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**CONSTITUTION REVISION COMMISSION**

**2017-2018**

**TUESDAY, JUNE 6, 2017**

**COMMENCING AT 9:00 A.M.**

***Held at:***

***University of Central Florida***

***Fairwinds Alumni Center***

***12676 Gemini Boulevard North***

***Orlando, Florida***

***Reported By:***

***SANDRA DIANE EVANS***

***Registered Professional Reporter***

***Notary Public, State of Florida at Large***

1 CONSTITUTION REVISION COMMISSION MEMBERS PRESENT:

2  
3 **CHAIRMAN CARLOS BERUFF**  
4 **JOSE "PEPE" ARMAS**  
5 **PAM BONDI**  
6 **LISA CARLTON**  
7 **TIMOTHY CERIO**  
8 **HANK COXE**  
9 **DON GAETZ**  
10 **BRECHT HEUCHAN**  
11 **MARVA JOHNSON**  
12 **DARLENE JORDAN**  
13 **ARTHENIA JOYNER**  
14 **FRED KARLINSKY**  
15 **BELINDA KEISER**  
16 **FRANK KRUPPENBACHER**  
17 **TOM LEE**  
18 **GARY LESTER**  
19 **ROBERTO "BOBBY" MARTINEZ**  
20 **RICH NEWSOME**  
21 **CHRIS NOCCO**  
22 **JIMMY PATRONIS**  
23 **SHERRY PLYMALE**  
24 **DARRYL ROUSON**  
25 **WILLIAM "BILL" SCHIFINO, JR.**  
**CHRIS SMITH**  
**BOB SOLARI**  
**CHRIS SPROWLS**  
**JOHN STEMBERGER**  
**PAM STEWART**  
**JACQUI THURLOW-LIPPISCH**  
**CAROLYN TIMMANN**  
**T. NICOLE WASHINGTON**

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

1  
2 CHAIRMAN BERUFF: Good morning, everyone.  
3 Welcome to today's Commission meeting we've all  
4 been looking forward to for a couple months.

5 Our goal is to adopt rules so that we can  
6 move forward with the process so that we can have  
7 our job done by next May as per our requirements.

8 I want to personally thank your staff for  
9 diligently until midnight, 3:00 in the morning  
10 over the weekend to prepare for this meeting.  
11 They deserve a round of applause for as far as  
12 I'm concerned.

13 The Commission will be in order.

14 Staff will please call the roll at this  
15 time.

16 STAFF MEMBER: Chair Beruff?

17 CHAIRMAN BERUFF: Here.

18 STAFF MEMBER: Commissioner Armas?

19 (No response, but arrived later during  
20 meeting.)

21 STAFF MEMBER: Commissioner Bondi?

22 (No response but arrived later during  
23 meeting.)

24 STAFF MEMBER: Commissioner Carlton?

25 COMMISSIONER CARLTON: Here.

1 STAFF MEMBER: Commissioner Cerio?  
2 COMMISSIONER CERIO: Here.  
3 STAFF MEMBER: Commissioner Coxe?  
4 COMMISSIONER COXE: Here.  
5 STAFF MEMBER: Commissioner Diaz?  
6 (No response.)  
7 STAFF MEMBER: Commissioner Donalds?  
8 (No response.)  
9 STAFF MEMBER: Commissioner Gaetz?  
10 COMMISSIONER GAETZ: Here.  
11 STAFF MEMBER: Commissioner Gainey?  
12 (No response.)  
13 STAFF MEMBER: Commissioner Gamez?  
14 (No response.)  
15 STAFF MEMBER: Commissioner Heuchan?  
16 COMMISSIONER HEUCHAN: Here.  
17 STAFF MEMBER: Commissioner Johnson?  
18 COMMISSIONER JOHNSON: Yes.  
19 STAFF MEMBER: Commissioner Jordan?  
20 COMMISSIONER JORDAN: Here.  
21 STAFF MEMBER: Commissioner Joyner?  
22 COMMISSIONER JOYNER: Here.  
23 STAFF MEMBER: Commissioner Karlinsky?  
24 COMMISSIONER KARLINSKY: Here.  
25 STAFF MEMBER: Commissioner Keiser?

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COMMISSIONER KEISER: Here.

STAFF MEMBER: Commissioner Kruppenbacher?

COMMISSIONER KRUPPENBACHER: Here.

STAFF MEMBER: Commissioner Lee?

COMMISSIONER LEE: Here.

STAFF MEMBER: Commissioner Lester?

COMMISSIONER LESTER: Here.

STAFF MEMBER: Commissioner Levesque?

(No response.)

STAFF MEMBER: Commissioner Martinez?

COMMISSIONER MARTINEZ: Here.

STAFF MEMBER: Commissioner Newsome?

(No response, but arrived later in  
meeting.)

THE STAFF: Commissioner Nocco?

COMMISSIONER NOCCO: Here.

STAFF MEMBER: Commissioner Nunez?

(No response.)

STAFF MEMBER: Commissioner Patronis?

COMMISSIONER PATRONIS: Present.

STAFF MEMBER: Commissioner Plymale?

COMMISSIONER PLYMALE: Here.

STAFF MEMBER: Commissioner Rouson?

COMMISSIONER ROUSON: Here.

STAFF MEMBER: Commissioner Schifino?

1 COMMISSIONER SCHIFINO: Here.

2 STAFF MEMBER: Commissioner Smith?

3 (No response, but arrived later in  
4 meeting.)

5 STAFF MEMBER: Commissioner Solari?

6 COMMISSIONER SOLARI: Here.

7 STAFF MEMBER: Commissioner Sprowls?

8 (No response, but arrived later in  
9 meeting.)

10 UNIDENTIFIED COMMISSIONER: Five minutes  
11 away.

12 STAFF MEMBER: Commissioner Stemberger?

13 COMMISSIONER STEMBERGER: Yes.

14 STAFF MEMBER: Commissioner Stewart?

15 COMMISSIONER STEWART: Here.

16 STAFF MEMBER: Commissioner

17 Thurlow-Lippisch?

18 COMMISSIONER THURLOW-LIPPISCH: Here.

19 STAFF MEMBER: Commissioner Timmann?

20 COMMISSIONER TIMMANN: Here.

21 STAFF MEMBER: Commissioner Washington?

22 COMMISSIONER WASHINGTON: Here.

23 STAFF MEMBER: Quorum is present,

24 Mr. Chair.

25 CHAIRMAN BERUFF: I would like to say that

1 Commissioner Bondi had a flat tire on the  
2 interstate, and she is on her way here.

3 I'm sure she had help.

4 UNIDENTIFIED COMMISSIONER: Commissioner  
5 Smith will be here in 10 minutes.

6 CHAIRMAN BERUFF: I'm sorry?

7 UNIDENTIFIED COMMISSIONER: Commissioner  
8 Smith will be here in 10 minutes. And  
9 Commissioner Armas is also about 10 to 15 minutes  
10 out, so....

11 We're going to start, as we usually do,  
12 with the invocation led by Commissioner Lester.

13 Please stand.

14 (Invocation by Commissioner Lester.)

15 CHAIRMAN BERUFF: Commissioner Schifino  
16 will lead us in the Pledge.

17 (Pledge of Allegiance.)

18 CHAIRMAN BERUFF: The Chair recognizes  
19 Commissioner Martinez as an introduction to his  
20 Amendment.

21 COMMISSIONER MARTINEZ: Mr. Chair -- excuse  
22 me. Good morning, members of the Commission.  
23 Good morning, members of the public.

24 Mr. Chair, my Amendment is Amendment No. 1,  
25 and it deals with the Sunshine Law and the Public

1 Records Law, something that I feel very strongly  
2 that this Commission should adopt.

3 Since we're really here doing the work of  
4 the public, it's important for the public to see  
5 what we do in public.

6 But I want to withdraw my motion -- my  
7 Amendment at this time. It's also submitted as  
8 Amendment No. 47. It's Amendment 47 to  
9 Amendment 6.

10 So at this time I'll withdraw my Amendment  
11 No. 1. And, hopefully, I'll be able to take up  
12 the discussion on my Amendment, the same  
13 substance of it later on.

14 Thank you, sir.

15 CHAIRMAN BERUFF: So, then, I believe, if  
16 my memory serves me right, we will go to the  
17 second Amendment, which is Commissioner Plymale's  
18 Amendment.

19 Commissioner Plymale is recognized to  
20 introduce her Amendment.

21 COMMISSIONER PLYMALE: Thank you.

22 Mr. Chair, I'm just making sure I'm in the  
23 right spot.

24 I believe that it's the first Amendment  
25 that I submitted.



1           And it -- my intention was to change the  
2 Chair's ability to create new Standing Committee;  
3 however, it provides for the Chair to create  
4 select committees of special purpose such as we  
5 had with the Rules Working Group. I think that  
6 that more clearly says what I would like to see  
7 us do.

8           CHAIRMAN BERUFF: Thank you, Commissioner  
9 Plymale.

10           The next --

11           Is there questions of Commissioner  
12 Plymale's Amendment?

13           UNIDENTIFIED COMMISSIONER:

14           Mr. Chairman, what page is it on?

15           UNIDENTIFIED COMMISSIONER: 53?

16           COMMISSIONER PLYMALE: No. 25

17           UNIDENTIFIED COMMISSIONER: 53?

18           THE COURT REPORTER: Excuse me. I don't  
19 know who's talking. I'm sorry.

20           CHAIRMAN BERUFF: Okay. Please introduce  
21 yourselves when you approach the mic.

22           Is there any questions to Commissioner  
23 Plymale's Amendment?

24           If there are no questions, then we will go  
25 to Mr. Heuchan -- Mr. Heuchan's Amendment,

1 Substitute Amendment.

2 COMMISSIONER HEUCHAN: Yes, thank you.

3 COMMISSIONER KRUPPENBACHER: Excuse me.

4 For the benefit of us, who are flipping a lot,  
5 could we have everybody tell us what page it's  
6 on? And then when they speak to it, what is it  
7 amending?

8 CHAIRMAN BERUFF: Okay. Do you have that  
9 now, Mr. Krupp -- Commissioner Kruppenbacher?

10 MR. KRUPPENBACHER: Yes.

11 CHAIRMAN BERUFF: Okay.

12 So if -- as we proceed, we'll introduce  
13 that.

14 Thank you.

15 Commissioner Heuchan, your Substitute  
16 Amendment.

17 COMMISSIONER HEUCHAN: Yes, sir.

18 And it is a Substitute Amendment, and it's  
19 drafted to Commissioner Plymale's Amendment.

20 My name for the court reporter is Brecht  
21 Heuchan.

22 And it's a Strike-All Amendment. So this  
23 Amendment would not only strike Commissioner  
24 Plymale's Amendment, but it would also strike the  
25 rules as they were proposed and presented two or

1 so months ago.

2 And so I wanted to take a minute or two  
3 just to in my -- this is, obviously, from my  
4 perspective. I know it's not shared by everyone;  
5 but just to put into context how we got here,  
6 there were rules that were proposed that were  
7 introduced three or four days ahead of our  
8 opening organizational session.

9 I wanted to thank the Chairman for tapping  
10 the brakes on those rules, and it was shared, I  
11 think, by most people that if we had more time to  
12 understand what those rules meant, what they did  
13 and it also provided us with a lot of opportunity  
14 to hear from the public, from one another about  
15 concerns that we had about those rules in  
16 particular.

17 My Amendment is mine. It's my name on it,  
18 but it's not mine at all. It's a -- it's quite  
19 literally, a compilation of ideas that I heard  
20 from you all; that we heard on countless  
21 occasions from the public.

22 It also incorporates most -- many -- most  
23 of the ideas that we've heard from advocacy  
24 groups that have sent us letters. I have read  
25 all of these letters.

1           This Amendment addresses, as I said, most,  
2 or all, of the concerns raised by those groups.

3           And at the time that I filed this  
4 Amendment, I felt like it addressed literally all  
5 of the concerns that I heard.

6           I have since learned that there are other  
7 concerns. And I understand that, and that's  
8 okay.

9           I just wanted to say this that these rules  
10 are important. We all know that they're  
11 important. They're important. They provide a  
12 framework for what we do, how we behave, how we  
13 handle different people's ideas.

14           But I also wanted to say, just in context,  
15 you know, people in the real world care much,  
16 much less about the relatively small, and even  
17 perhaps trivial things; about how many people  
18 serve on this committee, or that committee, and  
19 what this vote threshold is and what that one is.

20           The things that I've heard from people --  
21 and people that I don't know and even people that  
22 I do know -- and I know we all go back to our  
23 homes and we talk to our families, and we talk to  
24 our friends and, you know, they tell you: Hey,  
25 are you okay? What's going on?

1           You know, this has been a stressful week  
2 for sure, for me. I'll tell you that. I'll  
3 admit to you. And so if I sound that way, it's  
4 true.

5           But, to a T, those people that I talk to  
6 and that I hear from care much, much more about  
7 what we do out into the future; about what we can  
8 do to put our State on a course for the future,  
9 and how we can make their day-to-day lives  
10 better. That is what they care about.

11           And I'm not diminishing or minimizing the  
12 debates that we'll have today.

13           This Amendment adopts -- I'll just go right  
14 into it.

15           You know, we've heard many, many times  
16 about the merit of the old rules and how they've  
17 worked well. And that's been pretty universally  
18 shared, and I haven't really heard that refuted  
19 much by us or by others.

20           So what I did was: I took -- and I keyed  
21 off of President Lee's good idea of starting with  
22 the base '98 rules, again borrowing an idea from  
23 him. And you'll see that I borrowed other ideas  
24 from you in the construction of this Amendment.

25           This Amendment adopts the '98 Public

1 Submission Proposal, which was important to a lot  
2 of people we heard from from the public. So that  
3 structure stays intact.

4 We allowed for remote participation in  
5 committee meetings for commissioners with medical  
6 exceptions. That was something that I heard that  
7 seemed reasonable going forward.

8 The Amendment also provides for -- I know  
9 this was the subject of a lot of debate and  
10 conversations, but it provides for an active  
11 committee structure, a strong committee structure  
12 people call it. It empowers the individual  
13 commissioner at the committee level, but it  
14 doesn't work the will of the majority.

15 In my working drafts of this Amendment, I  
16 call this The Schifino Amendment because our  
17 friend, Commissioner Schifino, when asked by the  
18 Commission, of the staff, prior to our Working  
19 Group, he took the time to review -- clearly had  
20 reviewed the rules as proposed and offered some  
21 ideas about not letting the will of a small group  
22 of people in a committee thwart the will or  
23 stymie the will of most of us. And so I  
24 incorporated that. I gave -- I know I may not  
25 have done it artfully, and, you know, there might

1 be some suggestions that, oh, it doesn't quite do  
2 what I mean; but let me explain what I mean in my  
3 intent about this provision.

4 I call it a clawback provision, a  
5 resurrection provision, but it's really the  
6 Schifino Amendment. And it -- for any reason if  
7 there is a proposal that's stuck in a committee,  
8 whether it's heard or not, it can be removed from  
9 that committee, all of its committees, and go  
10 directly to the special order calendar. So it  
11 bypasses and, essentially, overrules the will of  
12 a smaller group of people and replaces that for  
13 the will of the majority.

14 And I felt strongly when I asked Elisa to  
15 draft this.

16 Once you get to that threshold of majority  
17 that there should be no more, you know, barriers  
18 to the discussion of that proposal. It shouldn't  
19 have to go and linger in the Rules Committee, and  
20 be subject to the will of more smaller groups of  
21 people.

22 And so that's what it does.

23 It also requires the Chairman to refer  
24 every proposal to a committee. It also requires  
25 that -- that the committee hear that proposal.

1 So at every turn, there isn't one person sitting  
2 on something for -- maybe there're even noble  
3 reasons. Maybe they have a policy objection to  
4 it.

5 But replete in this Amendment is a respect  
6 for the will of the body. And I make -- the  
7 equivalent of the will of the body to me isn't 10  
8 people. It isn't 6 people. It isn't 15 people.  
9 It's a majority.

10 And I know that there's people that want to  
11 debate and discuss, you know, why that number  
12 should be smaller, and that's okay. And I'll do  
13 that with them and encourage them.

