: Commissioner Gaetz.

5 COMMISSIONER GAETZ: Thank you very much,  
6 Mr. Chairman. I would suspect, and I would  
7 defer to our Commissioner of Education, who is  
8 here should she care to comment, that the  
9 way that you determine whether or not an  
10 educational value has been implemented is by  
11 measurement.

12 I am not here to prescribe or to advocate  
13 for a particular form of measurement, but I  
14 would imagine that right now we measure  
15 competence in civics education.

16 My suspicion is that this Commissioner,  
17 based upon the work that she has done in the  
18 past and the work that the Board of Education  
19 has done in the past, would continue to measure  
20 that competence in ways that you believe are --  
21 are valid and reliable.

22 CHAIRMAN BERUFF: Commissioner Washington,  
23 do you have another question?

24 COMMISSIONER WASHINGTON: I do. Thank  
25 you. You just actually brought up a very

1 important, another important point that we  
2 addressed in committee, civic education versus  
3 civic literacy.

4 Do we have a definition for civic literacy  
5 or are you intending for those two things to be  
6 the same? We have had a number of  
7 conversations about words matter. So I just  
8 want to get your intent.

9 CHAIRMAN BERUFF: Commissioner Gaetz.

10 COMMISSIONER GAETZ: Thank you, Mr.  
11 Chairman. Obviously the Legislature would, if  
12 they chose, enact enabling legislation, and my  
13 suspicion is that the State Board of Education  
14 would adopt whatever they considered to be  
15 necessary rules. And a lot of the definition I  
16 believe would come from that rule-making or  
17 enabling legislation process.

18 I would simply say that a civics course is  
19 a course that has a prescribed curriculum, and  
20 it is taught in a particular way. It may have  
21 study guides, it may have particular methods of  
22 testing and measurement that relates  
23 specifically to that course and of the  
24 competencies in one wants to measure.

25 Civic literacy is a, if you will, a state



1 of being that you determine whether or not you  
2 have a civically literate student population or  
3 -- or population in general by the way that  
4 they act, and by general kinds of criteria like  
5 finding out if people know what the three  
6 branches of government are. Finding out if  
7 people know how Florida's Constitution is  
8 amended. Finding out if people know who the  
9 Governor of Florida is.

10 I mean, that determines whether or not you  
11 have -- you have a level of literacy, but a  
12 particular civics course, obviously, can be  
13 measured and its effectiveness can be judged  
14 based on the course content and whether the  
15 course content is covered and then tested and  
16 measured.

17 CHAIRMAN BERUFF: Further questions on  
18 Proposal 10? Are there any further questions  
19 on Proposal 10 before we go to debate?

20 Commissioner Joyner raced to her  
21 microphone. So she has a question.

22 COMMISSIONER JOYNER: I just want to go  
23 back to where Commissioner Smith was. So you  
24 are going to leave it to the Legislature to  
25 decide -- what is it -- public, I don't see

1 what it is. Oh, students enrolled in public  
2 education and whether or not that includes  
3 students at schools that receive public dollars  
4 are included in this proposal.

5 I just want the record to accurately  
6 reflect your intent or our intent of the intent  
7 that you intend for it to be, so that when it  
8 comes up in the Legislature and all of these  
9 gifted legislators we have here will probably  
10 be gone from there, and I just want it clear,  
11 because I am concerned about that.

12 CHAIRMAN BERUFF: Commissioner Gaetz.

13 COMMISSIONER GAETZ: Thank you, Mr.  
14 Chairman, thank you, Leader. I believe it is  
15 an open question that the Legislature ought to  
16 define. I don't believe that parsing out those  
17 differences and prescribing methods of  
18 measurement and how and who and by when the  
19 measurements have to occur belongs in the  
20 Constitution.

21 This is a fundamental value which I  
22 believe ought to be articulated, but I -- I  
23 believe that we should leave to the Legislature  
24 and the Board of Education the definitions  
25 that -- that you have raised.

1           CHAIRMAN BERUFF:  Other questions?

2           Commissioner Cerio.

3           COMMISSIONER CERIO:  Commissioner Gaetz,  
4           thank you for bringing forward this proposal, a  
5           very worthwhile topic and important, and I  
6           think important for the citizens of Florida.

7           I have a question, and I -- if it has been  
8           addressed and I missed it, I apologize, but --  
9           and if I am wrong then I am terribly  
10          embarrassed.  But line 18, it refers to our  
11          responsibilities as citizens and of the  
12          constitutional democracy and this is, if I am  
13          correct, I think we can address it in Style and  
14          Drafting, but I believe it would be a  
15          Constitutional Republic as opposed to a  
16          Democracy, but I wondered if anybody has raised  
17          that or if I am mistaken.  And there is a  
18          difference.

19          CHAIRMAN BERUFF:  Commissioner Gaetz.

20          COMMISSIONER GAETZ:  Thank you,  
21          Mr. Chairman.  I will leave that to Thomas  
22          Jefferson and James Madison to work out.

23          COMMISSIONER CERIO:  Thank you, thank you.

24          COMMISSIONER GAETZ:  I am happy to have  
25          either, either word.

1           CHAIRMAN BERUFF:  Are they here to testify  
2 this evening?

3           COMMISSIONER GAETZ:  If we wait long  
4 enough, Mr. Chairman.

5           CHAIRMAN BERUFF:  Apparently you knew  
6 them.

7           COMMISSIONER GAETZ:  I knew them well.

8           CHAIRMAN BERUFF:  Further questions?  
9 Seeing no further questions, is there debate?

10          Commissioner Stewart, you are recognized.

11          COMMISSIONER STEWART:  Thank you, Chair.

12 I promise that I will not speak on every  
13 education proposal that is coming forward, but  
14 I find myself needing to speak on this one and  
15 you and I have spoken about it before,  
16 Commissioner Gaetz.

17           I think that civic literacy is very, very  
18 important and I think that it is something that  
19 all of our citizenry in Florida absolutely must  
20 have.  One only has to watch Jeopardy to know  
21 that even our smartest don't know all of the  
22 Bill of Rights and what are in the Bill of  
23 Rights.

24           You only have to watch this process to  
25 know that individuals do not know what their

1 civic responsibility is and I think it is very,  
2 very important.

3 I lean on the side of Commissioner  
4 Schifino on if we have too many proposals and  
5 right now I count 16 I think, that we have  
6 voted up for Style and Drafting, it will be  
7 overwhelming to the voters come November. And  
8 at some point we are going to have to think  
9 about those good proposals and whether or not  
10 we believe that we must add them to the  
11 Constitution, and which ones we must add to the  
12 Constitution for fear that they will all lose  
13 when citizens become weary when they go to the  
14 polls.

15 We currently do have legislation that  
16 requires civic literacy in our K-12 system and  
17 now in our college system and our university  
18 system. And it also includes with that an  
19 accountability system by having an appropriate  
20 assessment at each of those levels. And those  
21 have been established in K-12, they are being  
22 established as we speak in the college and  
23 university system, so I only make that comment.

24 I am not necessarily stating how I will  
25 vote on this particular proposal. Knowing the

1 importance and believing that we have got to do  
2 what we can as individuals in Florida to make  
3 sure that all of our citizens, all of our  
4 citizens, not just K-20, but all of our  
5 citizens are aware of their responsibility when  
6 it comes to civics.

7 So with that, Commissioner Gaetz, I  
8 support your having brought this proposal  
9 forward. Did I say that on the fence enough?

10 CHAIRMAN BERUFF: Commissioner Solari is  
11 recognized.

12 COMMISSIONER SOLARI: I am about to do the  
13 stupidest thing I have ever done in my  
14 political life, and that is debate Senator  
15 Gaetz on the floor of the Senate.

16 But I love American history, and while a  
17 lot of you are watching Gators and the other  
18 team, whatever it is, watch football on a  
19 Saturday, I might be reading something about  
20 American History, and I would be happy to  
21 discuss with any of you later if you have an  
22 hour or two, the real distinctions between the  
23 ideological riches of the American Revolution  
24 and the constitutional riches of the American  
25 Revolution.

1           But a couple of things that I have learned  
2           from that or I think I have learned from that  
3           are these. That the basis of our freedom is  
4           that we are autonomous individuals, and I think  
5           that is important. And the basis of our  
6           democracy is self-government. So I find it  
7           incredible irony that we are here trying to  
8           decide whether we are going to mandate that the  
9           students of our country have to learn about  
10          their freedoms.

11           I mean, yes, they should learn about them,  
12          absolutely, and yes, the school system should  
13          teach them, absolutely. However, if you talk  
14          about the school system, my wife actually asked  
15          this question at an event recently, how are you  
16          going to teach the teachers, because believe  
17          me, the teachers don't know how to teach  
18          American History, and that is very clear. And  
19          what history are you going to teach?

20           If you read Sotomayor's dissent in the  
21          Lutheran Church case, you will realize that she  
22          learned a much different history, at least, at  
23          least than I did, and I find it absolutely  
24          incredible that we grew up in the same country  
25          and learned the same things.

1           Again, at the end of the day the big thing  
2           is that parents and teachers and uncles and  
3           aunts and grandparents have to want to instill  
4           these things in children and make the children  
5           want to learn them.

6           I just -- I just find that, again, the  
7           irony too much that it would actually mandate  
8           that you have to learn your freedom rather than  
9           have us all live a life where the children of  
10          our country want to learn about our freedom.  
11          Thank you.

12           CHAIRMAN BERUFF: Commissioner Plymale is  
13          recognized.

14           COMMISSIONER PLYMALE: Sorry, we shouldn't  
15          be debating who is going first. That is your  
16          choice.

17           CHAIRMAN BERUFF: Refer to the ladies  
18          always.

19           COMMISSIONER PLYMALE: I would like to, I  
20          think the whole point is very important. My  
21          point when we start talking about cluttering  
22          the Constitution, we have kind of set ourselves  
23          up here that there is clearly a values  
24          amendment that would have to be in the  
25          Constitution. And if we don't, I mean, once we



1 say something is a value, which now we have got  
2 several of them, there are these very important  
3 values.

4 I don't want somebody coming back and  
5 thinking that I don't think this is a good  
6 value, because it is a very important value.  
7 And I would think that Style and Drafting can  
8 actually look at that and say, you know, this  
9 is -- this is what we say are some important  
10 values for Florida and see if people agree with  
11 that, because that is what we are saying this  
12 is, is a value, fundamental value, I think,  
13 quoting you. So I think we should consider  
14 that.

15 CHAIRMAN BERUFF: Commissioner Nocco.

16 COMMISSIONER NOCCO: Thank you, Chair. As  
17 long as one -- as I was sitting here, you heard  
18 other people talk about proposals, that, you  
19 know, as they were coming up here that they  
20 thought about and, you know, what they were  
21 going to speak about, and I really wasn't  
22 intending, because I know it is a late hour and  
23 I know people are running to get pizza and I --  
24 but it was one of those things that I heard you  
25 speak about.

1           And I want to stand up and say I applaud  
2           you for it, because this is one of those issues  
3           that when you really think about the  
4           fundamental of who we are as Americans and  
5           Floridians, is that our students should  
6           realize, you know, how important our democracy  
7           is, or our republic, however Brecht and the  
8           crew are going to determine that.

9           But it is one of those things, you know,  
10          how many times have people gone to elections,  
11          you know, we give out driver's licenses and  
12          people have to go take a test.

13          How many times have we been to voting, to  
14          go stand in line and people really don't know,  
15          they think they are voting for a U.S. Senator  
16          and it is a State Senator. They think they are  
17          voting for -- they are not sure about who they  
18          are voting for, and those are the fundamental  
19          things that we constantly see.

20          And they will say, you know, they will go  
21          to a State Representative, you know, and they  
22          will talk about immigration, and they will say,  
23          no, that is a Federal issue.

24          So those are the types of things that I  
25          think fundamentally are critical. So I just

1 want to stand up and applaud you because,  
2 Senator, because this is one of those issues  
3 that I think it is important, and I believe our  
4 teachers will know this.

5 There will be teachers that will be, as  
6 the process is done and the Legislature decides  
7 who does this, I think they will figure out a  
8 way to do this because I do have a lot of  
9 respect for the Legislature, I think they can  
10 get things done, but I think it is as it is,  
11 too. It is a good evening, this is a good  
12 evening.

13 But I think the other side of it also is  
14 unfortunately, and our members and our  
15 organization see this every day, they are not  
16 parents out there.

