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SENATE REAPPORTIONMENT COMMITTEE HEARING
WEDNESDAY, MARCH 14, 2012
1:30 P.M.

Transcribed by:
CLARA C. ROTRUCK
Court Reporter

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

2 THE CLERK: All unauthorized persons will
3 please leave the chamber. All Senators, please
4 indicate your presence. A quorum is present,
5 Mr. President.

6 PRESIDENT HARIDOPOLOS: The Extraordinary
7 Apportionment Session is called to order. The
8 Senators and guests in the galley, please rise
9 for the opening prayer given this morning by
10 our Senator from the -- let's go with -- we
11 will go with Senator Gaetz today. I think we
12 need -- he is our leader today, and why doesn't
13 he lead us in prayer this morning. You are
14 recognized.

15 SENATOR GAETZ: Please bow your heads.
16 Almighty God, we come to you at a time when we
17 need your wisdom, we need your grace and we
18 need your blessing. Be with every member of
19 the Senate and all of the members of our
20 professional staff as we work together in these
21 next days to do your will. We ask all of these
22 things in your holy name, amen.

23 PRESIDENT HARIDOPOLOS: Amen. Thank you.
24 Please remain standing for the Pledge of
25 Allegiance led by our Senator from the 21st,

1 Senator Bennett.

2 SENATOR BENNETT: I pledge allegiance to
3 the flag of the United States of America and to
4 the Republic for which it stands, one nation,
5 under God, indivisible, with liberty and
6 justice for all.

7 PRESIDENT HARIDOPoulos: Senators, this
8 Extraordinary Apportionment Session will
9 operate under Rule 13, as has been the practice
10 for any other session other than regular
11 session. The Secretary will please read the
12 proclamation from the Governor.

13 THE CLERK: "Proclamation, State of
14 Florida, Executive Office of the Governor,
15 Tallahassee: To the honorable members of the
16 Florida Senate and House of Representatives.
17 Whereas, on February 9th, 2012, pursuant to
18 Article III, Section 16(a), Florida
19 Constitution, during the regular session the
20 Legislature enacted Senate Joint Resolution
21 1176, which that apportions the state into
22 Senatorial and Representative districts, and,
23 whereas, on February 10th, 2012, pursuant to
24 Article III, Section 16(c), Florida
25 Constitution, the Attorney General petitioned

1 the Supreme Court for a declaratory judgment
2 determining the validity of the appointment,
3 and, whereas, on March 9, 2012, pursuant to
4 Article III, Section 16(d), Florida
5 Constitution, the Supreme Court declared the
6 plan apportioning the districts for the Florida
7 Senate to be invalid under the Florida
8 Constitution, and, whereas, pursuant to Article
9 III, Section 16(d), Florida Constitution,
10 within five days of the Supreme Court's
11 determination of invalidity, the Governor must
12 reconvene the Legislature in Extraordinary
13 Apportionment Session, which shall not exceed
14 15 days, during which the Legislature shall
15 adopt a joint resolution of apportionment
16 conforming to the judgment of the Supreme
17 Court.

18 "Now, therefore, I, Rick Scott, Governor
19 of the State of Florida, by virtue of the power
20 and authority vested in me by Article III,
21 Section 16(d), Florida Constitution, do hereby
22 proclaim as follows: Section 1, the
23 Legislature is convened in Extraordinary
24 Apportionment Session commencing at 1:00 p.m.,
25 Wednesday, March 14th, 2012, and extending

1 through 11:59 p.m., Wednesday, March 28th,
2 2012, to adopt a joint resolution of
3 apportionment conforming to the judgment of the
4 Supreme Court. In testimony whereof, I have
5 here unto set my hand and caused the Great Seal
6 of the State of Florida to be affixed to this
7 proclamation convening the Legislature in
8 Extraordinary Apportionment Session at the
9 Capitol this 9th day of March 2012, Governor
10 Rick Scott."

11 PRESIDENT HARIDOPOLOS: The Secretary will
12 now read SJR-2 by title.

13 THE CLERK: "Senate Joint Resolution 2-B,
14 a Joint Resolution of Apportionment."

15 PRESIDENT HARIDOPOLOS: So the bill
16 referred to the Committee on Reapportionment.
17 Senator from the 8th District, Rules Chair
18 Thrasher, you are recognized for a motion and
19 announcement.