14 But that's the number I picked, and those  
15 are the reasons why I have picked it.

16 The next change that I made to the proposal  
17 was: I adopted -- I don't know if it's all, to  
18 be honest. The staff could help me with that,  
19 but it sure was a lot of -- most of the consent  
20 items of the Rules Working Group.

21 There were -- as you guys well know, there  
22 were items that we did not agree to. I happen to  
23 be in the minority on some of those.

24 But the Working Group, the 8 of us worked  
25 in earnest with one another, and did come up with



1 some things that we had a hundred percent  
2 agreement on. And I adopted a lot of those in  
3 this Amendment.

4 And, specifically, my Amendment eliminates  
5 the ability for the Chairman to create additional  
6 Standing Committees. I know that was a concern  
7 by many about what could happen after we adopt  
8 rules whenever we do that.

9 It also eliminates the ability for the  
10 Commission Chairman to call snap notices.

11 The Chairman has been forceful on making  
12 sure that we have notice required for the public  
13 and to one another.

14 My Amendment also embraces the list of  
15 Standing Committees as they were in 1998.

16 Commissioner Newsome and the Working Group,  
17 had a strong feeling about the ethics in  
18 elections for good reasons. He felt like that  
19 should be its own thing, and I agree with him.  
20 And so I separated it. It is its own thing.

21 Commissioner Timmann, not surprisingly,  
22 felt like that the Local Government Committee  
23 should have its own thing. Its own purview. Its  
24 own jurisdiction. And I agree with her, and  
25 that's why I put that concept in this Amendment.

1           The last primary change -- and I'm glad I'm  
2 going through the details of the change. And I  
3 might need Elisa's help to do that; but the last  
4 primary change -- so I'm proposing these as the  
5 '98 rules with four primary changes.

6           I just described three of them.

7           The last change, substantive change, is  
8 with regard to the Rules Committee.

9           The Rules Committee has been the subject of  
10 a lot of debate, understandably.

11           I took -- and there were lots of ideas.  
12 You know, from things where, you know, we rely on  
13 outside people to appoint the committees, to -- I  
14 know President Gaetz has an idea where we allow  
15 people to caucus together and select the  
16 representatives of that.

17           I picked a version that was in the middle  
18 of that, in my opinion, which was proportional  
19 representation by appointing authority -- or of  
20 appointing authority.

21           And I -- and I got to tell you that this is  
22 the Amendment that I like the least about my  
23 proposal; and -- but I did it because -- I know  
24 there's anxiety among our friends that sit  
25 together here about, you know, what's going to

1 happen with that committee, and, boy, that  
2 committee sure has a lot of authority.

3 I will tell you, by the way, that the  
4 clawback provision applies to the Rules  
5 Committee, as I mentioned before; and that that  
6 clawback provision applying to the Rules  
7 Committee dilutes substantially the authority of  
8 that Rules Committee.

9 The special order calendar can be amended  
10 in my proposal by a majority vote, similarly to  
11 the other ideas.

12 But I'll just say this about this  
13 proportional representation. For one, if this  
14 Amendment passes, or any variant of this Rules  
15 Committee idea passes, I hope that our Chairman  
16 not only respects the proportionality of who we  
17 were appointed by, but lots of other  
18 characteristics that, in my view, are way more  
19 important than who we were appointed by. Where  
20 we're from being one of them.

21 And you look around this table and there's  
22 a lot, a lot of diversity on a lot of things,  
23 and that's what's beautiful about this.

24 But the reason I don't like this Amendment  
25 the most is because all I've heard in the months

1 since I was appointed to this Commission was:  
2 Man, we can't wait until this Commission becomes  
3 this collegial body and we can work with one  
4 another. Disagree on policy things for sure.  
5 No doubt. That's what we ought to do.

6 But we ought to -- and these were comments  
7 to me. These weren't my own -- my own thoughts  
8 until -- until after it started happening was:  
9 Why is it so important who appointed you?

10 I mean, I may identify more, you know, with  
11 Commissioner Stemberger on ideological things  
12 than I do with people from my own appointing  
13 group.

14 Why are we affirming lines that, to a T, I  
15 think every one of us want to go away. Those  
16 lines should be blurred. They should fade away.

17 And at the end, obviously, my hope is that  
18 no one even remembers who appointed us, or  
19 certainly --

20 You know, I know my friend, Commissioner  
21 Stemberger, was appointed by someone different  
22 than me.

23 Those are the primary changes of my  
24 Amendment.

25 COMMISSIONER GAETZ: Mr. Chairman?

1 CHAIRMAN BERUFF: Yes.

2 THE COURT REPORTER: Who's talking?

3 CHAIRMAN BERUFF: Who was that?

4 THE COURT REPORTER: Who is that?

5 COMMISSIONER GAETZ: Don Gaetz.

6 CHAIRMAN BERUFF: Commissioner Gaetz.

7 COMMISSIONER GAETZ: Thank you. Thank you,  
8 Mr. Chairman.

9 CHAIRMAN BERUFF: Question?

10 COMMISSIONER GAETZ: Mr. Chairman, I  
11 reluctantly rise to a point of order. I say  
12 reluctantly because I believe that Commissioner  
13 Heuchan has many good ideas in his proposal, and  
14 also I have, along with many years of respect for  
15 him -- and I know he's doing everything he can to  
16 be constructive; however, Mr. Chairman, Amendment  
17 49 which is his Amendment, is drawn as a -- as an  
18 Amendment to the Amendment to Amendment 2  
19 sponsored by Commissioners Plymale and Timmann.

20 Amendment 2, which is the main Amendment on  
21 the floor, removes the ability of the Chair to  
22 name additional Standing Committees.

23 But Amendment 49, which is what is the  
24 Amendment to the Amendment introduced by  
25 Commissioner Heuchan, it's a 21-page strike-all

1 proposing an entirely complete set of rules for  
2 consideration.

3 Now, the Chairman has proposed that Mason's  
4 Manual of Legislative procedure, the authority to  
5 guide the Commission -- Section 402(5) of Mason's  
6 Rules states: Quote, An Amendment to an  
7 Amendment must be germane to the subject of the  
8 Amendment, as well as to the main question.

9 What that means is that an Amendment to the  
10 Amendment has to deal with a portion of the  
11 Amendment. It can't go beyond the scope of the  
12 main Amendment that's before us.

13 In addition, Amendment 49 would violate  
14 Rule 7.3 of the proposed rules regarding  
15 germanity of amendments.

16 Proposed Rule 7.3 states: Quote, neither  
17 the Commission, or any substantive committee,  
18 shall consider an amendment that relates to a  
19 different subject, or is intended to accomplish a  
20 different purpose than that of the pending  
21 question; or that, if adopted, would require a  
22 title amendment for the proposal that is  
23 substantially different from the proposal's  
24 original title, or would unreasonably alter the  
25 nature of the proposal.

1           And, finally, Mr. Chairman, the third  
2 ground on which Commissioner Heuchan's Amendment  
3 is out of order is that the language contained in  
4 his Amendment related to germanity would be  
5 violated as well. In other words, his Amendment  
6 is internally inconsistent as to germanity  
7 because his substitute Amendment states no  
8 proposition on a subject different from that  
9 under consideration shall be admitted under the  
10 color of Amendment.

11           These reasons, Mr. Chairman, Amendment 49  
12 is not germane, as it proposes an entirely new  
13 proposal, an entirely new set of rules. It goes  
14 far, far beyond the scope of the Amendment it  
15 seeks to amend; and, therefore, is out of order.

16           There is another parliamentary problem with  
17 his Amendment -- and I know that he doesn't  
18 intend it, but it is a fact -- and that is  
19 because Commissioner Heuchan's proposal is an  
20 Amendment to the Amendment, it means that it is  
21 take it or leave it. It itself cannot be  
22 amended.

23           Mason's Rules, and the Chairman's own  
24 direction to us, indicate that there cannot be  
25 amendments of the third degree. In other words,

1 you can't have an Amendment, to the Amendment, to  
2 the Amendment, which means that if we adopt  
3 Commissioner Heuchan's, all of the other ideas  
4 that Commissioners have filed as amendments go  
5 away because they cannot be considered because  
6 they would be amendments to the third degree.

7 And for those reasons -- and  
8 notwithstanding my great respect for Commissioner  
9 Heuchan, and my support for many of the ideas,  
10 which he has proposed, his Amendment is  
11 non-germane, internally inconsistent, precludes  
12 other amendments from the body and is, therefore,  
13 out of order.

14 CHAIRMAN BERUFF: Thank you, Commissioner  
15 Gaetz.

16 And therein lies part of the issues that I  
17 struggle with as we try to get things done, that  
18 litany of procedural questions, which I'm  
19 unfamiliar (sic) with.

20 But I do have a couple of comments. There  
21 are no rules.

22 COMMISSIONER PLYMALE: Thank you.

23 CHAIRMAN BERUFF: It is my understanding  
24 that without rules, there is no germanity  
25 standard, which we're happy to have verified by



1 the staff.

2 And, of course, there always is: If you  
3 don't like the Amendment, you don't have to vote  
4 for it.

5 So thank you for your comment.

6 If anybody has any questions to the staff  
7 to expand on the germanity issue, I'm happy to  
8 have the staff do that.

9 COMMISSIONER STEMBERGER: Mr. Chairman.

10 CHAIRMAN BERUFF: Mr. -- Commissioner  
11 Stemberger.

12 MR. STEMBERGER: Has this body or the Rules  
13 Committee, or U.S. Chairman, made statements  
14 regarding Mason's Rules being the standard --

15 COMMISSIONER PLYMALE: No.

16 CHAIRMAN BERUFF: No.

17 COMMISSIONER STEMBERGER: -- for this  
18 procedure?

19 CHAIRMAN BERUFF: No.

20 COMMISSIONER PLYMALE: No.

21 COMMISSIONER GAETZ: Mr. Chairman, this is  
22 Donald Gaetz again.

23 I would recommend --

24 CHAIRMAN BERUFF: Chair acknowledges  
25 Commissioner Gaetz.

1           **COMMISSIONER GAETZ:** Thank you,  
2           **Mr. Chairman.**

3           Mason's Rules is referenced in the proposed  
4           rules. And if we are going to --

5           **CHAIRMAN BERUFF:** It's not adopted yet,  
6           **Commissioner Gaetz.**

7           **COMMISSIONER GAETZ:** Absolutely.

8           But if we are to take the position that  
9           there are no rules; that there are no procedures  
10          by which we will operate, I would suggest to you  
11          that that is extraordinarily unusual. It's  
12          unprecedented, and it will lead to chaos.

13          I think you have to have some method of  
14          going forward.

15          And in the proposed rules that came from  
16          you, Mr. Chairman, Mason's Rules were used as the  
17          source for procedure.

18          Mason's Rules are the source for procedure  
19          for every legislature in the United States.

20          **CHAIRMAN BERUFF:** I believe the question is  
21          directed to Mr. Heuchan's Amendment, not the  
22          proposed rules that were initiated.

23          The Chair acknowledges Commissioner  
24          Kruppenbacher.

25          **COMMISSIONER KRUPPENBACHER:** Let me just

1 say that I appreciate what every legislature may  
2 have done. But, based upon what I've heard at  
3 all these public meetings, that's not the  
4 guideline I want to follow.

5 And in the last five minutes when you get  
6 into this Amendment -- not Amendment, yes;  
7 Amendment, no, I think it's overly confusing.

8 Can we simply put aside everything -- we  
9 are all reasonably bright people -- and just put  
10 the issues on the table, and we will ultimately  
11 vote on the rules.

12 But if we're going to tie this group up in  
13 these kind of procedures, we're going achieve the  
14 very end that the public is so critical about in  
15 Washington and Tallahassee in terms of: No, you  
16 can't make the Amendment. You got to do it here.  
17 It dies in the rules. It doesn't die here.

18 And, candidly, I got on this, when I was  
19 asked, to bring what I thought was a common-sense  
20 approach.

21 And the common sense says to me: Here are  
22 the rules. We understand them. I don't care  
23 whether they say amendment, non-amendment.

24 And I appreciate you clarifying. Right now  
25 there are no rules.

1           So, to me, every Commissioner should have  
2 the right to say what they think, and then  
3 ultimately we will vote.

4           COMMISSIONER NEWSOME: Mr. Chairman.

5           CHAIRMAN BERUFF: Commissioner Newsome.

6           COMMISSIONER NEWSOME: Yeah. First of all,  
7 I want to commend Brecht. I mean, he has busted  
8 his hump over the last two weeks trying to put  
9 this thing together.

10           And, also, everybody that has served on the  
11 Rules Committee, we've all struggled with this.

12           And this is actually our first effort to  
13 try to do something.

14           And so what I -- I appreciate Senator  
15 Gaetz' suggestion, though. And I get it.

16           And here's a -- I'm going to take a  
17 30,000-foot view for just a moment.

18           There are probably about a half dozen real  
19 issues. And everybody has a --

20           I see Commissioner Schifino nod his head.  
21 I know Carolyn has spent a lot of time.

22           There's a lot of effort -- heck, I was up  
23 till 1:30 just trying to read through this.

24           By the way, I've got a little summary I've  
25 finished -- it's rough -- if anybody wants it --

1 kind of outlining what all this stuff is. And  
2 I'll pass it around.

3 I even put together a spreadsheet. And if  
4 anybody wants one, I've got 50 copies.

5 COMMISSIONER KRUPPENBACHER: Commissioner  
6 Newsome, you were a C student.

7 COMMISSIONER NEWSOME: That's right. I'm  
8 still a C student.

9 So -- but here's what I was going to  
10 suggest. There are -- there are -- there's  
11 really only -- having gone through this stuff,  
12 we've probably got 70 of these things filed.  
13 Amendments to Amendments Substituted.

14 There's about 6 to 10 issues. And what I'd  
15 suggest -- and I don't know if Commissioner  
16 Heuchan would accept this as a friendly Amendment  
17 and try to bring this in for a landing.

18 But, to the extent that we could consider  
19 all these things -- and there's not that many of  
20 them. There's really not that many substantive  
21 issues.

22 And I would suggest let's take these things  
23 one by one.

24 And I've got even on -- and I've broken  
25 Brecht's Amendment down. It's probably got about

1 7 or 8 different points. There's a couple other  
2 things in there that takes out and doesn't put  
3 in, but all of this stuff can be addressed.

4 I would suggest if we start with the  
5 1997-'98 rules, as Senator Lee suggested, and it  
6 sounds like Brecht is trying to do.

7 So rather than trying to have an up or down  
8 vote, perhaps the best way we could do -- if we  
9 really want to lay down all the rules and put  
10 them all aside and just take up these substantive  
11 issues that has to do with, you know, whether a  
12 committee can kill something. That's something  
13 we ought to debate.

14 There's probably half a dozen different  
15 amendments filed on that one thing.

16 You know, it's when something can be what  
17 they call the clawback, or -- I think Senator  
18 Schifino came up with this idea -- you know, the  
19 opening meeting thing, that's not in this.

20 You know, there are half a dozen of these  
21 things that we ought to just put on the floor and  
22 talk about.

23 I can tell you --

24 COMMISSIONER PATRONIS, Mr. Chairman, are we  
25 in questions or in debate?

1           COMMISSIONER NEWSOME: No, no. Let me just  
2 finish. I'm almost done, and I'll shut up.

3           CHAIRMAN BERUFF: I think we're in  
4 questions. So --

5           COMMISSIONER NEWSOME: So my question would  
6 be -- and maybe this is for Senator Heuchan so we  
7 cannot have to come to blows on our very first  
8 thing, but would consider, Commissioner Heuchan,  
9 letting Senator Lee's Amendment go?

10           We've got -- most of this stuff is filed  
11 as an Amendment to Amendment 6.

12           And I'll pass these things out if anybody  
13 -- I've kind of broken it down. And I've got  
14 those spreadsheets.

15           But would you consider that so we can  
16 debate each one of these, and then try to come to  
17 a place where we can bring everyone together with  
18 a spirit of collegiality. And that's my  
19 suggestion.

20           And, again, there's only 6 to 10 issues  
21 total, substantively.

22           And, Senator Gaetz, I know you've raised  
23 this. I'm just trying to find a way to maybe  
24 bring this in for a landing.