17 They are parents only because they gave  
18 birth to a child, they are only parents because  
19 they were the father a child, but they are not  
20 raising the children, and it is not saying it  
21 is the government's role to raise children.

22 But a lot of times in the education system  
23 we have to provide them fundamental life  
24 skills, and I think living in our country,  
25 living in our state, that life skill should

1 also be understanding how government works.

2 CHAIRMAN BERUFF: Commissioner Keiser is  
3 recognized.

4 COMMISSIONER KEISER: Commissioner Gaetz,  
5 I rise in support of your proposal, and  
6 Commissioners, I want to share with you  
7 something that you already know, but when  
8 someone seeks citizenship, and I understand it  
9 is called the naturalization process, there are  
10 many questions that they have to take that have  
11 to do with our government, with civics.

12 How much more -- that, it is incumbent  
13 upon us to impart civics and to really focus on  
14 this for our youth through our education  
15 system. And I think it is wonderful as  
16 Commissioner Stewart has said that we are doing  
17 this, but it is a statement of our values, and  
18 it does have a rightful place in the  
19 Constitution. So Commissioner, I thank you. I  
20 do support it very much.

21 CHAIRMAN BERUFF: Commissioner Stemberger  
22 is recognized.

23 COMMISSIONER STEMBERGER: Thank you,  
24 Mr. Chairman. I am assuming we are in debate,  
25 correct?

1           CHAIRMAN BERUFF:  We are.

2           COMMISSIONER STEMBERGER:  Yes.

3           Commissioner, I want you to know how much --  
4           well, first of all, I am going to skip the  
5           constitutional part and I am going to go to the  
6           policy part.

7           I really, really appreciate, even though I  
8           can't support this proposal what you have done,  
9           because it is incredibly important.  I am  
10          depressed every time I see the  
11          man-on-the-street interviews on universities.  
12          We are -- our organization is radically  
13          committed to helping young people understand  
14          civics.

15          We do a mock Legislature, we promote all  
16          kinds of things, scholarships and what-not, so  
17          it is critically, critically needed.  If we do  
18          not intentionally pass our values on, then  
19          understanding what the nature of the  
20          constitutional republic we live in, we are in  
21          deep trouble.  And so I think that this is a  
22          critical thing.  However, I have several  
23          concerns.

24          First of all, I just do not see, and I  
25          would like to hear your closing, a very

1 concise, I was listening in the back on TV,  
2 what your best argument is for why this is  
3 constitutional, and reminding with the  
4 framework that I have given you previously.

5 And then secondly, I am concerned, what if  
6 the Legislature does not act? What if there  
7 can't be an agreement? Does it force it to a  
8 joint committee? If the Legislature does not  
9 agree, does the teacher then have complete  
10 liberty to talk about whatever they want to  
11 talk about, because it is constitutionally  
12 mandated?

13 Are they then going to talk about politics  
14 and partisan politics and public policy and get  
15 that teacher's viewpoint of things if they  
16 don't have a specific curriculum? So I can't  
17 get over the constitutional issues. Even if I  
18 did get over the constitutional issues, I am  
19 concerned with how broad this is and the type  
20 of latitude that could be taken depending upon  
21 who the teacher is.

22 In a public university it is a free  
23 exchange of ideas. I am expecting to hear from  
24 all kinds of people about all kinds of things,  
25 but in K through 12 it needs to be a very

1 guarded situation where parents have primary  
2 influence and the schools have secondary  
3 influence regarding some of these matters  
4 regarding policy and politics. Thank you.

5 CHAIRMAN BERUFF: Further debate on  
6 Proposal 10? Commissioner Washington is  
7 recognized.

8 COMMISSIONER WASHINGTON: Thank you.  
9 Thank you so much, Commissioner Gaetz, and I  
10 appreciate the value proposition that you have  
11 proposed here in civics education. I don't  
12 think many of us would disagree that civic  
13 education and understanding is very important.

14 However, the one -- my one point of  
15 contention is similar to what I have heard from  
16 others, is the public education sphere can't be  
17 the only place that we care about this. So I  
18 would hope that as we think about, you know,  
19 maybe in the Style and Drafting for Brecht, how  
20 we don't just -- this is, if this is a  
21 fundamental value, that is something that is  
22 not necessarily within the walls of our K-12 or  
23 even our post secondary institutions, and how  
24 do you -- how do you write that or draft that  
25 in a way that it is not just solely on the

1 responsibility of teachers and students.

2 But, you know, as Commissioner Johnson  
3 mentioned, you know, for people who move into  
4 this state, how are we ensuring that our entire  
5 citizenry, most Floridians weren't born here  
6 and may not be educated here, so how do we  
7 ensure that we are bringing up the bar for all  
8 of our citizens?

9 CHAIRMAN BERUFF: Any further debate on  
10 Proposal No. 10? Commissioner Coxe.

11 COMMISSIONER COXE: Thank you, Mr. Chair.  
12 Commissioner Keiser mentioned naturalization.  
13 When I was President of the Florida Bar I  
14 required the 51-member Board of Governors to  
15 take the naturalization exam just to see how  
16 much they really did know about civics in this  
17 country, and it was an interesting experience  
18 and one I would recommend anybody here to take  
19 the exam to see and smart you are, but my  
20 concern is why Constitution.

21 As I understand current statutes they  
22 cover everything that this proposal would do.  
23 The issue is whether or not -- I don't know,  
24 your phrase was ebb and flow or legislators  
25 change, et cetera, but I guess in my analysis



1 that is true about everything that is in the  
2 statutes.

3 The Legislature could change, they could  
4 raise the driving age to 22, they could do all  
5 sorts of things. So if the Legislature, and I  
6 asked Commissioner Donalds about this, these  
7 statutes, the staff analysis says they are in  
8 play.

9 I understand they are in play in the state  
10 of Florida. I think Commissioner Stewart said  
11 they are in play. Is the sole purpose of this  
12 to make sure if the Legislature changes they  
13 keep it, is that what we are doing?

14 CHAIRMAN BERUFF: Commissioner Gaetz.

15 COMMISSIONER GAETZ: Do you wish me to  
16 close, Mr. Chairman?

17 CHAIRMAN BERUFF: I think he ended sort on  
18 a question. But is there more debate on  
19 Proposal 10? I want to make sure I don't close  
20 anybody out.

21 Commissioner Gaetz, if you would close,  
22 that would be good.

23 COMMISSIONER GAETZ: Thank you very much,  
24 Mr. Chairman. And let me try to respond to  
25 Commissioner Coxe's points. The reason why, in

1 my judgment at least, this issue is  
2 constitutional is because it is true that  
3 statutes come and go, and that is the nature of  
4 statutes.

5 But Constitutions are about the permanent  
6 things as has been articulated by many people  
7 far better than me over these last two days.  
8 It seems to me that a permanent thing, a  
9 fundamental value, the Higher Education Council  
10 has said so, is that civic literacy should be a  
11 permanent feature of our education system. And  
12 I have full faith and confidence in the  
13 Legislature to carry out a constitutional  
14 requirement.

15 But I also understand and I tried to  
16 illustrate it in my presentation of the  
17 proposal, that there are many, many examples of  
18 where the educational fashions of the day raise  
19 and lower the intensity and interest that the  
20 Legislature has in particular educational  
21 issues and methods.

22 And, in fact, in my own time in the  
23 Legislature we have seen 180-degree changes,  
24 and that is fine, because as research indicates  
25 we can find better ways to do things, like

1 teach math in a different way, then we ought to  
2 teach math in a different way, but it seems to  
3 me that civic literacy is a foundational  
4 requirement of -- of our -- of our  
5 constitutional republic.

6 If we don't have a -- a citizenry that has  
7 basic civic literacy, we begin to lose all of  
8 the other opportunities that we have to  
9 exercise our freedoms and to operate a -- a  
10 state or a community or even a nation, and I  
11 tried to illustrate that with some of the  
12 examples that were -- that were teeth grinding,  
13 but also a little bit funny about how, how we  
14 are becoming more illiterate.

15 And therefore we need to emphasize as the  
16 Higher Education Coordinating Council says,  
17 this fundamental requirement, this fundamental  
18 value.

19 And Commissioner Solari, I wish you, I  
20 wish it were true, and Commissioner Washington,  
21 I wish it were true, that we could say well,  
22 this is everyone's responsibility and everybody  
23 just ought to do it naturally and it ought to  
24 be learned at home and that ought to be that.  
25 But that ship sailed a long time ago on

1 virtually every subject and every value in  
2 education.

3 We take on in education whether it is  
4 public education, private education or a  
5 mixture of the two, the responsibility to  
6 articulate and carry out fundamental values,  
7 and I think that -- I think that it was  
8 Commissioner Stemberger who talked about the,  
9 you know, the intentional necessity for -- for  
10 values.

11 And so we have to intentionally lift up  
12 civic literacy as a constitutional value  
13 because if we don't make it part of our -- of  
14 our permanent foundations of our society, of  
15 our state, then it is subject to those ebbs and  
16 flows and those changing fashions. And we have  
17 seen that occur in virtually every other part  
18 of public education.

19 Commissioner -- Commissioner Stewart has  
20 been extraordinarily kind with her -- with her  
21 help and her comments and her interchange with  
22 me on this topic in committee, privately and  
23 now here on the floor. And I appreciate her  
24 votes for this proposal in the past.

25 I have no idea how she will vote today,

1 but I would simply say that in order to affirm  
2 the good work that has been done by the  
3 Department of Education, which the Chairman of  
4 the -- of the State Board and the Chairman of  
5 the State Board that oversees our colleges and  
6 universities have both acknowledged needs more  
7 work.

8 And the way you do that is by saying  
9 something is permanent, and then you make sure  
10 that, that through including it in the  
11 Constitution that the Legislature has the  
12 authority to carry it out.

13 Now, the question was raised, well, you  
14 know, what if the Legislature doesn't do it?  
15 We have had all sorts of conversations and made  
16 all kinds of decisions in the last two days  
17 that require us to believe that the Legislature  
18 will carry out their oath of office to  
19 preserve, protect and defend the Constitution  
20 of the State of Florida.

21 If we don't believe the Legislature will  
22 carry out constitutional mandates, then we have  
23 wasted a year. I believe they will. I believe  
24 they will have healthy and vigorous debate  
25 about how to do it and then leave the methods

1 and means specifically to the Department of  
2 Education.

3 The question about ballot length I think  
4 is a very significant one. So let me make you  
5 this commitment. I don't believe that this  
6 provision should be a separate ballot item. I  
7 think that would be a terrible mistake for a  
8 couple of reasons.

9 First, it would create an unnecessarily  
10 long ballot. And secondly, because if the  
11 Style and Drafting Committee does what Chair  
12 Heuchan says it will do, and I am sure it will,  
13 and that is group proposals, this belongs in  
14 any grouping that deals with education.

15 I will give you this commitment: If the  
16 Style and Drafting committee comes back and  
17 says we have got this terribly long ballot and  
18 Proposal 10 is sitting there by itself  
19 lengthening the ballot, I will under the rules  
20 of this Commission move at that point to  
21 reconsider or strike or take out or divide the  
22 question and eliminate this entirely from our  
23 proceedings.

24 This should not add to the ballot length.  
25 This should be grouped with other education

1 issues.

2 And let me finally say, if it is, I think  
3 it will help some of those other education  
4 issues pass. I don't think you are going to  
5 get too many people in the state of Florida who  
6 are going to look at a ballot that says our  
7 children ought to be civically literate and say  
8 we are sure as heck against that.

9 I think it will help whatever it is next.  
10 And so therefore, let me -- let me just finally  
11 make -- answer another question. The question  
12 I think was asked by Commissioner Solari, so if  
13 we do this who will teach the teachers.

14 Well, fortunately in Florida we have an  
15 answer. The Bob Graham Center was set up by  
16 Governor Graham and by Congressman Frey. They  
17 set up a joint venture to teach teachers how to  
18 teach about our country and our state and our  
19 community and how our students can exercise  
20 their rights and responsibilities.

21 There is empirical evidence about the  
22 effectiveness of their work in terms of the  
23 teachers who have taken those courses and the  
24 Legislature has provided funding over the years  
25 to assist with the private funding that

1 Governor Graham has raised in order to support  
2 this effort.

3 It is non-political, it is  
4 non-ideological, it is non-partisan. It is a  
5 value that I hope we can all affirm and that is  
6 that our children should be literate in their  
7 rights and responsibilities and our education  
8 system as defined by the Legislature and  
9 carried out by our Department of Education and  
10 Board of Education, can make that happen if you  
11 will vote yes.