20 SENATOR THRASHER: Thank you,
21 Mr. President.

22 Mr. President, I move that Rule 13.5 be
23 waived to allow the Reapportionment Committee
24 to report Senate Joint Resolution 2-B no later
25 than Wednesday, March 21st, and that the

1 Reapportionment Committee today will meet today
2 after recess -- 15 minutes after recess until
3 3:30 today.

4 PRESIDENT HARIDOPOLOS: Show the motion
5 adopted without objection.

6 Senator from the 4th District, Senator
7 Gaetz, you are recognized for announcement.

8 SENATOR GAETZ: Thank you very much,
9 Mr. President. With your permission, may I
10 please review the schedule for the special
11 session, which has been shared with Leader Rich
12 and Leader Smith and Leader Gardiner? A
13 printed schedule has been placed on each
14 Senator's desk.

15 There are two scheduled meetings of the
16 Reapportionment Committee. The first, as
17 Speaker Thrasher just announced, will be held
18 this afternoon from 15 minutes following our
19 recess until 3:30 p.m. The purpose of that
20 meeting is to review with the Committee the
21 majority opinion of the Supreme Court. No
22 votes will be taken in this afternoon's
23 meeting. The Committee will meet again on
24 Tuesday, March 20th, at 9:00 a.m. to consider
25 an amendment which responds to and conforms

1 with the Court's ruling.

2 In keeping with the transparent and open
3 procedures we have followed throughout this
4 process, as Chairman, I will file the amendment
5 with notification to all Senators and the press
6 by Saturday, March 17th, at twelve o'clock
7 noon, Eastern time. And then, Mr. President,
8 the amendment deadline would be -- for the
9 Tuesday, March 20th, meeting, will be Monday,
10 March 19th, at 12:00 noon. So, in other words,
11 a Chairman's amendment will be available 48
12 hours before the amendment deadline to give
13 other Senators ample time to review the
14 proposal and to file their own amendments 24
15 hours prior to the committee meeting next
16 Tuesday.

17 Assuming the Committee agrees next week on
18 an amendment, the full Senate will meet
19 Thursday, March 22nd, at 9:00 a.m. for a second
20 reading. As is usual on second reading,
21 amendments to the Committee's plan would be in
22 order. In a moment, I will offer a motion,
23 Mr. President, to set the amendment deadline
24 for the floor so that all Senators will have
25 advance notice of all floor amendments. If

1 necessary, the Senate would meet again on
2 Friday, March 23rd, at 9:00 a.m. for the third
3 reading. The joint resolution would then be
4 communicated to the House of Representatives.
5 The House would meet the following week to
6 consider the Senate message.

7 Mr. President, I move that the amendment
8 deadline for the special order calendar for
9 Thursday, March 22nd, be set for Wednesday,
10 March 21st, at noon.

11 PRESIDENT HARIDOPOLOS: Show the motion
12 adopted without objection. Senator Gaetz, you
13 are recognized.

14 SENATOR GAETZ: Thank you, Mr. President.

15 Mr. President, may I please remind all
16 Senators that amendments must have complete
17 statewide Senate plans and be drafted to amend
18 SJR 2-B. In other words, if you are making a
19 change or proposing a change in one area, to
20 make sure that we have a compliant Senate map,
21 then be sure that you show the entire map and
22 that you amend to SJR 2-B. All the same
23 procedures for filing amendments that applied
24 during the regular session still apply in this
25 Extraordinary Session. Processing your plan,

1 your amendment, posting the maps, download
2 statistics and the amendment language to the
3 website, so that the public and press can see
4 what is being proposed does take time. So we
5 would respectfully encourage you to communicate
6 as early and as definitively as possible. If
7 you choose to offer an amendment, please
8 communicate as early and definitively as
9 possible with the professional staff of the
10 Reapportionment Committee. That way, they can
11 be helpful to you, and this will help Senators
12 meet the amendment deadlines.

13 And that concludes the announcements,
14 Mr. President.

15 PRESIDENT HARIDOPOLOS: Thank you, Senator
16 Gaetz.

17 Before I recognize the Rules Chair to
18 close, are there any announcements? Senator
19 Montford, you are recognized.

20 SENATOR MONTFORD: Thank you,
21 Mr. President.

22 It is my pleasure to introduce to you,
23 Mr. President and our colleagues here, the
24 seventh grade civics class again from Montford
25 Middle School, and the teacher is Mr. Busman

1 and Mrs. Woods. So, Mr. President, I present
2 to you another class from Montford Middle
3 School.