25           CHAIRMAN BERUFF: Thank you, Commissioner

1 Newsome.

2 Is there other questions?

3 Commissioner Patronis, Commissioner  
4 Schifino, Commissioner Martinez, in that order.

5 COMMISSIONER PATRONIS: This is Jimmy  
6 Patronis.

7 What I was curious about kind of goes  
8 straight to what the previous question brought up  
9 is: Could you relate to some of the  
10 characteristics of the '97 CRC rules and what  
11 your proposal is? Kind of show some of us  
12 lawyers that may be your -- I haven't done this  
13 side by side. I know you have.

14 Could you enlighten us?

15 COMMISSIONER HEUCHAN: Thank you, Jimmy.  
16 This is Brecht Heuchan again.

17 Well, I highlighted the four -- the four  
18 big ones.

19 Commissioner Patronis, are you asking me to  
20 kind of go through line by line or --

21 COMMISSIONER PATRONIS: Just kind of  
22 general.

23 COMMISSIONER HEUCHAN: Okay. I'll try to  
24 be more general than I was before.

25 My Amendment is the 1998 rules in their



1 entirety.

2 So I know that President Lee took some time  
3 to correct some technical provisions, and some --  
4 maybe some slight word changes here that aren't  
5 really material. I did not do that. I figured  
6 less is more with regard to that; but I did  
7 address the four primary reasons that, in my  
8 opinion, make the '98 rules better than even how  
9 they've been represented to us over and over and  
10 over again.

11 The '98 rules allowed our Chairman to pick  
12 every committee regardless of the  
13 proportionality. The old rules allow for snap  
14 notices. The old rules allow for the Standing  
15 Committee additions.

16 The old rules, incidentally, Commissioner  
17 Plymale, do allow the Chairman to create select  
18 committees. It's not as elaborate as your good  
19 idea, but it does allow that.

20 The old rules don't have a clawback  
21 provision.

22 And, you know, while we're on that -- and I  
23 know -- and Rich is right -- I mean, maybe  
24 there's a half a dozen issues; there might be  
25 more.

1           I mean, my thing is like it's -- and I mean  
2 this with sincerity. I don't mean it to be  
3 offensive to anyone, but at the time that I filed  
4 this Amendment, all -- literally -- quite  
5 literally, every single comment that I heard from  
6 each one of you was addressed in this Amendment.

7           I know it doesn't address, you know,  
8 Commissioner Martinez' version of the Sunshine  
9 rules; but, you know, how many times did we hear,  
10 even from these advocacy groups, hey, adopt the  
11 '98 rules as-is they said.

12           Commissioner Martinez was quoted in a  
13 newspaper the other day saying that, you know,  
14 that both of the other commissions had open  
15 Sunshine.

16           So I took what was in the old ones.

17           And so, I mean, you know, Commissioner  
18 Patronis, I'm not sure exactly what you want from  
19 me; but the -- I did the very best that I could  
20 and with the most sincerity and genuineness that  
21 I could, and I worked as best I could with people  
22 that have these ideas, and people, frankly that  
23 didn't share some of those same views.

24           And so I'm a big boy, and I get why, you  
25 know, some of this stuff is going on, but I would

1 simply ask you to --

2 Look, are these perfect? No, they're not  
3 perfect. They're not.

4 You know, and if the words I put on this  
5 paper don't reflect some of the things that I  
6 said precisely with regard to the clawback  
7 provision, you know, the Commission can change  
8 these rules going forward. They can.

9 And so in the interest of the clamoring of  
10 the public to have this done and behind us --  
11 and, you know, kind of regardless who I talk to  
12 about these, and regardless of what position they  
13 came down on any one of these issues, all of them  
14 -- all of you have said: Can we get this behind  
15 us?

16 That's why I have filed this Amendment.  
17 And I believe that it is a compromise by any  
18 standard by anyone that is looking at it in a  
19 reasonable way.

20 CHAIRMAN BERUFF: Thank you, Commissioner.  
21 Commissioner Schifino is recognized.

22 COMMISSIONER SCHIFINO: Bill Schifino.

23 Commissioner Heuchan, we spoke this  
24 weekend, and I want to applaud you for your  
25 effort just like we've heard from others here.

1 You've made a sincere effort to reach compromise.

2 And at the end of the day, my hope is -- I  
3 think like all ours here -- is that we will agree  
4 upon a set of rules.

5 You may not prevail on every single issue  
6 that you have in your mind as what you think  
7 would be the appropriate rules; but, at the end  
8 of the day, by majority vote, we will adopt our  
9 rules.

10 I also agree with my Commissioner to my  
11 left, Kruppenbacher, on: Let's get to the real  
12 issues of what we're here about today. What is  
13 really in dispute?

14 I've heard a lot of talk on Sunshine,  
15 clawback.

16 I don't know that there are really 6,  
17 Commissioner. So I'm not quite sure. Maybe  
18 there are.

19 But -- so at the end of the day, you know,  
20 I looked at all of these amendments, and one  
21 after the other, and whatever -- the Mason rules,  
22 or whatever they may be. And I'm not belittling  
23 those rules.

24 I'm used to operating within a system of  
25 rules myself.

1           But at the end of the day we're here to  
2 talk about significant and material issues. And  
3 I'm interested in: What are your thoughts on  
4 issues like the Sunshine Law. What are your  
5 thoughts on the clawback provision we've  
6 discussed. And we want to make sure -- I happen  
7 to believe in that. I think it important that at  
8 the end of the day the majority rule.

9           And then if we have an issue that either  
10 dies or is language in a committee that by  
11 majority vote, it could come back to this group.

12           Now, I want to make certain that the rules  
13 as proposed by Commissioner Heuchan accomplish  
14 that. And, you know, I think we need to discuss  
15 that at the end of the day.

16           But I suggest we're going to spend a whole  
17 lot of time here today not getting very far  
18 unless we get down to talking about those  
19 specific issues that we all have various concerns  
20 with. Thank you.

21           CHAIRMAN BERUFF: Thank you, Commissioner.  
22 Commissioner Martinez and then Commissioner  
23 Kruppenbacher.

24           COMMISSIONER MARTINEZ: Thank you. Thank  
25 you, Mr. Chair.

1           When I got put on this committee -- on this  
2 Commission, I considered it a tremendous honor.  
3 I thought we were going to be debating the  
4 substantive issues.

5           I was surprised when I found out that the  
6 rules that were in place 20 years ago were very  
7 effective were, essentially, heavily deleted.  
8 And I find that to be very disappointing.

9           The reason I withdrew my Amendment today is  
10 because I think that the Amendment that is  
11 proposed by Commissioners Lee and Gaetz do the  
12 best in taking us to those rules with some  
13 tweaks. That's why I withdrew my Amendment  
14 because I wanted to get there.

15           I believe that the Amendment that we're  
16 discussing now is a substitute Amendment to the  
17 Amendment submitted by Commissioner Plymale.

18           So what I would like to ask her is: Would  
19 you mind withdrawing your Amendment, as important  
20 as it is, so that we can go to a discussion of  
21 Amendment No. 6, which will really -- it will get  
22 us into the substance of what took place 20 years  
23 ago and allow us to use that as a starting point?

24           Commissioner, would you consider that,  
25 please?

1 COMMISSIONER PLYMALE: No, thank you. I'm  
2 sorry.

3 CHAIRMAN BERUFF: Commissioner  
4 Kruppenbacher.

5 Commissioner Plymale, please.

6 COMMISSIONER PLYMALE: No, thank you.

7 COMMISSIONER MARTINEZ: Thank you.

8 CHAIRMAN BERUFF: Commissioner  
9 Kruppenbacher is recognized.

10 COMMISSIONER KRUPPENBACHER: Brecht, do I  
11 understand, from what I've looked at, is you've  
12 written a complete set of rules taking into  
13 account all the thoughts and comments that were  
14 made at the Rules Committee?

15 COMMISSIONER HEUCHAN: No. No.

16 Yes, I -- yes, it is a complete set of  
17 rules.

18 COMMISSIONER KRUPPENBACHER: Okay.

19 COMMISSIONER HEUCHAN: No, no, Commissioner  
20 Kruppenbacher, it's not all of the things that  
21 were discussed.

22 COMMISSIONER KRUPPENBACHER: No, no, I  
23 know, but when I hear the word taken into  
24 account, you attempted to incorporate what you  
25 thought?

1           COMMISSIONER HEUCHAN: I took into account  
2 the things that we talked about where there was  
3 one hundred percent agreement.

4           CHAIRMAN BERUFF: Commissioner, if I could  
5 just interject for one second.

6           I think what Commissioner Heuchan is saying  
7 is that those things that reached a hundred  
8 percent by a census, he incorporated into his  
9 Amendment.

10           Is that a true statement?

11           COMMISSIONER HEUCHAN: Yes.

12           Now, I could be -- there might have been --  
13 I mean, President Gaetz and President -- I mean  
14 other people can chime in.

15           I don't know of a thing in that Working  
16 Group that was discussed where there was  
17 agreement that's not addressed in my Amendment.

18           By agreement, I mean, if I have voted no,  
19 that's not agreement.

20           Commissioner Newsome. Are there things,  
21 Commissioner Newsome? Okay.

22           COMMISSIONER NEWSOME: Yes, there are.

23           COMMISSIONER HEUCHAN: All right. Fair  
24 enough.

25           I said I didn't know, but the things that



1 I thought had agreement I put in here. I  
2 certainly didn't leave out anything on purpose.

3 CHAIRMAN BERUFF: Okay. Thank you,  
4 Commissioner Heuchan.

5 Commissioner Kruppenbacher.

6 COMMISSIONER KRUPPENBACHER: I would  
7 propose to move to adopt the rules as proposed by  
8 the Commissioner subject to us going paragraph by  
9 paragraph and identifying what are the issues so  
10 at least we've got a road map and we're beginning  
11 to move. Otherwise, I feel like I'm watching a  
12 bouncing ball moving all over the place.

13 If that document is in place, we can rip it  
14 apart, abandon it, and address each issue as we  
15 move down the road.

16 CHAIRMAN BERUFF: Is there any more  
17 questions from the Commissioners?

18 COMMISSIONER KRUPPENBACHER: That was a  
19 motion by me.

20 CHAIRMAN BERUFF: Yes. There is a motion  
21 on the floor.

22 Does it have a second?

23 COMMISSIONER THURLOW-LIPPISCH: I'll second  
24 it.

25 THE COURT REPORTER: Who was that?

1           CHAIRMAN BERUFF: Commissioner

2 Thurlow-Lippisch made the second.

3           Thank you.

4           So now we go to debate.

5           COMMISSIONER SOLARI: Question.

6           CHAIRMAN BERUFF: Commissioner Solari.

7           COMMISSIONER SOLARI: So is it my

8 understanding -- or is my understanding correct

9 that if we approve this motion, then we're

10 throwing out everything else about how we're

11 going forward with amendments, and then just

12 simply taking the main five, six points, and

13 going through those one by one and voting on

14 those individually to incorporate them into --

15           COMMISSIONER KRUPPENBACHER: My view would

16 be: We would adopt this as the template, and

17 then any Commissioner could raise any item they

18 wanted to amend to include, delete, revise.

19           COMMISSIONER SOLARI: Okay. So then we can

20 bring up any amendment at this time, then just go

21 forward that?

22           COMMISSIONER KRUPPENBACHER: Yes.

23           COMMISSIONER SOLARI: Okay, thank you.

24           UNIDENTIFIED COMMISSIONER: We wrote the

25 rule.

1 UNIDENTIFIED COMMISSIONER: Mr. Chairman.

2 CHAIRMAN BERUFF: Yes, Commissioner

3 Newsome.

4 COMMISSIONER NEWSOME: I've passed this  
5 out. I think it's a great idea and it goes along  
6 with this.

7 CHAIRMAN BERUFF: There's a motion, and  
8 it's been seconded. And I think procedurally we  
9 go to debate.

10 COMMISSIONER LEE: Well, Mr. Chair --

11 CHAIRMAN BERUFF: So --

12 COMMISSIONER LEE: This is Tom Lee. I have  
13 a question since we're in questions.

14 CHAIRMAN BERUFF: Okay.

15 COMMISSIONER LEE: So to pick up on  
16 Commissioner Solari's questions, if I'm hearing  
17 the answer correctly, this motion would  
18 completely rewrite the rules that were sent out  
19 by the Chairman because it would take up the  
20 Strike Everything Amendment that Commissioner  
21 Heuchan has proposed, and then it would make all  
22 the other amendments that have been filed and are  
23 before us available for further amendment to his  
24 Strike-All.

25 Is that what I'm hearing?

1 COMMISSIONER KRUPPENBACHER: Yes.

2 We would then be able -- we'd have a  
3 template. And we'd say: Okay, let's go. What's  
4 the first issue that needs to be changed,  
5 modified, incorporated? But at least we'd be  
6 going down a document as supposed to, in my  
7 opinion, hop-scotching all over them.

8 CHAIRMAN BERUFF: Commissioner Sprowls.

9 COMMISSIONER SPROWLS: Thank you,  
10 Mr. Chairman.

11 I would like to ask Commissioner  
12 Kruppenbacher a question.

13 If we were to do what you're suggesting,  
14 the provision, if I understand correctly, 9.3,  
15 for changes in the rules; that if any further  
16 changes in the rules -- so to take your point and  
17 if we were to adopt these rules as a template and  
18 then go forward and make changes, you need a  
19 two-thirds vote of all of the membership in order  
20 to make a single change to these rules.

21 Is that your understanding?

22 COMMISSIONER KRUPPENBACHER: No.

23 My understanding is what my motion was.  
24 We're adopting the template with the authority to  
25 change anything in it. So to the extent that

1 requires two-thirds, that is not binding for the  
2 purpose of what we're going to do today.

3 And if that makes it complex to you, it's  
4 not to me.

5 The reality is: If we don't get a document  
6 on this table and start going line by line, we  
7 will be here five hours from now debating  
8 procedures and every other item.

9 So my motion includes that we are not bound  
10 by that provision. And we can amend, we can  
11 alter, we can modify.

12 CHAIRMAN BERUFF: Commissioner Cerio.

13 COMMISSIONER CERIO: Thank you,  
14 Mr. Chairman.

15 You know, there's a lot of passion in this  
16 room, and we want to get started. We want to  
17 have debates.

18 And I don't think it is stifling to debate  
19 to recognize that when we take votes, votes are  
20 going to have consequences.

21 There are a lot of proposals in here.

22 And I would like Staff to correct me if I'm  
23 wrong.

24 But there are ramifications.

25 First of all, a lot of people worked very

1 hard, with all due respect with Commissioner  
2 Kruppenbacher. A lot of folks worked very hard  
3 to file amendments, to file amendments to  
4 amendments because there wasn't going to be no  
5 opportunity for floor amendments, which I think  
6 is, essentially, what you're asking for,  
7 Commissioner, if I'm wrong --

8 COMMISSIONER KRUPPENBACHER: Yes.

9 COMMISSIONER CERIO: And there are  
10 consequences.

11 You know, if Commissioner Heuchan's  
12 proposal has a deal breaker in there for you,  
13 then don't vote for it.

14 If it's acceptable, or if you can live with  
15 it -- you think it's a good compromise -- then  
16 vote for it.

17 But, I mean, we have a proposal on the  
18 floor. We can debate it.

19 There are consequences if you adopt his  
20 Strike-All proposal. We are finished, correct me  
21 if I'm wrong.

22 COMMISSIONER KRUPPENBACHER: No, we are not  
23 finished. I just said what that motion was.

24 CHAIRMAN BERUFF: Your amendment -- your  
25 motion is different than adopting his Amendment.

1           His Amendment adopts the rules completely,  
2 and we're done.

3           COMMISSIONER KRUPPENBACHER: No,  
4 Commissioner, that's not what I said.

5           CHAIRMAN BERUFF: No, I know that's not  
6 what you said. I recognize that. Yes, sir. I  
7 recognize that you --

8           COMMISSIONER KRUPPENBACHER: If we adopt  
9 it, we adopt it with that understanding that  
10 we're not considering us done.