12 CHAIRMAN BERUFF: We will now open the  
13 board for a vote on Proposal 10.  
14 Commissioners, please vote. Commissioners,  
15 please vote. Close the board and give us a  
16 tally, please.

17 THE SECRETARY: Twenty-five yea's, seven  
18 nay's, Mr. Chairman.

19 CHAIRMAN BERUFF: Thank you. The motion  
20 is adopted and the proposal is committed to  
21 Style and Drafting Committee.

22 We are going to take up one more Proposal  
23 this evening before we call it quits. Proposal  
24 67.

25 Commissioner Lee, would you like to take



1 this one?

2 COMMISSIONER LEE: I hear you. I am not  
3 sure there is much at this point for anyone to  
4 learn on this subject. I know that the members  
5 have been inundated with a lot of support for  
6 this proposal, and some support and some in  
7 opposition, but I am going to try summarize  
8 here as quickly as I can.

9 I know the hour is late. According to the  
10 industry there are roughly 8,000 racing dogs at  
11 Florida tracks currently. There are 12 tracks  
12 operating here in Florida, which represents  
13 about two-thirds of those tracks nationwide,  
14 because greyhound racing is illegal now in 40  
15 states in America, and since 2004, the industry  
16 has essentially been cut in half.

17 Only six states have active dog tracks and  
18 since 1993, 13 states have prohibited dog  
19 racing. It is clearly an industry in decline.  
20 Since 1990 the amount wagered on greyhound  
21 racing has declined by 75 percent, the taxes  
22 and fees associated with that have been reduced  
23 by 98 percent.

24 As a result, the State loses money, a  
25 substantial amount of money. Essentially we

1 are propping up this industry by using other  
2 revenue sources inside of DBPR to fund the  
3 deficiency between the revenue that comes in  
4 off of dog racing and the cost to regulate it  
5 by the tune of somewhere between one million  
6 and \$3.3 million today.

7 That number is growing and that is based  
8 upon a study that was conducted on behalf of  
9 the Legislature in connection with a recent  
10 committee that I believe was created under  
11 President Gaetz's presidency in the Senate, to  
12 review parimutuel wagering in Florida.

13 It is -- it is estimated that eliminating  
14 dog racing as a mandate would reduce gambling  
15 in our state by an estimated \$23 million a  
16 year, and that phasing out greyhound racing  
17 will reduce gambling more than \$225 million  
18 annually.

19 The -- let me go to really what is at the  
20 core of this however, and that is the issue of  
21 humanity or inhumanity, and the injuries and  
22 deaths that have been reported in this industry  
23 of late, despite the efforts by the industry to  
24 block injury and death reporting.

25 We have established some statistics here

1 in Florida, that a greyhound dies every  
2 three -- three days at a Florida track. Since  
3 the State began tracking greyhound deaths in  
4 2013, 438 dogs have died at race tracks in our  
5 state.

6 Florida and Alabama are the only two  
7 states now have some for of greyhound injury  
8 reporting injury to the public, and we have so  
9 far 26 injuries that have been reported at a  
10 kennel in Sanford, 18 dogs have suffered broken  
11 bones and three dogs have died.

12 This is the first year that we have begun  
13 this reporting. It took 14,000 signatures to  
14 force this reporting to occur, and then you get  
15 to the issue of confinement and these animals  
16 are kept in cages. They are bred exclusively  
17 for the purposes of being used for profit in  
18 wagering, and they are kept in cages for  
19 somewhere between 20 and 23 hours a day.

20 And we heard and, you know, we try not to  
21 engage with the public and we are there to  
22 listen, but at the most recent public hearing  
23 we heard a lot of stories about how these dogs  
24 would be so happy and wag their tail and  
25 what-have-you when they are out racing, and --

1 and I was sitting there thinking, well,  
2 wouldn't you be happy and wagging your tail if  
3 you were in a cage for 23 hours and then all of  
4 a sudden got to get out and go race.

5 Then we have had the issue of doping,  
6 and -- and female greyhounds have been given  
7 anabolic steroids, some drugs that are too long  
8 for me to pronounce. But they sound like some  
9 sort of a drug to prevent loss of racing days  
10 by prohibiting the dogs from getting pregnant,  
11 and we have had a bunch of them that have  
12 tested positively at Florida dog tracks, at  
13 least 30 times since in the last two years.

14 So I think what I will do, Mr. Chair, is I  
15 anticipate some questions and maybe if they are  
16 not asked I will handle that in my close, but I  
17 will stop now and take any questions.

18 We do have an amendment, sir, and I am  
19 happy to explain that when you are ready.

20 CHAIRMAN BERUFF: So we have questions on  
21 Proposal 67 before we go to the amendments.

22 Commissioner Smith.

23 COMMISSIONER SMITH: Thank you, Mr. Chair.  
24 I guess a couple of questions about what I just  
25 heard. You stated that it is outlawed,

1 greyhound racing is outlawed in 40 states, I am  
2 sorry, I missed that. How many states have  
3 outright outlawed greyhound racing?

4 CHAIRMAN BERUFF: Commissioner Lee.

5 COMMISSIONER LEE: Thank you, Mr. Chair.  
6 It is my understanding that 40 states have  
7 banned greyhound racing.

8 CHAIRMAN BERUFF: Commissioner Smith.

9 COMMISSIONER SMITH: Secondly you stated  
10 that greyhound racing is in the decline in  
11 Florida. Why would government step in?

12 Why wouldn't we let the market dictate if  
13 it is in a decline, why wouldn't we just let  
14 the market dictate that decline?

15 CHAIRMAN BERUFF: Commissioner Lee.

16 COMMISSIONER LEE: Because a lot of people  
17 in this state believe that this is an inhumane  
18 activity in 2018, and that we should follow the  
19 lead of most other states in America.

20 We have two-thirds of the dog tracks left  
21 in this country and it is time to ban this  
22 inhumane activity.

23 CHAIRMAN BERUFF: Commissioner Smith.

24 COMMISSIONER SMITH: Another point that  
25 was made. You talked about reducing gambling

1 and I am trying to follow that. So if a track  
2 now is losing money as we are comparing on  
3 greyhound racing, and they're losing money and  
4 if you get rid of greyhound racing now the  
5 track has more money to invest back into the  
6 track which is now a casino, I don't understand  
7 the logic of how taking away money lost for  
8 them will reduce gambling.

9 I would think that if I own a track and I  
10 am losing money on greyhound racing, but now  
11 you have taken that away and I can invest it  
12 back into my track which is now a casino, that  
13 I could get more people to come, thus  
14 increasing gambling. So it is hard for me to  
15 follow the logic of how this reduces gambling.

16 CHAIRMAN BERUFF: Commissioner Lee.

17 COMMISSIONER LEE: Well, I think the use  
18 of the term "casino" is misleading. There are  
19 no casinos in Florida. There are race tracks  
20 that have simulcast rights, they have some card  
21 rooms located in some of those parimutuel  
22 facilities. Down in southeast Florida where  
23 you are from, they -- some of these facilities  
24 have been -- have authorized slots machines, I  
25 believe by ballot initiative, but there are no

1 casinos in Florida.

2 And these activities are being limited by  
3 the Legislature already, and I don't think the  
4 reinvestment of any money that they may  
5 generate. Some tracks want to continue to do  
6 dog racing, some don't.

7 I don't think any of the money that they  
8 would generate, there is any evidence has been  
9 presented anywhere along the way that it would  
10 be reinvested for the purposes of expanding  
11 gaming or that that would be authorized by the  
12 Legislature.

13 CHAIRMAN BERUFF: Commissioner Smith.

14 COMMISSIONER SMITH: There are not  
15 casinos, like in my area they are called  
16 parimutuel facilities. Parimutuel meaning that  
17 they have some type of live racing. You get  
18 rid of that live racing, now what do we call  
19 them, places where you can play cards, gamble  
20 and play slots?

21 COMMISSIONER LEE: Well, by definition --  
22 I am sorry.

23 CHAIRMAN BERUFF: Commissioner Lee.

24 COMMISSIONER LEE: By definition the card  
25 rooms that are authorized there have to be

1 parimutuel. They are not allowed to have bank  
2 card games. So the notion of parimutuel  
3 activity is gambling amongst people who also  
4 have skin in the game as opposed to playing  
5 against the house. So they would be still be  
6 parimutuel facilities.

7 CHAIRMAN BERUFF: Commissioner Smith.

8 COMMISSIONER SMITH: I will wait until the  
9 amendment.

10 CHAIRMAN BERUFF: Questions on Proposal  
11 67. Commissioner Jordan.

12 COMMISSIONER JORDAN: Thank you,  
13 Mr. Chair. I just have a quick question.  
14 Commissioner Lee, you said 40 states have  
15 banned greyhound racing.

16 Was this by legislative act or have some  
17 of the states put it into their State  
18 Constitution, and, if so, how many?

19 COMMISSIONER LEE: I do not know -- I do  
20 not know what each state has done or in the  
21 aggregate, how they have done it. The reason  
22 we are proposing it in our Constitution here is  
23 because there are three places in our  
24 Constitution, currently Article X, Section 7,  
25 which actually authorizes dog racing because



1 dog racing is only authorized for betting at  
2 parimutuel facilities.

3 It is otherwise banned in our state. And  
4 then also Article VII, Section 7, and Article  
5 X, Section 23, as well. So since there are so  
6 much nexus to this issue in the Constitution I  
7 thought it was appropriate to do it here.

8 CHAIRMAN BERUFF: Commissioner Jordan.

9 COMMISSIONER JORDAN: Thank you. So do we  
10 know of any other states that have put it into  
11 their Constitution as an outright ban? No, you  
12 don't know that?

13 COMMISSIONER LEE: I don't know that any  
14 of it happened.

15 CHAIRMAN BERUFF: Commissioner Lee.

16 COMMISSIONER JORDAN: Thank you.

17 CHAIRMAN BERUFF: Commissioner Schifino is  
18 recognized.

19 COMMISSIONER SCHIFINO: Thank you, Chair  
20 Beruff. Boy this was an issue and we all dealt  
21 with it and I happened to sit next to  
22 Commissioner Lee at the meeting in St. Pete and  
23 I think I slugged him about ten times at about  
24 11:30 at night.

25 You know, I remember we hear stories from

1 very passionate people on both sides, right,  
2 and I imagine myself as a Judge or a juror  
3 listening to the argument, and it would go back  
4 and forth.

5 And I leaned over to Commissioner Lee at  
6 some point and I said, you know, I really wish  
7 I could take this group, put them in a real  
8 Senate hearing, and like you see on TV and  
9 Congress and have subpoena power under oath,  
10 you are now under oath and I would tell them  
11 all, whoever perjures himself is going to jail  
12 and make sure that happens, because when you  
13 listen, how could you tell who was really  
14 telling you the truth?

15 Either it is, either it works fine, you  
16 really, I had an incredibly difficult time. I  
17 hear you loud and clear, Commissioner Lee and  
18 your passion about it. I understand that, but  
19 I saw no, no data, no statistics.

20 I would have loved to have heard from some  
21 law enforcement individuals that have actually  
22 gone in and investigated these facilities.  
23 Now, I understand and know a few people that  
24 have, they have done that, that are on staff  
25 with us. So I -- I am not telegraphing or

1 maybe a little bit of where I am leaning on  
2 this one, but if you could -- is there any  
3 empirical data other than I understand the  
4 deaths, okay, we got the numbers in four or  
5 five years, they had those and explained them.  
6 But I think this is a tough call, very  
7 compassionate, very passionate issue.

8 Certainly my heart went out to a lot of  
9 those young kids and -- but certainly a very  
10 tough call for me see where I come out on this  
11 one.

12 CHAIRMAN BERUFF: Commissioner Smith is  
13 recognized.

14 COMMISSIONER SMITH: A quick question.  
15 How would this affect our compact with the  
16 Seminole Tribe if this was to pass?

17 CHAIRMAN BERUFF: Commissioner Lee.

18 COMMISSIONER LEE: I do not see any impact  
19 whatsoever on the compact.

20 CHAIRMAN BERUFF: Is there a follow-up,  
21 Commissioner Smith?

22 Commissioner Coxe is recognized.

23 COMMISSIONER COXE: Commissioner Lee,  
24 following up Commissioner Jordan's question.  
25 Is there anything in your proposal that cannot

1 be done by the Legislature?

