

PUBLIC MEETING
STATE OF FLORIDA
CONSTITUTION REVISION COMMISSION

DATE: October 17, 2017
TIME: 2:00 p.m. to 2:20 p.m.
LOCATION: The Capitol
Florida Senate Chamber
400 South Monroe Street
Tallahassee, Florida 32399

Reported by:

Peggy L. Ward, Court Reporter
For The Record Reporting
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1 P R O C E E D I N G S

2 THE STAFF: Commissioners and guests in
3 the gallery, please silence all electronic devices.
4 All commissioners, please indicate your presence.

5 (Presence indicated.)

6 THE STAFF: A quorum is present,
7 Mr. Chair.

8 MR. CHAIRMAN: Thank you. I think I made
9 a joke about not having a gavel at the last
10 meeting, so I'm going to share with you their idea
11 of a joke (showing gavel). Now we have a really
12 big gavel.

13 The Commission will be in order. Commissioners
14 and guests, please rise for the opening prayer to
15 be given today by Commissioner Lester.

16 (Opening prayer.)

17 MR. CHAIRMAN: Please remain standing for
18 the Pledge of Allegiance to be led today by
19 Commissioner Schifino.

20 (Pledge of Allegiance.)

21 MR. CHAIRMAN: Please be seated.

22 First today, I would like to proceed with the
23 Designation of Commission Sergeant at Arms.
24 Pursuant to the authority provided in Rule 1.15, I
25 hereby designate Chris Connell the Sergeant at Arms

1 for the 2017-2018 Constitution Revision
2 Commission.

3 SERGEANT CONNELL: Thank you.

4 MR. CHAIRMAN: Sergeant Connell currently
5 serves as the Executive Director of the Capitol
6 Police. He and his excellent staff work diligently
7 every day to ensure the safety and security of all
8 who visit and work in the Capitol.

9 I hope I speak for all of the members of the
10 Commission when I express my sincere thanks for all
11 the service you provide.

12 Commissioners, I will now open the floor for
13 any commissioner wishing to move a file and
14 directly sponsor a public proposal in accordance
15 with Rule 3.3.

16 Upon an affirmative vote of ten commissioners,
17 a public proposal will be filed as a commissioner
18 proposal with the moving commissioner as sponsor.

19 As a reminder, direct sponsorships of public
20 proposal is merely one of several ways the public's
21 voice is heard during this process.

22 During review of public proposals, it became
23 clear that Floridians shared many of the same
24 interests and similar concerns that we do.

25 Several commissioners have already created

1 their own proposals and are inspired by similar
2 themes in the public proposals for ideas and
3 comments heard during our public tours.

4 Today is about directly sponsoring a public
5 proposal in the exact claim which as it was
6 submitted. Votes taken on these motions are to
7 allow the Commissioner to file the proposal. These
8 are not votes on the substance of any individual
9 proposal.

10 We will consider each motion without debate and
11 go directly to a vote. I ask commissioners to
12 refrain from discussing the merits of individual
13 proposals.

14 Are there any motions to sponsor public
15 proposals? Commissioner Thurlow-Lippisch, you are
16 recognized.

17 MS. THURLOW-LIPPISCH: Thank you, Chair.
18 I would like to make a motion for you-all to please
19 support Public Proposal 700540 entitled "Giving
20 Floridians a Right to a Clean and Healthful
21 Environment." Please help me get this to committee
22 to discuss. Thank you.

23 MR. CHAIRMAN: Unlock the board. All
24 commissioners proceed to vote.

25 (Voting.)

1 MR. CHAIRMAN: Lock the board, please.

2 Announce the vote.

3 THE STAFF: 27 yeas; 1 nay, Mr. Chair.

4 MR. CHAIRMAN: Thank you. Moves forward.

5 Adopted to the next level.

6 Commissioners, is there another public
7 proposal? Commissioner Gaetz, you are recognized.

8 MR. GAETZ: Thank you very much,
9 Mr. Chairman. Pursuant to Rule 3.3, I move to
10 sponsor Public Proposal 700598 submitted by D.
11 Michael Chessser and others.

12 The proposal seeks to end a loophole in our
13 constitution substantive exemption section that
14 allows criminals to shield assets and Florida
15 property. I ask my fellow commissioners to support
16 this effort to get the proposal to discussion and
17 debate.

18 MR. CHAIRMAN: Unlock the board. All
19 commissioners please vote.

20 (Voting.)