11          COMMISSIONER CERIO: Commissioner, I'm  
12 sorry, I wasn't finished.

13          CHAIRMAN BERUFF: I'm sorry, I apologize  
14 for that.

15          Commissioner Cerio.

16          COMMISSIONER CERIO: That's okay.

17          CHAIRMAN BERUFF: I apologize.

18          COMMISSIONER CERIO: So I just want --  
19 again, I'm not trying to stifle debate, but --

20          CHAIRMAN BERUFF: There are no floor  
21 amendments.

22          COMMISSIONER CERIO: Right, right.

23          We -- we -- a lot of people did a lot of  
24 work because we weren't going to have floor  
25 amendments.

1           If you like Commissioner Heuchan's  
2 proposal, vote for it. If you don't like it,  
3 vote it down.

4           I like it, but, you know, I'm one vote.

5           So I think it will -- I don't want to,  
6 again, stifle debate, but I don't think this  
7 format is going to stifle it.

8           It's an Amendment to an Amendment. It's a  
9 Strike-All.

10          There are consequences for voting for it  
11 when we're done unless I'm wrong; but I don't  
12 think we want to go down the path of floor  
13 amendments. You talk about chaos, that will be  
14 chaos.

15          CHAIRMAN BERUFF: Thank you, Commissioner  
16 Cerio.

17          COMMISSIONER NEWSOME: Mr. Chairman.

18          CHAIRMAN BERUFF: Commissioner Newsome.

19          COMMISSIONER NEWSOME: So I've heard two  
20 different things.

21          I've heard Senator -- Commissioner Heuchan.  
22 I just made you a Senator.

23          Commissioner Heuchan's Amendment would be  
24 sort of a package deal. It's my understanding if  
25 that passes, because it's been announced, there



1 are no floor amendments, that effectively end  
2 debate.

3 I've heard, secondly, that Commissioner  
4 Kruppenbacher would suggest that we ought to then  
5 take a vote so that we can consider each thing  
6 piecemeal.

7 Those two things are two different things.  
8 I'm just --

9 My question is: What is the motion on the  
10 floor?

11 COMMISSIONER KRUPPENBACHER: I will say it  
12 again. It is a motion to adopt Commissioner  
13 Brecht's Amendments as the rules with the  
14 understanding that we are not going to be bound  
15 by that one provision that says there can't be  
16 amendments. And then we are going to go through  
17 everybody's amendments and say: Is there anybody  
18 -- is there anything that anybody considers  
19 significant.

20 CHAIRMAN BERUFF: Commissioner Heuchan.

21 COMMISSIONER HEUCHAN: Why don't we just  
22 vote on Kruppenbacher's Amendment -- or his  
23 motion. And if it carries, then we'll do what he  
24 suggests. If it doesn't, then we won't.

25 CHAIRMAN BERUFF: Commissioner Patronis,

1 Commission Timmann and Commissioner Martinez in  
2 that order.

3 COMMISSIONER PATRONIS: Thank you,  
4 Mr. Chairman.

5 This is Jimmy Patronis.

6 I don't agree with Commissioner Heuchan.  
7 And no disrespect.

8 There was a deadline. Amendments were  
9 filed by the deadline. I don't think -- if there  
10 were floor amendments, I would've been prepared  
11 for floor amendments. So I don't think now we go  
12 change the rules at the last second.

13 Going back to what Commissioner Cerio said:  
14 If you don't like Commissioner Heuchan's  
15 Amendment, vote it down.

16 I'm not the Chairman, you're the Chairman,  
17 but I think Commissioner Kruppenbacher's motion  
18 is not well and timely filed.

19 CHAIRMAN BERUFF: All right. Thank you.

20 COMMISSIONER TIMMANN: I would like to echo  
21 Commissioners Patronis and Cerio's comments about  
22 changing the rules right now and allowing floor  
23 amendments for all of us who, again, worked so  
24 hard on trying to match Amendments to  
25 substitutes, to all sorts of things.

1 I agree with Commissioner Schifino that we  
2 want to hear from everyone.

3 If people want to individually debate each  
4 of those components -- debate is one thing.  
5 Floor amendments is something entirely different  
6 that I, for one, would rather be prepared for and  
7 have the opportunity to do the full research.

8 And, of course, when we're looking at this,  
9 I'm sure not everyone had the opportunity to do a  
10 line-by-line side-by-side comparison to identify  
11 every single change.

12 I will tell you I do feel that Commissioner  
13 Heuchan hit on the points.

14 As a member of the Working Group, I feel  
15 that all the points were addressed. Whether they  
16 were addressed exactly as it came out of the  
17 Working Group, I think that's a matter of opinion  
18 for individuals. However, I do feel they're  
19 addressed. I believe that he hit every single  
20 point, as Commissioner Newsome raised, that we  
21 brought up as concerns.

22 So that would be my preference is that we  
23 stick to the instructions that were provided to  
24 us about this meeting, which was no floor  
25 amendments, and go ahead and move forward on

1 Commissioner Heuchan's proposal and debate and  
2 vote up or down.

3 Thank you.

4 CHAIRMAN BERUFF: Commissioner Martinez,  
5 then Commissioner Plymale.

6 COMMISSIONER MARTINEZ: Mr. Chair, I happen  
7 to agree with what has been said.

8 There are some rules, actually, to this  
9 meeting, and they came from you. And rule number  
10 6 said that there should be no floor amendments.  
11 So we should abide by that rule; just vote it up  
12 or down.

13 CHAIRMAN BERUFF: Great. Thank you very  
14 much.

15 Commissioner Plymale.

16 And then we'll continue taking questions.

17 COMMISSIONER PLYMALE: Okay.

18 CHAIRMAN BERUFF: And comments.

19 COMMISSIONER PLYMALE: I would like to  
20 point out that I agree with Commissioner Sprowls.

21 If we get a set rules, say, they're  
22 Commissioner Heuchan's, we have the ability not  
23 to do amendments today, because we were told no  
24 amendments on the floor for the rules that we're  
25 adopting.

1           However, we have the ability to adopt,  
2 change the rules, as we go forward, by a  
3 two-thirds vote. It's in 9.3. It's in the  
4 Strike-All Amendment. It's in everybody's  
5 Amendment. Everybody who was doing it, it's  
6 there.

7           So if we find out that there's something  
8 that doesn't work, we can bring it up, but it  
9 will require a two-thirds vote. And that's fair.

10           COMMISSIONER HEUCHAN: Mr. Chairman --

11           CHAIRMAN BERUFF: I'm sorry, who was it?

12           COMMISSIONER HEUCHAN: Go ahead.

13           COMMISSIONER KRUPPENBACHER: Yeah,  
14 Mr. Chairman, my idea with floor amendments were  
15 we would deal only with the floor amendments that  
16 were filed. Nobody could bring up anything new,  
17 so I'll clarify that for the record.

18           But I make the motion, then, just to  
19 approve the rules.

20           COMMISSIONER KARLINSKY: I'll second that.

21           CHAIRMAN BERUFF: There is a motion to just  
22 approve Mr. Heuchan's Amendment, and there's a  
23 second by Commissioner Karlinsky on the floor.  
24 So in debate. In debate, of course.

25           So go into debate.

1 Commissioner Gaetz.

2 COMMISSIONER GAETZ: I yield to  
3 Commissioner Newsome.

4 COMMISSIONER NEWSOME: And just so -- not  
5 to beat this up.

6 And, again, I commend Senator Heuchan, and  
7 I think that all of his points --

8 UNIDENTIFIED COMMISSIONER: You said  
9 senator.

10 COMMISSIONER NEWSOME: Did I say that?  
11 (In unison: Yes.)

12 COMMISSIONER NEWSOME: That's what I'm  
13 going to start calling him.

14 COMMISSIONER HEUCHAN: Hey, Rich, I'll take  
15 it.

16 COMMISSIONER NEWSOME: Yeah.

17 COMMISSIONER HEUCHAN: It pays more than  
18 this job.

19 COMMISSIONER NEWSOME: Just so everyone  
20 understands, I think he's done a sincere job of  
21 trying to do this, but there are several things  
22 that were discussed at the Rules Committee, one  
23 of which was open meeting, which we did not get  
24 to vote on, which we've decided to push, that's  
25 not in here.

1           Second, Senator Joyner had suggested a  
2 Vice-Chairman. That's not in here.

3           There's also a couple -- some language --  
4 and this is me doing this at one a.m. last night.  
5 But if you look at my little cheat sheet here --  
6 and this is very rough -- but on page 2 there's  
7 the elimination of a couple provisions that I  
8 think are significant.

9           One is on page 14, Section 2.13. It  
10 eliminates -- and I used the page -- the  
11 pagination on the lower right of the package.

12           But the elimination of automatic reporting  
13 when a committee meets a deadline.

14           UNIDENTIFIED COMMISSIONER: What are you  
15 looking at?

16           COMMISSIONER NEWSOME: What's that? Yeah,  
17 this is a cheat sheet that I just made up.

18           No, this is the second one.

19           UNIDENTIFIED COMMISSIONER: Do you have  
20 extra copies for us?

21           COMMISSIONER NEWSOME: Do you want to pass  
22 that around?

23           It's my last one.

24           I only made 20. I made them this morning  
25 real early on my way over here.

1           On page 16, it eliminates substitute  
2 amendments. Just delete that. That provision  
3 was in Section 3.6 of the 1997 Rules.

4           There are also several things -- we didn't  
5 even get two-thirds of the rules when we had the  
6 Working Group meeting, but there are other things  
7 that I think are -- are significant.

8           Oh, another thing that we talked about that  
9 we agreed to, I thought, unanimously, was the  
10 proviso language from the legislature. That's  
11 not contained in this.

12           And there is -- Ethics and Election is  
13 actually combined in your rule. And we had  
14 talked about separating those, Commissioner  
15 Heuchan. It's combined, and we had talked about  
16 breaking that out because of the issues.

17           This doesn't address proposals from the  
18 public. It doesn't address, as I said, open  
19 meeting.

20           If you look at -- there's other amendments.  
21 Amendment 52 by Plymale.

22           So there's other things that probably  
23 happened as other things are not here.

24           Any my only suggestion -- the only reason  
25 that I want to not vote for this is because I



1 think that the more elegant solution -- all of  
2 these amendments have essentially been drafted to  
3 Amendment 6.

4 And Amendment 6 is the Strike-All that we  
5 start with the body of the 1997 Rules, and then  
6 let's take them up issue by issue.

7 And there's just not that many of them.

8 And I believe that we can come to a  
9 consensus probably pretty relatively -- and  
10 relatively shorter. Certainly by the end of the  
11 day.

12 But that my having to vote in block with  
13 all these, especially when language has been  
14 removed. And these Amendments -- these  
15 Amendments and Substitute Amendments have all  
16 been drafted specifically to the '97 Rules. It's  
17 going to get incredibly difficult to follow.

18 So that's -- that's the only reason I'm  
19 going to vote against this. I think it leaves  
20 some things out. There's some language that we  
21 didn't even discuss that's no longer here.

22 And I think the cleaner solution that will  
23 allow us to get through this by the end of the  
24 day is to just take a pass on this, and then  
25 revisit it issue by issue according to '97 Rules.

1           CHAIRMAN BERUFF: Thank you, Commissioner  
2 Newsome.

3           Anyone else that had comments and debate on  
4 this?

5           COMMISSIONER JOHNSON: I do.

6           CHAIRMAN BERUFF: Commissioner Johnson is  
7 recognized.

8           COMMISSIONER JOHNSON: Yes. If we were to  
9 take a vote on Commissioner Heuchan's Amendment  
10 and the vote were to pass, the Rules Committee  
11 still has opportunity to recommend amendments,  
12 right?

13           We're not taking floor amendments, right?

14           CHAIRMAN BERUFF: We're not doing floor  
15 amendments, that's correct.

16           COMMISSIONER JOHNSON: Right. But the  
17 Rules Committee would still have an opportunity  
18 to --

19           CHAIRMAN BERUFF: Yes.

20           COMMISSIONER JOHNSON: -- make further  
21 amendments to --

22           CHAIRMAN BERUFF: Yes, ma'am. At the  
23 committee level, absolutely.

24           Yes, that is correct.

25           Commissioner Carlton, then Commissioner

1 Timmann.

2 COMMISSIONER CARLTON: Are we in debate on  
3 Commissioner Heuchan's Amendment? Is that --  
4 that's what I wanted to speak to is in debate?  
5 So I -- is that where we are?

6 I wanted to speak to in favor.

7 CHAIRMAN BERUFF: Well, we've been debating  
8 Commissioner Kruppenbacher's motion.

9 But does Commissioner Kruppenbacher have  
10 anything to say?

11 COMMISSIONER KRUPPENBACHER: No, but my  
12 motion is effectively about those rules, so just  
13 discussing them, I think, is relevant.

14 CHAIRMAN BERUFF: Okay.

15 Yes, Commissioner Carlton.

16 COMMISSIONER CARLTON: So any debate  
17 then on --

18 CHAIRMAN BERUFF: Yes.

19 COMMISSIONER CARLTON: -- the Amendment.

20 So in support of the Amendment, I wanted to  
21 address one of the points that Commissioner  
22 Newsome mentioned that was contained in the  
23 Amendment and that was the legislative proviso  
24 language.

25 It is completely unnecessary for this body

1 to adopt the proviso language that the  
2 legislature put in the Appropriations Budget.  
3 That stands on its own.

4 If we do not abide by that proviso language  
5 and this Commission goes away because we have no  
6 more funding, so it's sort of self-implementing  
7 provision in -- of the Appropriations Budget.

8 So I don't think it is -- you know, it's  
9 fatal for that to be left out of the Amendment.  
10 And I just wanted to make sure that the  
11 Commissioners understood that because it is  
12 important that we abide by that language. And,  
13 obviously, we're going to have to because it's in  
14 the Appropriations Budget. So we don't need the  
15 extra incentive of it being contained within our  
16 own budget, within our own rules.

17 In addition to that, I really want to  
18 commend the Commissioner for his efforts to put  
19 together what really is a compromised document  
20 from listening to all of us on this Commission,  
21 as well as members of the public.

22 In all my years of being in the  
23 legislature, I'm not sure I've ever seen a letter  
24 from 13 or 14 entities, basically, saying:  
25 Please adopt the '97-'98 Rules.

1 I mean, that was really overwhelming, in my  
2 opinion, from reading that. If you looked at the  
3 organizations that were at the top of that  
4 letterhead, it was very, very overwhelming to see  
5 such support.

6 And so I think going from the basis of the  
7 '97-98 Rules and then making the changes as  
8 outlined by the Commissioner was really an effort  
9 to not only address the Commissioner's concerns  
10 but the public's concerns with the rules.

11 And so I want to commend him for doing  
12 that.

13 In addition, if there is a Commissioner on  
14 here that is not happy with any of these rules,  
15 there is -- if this Amendment is adopted, there  
16 is a process in place to change those, as has  
17 previously been mentioned, by a two-thirds vote.

18 So it is not as if going forward, things  
19 can't change. If we find out this -- it needs to  
20 be changed, or this needs to be amended, or this  
21 Commissioner has a very good point, or whatever,  
22 there's a process in place for that.

23 And I think that's what the adoption of  
24 what this Amendment does. It puts a process in  
25 place so that we can move forward with the more

1 important aspects of our job, which is not  
2 sitting in here and discussing any more about  
3 rules. It's moving on to the ideas of the public  
4 and the ideas that these commissioners have with  
5 regard to our Constitution.

6 And so there's this saying: Don't let the  
7 perfect be the enemy of the good.

8 I mean, we have a very solid amendment on  
9 the floor right now. And so I would encourage  
10 the commissioners to vote yes on that amendment.

11 CHAIRMAN BERUFF: Thank you, Commissioner  
12 Carlton.

13 Commissioner Timmann, and then General  
14 Bondi.

15 COMMISSIONER TIMMANN: Thank you, Chairman.

16 I'm also speaking in favor of Commissioner  
17 Heuchan's Amendment.

18 I have to say I spoke in our community just  
19 this week, and they -- I came in, and they --  
20 absolutely nothing about the work of this  
21 Commission; nothing.

22 And they were certain, by the way, that  
23 there were five commissioners.

24 So we went from there to talking about the  
25 good work that we could do.

1 I have them excited. They were trying to  
2 figure out how they could be involved.

3 And then they started asking questions,  
4 specific questions, about our timing, about our  
5 committee structure; all of these things. And I  
6 had to look at them and say: Gee, sorry. You  
7 know, we don't have that structure in place.

8 And at that point I decided I'm not leaving  
9 here without a set of rules, and then we can go  
10 back home and say: Now we're able to focus on  
11 the things you asked us to focus on.