2 COMMISSIONER LEE: Well, I would have to  
3 say yes.

4 COMMISSIONER COXE: Which is what?

5 COMMISSIONER LEE: I, every year I have  
6 been in the Legislature they have tried to do  
7 it and they can't. That was your question.

8 COMMISSIONER COXE: Make it a legal  
9 question instead of a practical question.  
10 Legally could the Legislature do this?

11 COMMISSIONER LEE: In theory, they could.  
12 What happens, Commissioner, is that the dogs  
13 get held hostage for the coupling of  
14 thoroughbred racing, and thoroughbred racing  
15 affects purse pools, it affects jockeys, it  
16 affects trainers and it affects owners who are  
17 often pretty wealthy folks.

18 And so the Legislature has just been  
19 wrapped around the axle over this and these  
20 dogs continue to die in the interim.

21 COMMISSIONER COXE: Okay, if I understand  
22 it correctly, I am sorry, Mr. Chair. You are  
23 referring to coupling, which is the requirement  
24 in Florida that if you operate a card room you  
25 must also operate the greyhound track, is that

1 a simple way to look at it?

2 COMMISSIONER LEE: Coupling essentially  
3 removing that requirement that you must run a  
4 full scheduled live racing in order to continue  
5 to enjoy those other permitted activities.

6 CHAIRMAN BERUFF: Commissioner Coxe.

7 COMMISSIONER COXE: Thank you, Mr. Chair.  
8 So Commissioner Lee, if the relationships were  
9 uncoupled, then the dogs are no longer held  
10 hostage, correct, because they could shut down  
11 the greyhound racing?

12 CHAIRMAN BERUFF: Commissioner Lee.

13 COMMISSIONER LEE: Well, at the tracks  
14 where it was no longer economically viable, and  
15 there are some tracks in highly urban areas  
16 where the footprint of the track and the cost  
17 of maintaining it is so vast that that track  
18 could be re-purposed from a real estate  
19 standpoint to create much greater economic  
20 opportunity for the track owner, given the  
21 value of the underlying property relative to  
22 the amount of usage.

23 But in most places in the state the  
24 opportunity, they would not avail themselves of  
25 the opportunity to decouple, because it is

1 still -- they are still making, the owners of  
2 the tracks are still making a lot of money on  
3 it. And even if you did decouple, and  
4 therefore if you did decouple you would still  
5 have a lot of dog racing going on in the state.  
6 The only way to stop the inhumanity is to ban  
7 it.

8 COMMISSIONER COXE: One other question.

9 CHAIRMAN BERUFF: Commissioner Coxe.

10 COMMISSIONER COXE: With respect to what  
11 you characterize as the inhumanity, would the  
12 66 Sheriffs and the Department of Public Safety  
13 and 20 State Attorneys and crimes on our  
14 statutes that make it a felony to abuse  
15 animals, why is that not done with the horrors  
16 we have heard?

17 COMMISSIONER LEE: There is a lack of  
18 regulatory oversight in this industry. They  
19 are already losing several million dollars a  
20 year regulating as it is.

21 We heard testimony in some of the public  
22 hearings about the fact that there is not a lot  
23 of visitation going on. I assume that a lot of  
24 this goes unreported because it is unknown to  
25 anyone. The only one privy to a lot of this is

1 the owner or trainer and the dog. And in many  
2 cases the dog isn't there to tell a story  
3 anymore, if they ever could.

4 So I don't know, the industry has fought  
5 tooth and nail every effort by the Legislature  
6 to create reporting requirements so that we  
7 could have the statistics and that is the  
8 reason they have, Commissioner, because they  
9 don't want me to be able to stand here on the  
10 floor and quote you a bunch of damning  
11 statistics that would result in a unanimous  
12 vote.

13 COMMISSIONER COXE: Mr. Chairman, may I  
14 ask just one more?

15 CHAIRMAN BERUFF: Commissioner Coxe.

16 COMMISSIONER COXE: Commissioner Lee, I  
17 attended most of the public hearings and  
18 Commissioner Schifino was discussing this, who  
19 do you believe and everything else.

20 What I didn't hear from all the people,  
21 the hundreds of people who complained about the  
22 abuses to the animals, that any one of them had  
23 ever gone to law enforcement to complain about  
24 that abuse. Do you know why that would be?

25 CHAIRMAN BERUFF: Commissioner Lee.

1           COMMISSIONER LEE: I can't speak for --  
2           for what they have done and what they haven't  
3           done. I wish I had an answer for you. I just  
4           know that antidotally the evidence is clear.  
5           We have had legislation every year about all of  
6           these cocaine positives, the doping that is  
7           going on in the industry, and I don't know why  
8           no one seems to be following up and taking an  
9           issue with this at the level that you and I  
10          might prefer.

11          CHAIRMAN BERUFF: The Chair will look to  
12          Mr. Cerio, Commissioner Cerio for a motion.

13          COMMISSIONER CERIO: Mr. Chairman, I move  
14          that we suspend the rules to extend our session  
15          until 8:00 p.m. this evening because we expire  
16          at 7:00.

17          CHAIRMAN BERUFF: We have to do it. We  
18          are on the last proposal, folks. We are not  
19          going to put another one. We just need to do  
20          it procedurally. So everybody relax. Okay.

21          So back to questions for Mr. Lee's  
22          Proposal 67. Sorry. Oh, we have to adopt it.  
23          All those in favor signify by saying yea.

24          (Chorus of yea's.)

25          CHAIRMAN BERUFF: Against? Sorry, the



1           yea's get it.    It is one.    So questions for  
2           Commissioner Lee on Proposal 67, 67, we are  
3           still on questions.   We are going to close  
4           questions.

5                    Oh, Commissioner Bondi, I apologize, I  
6           didn't see you back there.

7                    COMMISSIONER BONDI:   Commissioner Lee, I  
8           just form this as a question.   So I am sure  
9           that you are aware that I am a career  
10          prosecutor my entire adult life, and I am not  
11          sure if you are aware that I have prosecuted  
12          many, many cruelty to animals cases, even when  
13          I was a Felony Bureau Chief and not taking  
14          cases, I would take those.

15                   And I am not sure if you are aware that  
16          these are virtually impossible to investigate  
17          by law enforcement and prove in a court of law  
18          because they are well hidden and you basically  
19          have to get a search warrant, which is very  
20          difficult to obtain.   And I am also not sure, I  
21          am trying to ask questions, if I may, Chair,  
22          that these dogs I have seen firsthand after the  
23          fact are scared to death of their own shadow.  
24          They are -- it is inhumane, in my opinion it is  
25          cruelty to animals.

1           It is horrible. Are you aware that most  
2 of them are skin and bones when they are taken  
3 away from the dog tracks?

4           CHAIRMAN BERUFF: Commissioner Lee.

5           COMMISSIONER LEE: Thank you, Mr. Chair.  
6 I did not realize that you had in your -- I  
7 know you have been a career prosecutor. I  
8 didn't realize you had done that many cases or  
9 I would have deferred to you. But I have seen  
10 some of these animals, and that have come out  
11 of these facilities.

12           And one of the most telling features,  
13 Commissioners, about an animal that has been  
14 abused is, as Commissioner Bondi says, how it  
15 behaves. You can tell by its behavior that it  
16 has been mistreated horribly. And these  
17 instances have been reported time and time  
18 again by these adoption agencies that are  
19 taking these dogs after their racing days,  
20 after their racing eligibility has expired. So  
21 I appreciate the question. Thank you.

22           COMMISSIONER BONDI: One more?

23           CHAIRMAN BERUFF: Commissioner Bondi.

24           COMMISSIONER BONDI: And Commissioner Lee,  
25 because I believe these are some of the worst

1 frankly cruelty to animal cases that I have  
2 seen and that are operating legally in our  
3 state and we are in -- are a minority in the  
4 entire country, I just learned that if your  
5 good amendment passes that and goes to the  
6 voters, that people around the country are  
7 watching and waiting and will take every single  
8 one of these dogs, not euthanize them and find  
9 them good homes. I am not sure if you are  
10 aware of that.

11 COMMISSIONER LEE: Thank you. That is my  
12 understanding, as well.

13 COMMISSIONER BONDI: Thank you.

14 CHAIRMAN BERUFF: Further questions?

15 Commissioner Lee's proposal.

16 Commissioner Jordon, you are recognized.

17 COMMISSIONER JORDAN: I just have one  
18 question, and I think it is a passionate  
19 subject matter. I have four dogs, two are  
20 rescues that were very abused. So I feel it,  
21 but I also feel like I need to just ask the  
22 question, because I worry about the fiscal  
23 impact, and the staff analysis does bring up  
24 1.1 million in 19 and 20 and in 21, 1.3 million  
25 plus \$400,000 to the education coffers.

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1           So I am just concerned when we take a vote  
2 that there is economic impact, especially to  
3 education. I worry about the dollars. So  
4 where, where do we make up those dollars, and  
5 is there a plan or has that been thought out by  
6 you with regard to the fiscal impact of this?

7           CHAIRMAN BERUFF: Commissioner Lee.

8           COMMISSIONER LEE: Mr. Chair. I don't  
9 have the staff analysis in front of me, but I  
10 don't see how that is remotely possible. One  
11 of the problems or challenges I think  
12 deficiencies in this Commission is that it is  
13 taking a staff analysis from the agencies that  
14 regulate these industries, and sometimes their  
15 perspective is compromised by the fact that  
16 there may be no longer a need for their  
17 services if we ban this activity.

18           The information I had a letter written by  
19 the Department to Senator Young I presented in  
20 committee that documented the losses that this  
21 -- that the Department has from the regulation  
22 of these races. So I don't know how anybody  
23 could be suggesting today that they are  
24 throwing off any income, but I am happy to try  
25 to thumb through that staff analysis while we

1 are in questions and debate.

2 CHAIRMAN BERUFF: Commissioner Timmann.

3 COMMISSIONER TIMMANN: I will phrase this  
4 in the form of a question, I hope. Of course,  
5 one of the first things when I found out that I  
6 was appointed to this incredible Commission,  
7 that people would ask me, are you going to get  
8 rid of the pigs. And I felt strongly about it,  
9 and I actually drafted that amendment to try to  
10 do that.

11 And then I started studying the history on  
12 it and the first thing I realized was, although  
13 at that time I didn't know it was going to be  
14 greyhounds, I knew ultimately it would become  
15 like that issue has become. And I am concerned  
16 about that just in terms of the Constitution  
17 and the perception.

18 I would greatly support the Legislature  
19 banning greyhounds, the greyhound racing, and I  
20 will put that on the record and I firmly  
21 believe in that.

22 So my question for you, Commissioner Lee,  
23 would be, can you help us craft, would you be  
24 able to help us craft a statement back to  
25 everyone about how this is different than

1 putting the pigs, banning the pigs in the  
2 Constitution?

3 CHAIRMAN BERUFF: Commissioner Lee.

4 COMMISSIONER JORDAN: You are so eloquent,  
5 I am sure you can do that.

6 COMMISSIONER LEE: Well, thank you,  
7 Commissioner. I appreciate the question. It  
8 is a fair one. It is. I am not a complete  
9 expert on the pregnant pig amendment, but up  
10 until the time that that issue was presented to  
11 the voters, there was no reference to pigs,  
12 pregnant or otherwise in the Constitution.

13 In our Constitution today, as I mentioned  
14 somewhat earlier in the conversation, Article  
15 X, Section 7, refers to these parimutuel pools  
16 of activity that occur at dog racing  
17 facilities. We have Article VII, Section 7,  
18 which also refers to them. The original  
19 Article 10, Section 7 outlawed gambling except  
20 gambling on parimutuel pools that were already  
21 legal was the greyhound racing parimutuel  
22 activity.

23 And then Article X, Section 23 provides a  
24 Constitutional process to authorize associated  
25 gaming and in conjunction with the operation of

1 greyhound racing. So there are three places in  
2 which there is a nexus in the Constitution  
3 already, and the pregnant pigs unfortunately  
4 did not enjoy that.

5 CHAIRMAN BERUFF: Is there further  
6 questions on 67?

7 Commissioner Smith.

8 COMMISSIONER SMITH: We heard discussion  
9 about the Bert Harris claim at some of the  
10 meetings. Could you -- could you hit that  
11 point of how much it would cost the State of  
12 the claims under the Bert Harris Act?