4 PRESIDENT HARIDOPOLOS: Welcome to the
5 Florida Senate.

6 Other announcements? Senator Storms, you
7 are recognized.

8 SENATOR STORMS: Thank you, Mr. President,
9 for a question.

10 PRESIDENT HARIDOPOLOS: You are recognized
11 for a question.

12 SENATOR STORMS: Thank you.

13 I wonder when during the process we have
14 had -- during the previous process we had lots
15 of opportunity for public comments and a way to
16 receive public information, and I just wonder
17 how that -- where in the timeline will that be?
18 Will that be just in the committee process? Is
19 there an e-mail procedure so that the public is
20 informed about that?

21 Particularly Senator Gaetz, as having read
22 the Supreme Court opinion, I was very concerned
23 about the Panhandle and the Court's opinion
24 about the east-west lines. It seemed to me
25 that it was a pretty clear opinion of the

1 people that the rural interests did not want to
2 be in competition with the population along the
3 coastal areas, and I just wondered how the
4 public is going to have an opportunity to
5 express their opinions on whatever it is that
6 we do and how are we going to get that
7 information to them so they can see and then
8 they can comment on them if they are
9 interested. Maybe nobody says anything, but if
10 they want to, we would like to get that
11 information out there sooner rather than later,
12 and perhaps the way to do that would be to
13 contact all the people who contacted us for
14 whom we have contact information and let them
15 know what the process is so that they could
16 enter in.

17 PRESIDENT HARIDOPoulos: Senator Gaetz, you
18 are recognized to respond.

19 SENATOR GAETZ: Thank you very much,
20 Mr. President. Thank you, Senator Storms.

21 You anticipated what the professional
22 staff of the Reapportionment Committee is
23 planning. That is that additional suggestions,
24 criticism or comments by the public are still
25 being received. The website is still open to

1 receive any suggested plans, and we will
2 provide time as time allows in our committee
3 meeting today and in our committee meeting next
4 week for public comment. And your suggestion
5 is a very good one. We will send an e-mail
6 today or tomorrow, as soon as we can get one
7 prepared and sent out, to let all individuals
8 who came to our 26 public hearings, that was
9 some 5,000 people, as well as others, over
10 1,000 who have contacted us since then, to let
11 them know that we are in Extraordinary Special
12 Session, what the schedule is, that we welcome
13 their comments and input, and letting them know
14 that the committee meetings are available
15 should they choose to come here in person. So
16 thank you very much, Senator Storms.

17 PRESIDENT HARIDOPOLOS: Further questions?
18 Senator Braynon, you are recognized for a
19 question.

20 SENATOR BRAYNON: Thank you,
21 Mr. President.

22 Senator Gaetz, it says that the House will
23 do second and third reading on the week of the
24 26th and 28th. If they don't concur, would
25 that mean we would have to come back on the

1 29th or 30th?

2 PRESIDENT HARIDOPOLOS: Senator Gaetz.

3 SENATOR GAETZ: Thank you very much,
4 Mr. President. I would like to ask the Rules
5 Chair to comment when I am finished.

6 It is our expectation, based on my
7 conversations with the Speaker Designate, that
8 the -- and seeing their plans as they publish
9 them, their schedule, that they plan to go into
10 session on the 26th of March to take up a
11 message from the Senate. If they fail to
12 concur in that message, then we would have two
13 more days, the 27th and 28th, should it be
14 necessary for us to come back and respond to a
15 non-concurring message.

16 And I would yield, with your permission,
17 to the Rules Chair.

18 PRESIDENT HARIDOPOLOS: Senator Thrasher.

19 SENATOR THRASHER: Nothing really to add,
20 Senator Braynon, except that time starts today,
21 15 days, and it ends Wednesday, the 28th. So
22 with that schedule, we have -- I think we have
23 built in a little bit of extra time in case for
24 that contingency.

25 PRESIDENT HARIDOPOLOS: Further questions?

1 Senator Thrasher, you are recognized.

2 SENATOR THRASHER: Thank you, Mr.

3 President.

4 Mr. President, I move that the Senate
5 stand in recess until Thursday, March 22nd, at
6 9:00 a.m., or upon the call of the President
7 for the purpose of holding committee meetings
8 and conducting other business.

9 PRESIDENT HARIDOPOLOS: Without objection,
10 the Senate is now in recess.

11 (Whereupon, the proceedings were
12 concluded.)

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