12 The Floridians asked us to focus.

13 I know I'm focused on behalf of -- and for  
14 those of us who have children here, I want to  
15 make Florida a better place for our children.

16 And I believe that we all share those  
17 similar goals.

18 And I hate to see any conversations about  
19 sides, or divisiveness. It's time for us to join  
20 together, adopt a set of rules that works. It's  
21 not perfect.

22 I'm not going to say I favor a hundred  
23 percent of everything, but I can say I believe  
24 this Amendment addresses the primary issues that  
25 we raised.

1           For instance, I believe that this -- that  
2 Commissioner Heuchan's Amendment actually ensures  
3 greater participation by individual members than  
4 the '97-'98 Rules did.

5           They certainly didn't have mathematical  
6 proportionality on the Rules Committee, and this  
7 does.

8           Senator Gaetz raised that at our Working  
9 Group, and I feel that we addressed that.

10          Also, it defines select committees,  
11 clarifies that, ensures that there's a fair  
12 process, and even handiness about select  
13 committees.

14          It does include Section 1.23.

15          Everyone here knows Sunshine is very  
16 important to me. Open meetings are very  
17 important to me.

18          That speaks directly to what we've heard  
19 from the communities. That's adopted in this as  
20 well.

21          I agree with Commissioner Carlton, and I  
22 was going to raise that issue.

23          Proviso language, I do believe speaks for  
24 itself from the legislature, if we receive those  
25 funds.



1           So when I give that actually a Strike-All  
2 to Commissioner Newsome's, I went ahead and  
3 excluded that for that reason.

4           I was firmly -- I believed in, what I call  
5 affectionately, the Resurrection Amendment for  
6 the ability of the minority to be able to remove  
7 things from Committee, bring them forward,  
8 whether they were heard in Committee, whether  
9 they failed, and go ahead and bring those forward  
10 based on a majority to decide and bring it to the  
11 full Commission.

12           We're one group. You know, I think --  
13           And Commissioner Schifino mentioned  
14 majority as well.

15           I think it's just time we joined together,  
16 moved forward, and did what we're really here to  
17 do.

18           So I'm highly in favor of Commissioner  
19 Heuchan's Amendment because I believe he gets it  
20 fair.

21           So, thank you.

22           CHAIRMAN BERUFF: Thank you, Commissioner  
23 Timmann for the comments and the clarifications.  
24 I'm sure it's appreciated.

25           Commissioner Bondi, and then Commissioner

1 Rouson, and then Commissioner Solari.

2 Commissioner Bondi.

3 COMMISSIONER BONDI: Thank you. Thank you,  
4 Chairman.

5 I'm echoing what Commissioner Timmann and  
6 Commissioner Carlton just said.

7 Sitting on the side of the road on my  
8 phone, listening to this the whole time, I'm  
9 thinking: Come on, people. We just need to work  
10 together.

11 We've got a set of rules.

12 Commissioner Newsome, in all due respect to  
13 you, we can all lawyer this all day long.

14 And this amount of lawyers and then very  
15 intelligent people are never going to agree on  
16 every single thing. And we need to move on.

17 Commissioner Heuchan, thank you for the  
18 great work you put in.

19 But just sitting on the side of the road,  
20 listening to this from outside, let's just move  
21 on and get on with the business of the State.

22 CHAIRMAN BERUFF: Commissioner Rouson is  
23 recognized. Then Commissioner Solari, then  
24 Commissioner Martinez, then Commissioner Shafile  
25 (sic).

1 COMMISSIONER ROUSON: Thank you very much.

2 CHAIRMAN BERUFF: Schifino, excuse me.

3 COMMISSIONER ROUSON: Thank you very much,  
4 Mr. Chair.

5 And I think that the basic set of the  
6 '97-'98 Rules are good. I believe that the most  
7 important aspect of all of this is the ideas that  
8 we've heard from the public, but also the fact  
9 that the public cares about process. It cares  
10 about us adopting a basic set of rules debating  
11 amendments to those rules, but the beauty of what  
12 we're doing now is that it's occurring in the  
13 Sunshine.

14 My only concern and hesitation, really, is  
15 the fact that I favor the Martinez Amendment.  
16 The fact that it clarifies and makes clear and it  
17 comports with the current set of expectations of  
18 Sunshine and the way we ought to be operating  
19 that the public has come to expect.

20 While that might be assumed in the '97-'98  
21 language, it is not absolutely clear. And so I  
22 hesitate because of that point, but I think that  
23 everyone can agree that we ought to do something.  
24 People are watching.

25 Thank you.

1           CHAIRMAN BERUFF: Thank you, Commissioner.  
2           Commissioner Solari.

3           COMMISSIONER SOLARI: Thank you,  
4           Mr. Chairman.

5           Bob Solari.

6           And it turns out that my question deals  
7           exactly with Senator Rouson's.

8           I've asked different people what 1.23 means  
9           in the Strike-All Amendment, and I've gotten  
10          different answers from everybody I've asked for  
11          it.

12          And if we don't want to be lawyerly, I  
13          understand that, but this is the point where you  
14          have to.

15          I do not know what all proceedings means  
16          based on what I've heard from different people.

17          For me, my reading would mean that if two  
18          or more committee people got together had a  
19          conversation, that would be subject to Sunshine.  
20          Again, to me, that is perfectly clear.

21          If that were the case, I would have  
22          confidence in this Strike-All and I would go  
23          ahead and support it, but I would like to hear  
24          from Commissioner Heuchan if his proposal of all  
25          proceedings and records of the Commission should

1 be open to the public means that if two or more  
2 commissioners got together to discuss anything  
3 that we might vote on, that is what the meaning  
4 of what this phrase is.

5 CHAIRMAN BERUFF: Thank you, Commissioner  
6 Solari.

7 Commissioner Martinez is recognized, then  
8 Schifino, and then we'll get back to the next  
9 Commissioner.

10 COMMISSIONER MARTINEZ: Mr. Chair, thank  
11 you.

12 Commissioner Heuchan, when he was  
13 explaining his Amendment, mentioned me. He said  
14 that I had said that the prior Commissions using  
15 the language in 1.23, as he is proposing, that  
16 was consistent with the Government and the  
17 Sunshine and the Public Records Law.

18 So I have a question to the Commissioner,  
19 actually who will be, essentially, the  
20 legislative history of this particular wording.

21 Is it your answer to this question: That  
22 1.23, as you have worded it, that that means all  
23 meetings, records, and proceedings of the  
24 Commission shall be open and accessible to the  
25 public pursuant to Section 286.011 and Chapter

1 119 Florida Statutes? Is that what your wording,  
2 as you're proposing, in 1.23 means, Commissioner  
3 Heuchan?

4 CHAIRMAN BERUFF: Aren't we debate?

5 COMMISSIONER PATRONIS: Yes.

6 CHAIRMAN BERUFF: We're in debate.

7 Can't he just address those in his closing,  
8 then?

9 COMMISSIONER PATRONIS: Yes.

10 CHAIRMAN BERUFF: Commissioner Schifino is  
11 recognized.

12 COMMISSIONER SCHIFINO: Thank you, Chair.

13 Commissioner Patronis just threw me a  
14 proverbial curve ball because one of my issues --

15 And Commissioner Heuchan, I just want to  
16 make sure with this group that as I look at it,  
17 it is -- and I'm going to reference paragraph 4.5  
18 -- and I believe this is exactly what we've been  
19 referring to as the clawback or the resurrection  
20 provision.

21 COMMISSIONER HEUCHAN: The Schifino  
22 Amendment, yes.

23 COMMISSIONER SCHIFINO: I wasn't going to  
24 call it that, but, thank you.

25 COMMISSIONER CERIO: I've been calling it

1 that for two weeks.

2 COMMISSIONER SCHIFINO: But I've been  
3 looking around the table -- and I want to make  
4 sure that we're all clear -- that we are all in  
5 agreement that that is what paragraph 4.5  
6 accomplishes.

7 I read it as such. I've had my legislative  
8 consultant confirm that they read it as such.

9 But if there's any disagreement on that  
10 issue, I want to make certain that the -- and  
11 Governor Martinez referred to it as the  
12 legislative history, but it's the collective  
13 wisdom of this group that if we adopt this  
14 proposal that, in fact, paragraph 4.5 does  
15 accomplish just that.

16 And I'll finish with saying I appreciate  
17 and share Commissioner Rouson's concerns and  
18 issues. I had assumed that this particular  
19 paragraph that we talked about in Sunshine  
20 accomplish what I think what we -- what you were  
21 getting at; and you also, Commissioner Solari.

22 CHAIRMAN BERUFF: Any -- Commissioner  
23 Stemberger is recognized.

24 COMMISSIONER STEMBERGER: I appreciate the  
25 courage in leadership. I appreciate collegiality

1 and collaboration. I appreciate those things in  
2 Commissioner Heuchan's proposal. I also  
3 appreciate the comprises he's made without  
4 compromising on any first principle that I think  
5 would make it illegitimate.

6 I do have one issue. I would have liked to  
7 have seen 10 in the clawback instead of a  
8 majority. So that was my one hang-up.

9 My only issue now is -- and I really like  
10 this. I think -- even though I'm -- you know,  
11 it's not a perfect document. The fact that --

12 Is it two-thirds of the Rules Committee or  
13 the body could amend rules in the future?

14 CHAIRMAN BERUFF: The body.

15 COMMISSIONER STEMBERGER: The body, okay.

16 So I would just like to hear one more time  
17 if this is appropriate in debate.

18 The only thing that is creating pause for  
19 me now is Commissioner Newsome's -- the absence  
20 of those things that might be critical, but, I  
21 guess, if there's a two-thirds' ability to be  
22 able to correct and rectify things that are  
23 critical, we can always do that in the future.

24 So I just appreciate the leadership and the  
25 collaboration that's gone into this work. And I



1 think I want to support this.

2 CHAIRMAN BERUFF: I think we'll ask  
3 Commissioner Heuchan to address that in his close  
4 when we get there.

5 Is there --

6 Commissioner Coxe is recognized.

7 COMMISSIONER COXE: Here in the past --

8 THE COURT REPORTER: Speak up.

9 COMMISSIONER COXE: I'm sorry. My  
10 thoughts.

11 You had mentioned there were four essential  
12 departures from the '97-'98. If you could recap  
13 those, at least for me, what those four are  
14 again? We can do it in close or do it now, but  
15 just so I know exactly what those four are.

16 CHAIRMAN BERUFF: Let's entertain any other  
17 Commissioners, or we're ready to close.

18 I think we're ready to close.

19 COMMISSIONER LEE: I have something.

20 CHAIRMAN BERUFF: Nope. Excuse me.

21 Commissioner, I didn't see you.

22 Commissioner Lee is recognized.

23 COMMISSIONER LEE: Thank you.

24 I would like to make a few comments just as  
25 a matter of process and where we're at.

1 I know this is messy, but such is public  
2 life.

3 I wish I could run this Commission like I  
4 ran my business, but then we couldn't have any  
5 public comment because my business doesn't run  
6 that way.

7 This is our reality. And the only reason  
8 we are here is because someone took the  
9 initiative to draft a set of rules, to transfer  
10 the power of this Commission to the Chairman.

11 Now, I don't say that pejoratively. We all  
12 have a view of how this Commission ought to run.

13 I filed to strike everything that I believe  
14 will still be in order, even if this Amendment by  
15 Commissioner Heuchan were to pass, because it's a  
16 strike everything because I saw this coming.

17 I didn't know it would be 75. I wasn't  
18 sure whether it would be 55 or a 105, but I knew  
19 that we were going to be here a long time.

20 The 1997 Rules were drafted by a bipartisan  
21 Constitution Revision Commission. Governor  
22 Childs was the Governor. Dexter Douglas was the  
23 Chair, and the House and the Senate were  
24 Republican.

25 20 years later, we're all doing what?

1 We're looking at what they did.

2 And so there's a historical context for all  
3 this, and what we do will matter down the road.

4 So while it may be difficult to listen to  
5 on the radio or to see this unfold, this is the  
6 most important decision this Commission will  
7 make; absolutely unequivocally the most important  
8 decision we will make.

9 The reason I think '97-98 Rules, as they  
10 were originally drafted, were a good starting  
11 point -- and the reason I filed it in addition to  
12 the procedural concerns -- is because I felt  
13 like, as you read the Constitution, Article 11,  
14 Section 2, as it relates to this Commission, it  
15 gave the governor a plurality. It didn't give  
16 him autonomy.

17 My view is that if the proposed rules were  
18 to pass, the only Constitutional Amendment this  
19 Commission should put on the ballot is to change  
20 this Constitution Revision Commission to allow  
21 all the appointees to be appointed by the  
22 Governor because no one else will matter.

23 So I thought it was the wrong starting  
24 point. As much as I appreciated the hard work,  
25 it simply frustrated the very words of the

1 Constitution that gave rise to this Commission to  
2 begin with.

3 So we went off. And in the spirit of  
4 cooperation under the amendment filing deadline  
5 for the original amendment I filed in 1997-1998  
6 Rules.

7 And so from a procedure standpoint, by  
8 being up front, I disadvantaged myself.

9 The fatal flaw of this process here is that  
10 we were all shooting blindly in the dark,  
11 jousting at windmills, because we didn't know who  
12 was going to file what amendment to what.

13 And the person that went last with a strike  
14 everything was going to be able to offer their  
15 amendment because I guess we have no germanity  
16 rules here -- be able to offer their amendment to  
17 the first amendment and get out in front of  
18 everyone.

19 And so I think this is sort of prejudicial.  
20 I think the way we're taking this up is  
21 inappropriate. I object to it.

22 And I think while what Mr. Heuchan is  
23 trying to do is a good start, I would just point  
24 out, from a procedural -- from a policy  
25 standpoint, that we still have a set of rules, if

1 this were to adopt, where the most important  
2 committee, the committee that will place things  
3 before this Commission to be heard, will all be  
4 adopted by the Chairman.

5 And while there is this theoretical  
6 clawback, I personally see a conflict in what was  
7 read in Commissioner Schifino's comment of 4.5.

8 I see a conflict between 4.5 and 2.13.

9 And 2.13 that if an issue is reported  
10 unfavorably by a Committee, it's dead. And if  
11 it's dead, I don't see how it can be pulled from  
12 a Committee because it's dead.

13 So I don't think this does what has been  
14 represented by Commissioner Heuchan to do. I  
15 can't support it.

16 I think he gains the system and frustrates,  
17 you know, all the other Commissioners from a due  
18 process standpoint that have filed their ideas,  
19 many of which that are now going to be wiped out.

20 And I would just personally say: If this  
21 is the direction we're going, that we should take  
22 a recess and maybe consider whether or not it's  
23 worth proceeding forward today.

24 I'm sorry that this is so messy. I'm sorry  
25 that people are frustrated with it, but this is

1 life in the public arena.

2 And this is the most important decision we  
3 will make. And I just think it needs to be done  
4 with equity.

5 CHAIRMAN BERUFF: Thank you, Commissioner  
6 Lee.

7 Commissioner Keiser is recognized.

8 COMMISSIONER KEISER: Thank you, Mr. Chair.

9 I was one of the Commissioners that  
10 attended the Rules Committee -- I was not on the  
11 Rules Committee -- and took extensive notes and  
12 had great interest.

13 And I'm speaking in support of Commissioner  
14 Heuchan's Amendment because I do see that there  
15 are elements that really do represent many of the  
16 Commissioners' points of view where we've reached  
17 consensus.

18 And several Commissioners today have  
19 mentioned the importance of this process in terms  
20 of the public's input.

21 And when I look at the Committees'  
22 structure, the clawback provision does allow for  
23 any proposal to be brought back to be put on  
24 special order calendar if majority of the  
25 Commission has agreed.

1 I believe that's critical as we look at  
2 many of the ideas and recommendations that we  
3 will continue to receive.

4 CHAIRMAN BERUFF: Thank you, Commissioner  
5 Keiser for your comments.

6 Commission Sprowls, were you looking to  
7 speak?

8 COMMISSIONER SPROWLS: Yes.

9 CHAIRMAN BERUFF: Commission Sprowls is  
10 recognized.

11 And I think -- Commissioner Gaetz, did you  
12 have a hand to speak?

13 COMMISSIONER GAETZ: Yes, sir.

14 CHAIRMAN BERUFF: After Commissioner  
15 Sprowls.

16 Thank you so much.

17 COMMISSIONER SPROWLS: Thank you,  
18 Mr. Chairman.

19 I want to drill down just a little bit on  
20 that clawback provision, the Schifino Provision,  
21 the one that we've been talking about.