13 CHAIRMAN BERUFF: Commissioner Lee.

14 COMMISSIONER LEE: Yes, thank you,  
15 Mr. Chair. I thought that was a troubling  
16 allegation myself. It was lobbied out at a  
17 committee meeting without any prior notice. So  
18 I certainly didn't have enough time to respond,  
19 but I promised, I believe it was Commissioner  
20 Jordan, that I would, that I would look into  
21 that.

22 We have had a legal analysis. I have been  
23 given a legal analysis that was conducted by  
24 Broad & Cassel, they handled the pregnant pig  
25 taking issue that resulted under Bert Harris

1 and you -- you can read the -- you can read the  
2 ten pages for yourself. I have it here, and  
3 probably understand it better than I do.

4 But I got the meat of it, and essentially  
5 it is that the Bert Harris claims are for real  
6 property, not licensed activity that is  
7 regulated and not guaranteed by the State.

8 It is not a right. And so the fact that  
9 this amendment is prohibiting the exchange of  
10 money based on the outcome of a dog race at a  
11 parimutuel facility does not give rise to a  
12 parimutuel claim. It does not prohibit the use  
13 of the track owner's property for a variety of  
14 other uses associated with that facility, or to  
15 have it re-purposed for other reasons.

16 And so that is the finding of the lawyers  
17 that looked at this out of concern expressed in  
18 that last committee, I believe it was.

19 CHAIRMAN BERUFF: Commissioner Stemberger  
20 is recognized.

21 COMMISSIONER STEMBERGER: Thank you, Mr.  
22 Chairman. Commissioner Lee, in the hearings we  
23 were told that approximately 300 greyhounds  
24 were adopted every year, and I actually did a  
25 pretty deep dive into this issue because it was



1 fascinating to me and it was Rubik's Cube and I  
2 was just trying to find the one with all of the  
3 sides and it was very hard to do.

4 But I was very interested to hear General  
5 Bondi, is there a plan and, if so, what is the  
6 specifics of the plans so that these animals  
7 are not destroyed?

8 CHAIRMAN BERUFF: Commissioner Lee.

9 COMMISSIONER LEE: Thank you, Mr.  
10 Chairman. And what a great question that is.  
11 And, you know, I have thought, we have an  
12 amendment here to, that we will deal with in a  
13 minute that will, I think ameliorate the  
14 problem a little bit.

15 But you know, I thought, gee, what a shame  
16 it is that, you know, the message we are  
17 getting back from the dog owners is that you  
18 can't stop this inhumanity or these animals  
19 will be put to death. And one of the reasons  
20 why we originally started with a phase-out is  
21 because I thought the math on the racing  
22 lifespan of a greyhound would be -- would  
23 result in fewer adoptions having to occur at  
24 once. And if it was phased out over three  
25 years, and because people representing the

1 tracks told me that if you stopped it too  
2 abruptly they were afraid that the owners would  
3 kill the animals.

4 Well, since all of that has occurred in  
5 response to your question, as horrific as that  
6 sounded coming from the people who supposedly  
7 know most about this industry, we have had sort  
8 of an outcry or an outreach from the industry,  
9 the adoption industry around the country,  
10 offering that in the event that Florida were to  
11 succeed in banning dog racing, which under this  
12 upcoming amendment would occur on June 30th of  
13 2020, they intend to ramp up for the capacity  
14 to receive all of these dogs.

15 And because you would be able to stop  
16 breeding animals upon the passage of this  
17 amendment because they start racing at  
18 approximately one and a half years of age,  
19 which is about the time this ban would kick in,  
20 this would be the best way to meet the capacity  
21 demands, if you will, associated with a ban of  
22 this racing activity. So we have tried to  
23 think about that and the industry has responded  
24 to our concerns as well.

25 CHAIRMAN BERUFF: Commissioner Stemberger.

1           COMMISSIONER STEMBERGER: Commissioner  
2 Smith asked a good question about casinos, I  
3 believe, and the Seminole Tribes. Will this  
4 create any further incentive for the  
5 parimutuels to come back to the Legislature  
6 with their hands open now saying we need more  
7 revenue, we need slots, we need more tables?  
8 Assuming the great amendment that is on the  
9 ballot doesn't pass, will that happen, and play  
10 out that dynamic for us?

11           COMMISSIONER LEE: Thank you.  
12 Commissioner Stemberger. I had -- my second  
13 two years in the Senate back in the late '90s,  
14 I had the privilege of chairing the -- or  
15 misfortune, depending on how you look at it,  
16 the Regulated Industries Committee in the  
17 Senate which handled all of the parimutuel DBPR  
18 issues, as well as telecommunications and  
19 energy policy and all of that at the time, and  
20 every year, regardless of what happens, this  
21 industry comes back to the Legislature.

22           It is -- in about week seven a parimutuel  
23 Bill is put up in the Legislature and it is  
24 like throwing a side of beef into a shark tank.  
25 Not only do they all want expanded gaming

1 opportunities, but they want to deny those same  
2 opportunities for their competition. And if  
3 one gets them and the other doesn't get them  
4 which is usually what kind of happens given the  
5 leanings, political leanings of the Legislature  
6 the whole Bill goes in the ditch. Which is the  
7 problem we have every year with this Compact  
8 getting reauthorized.

9 So I can't tell you that this industry  
10 after 22 years off and on of being in the  
11 Legislature, isn't going to come back every  
12 year and ask for something.

13 It used to be penny ante stuff, reducing  
14 their tax rates and things, and now it has  
15 become more serious and I think the effects of  
16 the Amendment One will be an important  
17 consideration for them.

18 I will just tell you that there is nothing  
19 I believe in this proposal here that would  
20 create those incentives because most of these  
21 tracks aren't making enough money on this  
22 racing as an industry to incent them to  
23 continuing to do it where the populations are  
24 great.

25 They are being forced to race because it

1 is the anchor for their parimutuel permit, and  
2 failure to run a full racing schedule denies  
3 them the opportunity to do the things they  
4 actually make money on.

5 CHAIRMAN: Further questions? Any further  
6 questions?

7 CHAIRMAN BERUFF: Thank you. Commissioner  
8 Lee. Has anyone done any detail on the revenue  
9 that the families and the people that work in  
10 the industry are going to lose so that they can  
11 feed their families?

12 As a dog lover who spends literally tens  
13 of thousands of dollars on dogs and veterinary,  
14 I am very sensitive to dogs, but I am also very  
15 sensitive to those people whose livelihood  
16 depends on an industry which admittedly is  
17 dying.

18 I believe that free markets should put  
19 people out of business like they did with  
20 Polaroid and Kodak and Xerox and so forth.

21 I just have a hard time with government  
22 being that -- that pushes them over the cliff.  
23 So is there any data on how many dollars these  
24 folks are going to lose that go into their  
25 homes?

1           CHAIRMAN: Commissioner Lee.

2           COMMISSIONER LEE: Thank you, Mr. Chair.

3           So the first thing I would say, if there was  
4           not blatant and well-documented inhumanity  
5           going on in this industry, we probably wouldn't  
6           be having this discussion, Commissioner,  
7           because I don't think there would be a basis  
8           upon which to impair anyone's economic  
9           opportunity, but for that going on and having  
10          been documented.

11          There are basically two issues here: One  
12          is what is going to be the impacts to those  
13          people that are currently in this industry.  
14          There is actually another issue you didn't ask  
15          about so I won't answer it, maybe I will do  
16          that in closing, but it is what is the broader  
17          economic impact on the State as a result of  
18          this?

19          As it relates to those individuals that  
20          are making a living on this, clearly there are  
21          going to be some winners and losers. One of  
22          the reasons we have moved the date out into  
23          June 20 -- June 30th, 2020, is to give them the  
24          time to try to find another way to make ends  
25          meet, if you will. And beyond that, you know,

1           what I am forced to do is make it a value  
2           choice between the inhumanity and some of the  
3           impairment that might occur economically to  
4           those individuals that are making their living  
5           off of this, and I certainly appreciate your  
6           sensitivity. I share it.

7           CHAIRMAN: Chairman Beruff.

8           CHAIRMAN BERUFF: A follow up question. I  
9           did call the Secretary of DPBR, something like  
10          that, that one, to ask the question of the  
11          financial impacts on the State because I was --  
12          I took, you know, I listened to the audience as  
13          they spoke and how it costs us more to regulate  
14          than what it generates and so forth.

15          And I was -- his answer was, we take in  
16          more revenue than it costs to regulate that  
17          industry. So it is a little bit different than  
18          the -- what you have said. So I am -- and I  
19          had this discussion, what is today, today is  
20          Tuesday, I must have had it Thursday of last  
21          week or Friday, so it is very fresh in my mind.

22          So there is a disconnect between what you  
23          say and what I saw, so what how, what do you  
24          attribute that to?

25          CHAIRMAN BERUFF: Commissioner Lee.

1           COMMISSIONER LEE: Well, I wouldn't know.  
2 I wasn't on the call, Commissioner, but I would  
3 love to debate the Secretary and I would love  
4 to see his books, because -- and I would love  
5 to ask him how is it that his statements to you  
6 are in conflict with a letter that was written  
7 by his predecessor to Senator Young when we  
8 were debating this issue in the Legislature,  
9 not this precise issue, but an issue relating  
10 to the decoupling issue in connection with the  
11 parimutuel.

12           CHAIRMAN BERUFF: Thank you. Further  
13 questions? Seeing no further questions, there  
14 are two amendments, sorry, Commissioner Joyner.

15           COMMISSIONER JOYNER: Just one question.  
16 When was it that you the got that letter as  
17 opposed to where we are now, the letter from  
18 the person in DPBR that gave --

19           COMMISSIONER LEE: I believe --

20           CHAIRMAN BERUFF: Commissioner Lee.

21           COMMISSIONER LEE: Mr. Chair, I believe it  
22 was 2016, that that letter came in to Senator  
23 Young. We received a copy of it because we  
24 were working on this and people who had been  
25 working on that issue shared it with us.



1           I corroborated it with Senator Young, and  
2 one of the disparities I think in the numbers  
3 is that some of the numbers that are used by  
4 the Department, and I wish I had that in front  
5 of me, but they spend a couple of million  
6 dollars a year doing outside testing at the  
7 University of Florida for some of these, and I  
8 don't think they were including that testing  
9 obligation in their math. And so while I can't  
10 reconcile what I don't know.

11           I know that there has been disparities in  
12 some of the numbers that have been reported,  
13 and some of the numbers that we know to be true  
14 from our work in the budget.

15           CHAIRMAN BERUFF: Commissioner Joyner.

16           COMMISSIONER JOYNER: So there is a  
17 possibility that with a two-year difference in  
18 time that the numbers could have changed since  
19 your letter was the six -- I am just trying to  
20 figure out the reason why the disparity in  
21 numbers from the present Secretary and whoever  
22 it was that gave you that, that wrote that  
23 letter.

24           CHAIRMAN BERUFF: Commissioner Lee.

25           COMMISSIONER LEE: Thank you, Mr. Chair.

1 I -- I -- I understand that it is relevant when  
2 you have two separate representations. I would  
3 begin by pointing out that whether they are  
4 losing a couple of million dollars a year or  
5 they are making a little bit of money, which,  
6 you know, I would stand on my reputation that  
7 they are losing their shirt when you add in all  
8 of the costs associated.

9 These agencies don't know how to do the  
10 kind of cost accounting that Chairman Beruff  
11 and I do in the home building business where  
12 you have to apportion portions of your staff  
13 and agency and what-have-you to the activities  
14 to regulate these people. They look at hard  
15 dollars and it is just not a fair comparison.

16 I would just say to you that if anything  
17 it is going downhill, it is not going uphill.  
18 So wherever we were in '16 I would bet my  
19 bottom dollar that we are worse off today.

20 CHAIRMAN BERUFF: Are we still on  
21 questions or are we in debate? We are on  
22 questions. Further questions on Proposal 67?

23 I am going to close questions and go into  
24 debate on -- oh, there is amendments. I forgot  
25 that. It is getting a little late. We are a

1 little tired.

2 Commissioner Lee, would you please start  
3 with, is there an amended amendment to your  
4 amendment? So substitutes that we should go  
5 just to 271928, that is your substitute  
6 amendment? You need to explain 323538 and then  
7 I think we go to your amendment to your  
8 amendment.