22 First, I just wanted to say -- and I think  
23 I echo the sentiment of everyone here --- that I  
24 appreciate the work that Commissioner Heuchan has  
25 done.

1 I think that I'll steal a phrase from  
2 Senator Lee in that it is easier to critique than  
3 it is just to create. And I think that's true  
4 and that's fair, so I thank you for doing all  
5 this work.

6 And I think we all kind of share the  
7 sentiment as well that Commissioner Bondi --  
8 General Bondi -- mentioned, which is we're all  
9 kind of frustrated. We want to get on with the  
10 business of the people, but I do believe that  
11 these rules are important.

12 So let's talk a little about that clawback  
13 provision because I think that for many of us,  
14 who have concerns -- and many of us who, frankly,  
15 believe, as Commissioner Lee mentioned, that the  
16 '97-'98 Rules, frankly, I believe, are a better  
17 starting point for us.

18 I think we sufficient enough amendment in  
19 that sphere in order for us to get on with our  
20 business, as Commissioner Bondi had mentioned.

21 But on this clawback provision, not only do  
22 I believe that, consistent with what President  
23 Lee said, the 4.5 provision, which, for easy  
24 reference of the Commissioners, it's on page 67  
25 of the proposal, is in conflict with Rule 2.13



1 because 2.13 says Committees can kill things.

2 So let's take this out for a second.

3 There's a proposal that's assigned to the  
4 committee. It gets a committee reference. We'll  
5 call it the local government committee.

6 So it goes to local government committee.  
7 If one of the Commissioner says, okay, well, I  
8 think that's important enough for us to remove it  
9 from the calendar, to bring it for a vote for the  
10 full Committee.

11 I believe that this rule accomplishes that  
12 end; that goal.

13 However, if many of us want to give our  
14 colleagues, which I think we would, the  
15 opportunity to vet that proposal, discuss that  
16 proposal, raise all of the issues that may be at  
17 issue with that particular proposal, and then  
18 have an up or down vote on it.

19 If that vote kills that proposal in the  
20 committee, it is my reading of this clawback  
21 provision, that you cannot take, what is now a  
22 dead proposal and bring it to the floor.

23 So I do not believe that Rule 4.5 does what  
24 we have been talking about it doing.

25 Now, it is a hundred percent my belief that

1 it is the intent of Commissioner Heuchan, and  
2 many of you, for that to actually be the case;  
3 that regardless of whether or not a proposal dies  
4 in committee, the majority of us -- 50 plus 1  
5 percent can say, you know what, we should have  
6 more debate on that, more discussion, we're going  
7 to bring that to the floor for a full debate  
8 after our colleagues had the opportunity to raise  
9 all the issues.

10 But this rule does not do that. So I just  
11 want to be clear and just raise that for the  
12 Commissioners to take a look and bring that into  
13 your analysis because I think we have two bites  
14 at the apple today to accomplish something.

15 The first bite at the apple, which  
16 Commissioner Heuchan's done a Yeoman's job of  
17 trying to put something together, I think creates  
18 some problems here with what we just talked  
19 about.

20 I think the second bite at the apple we  
21 have is Amendment 6, which was filed by  
22 Commissioner Lee, which goes back to '97-98 Rules  
23 with tweaks, then there was a series of  
24 amendments, one of which is Commissioner  
25 Martinez, which has gotten a lot of attention

1 today.

2 So I raise that for your consideration on  
3 this Amendment.

4 CHAIRMAN BERUFF: Thank you, Commissioner  
5 Sprowls.

6 Commissioner Schifino.

7 COMMISSIONER SCHIFINO: Thank you,  
8 Chairman.

9 A point of clarification --

10 CHAIRMAN BERUFF: Oh, I'm sorry. I  
11 apologize.

12 COMMISSIONER SCHIFINO: I jumped ahead.

13 CHAIRMAN BERUFF: No, I forgot Commissioner  
14 Gaetz. I apologize.

15 Commissioner Gaetz, please.

16 COMMISSIONER GAETZ: Thank you.

17 CHAIRMAN BERUFF: Then Schifino.

18 COMMISSIONER GAETZ: With your permission,  
19 I yield to Commissioner Schifino, if I could be  
20 recognized thereafter.

21 CHAIRMAN BERUFF: Absolutely, Commissioner  
22 Gaetz.

23 COMMISSIONER SCHIFINO: A point of  
24 clarification, in light of the concern raised by  
25 President Lee and Representative Sprowls, am I

1 correct that we could not clarify 4.5 to simply  
2 say, specifically including 2.13, so that it is  
3 crystal clear that you are clawing back any and  
4 all issues, including those that, as  
5 Representative Sprowls just indicated, died from  
6 2.13.

7 I think if we specifically reference that,  
8 but I'm not sure that that would be an amendment  
9 to amendment. I'm just trying to get to a point  
10 of clarifying what I think we've recognized as  
11 the clear intent of Commissioner Heuchan.

12 CHAIRMAN BERUFF: I believe that is the  
13 intent of Commissioner Heuchan's, as Commissioner  
14 Sprowls clearly stated -- and everyone in this  
15 room, as it relates to your well-crafted  
16 Amendment -- that a simple majority of this  
17 Commission can drag anything out of any committee  
18 at any time for any reason even though it is  
19 dead. That is, I think, my understanding.

20 So with that comment let's go forward and  
21 continue with debate.

22 Commissioner Gaetz, and then Commissioner  
23 Cerio.

24 Commissioner Gaetz.

25 Thank you.

1                   COMMISSIONER GAETZ: Thank you,  
2 Mr. Chairman.

3                   I've been very interested to hear  
4 knowledgeable Commissioners go through the rules,  
5 as proposed by Commissioner Heuchan, and point  
6 out that there are areas which, notwithstanding  
7 how well he crafted his proposal, that are still  
8 apparently inconsistent, or apparently  
9 incomplete, or at least raise questions.

10                  That would seem to me to suggest a reason  
11 why we ought to take up the clean 1997-'98 Rules  
12 as proposed by President Lee as a template as  
13 opposed to the motion on the floor which adopts  
14 the '97-'98 Rules as modified by Commissioner  
15 Heuchan; but those modifications create many of  
16 the questions that we have.

17                  I agree with General Bondi that we ought to  
18 get on with it.

19                  Since we have no rules of procedure,  
20 perhaps there would be a way to take up President  
21 Lee's clean '97-'98 Rules, and then look at the  
22 amendments that many Commissioners have filed  
23 against that.

24                  If there were not a way to do that, then I  
25 would, at the moment, have to vote against

1 Commissioner Heuchan's proposal only because it  
2 leaves unanswered a series of questions which  
3 other Commissioners believe is important.

4 The Rules Working Group has been referred  
5 to several times.

6 And for those Commissioners who were not --  
7 Commissioner Keiser was not on the Committee, and  
8 still came and braved the entire four or five  
9 hours of our deliberations. And she ought to get  
10 a merit badge for that.

11 But for those who were not -- who did not  
12 do that, the Rules Committee only got through  
13 about one-third of the rules, and then we ran out  
14 of time. And it was our intent and expectation  
15 that we would finish up the rest of the rules at  
16 a subsequent meeting.

17 But, to be clear -- and I say this  
18 respectfully and accurately -- when the Rules  
19 Working Group went through the rules, including  
20 many significant issues, we came to consensus on  
21 everything except one item. And we voted 6 to 2,  
22 because we didn't have consensus -- to share  
23 authority over what goes to the floor instead of  
24 reposing that authority in a group of people  
25 solely selected by the Chairman. We voted 6 to 2

1 to share the authority. And the minute we did  
2 that -- well, not the minute, but very shortly  
3 thereafter, we learned that the Rules Working  
4 Group had, therefore, been disbanded. And now we  
5 find ourselves here today.

6 One advantage of adopting President Lee's  
7 clean '97-'98 Rules and using those as a template  
8 is that we can have a straightforward debate on  
9 that and the other points that Commissioners have  
10 mentioned and vote them up or down.

11 We're all big people. We can win votes.  
12 We can lose votes. That's going to be the case  
13 as we do our deliberations on substantive issues.

14 So, Mr. Chairman, if there were a way for  
15 President Lee's, what I would call or  
16 characterize as a clean and non-substantively  
17 edited '97-'98 Rules to be considered as a  
18 template -- I would wish that would be the case  
19 because we have no germanity rules, and  
20 apparently no rules of procedure other than those  
21 that we make up at the moment -- I don't know how  
22 we would deal with that suggestion.

23 But if we can't deal with it, I would  
24 reluctantly have to vote against Commissioner  
25 Heuchan's Amendment so that we could go to the

1 Lee Strike-All.

2 CHAIRMAN BERUFF: Thank you, Commissioner  
3 Gaetz.

4 Commissioner Cerio is recognized.

5 COMMISSIONER CERIO: I think it's fair to  
6 point out that, obviously -- everyone who's filed  
7 an Amendment, or an Amendment to an Amendment is  
8 doing what they believe is best.

9 Almost every -- the original draft rules  
10 that were presented a few months ago, the  
11 Strike-All of Senator Lee's, the Strike-All of  
12 Commissioner Heuchan, they're all based on the  
13 '97-'98 Rules.

14 Let's be honest. All of us have -- we like  
15 the '97-'98 Rules, but all of us want some tweaks  
16 here and there. We're not all going to agree on  
17 that.

18 I think that Commissioner Heuchan's  
19 Strike-All does a good job. I wouldn't call it  
20 unclean, and Senator Lee's Strike-All is clean.

21 I understand the point.

22 But I think there's been a lot of hard work  
23 that's gone into this.

24 I think the public and everybody at this  
25 table has heard -- Commissioner Heuchan, as well



1 as many of us, I -- with all due respect to  
2 Commissioner Sprowls, I understand his reading;  
3 but it was my understanding, and the way I read  
4 it -- and one of the reasons I'm supporting  
5 Commissioner Heuchan is because I do think that  
6 if a proposal dies in Committee -- if a proposal  
7 dies in Committee, it can be resurrected. It can  
8 be clawed back. That's why I'm voting for it.

9 The public has heard us say this: If we  
10 really need to vote by a two-thirds vote to  
11 actually make that clean, I'm confident it will  
12 be unanimous.

13 But that is my understanding, so I don't  
14 know why this --

15 CHAIRMAN BERUFF: Commissioner --  
16 Commissioner Lee, your voice is carrying over to  
17 the Commissioner's comments.

18 Thank you.

19 COMMISSIONER CERIO: I think that we need  
20 to have a vote. I think we need to move on.

21 If this is voted down, we will continue to  
22 proceed.

23 But to just judge, because you don't like  
24 Senator -- sorry, or Commissioner -- you got  
25 another promotion -- Heuchan's Strike-All, let's

1 just -- well, let's just pull that and consider  
2 something else because you don't like the way  
3 this is going, that's procedural gamesmanship.

4 I mean, certainly all of us have the right  
5 to engage in that, but that's what debate is.  
6 That's what voting, you know, is.

7 But I think it's time to vote and move on.

8 Thank you, Mr. Chairman.

9 CHAIRMAN BERUFF: Commissioner Newsome.

10 Thank you, Commissioner Cerio for your  
11 comments.

12 Commissioner Newsome.

13 COMMISSIONER NEWSOME: General Bondi, I  
14 just wanted to kind of respond briefly.

15 And I swear to goodness, I'm not trying to  
16 lawyer this up.

17 But there are 6 issues, 6 real issues, that  
18 I think that either --

19 COMMISSIONER BONDI: Excuse me.

20 COMMISSIONER NEWSOME: Sure.

21 COMMISSIONER BONDI: I couldn't hear you,  
22 Commissioner.

23 COMMISSIONER NEWSOME: Oh, I'm sorry.

24 COMMISSIONER BONDI: If Commissioner Lee  
25 could just give us -- thank you.

1           COMMISSIONER NEWSOME: So here's my point.  
2 I think there are 6 real issues where there may  
3 be consensus, not lawyer issues, but real  
4 substantive issues where there may be consensus.

5           I've heard Brecht talk about a few. I've  
6 heard some questions from Bob, and from some of  
7 the other Senators about some of the others. Let  
8 me just hit those briefly.

9           And if we can have a vehicle for taking  
10 these up, maybe after it passes -- it seems like  
11 the room is for this -- that's what, maybe, Frank  
12 was trying to do.

13           These are all filed amendments, by the way.  
14 And so if we can just tweak them a little bit.

15           But here are the 6, from my perspective:  
16 Number 1 is open meeting.

17           Mr. Martinez wanted to talk about that. He  
18 ought to be able to have a chance to do that.

19           I wanted to have a separate Ethics  
20 Committee because as the Working Group talked  
21 about those are going to get buried with lots of  
22 issues -- ethics and elections. So I would  
23 suggest separating them out. That's 2. I don't  
24 think there's any reason that folks wouldn't want  
25 to do that. I think we have consensus on that,

1 but that's not in Brecht's proposal.

2 Third, the lobbyist restrictions.

3 Mr. Cerio came up with these. I think they're  
4 great. I can't imagine anyone would have any  
5 issues, but they're not in Brecht's proposal.

6 He's filed some really good Amendments to  
7 that. And I think we ought to be able to take  
8 those up. I think we got consensus.

9 Fourth, I don't know -- I think in the  
10 haste to put this together -- he was burning -- I  
11 know Elisa was burning the midnight oil -- but  
12 there were a couple of pieces of the '97 Rules  
13 that I think were accidentally omitted, having to  
14 do with substitute Amendments, and timing. Those  
15 are just, I think, accidentally left out that  
16 were there in the '97 Rules. I can put them out  
17 to you. That's number 4.

18 5 -- and this is a big one that, again, I  
19 don't have strong feelings on, but some folks  
20 may, but how is the Rules Committee going to get  
21 appointed? Does the Chairman get to appoint it  
22 or does -- or will there be a caucus of the  
23 appointing? It's something that we ought to be  
24 able to, at least, talk about.

25 And then finally is the clawback. I think

1 that some of the language on the clawback is  
2 inconsistent.

3 I don't think it maybe was intentional from  
4 what Brecht said, but we're going to live and die  
5 by these rules. And so we have the chance to get  
6 it right.

7 I think there's some really -- I think  
8 Commissioner Schifino had an elegant way that he  
9 wrote this up, but it still, I think, could have  
10 majority if that's an issue.

11 It's just, let's get it right. We have the  
12 chance to do that. I think we can have  
13 consensus.

14 I don't mean to lawyer this up or waste  
15 time, but that's the reason that I would have to  
16 either say, let's tap the brakes on Brecht.  
17 Let's take these substantive issues up so we can  
18 debate it.

19 It's only 6. And I think we got consensus  
20 on probably 5 out of the 6.

21 CHAIRMAN BERUFF: Thank you, Commissioner.

22 I live in the real world, as most of you  
23 here do.

24 And there is a public record that's been  
25 created of everything we've said here today, and

1 it's on video.

2 So clarity, as it relates to the Schifino  
3 Amendment, is very clear to me. Because there's  
4 a nuance in the language doesn't concern me  
5 because the public understands that the Schifino  
6 Agreement is simple.

7 The simple majority can do whatever it  
8 wants and take anything out of Committee.

9 Okay, so at this point, I entertain --

10 COMMISSIONER JOYNER: Mr. Chairman.

11 CHAIRMAN BERUFF: Yes, Commissioner,  
12 please, Joyner --

13 COMMISSIONER JOYNER: Joyner, yes.

14 CHAIRMAN BERUFF: Is acknowledged.

15 Thank you.

16 COMMISSIONER JOYNER: You enumerated your  
17 interpretation of the clawback rule, it's not  
18 what the rules say.

19 You further just stated that it's on record  
20 in our discussion. And that is true. However,  
21 when conflict arises, then folks resort to the  
22 court as to the actual interpretation of what has  
23 occurred.

24 We -- there's a great deal of frustration  
25 here because Commissioners want to axe some

1 rules and move on. And I share that frustration.

2 Frankly, if I had -- if we had it to do all  
3 over again, I would have hoped that we would have  
4 done this up front. Before we had the first  
5 public hearing, we would have promulgated our  
6 rules.

7 In this err of frustration in this zeal to  
8 get some rules promulgated everybody wants to  
9 move on.

10 So take the Strike-All by Commissioner  
11 Heuchan and go from there. He put in it what he  
12 got from the Working Committee. And there were  
13 some admissions, specifically what I mentioned,  
14 but that's -- so it doesn't represent all of what  
15 happened.

16 He said a hundred percent of what we agreed  
17 on is what he put in it.

18 Well, what about where I might have had  
19 folks agreeing with me 70 percent?

20 You know, we are doing the most important  
21 task right now, setting forth how we're going to  
22 operate as it relates to proposals and how  
23 they're going to get to the ballot, if they, in  
24 fact, get there.

25 We need to take the time to go through --

1 this is time-consuming.

2 This is what we hear in the legislature:  
3 We read every Amendment. We understood it, and  
4 we gave folks an opportunity to explain it.

5 We operated by a set of rules here by which  
6 we could, in fact, file amendments.

7 And now this Strike-All will, in fact, take  
8 away the ability, in my opinion -- and I could  
9 not be correct -- for us to hear the others.

10 Why not take the document that has been so  
11 successful, '97-'98, use it as a starting part  
12 and add from there, because there are  
13 significant, in my opinion, omissions from the  
14 Amendment that's on the floor, and give us the  
15 opportunity to have the benefit of hearing each  
16 one and debating on them and making a decision as  
17 opposed to just taking one person's well-produced  
18 document, thought out, but represents his  
19 thinking alone with what has been enumerated by  
20 groups, and the public, and us, but not  
21 necessarily incorporated all that was said  
22 because I think what I suggested is equally as  
23 important as what you have there.

24 And true it is not perfect, but we can make  
25 it better by starting from scratch with what



1 history has shown.

2 '97-'98 was a good document.

3 And there are some changes.

4 That clawback is a deal breaker for me,  
5 notwithstanding the Chairman's opinion, or his  
6 interpretation of what it is.

7 I'm an independent person, and I got my  
8 interpretation. And I don't agree with him. And  
9 that, in itself, is enough for me to say no.

10 We have an opportunity to do it right, and  
11 we should.

12 We got to put aside the fact that we're  
13 frustrated, tired. It's -- we might be here all  
14 day, but we got to get it right this time.

15 And to take the first proposal and accept  
16 it carte blanche, recognizing that items have  
17 been left out, and there're concerns about  
18 clawback and other provisions that are in the  
19 '97-'98 that's not in this document. And I, for  
20 one, don't want to have to look back and say, oh,  
21 my God, that unintended consequence that we did  
22 not consider on the day we sat to deliberate on  
23 these rules.

24 And I can tell you there are many, many  
25 unintended consequences that I'm sure that

1 Commissioner Patronis and Sprowls, and others,  
2 can tell you that we thought we had covered them;  
3 and, oh, my God, we hadn't.

4 So I can't support it with the trepidations  
5 that I have.

6 And I thank you for putting your time in.

7 You and Commissioner Newsome ought to just  
8 join up because you guys together are dynamite.

9 And -- but I'm not ready to go there  
10 because I want to have an opportunity to hear  
11 some of these other Amendments that were made and  
12 have the opportunity to vote them up or down, and  
13 not just take something that represents a product  
14 that encompasses many great ideas, but omits so  
15 many others.

16 CHAIRMAN BERUFF: Thank you, Commissioner  
17 Joyner.

18 Commissioner Stemberger is recognized.

19 COMMISSIONER STEMBERGER: Mr. Chairman, I  
20 find that the new information regarding the  
21 deficiencies of the Heuchan Amendment is  
22 dispositive to my position; and so, therefore,  
23 I'm not going to support it.

24 CHAIRMAN BERUFF: Thank you so much,  
25 Commissioner Stemberger.

1           And we -- would you like to close,  
2 Commissioner Heuchan?

3           COMMISSIONER HEUCHAN: Yes.

4           CHAIRMAN BERUFF: Thank you.

5           COMMISSIONER HEUCHAN: Thank you for that,  
6 and thank you for all the comments.

7           I'll try to get through and try to address  
8 a lot of what's been said and what's been asked  
9 of me by you all.

10          In 1997 and 1998 I was there. I was not on  
11 this Commission, but I was a staffer for the  
12 House.

13          And, you know, history has a tendency to  
14 kind of rewrite itself sometimes.

15          And we look back on that Commission and  
16 those rules in almost kind of a lower fashion.

17          You know, they were successful. They  
18 passed -- 8 of the 9 Amendments, they passed.  
19 They passed. And most of them exceeded the 60  
20 percent threshold that we now have to deal with.  
21 Of course, that threshold wasn't there back then.

22          That Commission went through a lot of the  
23 things that we're going through at this moment.

24          And as a House staffer -- you know, I was  
25 on the House team. And we didn't appreciate some

1 of what was going on. And we forced compromise.  
2 And compromise was, in fact, made.

3 Those rules that were proposed by the  
4 Steering Committee after months of deliberation,  
5 President Gaetz is right. There was a bipartisan  
6 group, but it wasn't at the time.

7 Speaker Webster was not the Speaker.

8 There was no Republican person on that  
9 Steering Committee from the House.

10 But my point is is that what we're doing  
11 today, it does appear messy. And President Lee  
12 is right about that, and that's okay.

13 It was messy before. They fought about  
14 these exact same things. And, literally, the  
15 exact same things they were fighting about 20  
16 years ago, we're fighting about right now so much  
17 so that they passed rules and they, in fact, had  
18 to come back and change them again.

19 They had to change them again because they  
20 forgot something. Representative Sprowls -- and  
21 I'll get to your good point about the words that  
22 I chose on the clawback stuff.

23 But the fight of that day -- and it was in  
24 the middle of their deliberations. It wasn't at  
25 the beginning. So you can imagine how

1           troublesome this might have been to people.

2           The rules were unclear about the vote  
3 threshold that it took to commit a proposal to  
4 the Style and Drafting Committee. That was a  
5 war. They settled on a majority vote to do that,  
6 and that's what I put in my Amendment.

7           One of the things that we heard over and  
8 over and over again, as we went around the State  
9 in our 9 or 10 hearings was: Do no harm.

10          We heard it. We heard it from the most  
11 craziest of unlikely people. You know, we heard  
12 it from like the Americans for Prosperity Groups,  
13 right? So, you know, they have an ideology.

14          We also heard it from the League of Women  
15 Voters. We also heard it from the Planned  
16 Parenthood representatives.

17          Do no harm is what they said.

18          That's a subjective statement. I don't  
19 know what that means exactly.

20          But those are the same instructions that  
21 Governor Scott gave me when he asked me to serve  
22 in this capacity: Do no harm.

23          And then I asked him what did that mean.  
24 And he said: Use your best judgment, Brecht.  
25 Use your best judgment.

1           And I know that the rest of us probably got  
2 a lot of those same instructions from the people  
3 that appointed us -- appointed you.

4           But, to me, do no harm means that it should  
5 be hard to change our Constitution.

6           The lawyers in the group, I -- you know, I  
7 don't -- I have an appreciate for our  
8 Constitution. That wasn't borne out of law  
9 school. It wasn't borne out of some sort of  
10 liberty that I wasn't afforded, you know, like  
11 other people on this Commission.

12           But I understand what this document means  
13 for not just us, but our families and the people  
14 that live in our towns.

15           And so at every turn with decisions that I  
16 made -- and you're right. Some of these  
17 decisions were judgment calls that I made.

18           And I remember talking to Elisa. I'm like,  
19 Elisa, I don't know about this particular piece,  
20 and I need to think a little bit more about it  
21 and I'll call you tomorrow.

22           And I put as much thought in this as you  
23 all did about your things.

24           And so I know it's not perfect. I realize  
25 that.

1           But, with regard to -- you know,  
2 Commissioner Sprowls and I had talked prior about  
3 this -- I'll call it a misunderstanding. It may  
4 be more than that, to be fair -- about what this  
5 clawback provision means.

6           So, Commissioner Schifino, and others, I  
7 just -- I want to make clear -- and I respect and  
8 appreciate what our Chairman has said, but my  
9 intent for the clawback provision is this: That  
10 if a proposal is defeated, or remains unheard, or  
11 any other scenario, that that proposal can be  
12 removed from that Committee, all of its  
13 Committees, bypass the Rules Committee, and go  
14 directly on the special order calendar at the  
15 next scheduled meeting. That's my intent.

16           And it's -- and I -- Commissioner Sprowls  
17 is a good lawyer, and I know that Mr. Buder  
18 Imhoff is a good lawyer. And those people think  
19 that that's not what this says.

20           Well, when our Rules Committee gets set up,  
21 I'm going to be there and I'm going to ask them  
22 to fix it.

23           Now, with regard to some of the things --  
24 and I think -- Arthenia Joyner, you're right. I  
25 mean, Commissioner Newsome and I did get together

1 a lot, actually. And we talked about lots and  
2 lots of things.

3 And I know that this Amendment does not do  
4 everything that he asked, but it does a lot of  
5 it.

6 And he has a view on some of the pieces  
7 that I didn't share. That's, you know -- that's  
8 neither here nor there.

9 But his point is a good one; that with  
10 regard to open meetings, or the Stand-Alone  
11 Ethics Committee --

12 And, Rich, I got to tell you, I frankly,  
13 misunderstood, I guess.

14 When the rules were proposed, Ethics was  
15 combined with something else. I don't even  
16 remember what it was.

17 I just -- I'll just tell you I  
18 misunderstood you. If you want that one to be  
19 different even from Elections, then I'll try to  
20 help you with that.

21 The lobbyist restriction, same thing.

22 The Substitute Amendment piece, Rich, I  
23 think what you're talking is a Committee  
24 Substitute. And I --

25 You know, I talked to Elisa about that. It



1 does. It deletes a whole section of the rule,  
2 but it's not needed. And it's not applicable, as  
3 I understand it, when we have this -- it was an  
4 issue with the Amendments traveling along with  
5 the proposal. That's what that was about. And  
6 if that needs to be -- if that was erroneous, we  
7 can fix it.

8 The point is in all of this, is all of this  
9 stuff, if there's consensus -- and that's the  
10 word that Commissioner Newsome's used, well, by  
11 gosh, it's an easy fix. It's easy.

12 You guys can see -- I mean -- again, I'll  
13 just say this. This isn't -- these aren't like  
14 novel new ideas that I just came up with because  
15 I'm so smart because I'm not smart.

16 All I did was just try to take the best  
17 elements that everybody offered, that people said  
18 was their primary concern. Their primary --  
19 because I know their secondary concerns, but it  
20 was their primary one.

21 Okay, how do we address that? How do we  
22 attack that?

23 And I think that this Amendment does that.

24 Commissioner Coxe, the four things -- the  
25 four primary changes are: The revisions to the

1 consent items of the Rules Working Group.

2 And I respect what Arthenia Joyner has  
3 said. There might have been one or two that I  
4 missed. I did not do that on purpose.

5 President Gaetz is right. There was one  
6 thing we didn't agree to.

7 And, of course, I put my own version in  
8 there about the composition of the Rules Group.

9 But the idea -- and it was just like kind  
10 of damned if you do, damned if you don't on this,  
11 to be honest.

12 You know, people love the old rules until  
13 they don't like them.

14 There's little pieces here -- now, this  
15 could be better and this could be better. And,  
16 you're right, it could be better.

17 But when it gets better and that position  
18 is taken, it offends other people. Well, they  
19 don't like that.

20 You know, there's people that have a  
21 vision.

22 And Commissioner Martinez and Senator  
23 Rouson and others, you know, I know their  
24 position on Sunshine. I do.

25 But that issue cuts to the quick on every

1 little cache of us. It's universally felt  
2 differently, okay?

3 And I've talked to all of you -- not all of  
4 you, but a lot of you about Sunshine.

5 I just decided, instead of the rules as  
6 proposed, instead of the proposal by Commissioner  
7 Martinez, I picked the words that were in the '98  
8 proposal. That's been embraced and endorsed by  
9 every group that I heard from.

10 The Rules & Administration Committee is a  
11 substantial deviation from the old rules.

12 The idea that these rules empower the  
13 Chairman unnecessarily, I just don't agree with  
14 that. I just don't.

15 They certainly are diluted from the old  
16 ones, the old ones that everybody says they love.

17 The Rules & Administrative Committee now is  
18 required to be proportional.

19 And I'm saying this publicly: I hope that  
20 our Chairman, if this is passed, looks not just  
21 at who appointed you, but other characteristics  
22 that make you special -- like where you're from,  
23 what's your background, what are you smart at?

24 Those are the kinds of people that I hope  
25 are on that Commission. And I have no doubt that

1 he'll do that.

2 As I mentioned, Commissioner Coxe, there's  
3 another provision here that allows people that  
4 have a medical exception to participate in our  
5 Committee process only, would not allow them to  
6 participate in our floor process; but I -- it  
7 wouldn't matter to me either way.

8 If you have a medical exception for any  
9 reason and you can't participate and you want to  
10 participate, you should be allowed to.

11 This is Commissioner Gamez' language word  
12 for word, as far as I know.

13 The clawback provision, I talked about.

14 And I'll say this again. I mentioned it  
15 earlier when I introduced it.

16 The clawback provision is related, in my  
17 view, to the Rules & Administration Committee in  
18 so much as -- and, by the way, to the extent that  
19 it says what I mean, okay?

20 And so I've been clear about what I mean.

21 If that's unclear in the future, we're  
22 going to fix it. But when it says what I mean  
23 for it to say, the Rules and Administration  
24 Committee is more administrative at that point.  
25 I don't want to diminish their role; but at any

1 point in time for any reason, the proposals that  
2 everyone has so much anxiety about in terms of  
3 being heard, and having your voice, and all the  
4 things that I've heard -- and I agree with all of  
5 those things, you bypass it. You jump it.

6 And so, to me, this proposal, the Schifino  
7 idea put into words -- and Rich and --  
8 Commissioner Schifino, don't take this wrong. If  
9 he had asked -- his idea was a concept that I  
10 stole. I stole that, but it wasn't written out.

11 And so if that's -- I've told you guys --  
12 and I mean this -- if that's deficient in any  
13 way, I'm going to be leading the charge to fix  
14 it.

15 I've already said that these rules and our  
16 debate, it's an important one. I know that it  
17 sets the framework for how we govern ourselves  
18 going forward, and I know that it's really,  
19 really important.

20 But, in my view, when we get done with this  
21 journey that we're on as volunteers, at the end,  
22 when you look back, I don't think this will be  
23 viewed as the most important thing that we did; I  
24 don't.

25 We've heard tons and tons of things from

1 people that are important to them.

2 So I'll just kind of stop there.

3 I appreciate the words that the people  
4 shared today and shared prior to today. I  
5 appreciate the comments from -- the time that it  
6 took from these outside groups, these advocacy  
7 groups to let us know how they feel. I went --  
8 took those seriously, like I know you guys did.

9 And I reconcile my Amendment with all of  
10 the suggestions that they made. And I believe in  
11 my heart of hearts that it addresses most of  
12 them. There's a couple that it didn't. And I  
13 didn't think those were fair.

14 So I'll just close with that and ask you to  
15 support this Amendment with the understanding  
16 that I did the best that I could.

17 I'm asking you to help me. I'm also  
18 telling you that I know that it's not, you know,  
19 the end all, be all, but it is -- it is, in my  
20 opinion, a compromise at nearly every level even  
21 though I understand that people feel differently  
22 about some of the numbers and some of the pieces,  
23 and I get that. And that's okay. I totally  
24 understand that.

25 But I appreciate the time that everybody

1 spent. I obviously appreciate the staff and  
2 their time.