9 COMMISSIONER LEE: Thank you, Mr. Chair.  
10 Amendment 323538 attempts to accomplish the  
11 same thing that amendment 271927 accomplishes.  
12 It just wasn't until we filed the amendment on  
13 Wednesday and it was seen by people in the  
14 industry that we realized that Chapter 550 is a  
15 lot more complicated than we thought and we  
16 needed to do a substitute amendment to fix some  
17 Style and Drafting issues.

18 Essentially it moved the effective date  
19 from 2019 in December to June 30th in 2020, and  
20 it had the goal of neither expanding nor  
21 impairing any other permit activities currently  
22 authorized or that might be authorized in the  
23 future at these facilities, particularly  
24 simulcasting and operating from a leased  
25 license.

1           It would give -- it would ensure this the  
2           Legislature had the ability moving forward to  
3           authorize or de-authorize any activity that  
4           occurs at that facility and ensures that we  
5           were not expanding gambling inadvertently by  
6           the way the amendment was worded to allow  
7           dormant permits to all of a sudden be  
8           authorized because they weren't running a full  
9           live scheduled race.

10           So the difference between the underlying  
11           amendment and the substitute amendment is  
12           really drafting changes made to effectuate what  
13           I just described, which was not properly done  
14           in the first amendment.

15           CHAIRMAN BERUFF: You said 271927. I have  
16           928. I am just --

17           COMMISSIONER LEE: I am sorry.

18           CHAIRMAN BERUFF: Is that a scrivener's  
19           error?

20           COMMISSIONER LEE: No, it is a lack of  
21           glasses.

22           CHAIRMAN BERUFF: Oh, good, that is why I  
23           never take mine off. So it is 928 that we are  
24           discussing.

25           COMMISSIONER LEE: Yes, sir.

1           CHAIRMAN BERUFF: Great. So now I think  
2 we will take questions on 323538. Actually, we  
3 will go to the amendment and take questions on  
4 271928. Are there any questions, which is the  
5 substitute amendment 271928. Questions? I see  
6 no questions on 271 --

7           Commissioner Jordon does have a question.

8           COMMISSIONER JORDAN: Just one quick  
9 question.

10          COMMISSIONER LEE: I was about to say,  
11 hallelujah.

12          COMMISSIONER JORDAN: Sorry. Originally I  
13 think I saw something that would also ban  
14 simulcast broadcasting from other states that  
15 still allow greyhound racing. Is that still  
16 your intention to ban simulcast if such a thing  
17 exist?

18          CHAIRMAN BERUFF: Commissioner Lee.

19          COMMISSIONER LEE: Commissioner, it was  
20 never my intent. I don't want to make to make  
21 too much comment about how I feel about  
22 parimutuel wagering or gambling. It is not all  
23 that relevant here, but it wouldn't hurt my  
24 feelings if that were to have happened.

25                 But it is already difficult enough to

1 protect these animals, and the bigger fight,  
2 the bigger fight I pick the harder it is to get  
3 my friends here and the voters to support it.  
4 And so what we endeavored to do in this  
5 amendment here, Commissioner, was make sure  
6 that whatever activities the parimutuels were  
7 able to engage in today, they would not be  
8 impaired by a ban of racing activity in the  
9 future.

10 And one of those activities is  
11 simulcasting, at they simulcast dog and horse  
12 racing, and there aren't many dog tracks in  
13 America, as I said earlier, that aren't in  
14 Florida. So when this happens, if this  
15 happens, that portion is going to mostly go  
16 away, but they would still be able on simulcast  
17 other things they are currently able to  
18 simulcast.

19 CHAIRMAN BERUFF: Okay, so now we are  
20 going to debate. The questions are over, we  
21 are going to debate. Is there a question on  
22 debate?

23 Okay, so we are closing questions on  
24 the -- on the substitute amendment, okay. I  
25 know, it is getting late. I forget what I am

1 supposed to say. So -- so we now have debate  
2 on the amendment, the substitute amendment.  
3 Debate on the substitute amendment.

4 Not seeing any debate on the substitute  
5 amendment, Commissioner Lee, would you like to  
6 close on your substitute amendment?

7 COMMISSIONER LEE: Mr. Chair, only to say  
8 regardless of how you feel about the underlying  
9 proposal, which I hope you would support, I  
10 don't think you would want it to go into the  
11 ballot without this amendment on it because it  
12 fixes some drafting errors that we couldn't  
13 remedy that until this began to be reviewed by  
14 people who work in this industry and will be  
15 impacted should it pass, and we now know that  
16 we have it precisely correct.

17 CHAIRMAN BERUFF: I believe the amendment  
18 we voted on by voice vote. Everyone in favor  
19 of the substitute amendment 271928 please  
20 signify by saying yea.

21 (Chorus of yea's.)

22 CHAIRMAN BERUFF: All those against  
23 signify by saying nay. The amendment carries.  
24 Now, if we go back to Proposal 67 on debate.  
25 Who would like to debate 67?

1 Commissioner Thurlow-Lippisch on debate.

2 COMMISSIONER THURLOW-LIPPISCH: Thank you.

3 I waited the whole time because I thought this  
4 was more a debate or that maybe someone would  
5 debate me on rather than a question. And I  
6 just want to say that I-- I -- I emphasize and  
7 recognize why so many people have said some of  
8 the things that they have said over the past 30  
9 minutes, because the greyhound situation like  
10 we are exhausted right now, the greyhound  
11 situation was very exhausting.

12 I attended every hearing and in the  
13 beginning and in the end, and it was amazing  
14 how much greyhound racing was -- seemed to be  
15 the main subject that was there the whole time.

16 I would come home and my husband would say  
17 to me, so what was the main thing that people  
18 were talking about. Every single time I said,  
19 and it was greyhound racing, it was, and I  
20 found myself in the beginning being, you know,  
21 like I learned more and more as I went through,  
22 and I started to kind of wonder about some of  
23 the things I was thinking in the beginning.

24 But the one thing that has not changed,  
25 and this is something I think we all need to be



1 very cognizant of, is that we cannot ignore the  
2 public, and if we ignore the public we are not  
3 doing our job, and I believe that the majority  
4 of those people, whether they were associated  
5 with some entity or not, the majority the  
6 people that I spoke to were people, whether  
7 they were people who were for it or were for  
8 against it, and I think, you know, many of them  
9 said please just let this be on the ballot.

10 I think it deserves to be on the ballot.  
11 They -- they came, they spent time, they drove  
12 there, they went there, and in the future when  
13 people watch those movies if they can still do  
14 that on television like the Florida Channel  
15 what will the technology be in 20 years, who  
16 knows, but it -- if we ignore this, if we  
17 ignore this I think it will reflect negatively  
18 on us.

19 And so I hope that you will support it,  
20 and Senator Lee and Senator Gaetz and  
21 Commissioner Heuchan, thank you very much for  
22 bringing this controversial issue forward.

23 And yes, sometimes things cannot be  
24 achieved in the State Legislature, and maybe if  
25 they really get sick of that they will start

1 addressing certain issues. And I have never  
2 been in the Legislature and I honor all of  
3 those who are, but I believe it when Tom Lee  
4 says and when Senator Gaetz says that this has  
5 come before them again and again and again and  
6 again.

7 It is a calling from the people that the  
8 people need to have something to say about  
9 this. Thank you.

10 CHAIRMAN BERUFF: Commissioner Heuchan is  
11 recognized.

12 COMMISSIONER HEUCHAN: Thank you, Mr.  
13 Chairman. I rise today to offer my -- my voice  
14 for support of this proposal. I -- I want to  
15 just kind of offer this in perspective on  
16 different things I have heard, too. This is  
17 definitely not a pregnant pigs.

18 I also want to say that despite my  
19 personal feeling about whether that particular  
20 proposal should be in our Constitution or not,  
21 allegations about, you know, whether or not our  
22 original Constitution is clean or should be  
23 clean, you know, all of these things, it is  
24 interesting, this last proposal for the day.

25 This all comes back to where we started

1 with Commissioner Gainey, right? It all goes  
2 back to Sheriff Gainey. But I would have  
3 actually opposed any effort to take pregnant  
4 pigs out of the Constitution because it got  
5 there in a way that was outlined in our  
6 Constitution. That is how it got there, and  
7 the people of Florida voted for it.

8 Now, Senator Lee is also very much correct  
9 in saying that this is -- would be completely  
10 unnecessary if the dogs were being cared for in  
11 a way that the rest of us, the rest of humanity  
12 felt like that they ought to be.

13 To Commissioner Schifino, I couldn't agree  
14 more with him on this. It is almost like an  
15 alternate universe. It is like I think the sky  
16 is blue, you think it is red, right, but you  
17 would have to -- you would have to believe that  
18 these hundreds and hundreds and hundreds, maybe  
19 even thousands over this 15 or so public  
20 hearings that we had all conspired together in  
21 different regions of the state. Did some of  
22 them know each other, sure they did, but most  
23 of them didn't.

24 They all had different accounts of things  
25 that they saw. So you would have to believe

1 that if this was all a ruse. There was  
2 commentary about, you know, what the  
3 Legislature did, didn't do, you know. Look,  
4 this could be viewed, this issue could be  
5 viewed as a failure on the part of the  
6 Legislature, but I don't, I don't view it that  
7 way.

8 The Legislature for the most part does the  
9 best that it can do with the resources that it  
10 has. These dogs are precisely caught in the  
11 middle of this extremely massive tug of war,  
12 year in and year out. And I, as my friends out  
13 on the fourth floor have routinely told you, I  
14 actually belong to that class of people.

15 Let me tell you what happens. And this  
16 isn't necessarily a judgment on them or me,  
17 because, you know, you do your best for the  
18 people that you work for. But there is a  
19 mentality that if I can't win, then I am going  
20 to make sure you can't win, and that is where  
21 these dogs get caught.

22 Every year that I remember, I don't know,  
23 I don't have the same history that some of the  
24 others have, but they do, they get caught, and  
25 it is not -- it is not just in how they are

1 kept.

2 It is not just in what happens in the  
3 transfer. It is not just what happens at the  
4 farms. And Commissioner Schifino and I, in  
5 many of our candid conversations about things  
6 that we were struggling with, and I will tell  
7 you this, I struggle greatly listening to those  
8 families and the hardship that they will endure  
9 if this goes on the ballot and it passes.

10 But I would submit to you this, that if we  
11 all woke up tomorrow and decided we were going  
12 to put a system in place that human beings were  
13 going to be betting for money on dogs that are  
14 running around the track at 40 miles per hour,  
15 I don't think that would get a single vote, not  
16 one, because we know when that happens it is  
17 inherently dangerous.

18 Just set aside the many things that  
19 Senator Lee said about this. It is inherently  
20 dangerous to go that fast in a car, on a  
21 motorcycle or if you could run that fast  
22 yourself. I would just tell you folks that  
23 these -- we were brought here to make tough  
24 decisions, and this is one of them.

25 It is certainly one of them, but the value

1 equation for me is it breaks my heart to hear  
2 the stories, and you guys know the ones I am  
3 talking about, these girls, these young people,  
4 that are in these family businesses, and it is  
5 hard, there is no doubt, and is it their fault,  
6 no, it is not their fault. But I am sorry, I  
7 can't -- I can't not cast my vote for this  
8 because if we don't do something it is going to  
9 keep happening, 8,000 dogs a year.

10 Thank you, Mr. Chairman.

11 CHAIRMAN BERUFF: Commissioner Gaetz.

12 COMMISSIONER GAETZ: Thank you, Mr.

13 Chairman. Commissioner Lee, who is the main  
14 sponsor of this measure and I am proud along  
15 with Commissioner Heuchan to be co-sponsors.

16 Commissioner Lee has, I think very  
17 specifically laid out the nexus to the  
18 Constitution, why this is a constitutional  
19 issue. It is not just the Legislature has had  
20 an extraordinarily difficult time for lots of  
21 reasons we have discussed dealing with it.

22 It is because there is a constitutional  
23 nexus found in three different sections of the  
24 Constitution. So to do this, if you want to do  
25 this you have to amend the Constitution. Maybe

1 it was wrong to put the references in the  
2 Constitution in the first place, but that's the  
3 problem. You put something in the Constitution  
4 and then you open a topic and if you have to  
5 change that topic later, then you got to change  
6 it in the Constitution.

7 But Chair Beruff and Commissioner Schifino  
8 have asked the two salient questions that I  
9 think those of us who favor this proposal have  
10 a burden to answer.