3 And thank you.

4 CHAIRMAN BERUFF: Thank you, Commissioner.

5 The Chair will entertain a vote to adopt  
6 the Amendment as presented by Commissioner  
7 Heuchan.

8 All those in favor signify by saying "Aye."

9 UNIDENTIFIED COMMISSIONERS: "Aye."

10 CHAIRMAN BERUFF: All those against signify  
11 by saying "Nay."

12 UNIDENTIFIED COMMISSIONERS: "Nay."

13 CHAIRMAN BERUFF: I believe the "Ayes" have  
14 it.

15 So we're going to have a roll call on the  
16 vote.

17 Please proceed with the roll call.

18 STAFF MEMBER: Commissioner Armas?

19 COMMISSIONER ARMAS: Yes.

20 STAFF MEMBER: Bondi?

21 COMMISSIONER BONDI: Yes.

22 STAFF MEMBER: Carlton?

23 COMMISSIONER CARLTON: Yes.

24 STAFF MEMBER: Cerio?

25 COMMISSIONER CERIO: Yes.

1 STAFF MEMBER: Coxe?  
2 COMMISSIONER COXE: No.  
3 STAFF MEMBER: Diaz?  
4 (No response.)  
5 STAFF MEMBER: Donalds?  
6 (No response.)  
7 STAFF MEMBER: Gaetz?  
8 COMMISSIONER GAETZ: No.  
9 STAFF MEMBER: Gainey?  
10 (No response.)  
11 STAFF MEMBER: Gamez?  
12 (No response.)  
13 STAFF MEMBER: Heuchan?  
14 COMMISSIONER HEUCHAN: Yes.  
15 STAFF MEMBER: Johnson?  
16 COMMISSIONER JOHNSON: Yes.  
17 STAFF MEMBER: Jordan?  
18 COMMISSIONER JORDAN: Yes.  
19 STAFF MEMBER: Joyner?  
20 COMMISSIONER JOYNER: No.  
21 STAFF MEMBER: Karlinsky?  
22 COMMISSIONER KARLINSKY: Yes.  
23 STAFF MEMBER: Keiser?  
24 COMMISSIONER KEISER: Yes.  
25 STAFF MEMBER: Kruppenbacher.



1 COMMISSIONER KRUPPENBACHER: Yes.  
2 STAFF MEMBER: Lee?  
3 COMMISSIONER LEE: No.  
4 STAFF MEMBER: Lester?  
5 COMMISSIONER LESTER: Yes.  
6 STAFF MEMBER: Levesque?  
7 (No response.)  
8 STAFF MEMBER: Martinez?  
9 COMMISSIONER MARTINEZ: No.  
10 STAFF MEMBER: Newsome?  
11 COMMISSIONER NEWSOME: No.  
12 STAFF MEMBER: Nocco?  
13 COMMISSIONER NOCCO: No.  
14 STAFF MEMBER: Nunez?  
15 (No response.)  
16 STAFF MEMBER: Patronis?  
17 COMMISSIONER PATRONIS: Yes.  
18 STAFF MEMBER: Plymale?  
19 COMMISSIONER PLYMALE: Yes.  
20 STAFF MEMBER: Rouson?  
21 COMMISSIONER ROUSON: No.  
22 STAFF MEMBER: Schifino?  
23 COMMISSIONER SCHIFINO: Yes.  
24 STAFF MEMBER: Smith?  
25 (No response.)

1 STAFF MEMBER: Solari?

2 COMMISSIONER SOLARI: No.

3 CHAIRMAN BERUFF: Wait, wait.

4 Smith?

5 COMMISSIONER SMITH: No.

6 STAFF MEMBER: Solari?

7 COMMISSIONER SOLARI: No.

8 STAFF MEMBER: Sprowls?

9 COMMISSIONER SPROWLS: No.

10 STAFF MEMBER: Stemberger?

11 COMMISSIONER STEMBERGER: No.

12 STAFF MEMBER: Stewart?

13 COMMISSIONER STEWART: Yes.

14 STAFF MEMBER: Thurlow-Lippisch?

15 COMMISSIONER THURLOW-LIPPISCH: Yes.

16 STAFF MEMBER: Timmann?

17 COMMISSIONER TIMMANN: Yes.

18 STAFF MEMBER: Washington?

19 COMMISSIONER WASHINGTON: Yes.

20 STAFF MEMBER: Chair Beruff?

21 CHAIRMAN BERUFF: Yes.

22 STAFF MEMBER: Overwhelming.

23 CHAIRMAN BERUFF: Motion passes.

24 So now we'll have a roll call to vote on

25 the resolution as amended.

1 COMMISSIONER LEE: Mr. Chairman.

2 CHAIRMAN BERUFF: Commissioner Lee.

3 COMMISSIONER LEE: Two questions.

4 First, can we announce how many members  
5 supported that and then how many voted against  
6 it? What was the --

7 CHAIRMAN BERUFF: We're tallying that right  
8 now, Commissioner.

9 COMMISSIONER LEE: While that's  
10 happening --

11 CHAIRMAN BERUFF: We can answer that  
12 question, if you like, right now.

13 No?

14 Go ahead, Commissioner.

15 COMMISSIONER LEE: So, I guess what I'm  
16 inferring from your call for a motion is that  
17 it's your perception that all of the other  
18 amendments that are before us today are out of  
19 order now because this Strike-All has been  
20 adopted? Is that --

21 CHAIRMAN BERUFF: I believe that would be  
22 the case.

23 Mr. Patronis.

24 COMMISSIONER PATRONIS: I call for the  
25 question on the resolution, sir.

1 CHAIRMAN BERUFF: The question is called.

2 COMMISSIONER LEE: Well, Mr. Chairman,  
3 point of order then --

4 UNIDENTIFIED COMMISSIONER: Second.

5 CHAIRMAN BERUFF: There's a second.

6 COMMISSIONER LEE: So point of order  
7 prevails over a motion to call a question.

8 CHAIRMAN BERUFF: Okay.

9 COMMISSIONER LEE: So I'm not sure I want  
10 to proceed my with strike everything and put us  
11 through all of this given the vote.

12 I feel like I need to confer with the  
13 co-sponsors of that Amendment before I make that  
14 decision.

15 There are a lot of members that are  
16 prejudiced by the fact that the perception of the  
17 Chair is that this Strike-All wipes every other  
18 Amendment out.

19 Procedurally, I disagree with that.

20 I, too, have a strike everything. And  
21 strike everything should still be in order as a  
22 strike everything to the now adopted strike  
23 everything.

24 So I would just raise the point pending my  
25 ability to confer with the co-sponsoring members

1 as to whether or not we want to proceed with the  
2 other issues that are contained in my strike  
3 everything and the Amendments thereto.

4 CHAIRMAN BERUFF: I think we have a motion  
5 and a second.

6 I think we call the vote.

7 Thank you.

8 COMMISSIONER GAETZ: Mr. Chairman, you have  
9 to rule on the point of order, please.

10 THE COURT REPORTER: Who said that?

11 Gaetz, thank you.

12 Sorry.

13 CHAIRMAN BERUFF: There's been a call of  
14 the question. We're going to move to the vote.

15 Thank you.

16 COMMISSIONER SOLARIS: At this point I just  
17 have say to this: There seems like we have rules  
18 when some people like them; but we don't have  
19 rules when some people don't like them.

20 And if I was watching this from the public,  
21 I would be incredibly depressed and dismayed.  
22 Because I'm seeing -- the game here is played.  
23 The rules of this game today changed 5 or 6 times  
24 with the ebb and flow of things by people. And I  
25 find that very disturbing.

1 CHAIRMAN BERUFF: Thank you.

2 COMMISSIONER LEE: Mr. Chairman, I  
3 apologize, but you have an obligation as Chairman  
4 of this Commission to rule on my point of order  
5 prior to taking this vote.

6 And if you rule against it, I respect that,  
7 but --

8 CHAIRMAN BERUFF: I rule against it.

9 COMMISSIONER LEE: Thank you.

10 CHAIRMAN BERUFF: Question?

11 COMMISSIONER KRUPPENBACHER: Mr. Chairman,  
12 after we vote, could I state?

13 MR. CHAIRMAN: Absolutely.

14 COMMISSIONER GAETZ: Mr. Chairman, a  
15 parliamentary inquiry.

16 Could the Chair please state for the record  
17 what it is that we would be voting on next after  
18 the Chair announces the numerical yays and nays  
19 on the last vote?

20 CHAIRMAN BERUFF: 19 yays, 12 nays was the  
21 vote.

22 We are voting for the Strike-All provision  
23 and resolution as amended that Commissioner  
24 Heuchan has proposed for adoption, okay?

25 So we'll go through the roll call again.

1 COMMISSIONER TIMMANN: Mr. Chair?

2 CHAIRMAN BERUFF: Yes, Commissioner  
3 Timmann.

4 Point of clarification? I need it  
5 clarified, yes.

6 COMMISSIONER TIMMANN: I believe --

7 CHAIRMAN BERUFF: Yes.

8 COMMISSIONER TIMMANN: -- what you're  
9 saying is that we voted on Commissioner Heuchan's  
10 as the substitute for Commissioner Plymale's, and  
11 now we are voting essentially on that in total?

12 CHAIRMAN BERUFF: In total, correct.

13 Thank you so much for the clarification for  
14 the rest of the members, including myself.

15 Thank you.

16 So we'll go through the roll call again,  
17 please.

18 STAFF MEMBER: Commissioner Armas?

19 COMMISSIONER ARMAS: Yes.

20 STAFF MEMBER: Bondi?

21 COMMISSIONER BONDI: Yes.

22 STAFF MEMBER: Carlton?

23 COMMISSIONER CARLTON: Yes.

24 STAFF MEMBER: Cerio?

25 COMMISSIONER CERIO: Yes.

1 STAFF MEMBER: Coxe?  
2 COMMISSIONER COXE: No.  
3 STAFF MEMBER: Diaz?  
4 (No response.)  
5 STAFF MEMBER: Donalds?  
6 (No response.)  
7 STAFF MEMBER: Gaetz?  
8 COMMISSIONER GAETZ: No.  
9 STAFF MEMBER: Gainey?  
10 (No response.)  
11 STAFF MEMBER: Gamez?  
12 (No response.)  
13 STAFF MEMBER: Heuchan?  
14 COMMISSIONER HEUCHAN: Yes.  
15 STAFF MEMBER: Johnson?  
16 COMMISSIONER JOHNSON: Yes.  
17 STAFF MEMBER: Jordan?  
18 COMMISSIONER JORDAN: Yes.  
19 STAFF MEMBER: Joyner?  
20 COMMISSIONER JOYNER: No.  
21 STAFF MEMBER: Karlinsky?  
22 COMMISSIONER KARLINSKY: Yes.  
23 STAFF MEMBER: Keiser?  
24 COMMISSIONER KEISER: Yes.  
25 STAFF MEMBER: Kruppenbacher?



1 COMMISSIONER KRUPPENBACHER: Yes.  
2 STAFF MEMBER: Lee?  
3 COMMISSIONER LEE: No.  
4 STAFF MEMBER: Lester?  
5 COMMISSIONER LESTER: Yes.  
6 STAFF MEMBER: Levesque?  
7 (No response.)  
8 STAFF MEMBER: Martinez?  
9 COMMISSIONER MARTINEZ: No.  
10 STAFF MEMBER: Newsome?  
11 COMMISSIONER NEWSOME: No.  
12 STAFF MEMBER: Nocco?  
13 COMMISSIONER NOCCO: No.  
14 STAFF MEMBER: Nunez?  
15 (No response.)  
16 STAFF MEMBER: Patronis?  
17 COMMISSIONER PATRONIS: Yes.  
18 STAFF MEMBER: Plymale?  
19 COMMISSIONER PLYMALE: Yes.  
20 STAFF MEMBER: Rouson?  
21 COMMISSIONER ROUSON: No.  
22 STAFF MEMBER: Schifino?  
23 COMMISSIONER SCHIFINO: Yes.  
24 STAFF MEMBER: Smith?  
25 COMMISSIONER SMITH: Yes.

1 STAFF MEMBER: Solari?

2 COMMISSIONER SOLARI: No.

3 STAFF MEMBER: Sprowls?

4 COMMISSIONER SPROWLS: No.

5 STAFF MEMBER: Stemberger?

6 COMMISSIONER STEMBERGER: No.

7 Staff MEMBER: Stewart?

8 COMMISSIONER STEWART: Yes.

9 STAFF MEMBER: Thurlow-Lippisch?

10 COMMISSIONER THURLOW-LIPPISCH: Yes.

11 STAFF MEMBER: Timmann?

12 COMMISSIONER TIMMANN: Yes.

13 STAFF MEMBER: Washington?

14 COMMISSIONER WASHINGTON: Yes.

15 STAFF MEMBER: Chair Beruff?

16 CHAIRMAN BERUFF: Yes.

17 COMMISSION PATRONIS: I would like to make  
18 a motion for any technical minutes be made by  
19 staff, if necessary; technical changes for  
20 grammaticals.

21 CHAIRMAN BERUFF: Very good.

22 The motion is on the table.

23 COMMISSIONER KRUPPENBACHER: Second.

24 CHAIRMAN BERUFF: Thank you.

25 The vote is 20 yays and 11 nays.

1           The Chair recognizes Commissioner  
2 Kruppenbacher.

3           COMMISSIONER KRUPPENBACHER: When I made  
4 this first motion, I made it with -- if you  
5 recall, to allow Amendments to be discussed. We  
6 then got into floor amendment. I don't deal in  
7 the world of floor amendment, so to me it was the  
8 amendments that were here, so I apologize to  
9 everybody.

10           I really don't want to leave today without  
11 us, Mr. Chair, having -- if you we could speak to  
12 how we would best now have those issues, like  
13 Commissioner Sprowls' said, that may be unclear;  
14 a process where -- I would hope everybody would  
15 go back -- who took the time to file these  
16 amendments. I did read them.

17           When I arrived today, I realized I was more  
18 confused than ever.

19           So maybe some of these amendments are no  
20 longer necessary, some are that are important.

21           And if we could maybe have another meeting  
22 or set up something where we could say, okay,  
23 we've cleaned it up, here's what it looks like,  
24 and these are now the 5 or 10 things that we are  
25 now going to discuss.

1           My whole thing was to get something on the  
2 table, so....

3           CHAIRMAN BERUFF: I think that the -- that  
4 we go back.

5           My comments -- my closing comments for this  
6 meeting is I would like everyone to turn in a  
7 list from one to whatever Committee that you  
8 would like to serve on -- that you prefer to  
9 serve on, and the priority being number one, and  
10 then further down the list, and turn it into our  
11 staff so we can start formulating how those  
12 Committees are promulgated.

13           And I think in the Rules Committee, that's  
14 where we will clean up these items as  
15 Commissioner Heuchan has recommended. And I  
16 think everybody here will go along with that.

17           And we will take those things up for  
18 clarification, and then have a meeting to review  
19 those and get the necessary votes that we need to  
20 make those more clear.

21           COMMISSIONER KRUPPENBACHER: If you could  
22 consider one tweak to that. And you may have  
23 meant to cover that.

24           As it relates to the amendments that  
25 everybody put time in to file, could those who

1 filed them let the Rules Committee know they're  
2 still active in their mind or they're not. And  
3 let the Rules Committee evaluate them and come  
4 back to us and that way --

5 CHAIRMAN BERUFF: Now that we've got rules,  
6 look at your amendments. And those that are  
7 still -- now that we have rules, we can have  
8 germanity that are germane to the rules as  
9 opposed to ones that are no longer subject to the  
10 rules, and we'll take them up. As a Commission,  
11 we'll take them up.

12 Thank you so much.

13 COMMISSIONER PATRONIS: Mr. Chairman, I  
14 make a motion to adjourn.

15 CHAIRMAN BERUFF: There's a motion to  
16 adjourn.

17 UNIDENTIFIED COMMISSIONER: Second.

18 CHAIRMAN BERUFF: Second.

19 This meeting is adjourned.

20 Thank you very much.

21 (The meeting was adjourned at 11:13 a.m.)  
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CERTIFICATE WITH ACKNOWLEDGEMENT

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**STATE OF FLORIDA:**

**COUNTY OF ORANGE:**

I, SANDRA DIANE EVANS, Registered Professional Reporter, and Notary Public State of Florida at Large, hereby certify that I was authorized to and did report stenographically the foregoing proceedings, and that the transcript is a true record.

I FURTHER CERTIFY that I am not of counsel for, related to, or employed by any party hereto, nor attorney involved herein, nor am I financially interested in the outcome of this action.

Dated this 30th day of June, 2017.

/s/ Sandra Diane Evans  
**SANDRA DIANE EVANS**  
Registered Professional Reporter  
Notary Public  
State of Florida at Large

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