11 First, our Chairman, Chair Beruff, has  
12 said in effect why are we having the government  
13 interfere here in what ought to be basically a  
14 free market deterioration of an industry that  
15 apparently doesn't have a free market reason to  
16 exist. Why not just let it die?

17 The answer is that the only reason that  
18 dog racing exists in the state of Florida, the  
19 only reason is because it is necessary  
20 constitutionally for dog racing to exist in  
21 order for the parimutuels to exist. If they  
22 didn't have to do dog racing they wouldn't do  
23 dog racing.

24 And so it is not only a  
25 government-subsidized industry, but it is an

1 industry that exists solely because of a  
2 government mandate that it exist, and that is  
3 about as unfree market as you could possibly  
4 be.

5 Chair Beruff has asked exactly the right  
6 question. I think that is an answer.

7 Commissioner Schifino has asked the question  
8 that I am sure has occurred to many of us as we  
9 have heard conflicting testimony at every  
10 single hearing. Who to believe, who to  
11 believe. Is dog racing cruel or is it  
12 compassionate? Are the dogs treated horribly  
13 or are they happy?

14 Well, the fact is that we don't really  
15 have to say that one side is a pack of liars  
16 and the other side is a pack of saints. The  
17 fact is, Commissioner Schifino, that to an  
18 extent they are both right.

19 I have -- I have visited dog tracks and I  
20 have seen in the circumstance, if you believe  
21 that racing is a good idea, I have seen in the  
22 circumstance good treatment by people who --  
23 who like their dogs and who view their dogs as  
24 part of their economic base, and therefore,  
25 they certainly don't want to hurt their own



1 economic base.

2 And so I have seen good treatment. And I  
3 think much of the testimony that we heard was  
4 testimony from people who didn't lie to us when  
5 they said their dogs wagged their tails and  
6 they love their dogs and they have had dogs in  
7 their family for four generations and it is  
8 part of their economic base, and it is part of  
9 who they are, I think that is all true.

10 It is also true that we have had an  
11 extraordinary amount of cruelty and an  
12 extraordinary number of cases where cruel and  
13 inhumane treatment and the very nature of the  
14 industry augers against even those who wish to  
15 be kind.

16 In the Legislature we have had to fight  
17 year after year against the industry when they  
18 have resisted any kind of even injury  
19 reporting. Bills that have said well let's at  
20 least -- let's at least report the injuries.  
21 Let's have a registry so that we know how many  
22 dogs have been hurt and what has happened to  
23 them.

24 Sadly, notwithstanding some very good  
25 people who are part of this industry, the

1 industry, itself, has fought tooth and nail  
2 against injury reporting. When we have had  
3 Bills in the Legislature against doping, and  
4 you heard the stories about how some of these  
5 dogs are infused with cocaine and some pretty  
6 sad set of stories, we have had legislation  
7 presented, well, let's prevent it, let's  
8 prohibit the doping at least.

9 Notwithstanding some very good and kind  
10 people and good business people who are part of  
11 the industry, the industry as a whole has  
12 fought against any kind of anti-doping  
13 legislation. So what we have to say is that  
14 there are some good people in this industry who  
15 told the truth about the fact that they love  
16 their dogs and they depend on their dogs for  
17 their living.

18 But you also have a preponderance of  
19 evidence that this is an industry which  
20 inherently resists injury reporting, resists  
21 anti-doping, resists any kind of reform.

22 You have all of the reports from DPBR, and  
23 I will tell you, I was -- I was very interested  
24 in what the Secretary of DPBR told our Chair,  
25 and I think because we have members, sitting

1 members of the Legislature here, I can't wait  
2 until DPBR brings its budgets next year and  
3 asks for money.

4 I would hate to be in that seat when  
5 Senator Lee and Representative Nunez and others  
6 begin to ask them questions about why they need  
7 all this money they say they lose, but here is  
8 the real thing.

9 If you don't know exactly who to believe,  
10 Commissioner Schifino, the Chief Law  
11 Enforcement Officer of the State of Florida is  
12 sitting right there, and she has testified on  
13 this floor in the microphone in public that  
14 this is an industry that is cruel and inhumane  
15 and she has tried to prosecute them, but there  
16 are barriers, inherent barriers in the way that  
17 it operates to being able to prosecute the  
18 abuses that she has seen and that she knows  
19 exist. So at the end of the day that is a  
20 pretty good source.

21 I thank Senator Lee for championing this  
22 effort. I am pleased to join with Commissioner  
23 Heuchan and Senator Lee in sponsoring it and I  
24 hope you will vote yes.

25 CHAIRMAN BERUFF: Further debate on 67?

1 Commissioner Smith is recognized.

2 COMMISSIONER SMITH: Thank you, thank you,  
3 Mr. Chair. There is a couple of things that  
4 have been said that is interesting. I brought  
5 up the point that, you know, this is government  
6 stepping in and ending private industry,  
7 because if you wanted to not have government  
8 step in and just dictate the marketplace, this  
9 amendment could say you are decoupling.

10 This amendment, you could say, hey, okay,  
11 you don't have to race to keep your license and  
12 run your casino. But no, this is an ending of  
13 it, done, dead, stop. So there was a less  
14 stringent way you can do this than this, than  
15 having government step in and end an industry,  
16 and there is just a lot of questions.

17 And it is funny when Commissioner  
18 Stemberger mentioned, Rubik's Cube because it  
19 took me back to something I remember that Bill  
20 Galvano, the next President of the Senate, the  
21 person that has Chaired the gambling committees  
22 for years.

23 He said that this industry is very  
24 inter-connected, it is like a Rubik's Cube, you  
25 can't term one without impacting every aspect

1 of an industry.

2 So when we talk about the greyhound racing  
3 and if we put on the ballot and the voters go  
4 out and say I don't want greyhound racing, that  
5 is fine.

6 How does it affect the Seminole Compact?  
7 How does it affect every other industry? This  
8 is something, that is why the Legislature deals  
9 with this, and the Legislature every year has  
10 tried to tackle it and sometimes they have done  
11 -- they passed some gambling Bills, they just  
12 haven't done this part of it, but they have  
13 done some gambling Bills every year. But they  
14 haven't done this part of it and maybe there is  
15 a reason.

16 Regarding the Bert Harris Act, I was  
17 looking at that, and then today I am glad I  
18 heard that there is a law firm that did a  
19 ten-page report that none of us have seen that  
20 I am glad that Commissioner Lee has it right  
21 now to tell us what it says, and tell us the  
22 conclusion right now, and that is great.

23 But I would have wanted to know more about  
24 that and what would be the cost to the State if  
25 this was to pass. And I love my friend

1 Commissioner Heuchan right here because he  
2 tells a great story and he tells about, you  
3 know, if he came up with this idea, you know,  
4 it wouldn't even be a big -- now, imagine if I  
5 told you, you know what, on Friday nights we  
6 are going to have 300-pound kids run up and  
7 down and run into each other hard as they can,  
8 and we are all going to stand up there and  
9 cheer while these 315-pound kids hit each other  
10 over and over and over again, and that is a  
11 great idea.

12 He would say you are crazy. You go to any  
13 high school in Florida on a Friday night, you  
14 see that. You can make any -- I mean, that was  
15 a great story. But I, you know, that was  
16 great, and I understand that. But it comes  
17 being down to why we are here. This is an --  
18 and I have served here just like many people in  
19 this chamber and the Legislature deals with a  
20 lot of things.

21 The Legislature deals with transportation,  
22 to education, to every other part of running  
23 this state, and a lot of times the Legislature  
24 does not come to conclusions that I would  
25 prefer.

1           A lot of times in transportation they  
2 don't come up with conclusions that I would  
3 prefer. God knows in education they don't come  
4 up with conclusions I would prefer. But you  
5 don't go to the Constitution when you can't get  
6 the elected officials in Tallahassee to do  
7 something. But if that is where you want to  
8 go, I got a great proposal for you tomorrow  
9 that the Legislature wouldn't tackle.

10           We will be discussing that tomorrow. If  
11 you want to say the Legislature refused to act,  
12 if we want to say things, just wait until  
13 tomorrow. A lot of you are going to say that  
14 is not the place, and I say that today, this is  
15 not the place to put this in the Constitution.  
16 Let the Legislature deal with gaming as the  
17 Legislature has done for years and come up with  
18 stuff.

19           Let's not put -- if we got, if you got  
20 questions now, if you are sitting there with  
21 all of these questions now and you have been  
22 studying this stuff, what is the voter supposed  
23 to do. If you are sitting there and you are  
24 like well, I don't know who to believe, I don't know  
25 this, I don't know that, I don't know this, I

1 don't know that. God, what is the voter going  
2 to do? Let's let -- if there is problems in  
3 industry, let's let the Legislature handle it,  
4 let's get testimony, let's get people in here,  
5 get them under oath. Let's come up with rules  
6 to give prosecutors a better chance to  
7 prosecute these people. Let's given law  
8 enforcement the tools to go and arrest people  
9 who are cruel to animals; let's do those  
10 things, but let's let the Legislature do it and  
11 let's get on to business of fixing our  
12 Constitution with those big items, not  
13 legislative fights that we bring to this  
14 commission. Thank you.

15 CHAIRMAN BERUFF: Commissioner Carlton.

16 COMMISSIONER CARLTON: Thank you. Thank  
17 you, Mr. Chairman. So I think Senator Smith  
18 brought up some points that are important to  
19 address. The State of Florida has been in a  
20 relationship with these greyhounds since 1996,  
21 when the coupling Bill was passed by the  
22 Legislature. That is 21 years ago, it is a  
23 long time. Twenty-one years is a long time.

24 Senator Smith, Commissioner Smith brought  
25 up the point that well, can't we just let the



1 natural decline of the industry close a private  
2 business and I am going to pick up on some  
3 points that Senator Gaetz already emphasized,  
4 but I am going to emphasize them and step it up  
5 a bit.

6 You know, greyhounds is not a private  
7 ongoing concern in this state. It is not a  
8 private business like mine or your homebuilding  
9 business or your educational business or your  
10 law firm. It is not only not a private  
11 business, it is not even a  
12 government-subsidized business.

13 It is a government-mandated business. The  
14 State of Florida mandates that these greyhounds  
15 be run. Now, think about that for a minute.  
16 We are not just saying the State of Florida  
17 takes a blind eye, the State of Florida doesn't  
18 do the investigation, the State of Florida  
19 isn't sure how they feel about it.

20 The State of Florida is the reason the  
21 greyhounds are running. There is no question  
22 about that. So the State of Florida is in part  
23 responsible, if not wholly responsible for what  
24 is going on on the greyhound tracks and with  
25 the greyhounds. Twenty years, in 1996 the

1 legislative session coupled the two together  
2 and created the relationship between the  
3 greyhounds and the State of Florida. And for  
4 21 years this body has attempted to uncouple  
5 itself in a way, shape or form, and has never  
6 been successful.

7 So it is not a private business and we  
8 can't let the private business just, just go  
9 down the drain as it pleases, because we  
10 actually mandate it. So in essence what we  
11 have done in the state of Florida is actually,  
12 is actually worse than what one might think.

13 We not only have mandated this business,  
14 which quite frankly I think is wrong for the  
15 government to mandate a business by the way,  
16 that is just -- I am in private business. I  
17 mean, I really don't think the government  
18 should be in the business of mandating  
19 businesses. That is just wrong.

20 But we are since 1996, and -- and the  
21 words, I think Commissioner Lee or maybe  
22 Senator Gaetz said this. So in essence the  
23 dogs have been held hostage because of that  
24 relationship. And the dogs have been in this  
25 huge tug of war because the State of Florida

1 mandates that these dogs be run. And so you  
2 are right, Commissioner Smith, it is a Rubik's  
3 Cube because you have got this entity and that  
4 entity, and if we do this and this is going to  
5 happen, and let me tell you what I have heard  
6 it for 21 years, and it is time to end the  
7 discussion right here, right now.

8 It is time for the discussion to be over  
9 and to solve a Rubik's Cube, Commissioner  
10 Smith, you have to make the first move. Well,  
11 if we are going to sit around here and wait for  
12 20 more years for something to happen, the  
13 Rubik's Cube is going to look like I am trying  
14 to solve it because I can't solve those things,  
15 I am really bad at it.

16 But you know what, to solve it you have to  
17 make a first move, and that is what I think we  
18 are doing here. We are taking the first move  
19 to solve this problem that has been going on in  
20 this state for a very long time, and it is time  
21 for it to be over.

22 So with that, I would encourage you to  
23 support the proposal by Commissioner Lee and  
24 thank you to Commissioner Heuchan and  
25 Commissioner Gaetz for bringing it forward, and

1 thank you, Mr. Chairman, and I ask you for your  
2 support of the proposal.

3 CHAIRMAN BERUFF: Commissioner Stemberger  
4 is recognized.

5 COMMISSIONER STEMBERGER: Thank you, Mr.  
6 Chairman, briefly. I think I am the only  
7 Commissioner that took the dog owners up on  
8 visiting a track, without notice on a Saturday  
9 I went to -- I called the Seminole place up,  
10 told them who I was, said I am going to come by  
11 and take a visit.

12 It was a great learning experience. I  
13 really appreciate what Commissioner Schifino  
14 said, because I think that there was people  
15 misrepresenting the truth on both sides. The  
16 overall thing that I came away with is these  
17 are beautiful animals that I fell in love with.  
18 I felt broken bones. These are peaceful,  
19 graceful animals.

20 They are fast, and these people that care  
21 for them really do care for them. I think they  
22 have been maligned inappropriately, but there  
23 is obviously bad stuff that happens and that  
24 was just clear from looking there.

25 If you are going to race dogs that fast

1 you are just going to have injuries. And so I  
2 was struck by the type of people that were in  
3 there gambling, all seniors, disabled people,  
4 minorities without a whole lot of money.

5 That was interesting to me as well. I  
6 just talked to a fellow Commissioner, whose  
7 name will go unnamed, but she said to me, I  
8 want to vote for this but I can't, and that is  
9 exactly the way I feel. I really don't see  
10 this as a constitutional issue.

11 I hope it does pass, but I can't be a part  
12 of passing it just as a matter of principle.  
13 Thank you.

14 CHAIRMAN BERUFF: Commissioner Bondi and  
15 then Commissioner Coxe.

16 COMMISSIONER BONDI: Thank you.  
17 Commissioner Timmann, if you want somebody to  
18 take the heat for this Bill, I will  
19 100 percent. I have no problem. This is about  
20 the safety of animals. These are dogs. This  
21 has gone on for years and years and years, and  
22 there is a reason why 40 states have banned  
23 greyhound racing.

24 And frankly, if this is how people are  
25 making their income and they are getting rich

1 off of this, shame on them. Let them find a  
2 new line of work. This is about saving these  
3 dogs and I think we need to put them out of  
4 business. Thank you.

5 CHAIRMAN BERUFF: Commissioner Coxe is  
6 recognized.

7 COMMISSIONER COXE: Thank you, Mr. Chair.  
8 Like Commissioner Jordan, I have two rescue  
9 dogs at home, and if I ask them to move across  
10 the room I would probably be accused of abuse,  
11 but I want to say this. I -- I don't  
12 understand something.

13 There is a theme we have dealt with since  
14 yesterday morning and that is that we exist as  
15 a Constitutional Revision Commission to solve  
16 the social ills of Florida that the Florida  
17 Legislature somehow cannot deal with. And this  
18 is a problem that has been going on for years,  
19 and I accept the abuse, I don't quarrel with  
20 that part. But if this has been going on for  
21 years where has this Legislature been?

22 This Legislature can uncouple, uncouple  
23 the gambling rooms from the racing, put a stop  
24 to that relationship and shut down the  
25 greyhound racing. And yet year after year

1           apparently they are not capable of doing that,  
2           and I pushed the red button because I didn't  
3           think Commissioner Gainey's proposal, as  
4           laudable as it was, belonged in the  
5           Constitution.

6           I pushed the red button on the victims  
7           because I didn't think -- I thought the  
8           Constitution and the Legislature, and I am  
9           going to push the red button again, but this is  
10          wrong for the Legislature to sit back and dump  
11          it on us to solve this problem. That is  
12          inexcusable.

13          For the people of the state of Florida  
14          that march in front of us at every public  
15          hearing and show these horrible abuses to  
16          animals, and the Legislature meets every year  
17          here and they haven't done anything, that is  
18          not our job.

19          I disagree with Commissioner Gaetz. There  
20          is nothing I have heard that says this can only  
21          be solved in the Constitution. This is a  
22          legislative problem and they need to do  
23          something about it.

24          CHAIRMAN BERUFF: The Chair recognizes  
25          Commissioner Cerio for a very brief motion.

1 COMMISSIONER CERIO: Thank you, Mr. Chair.  
2 I move that the rules be waived and the  
3 Commission extend this meeting until 8:10.

4 CHAIRMAN BERUFF: Thank you, Commissioner  
5 Cerio. All those in favor signify by saying  
6 yea.

7 (Chorus of yeas.)

8 CHAIRMAN BERUFF: Signify, those opposed  
9 signify by saying nay. Okay, the yea's have  
10 it. We will endeavor to close debate.

11 Is there any further debate on Proposal  
12 Number 67 so we can give Commissioner Lee  
13 enough time to close? I do not see anymore for  
14 debate.

15 Commissioner Lee, please close on your  
16 Proposal 67.

17 COMMISSIONER LEE: Thank you, Mr. Chair.  
18 First I would like to thank President Gaetz and  
19 Commissioner Heuchan for their help on this  
20 proposal, and all of you who have supported  
21 this in debate, the Attorney General,  
22 Commissioner Thurlow-Lippisch and others. I am  
23 very grateful for your support.

24 We have established the nexus to this  
25 issue in the Constitution. I, you know, we all



1 have our guiding principles, I certainly  
2 respect those. I think it is dangerous to say  
3 that we are not here to do anything that the  
4 Legislature could do. I don't know that we  
5 individually necessarily violate those  
6 principles proposal by proposal. We have  
7 already done a lot of stuff here the  
8 Legislature could do, and we have actually done  
9 some things that the Legislature has already  
10 done.

11 So the whole reason we have citizens'  
12 initiatives is because the people ought to have  
13 an opportunity to do what the Legislature won't  
14 do, and that is the reason this Commission  
15 exists so that someone doesn't have to go out  
16 and gather a half a million signatures from  
17 different congressional districts and go on the  
18 ballot and spend the kind of money. \$5 million  
19 is the rough estimate it takes today to get an  
20 issue like this on the ballot.

21 And when you are, you know, I don't know  
22 what it is like to be a lawyer, a criminal  
23 defense lawyer, to have a client that you know  
24 probably doesn't have much of a leg to stand  
25 on, but I have certainly been in the

1 legislative process where -- where I felt like  
2 I was grasping at straws, and, you know, I  
3 certainly respect anybody that has got to dig  
4 deep for some arguments.

5 And Commissioner Smith, you are as good as  
6 anybody I have ever met at coming up with the  
7 weak points that can be attacked in something,  
8 but there was a class size amendment put on the  
9 ballot and it passed because a Senator couldn't  
10 get the Legislature to do it. It was Senator  
11 Carrie Meek and he sat right over here in this  
12 corner when I sat over in that one, and he put  
13 that on the ballot and it passed.

14 There is a felon's-right-to-vote Bill that  
15 you supported, Commissioner, going to the  
16 ballot and it is on the ballot now, and it is  
17 something that could have been done other ways.  
18 Those people that you referred to as you told  
19 the story from Commissioner Heuchan, those  
20 300-pound people, they had a choice, they got a  
21 chance to make decisions for themselves.

22 These dogs don't have that choice. I  
23 think the way I would like to leave this with  
24 you is that, is to bunk this notion of economic  
25 impact. I spent a lot of time working on

1 issues relating to economic impact in the  
2 Legislature, particularly related to sports and  
3 recreation and sports and recreation  
4 facilities. The program that funds sports and  
5 recreation facilities in the State of Florida  
6 gets a 31 cent return on investments. We are  
7 spending tens of millions of dollars a year to  
8 fund professional sports teams.

9 And the reason it gets a very low and  
10 inappropriate level of return for state  
11 government is because the economists have  
12 identified that most of the money spent at  
13 these facilities is discretionary money. It is  
14 money left over. It is sometimes money people  
15 don't even have to spend discretionary, but  
16 they spend the recreational money, the money  
17 they have to recreate with.

18 And one recreational activity like this  
19 cannibalizes on other recreational activities,  
20 and so all you do is move the money around.  
21 And if this goes away these folks might start  
22 playing golf or buy a boat or something, but  
23 there will be other economic impact, and the  
24 studies are replete with data on that, that  
25 this doesn't create real economic activity.

1           It steals from other entertainment  
2 opportunities. A lot of jobs come and go in  
3 our society, and there is some we choose not to  
4 have, and as I was thinking through all of  
5 this, I thought of some things and some of  
6 these were kind of provocative and they may hit  
7 close to a nerve, and I am sorry for that, I  
8 don't mean to telegraph a view of them, I just  
9 need it to be provocative. But when we banned  
10 offshore drilling earlier today we cost jobs,  
11 we did.

12           You can't do that anymore and I support  
13 it, Commissioner. If we ban assault weapons we  
14 are going to cost some jobs, but that never  
15 hurt anybody's feelings. At least not some of  
16 the people in this room. Jobs were lost when  
17 we raised the drinking age.

18           When I was in high school you could drink  
19 at 18. Now it is 21 and we definitely lost  
20 jobs when you raised the drinking age. Nobody  
21 is belly aching about that today. When the  
22 Legislature shut down Internet cafes, we lost  
23 jobs, but it was the right thing to do.

24           Ask the cab industry, ask the cab industry  
25 what it is like or the travel agencies that

1 used to be on every block 15 or 20 years ago,  
2 or those who used to build phone booths, how  
3 tough it is when technology comes in or times  
4 change and jobs are lost. Jobs come and go.  
5 We could legalize drugs or some drug or  
6 prostitution or all kinds of things.

7 We could create all kinds of jobs, but  
8 that is not who we are and you all know it.  
9 That is not what we stand for, and if our jobs  
10 program in the state of Florida is going to  
11 continue to be based on the inhumane treatment  
12 of animals, then shame on us. Why not just add  
13 dog fighting and bull fighting and cock  
14 fighting to it while we are at it, because that  
15 sure would create some jobs.

16 We don't want the economy built on  
17 inhumanity. That is not who we are. The  
18 industry has brought this on themselves. They  
19 fought this tooth and nail. We could have  
20 regulated this and done it right and this  
21 industry could have continued on, but it  
22 wouldn't participate in an effort to try to  
23 protect these animals, year in and year out.

24 And so we could turn a blind eye to this  
25 and walk away from it, but we have heard from

1 the people, Commissioner Thurlow-Lippisch, you  
2 are right, we heard from the people loud and  
3 clear. The people who had no economic interest  
4 in this told us time and time and time and time  
5 again to please do something about this, and  
6 the only question left for us to ask is one I  
7 have already answered for myself, and that is:  
8 Is this who we are in 2018, or do we want to  
9 get rid of this inhumane activity in our state?

10 And frankly, I would just say if you are  
11 not already compelled to vote for it because of  
12 the inhumanity to animals, just think about the  
13 inhumanity to me. I have been dealing with  
14 this for months and you know all of the people  
15 that have called and talked and tweeted and  
16 after another and, and one way or the other I  
17 am really glad to get this behind us and I want  
18 to thank you all for your support.

19 Thank you, Mr. Chair.

20 CHAIRMAN BERUFF: Thank you, Commissioner  
21 Lee. We will now open the board for a vote.  
22 Commissioners, please vote. Commissioners,  
23 please vote. Please close the board and tally,  
24 please. Thank you.

25 THE SECRETARY: Eighteen yea's, 14 nay's,  
FOR THE RECORD REPORTING, INC. 850.222.5491

1 Mr. Chairman.

2 CHAIRMAN BERUFF: The motion is adopted as  
3 amended and committed to Style and Drafting.  
4 Thank you. I think -- we recognize Mr. Cerio  
5 for a motion to let us go home. This should be  
6 very brief.

7 COMMISSIONER CERIO: Thank you, Mr. Chair.  
8 I move that we stand in recess until 9:00  
9 tomorrow morning.

10 CHAIRMAN BERUFF: Thank you. So moved.  
11 (Proceedings recessed.)

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CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 354 through 536, is a true and correct record of my stenographic notes.

Dated this 16th day of May, 2018, at Tallahassee, Leon County, Florida.

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CLARA C. ROTRUCK

Court Reporter

Commission No.: FF 174037

Expiration date: November 13, 2018