21 MR. CHAIRMAN: Lock the board. Announce
22 the vote, please.

23 THE STAFF: 32 yeas; 0 nays, Mr. Chair.

24 MR. CHAIRMAN: Thank you. Other public
25 proposals? Commissioner Stemberger.

1 MR. STEMBERGER: Mr. Chairman, pursuant
2 to Rule 3.3, I would like to move to sponsor Public
3 Proposal 700698 entitled "Right of Privacy." This
4 has been filed by former Florida Supreme Court
5 Justice Ken Bell.

6 MR. CHAIRMAN: Please unlock the board.
7 Commissioners, Please vote.

8 (Voting.)

9 MR. CHAIRMAN: Lock the board. Announce
10 the votes.

11 THE STAFF: 30 yeas; 1 nay, Mr. Chair.

12 MR. CHAIRMAN: Thank you. Any other
13 public proposals to move forward, Commissioners?
14 Commissioner Donalds is recognized.

15 MS. DONALDS: Thank you, Chair. I would
16 like to move to sponsor Public Proposal 700661,
17 "The Right to Earn an Honest Living."

18 MR. CHAIRMAN: Unlock the board.
19 Commissioners, please vote.

20 (Voting.)

21 MR. CHAIRMAN: Please lock the board.
22 Announce the vote.

23 THE STAFF: 31 yeas; 0 nays, Mr. Chair.

24 MR. CHAIRMAN: Thank you, Commissioners.
25 Any other public proposals? Commissioner Martinez

1 is recognized.

2 MR. MARTINEZ: I'm not sure how this
3 works. Am I --

4 MR. CHAIRMAN: There you go.

5 MR. MARTINEZ: It works. Mr. Chairman,
6 good afternoon. I'm not moving a public proposal.
7 I was unfortunately not here two weeks ago. I was
8 working. Mr. Schifino's -- Commissioner Schifino's
9 law firm had me busy, they're on the other side of
10 a case, so I was not able to be here.

11 But I did -- I did move in a number of
12 proposals myself personal to me. And I was
13 inspired by most all of them because of what I
14 heard during the different public hearings that we
15 attended throughout the state, and I would like to
16 point out what they are.

17 My first proposal dealt with -- I'm not
18 debating it. I just want to identify it, if I may.
19 It dealt with raising the retirement age. And that
20 was -- we had at least ten public proposals similar
21 to that one.

22 My Proposal No. 2 dealt with the restoration of
23 civil rights. And of course we've had many people
24 speak on that topic throughout the state. I think
25 there were 12 similar proposals submitted.

1 Proposal No. 3 is actually in two parts. One
2 part deals with lifting the property restrictions
3 for noncitizens. We heard some very eloquent
4 speakers in Miami, and then in Palm Beach. Two
5 ladies that addressed us on that topic and that
6 made a big impact on me certainly.

7 And then there was a gentleman in Miami who
8 addressed the issue of eliminating the word
9 "physical" from disability to make sure that all
10 people with disabilities, whether cognitive or
11 physical, will be protected. And that certainly
12 inspired my Proposal No. 3.

13 Proposal No. 4, many of us are familiar with
14 that from many years of debate here in the state of
15 Florida. And that deals with lifting the language
16 that's known as the Bland Memo.

17 I don't think I need to go into length on that,
18 but there were ten other similar proposals
19 submitted by the public with regards to that topic.

20 And lastly, my Proposal No. 6 deals with
21 something called "Chevron Deference," which I don't
22 think anybody in the public submitted that one.

23 And I think some of the people here may know
24 what that is, and if you don't, we'll address it in
25 committee. I'll defer to the Chairman's

1 instructions.

2 MR. CHAIRMAN: Thank you,
3 Commissioner Martinez, for your comments. Is there
4 any other public proposal to be entertained today?

5 Commissioners, you have until October 31st for
6 creating and filing proposals. We encourage
7 Floridians to continue reaching out to us with
8 their ideas before the Commission and their filing
9 deadline, which is a couple of weeks from now.

10 Commissioners, yesterday I referenced the first
11 13 commissioner proposals to committee. I hope you
12 have a record of that. If not, Jeff will be happy
13 to give you that.

14 Although the CRC rules do not provide a time
15 frame for committees to hear proposals during the
16 interim, substantive committees are required to
17 hear the proposal referred to them. That process
18 is now obviously ongoing.

19 Since there are only three committee weeks
20 remaining this fall, I urge committee chairs to
21 plan their agendas to accommodate these proposals,
22 as well as the additional proposals the
23 Commissioners will submit by October 31st.

24 We will now continue with the daily order of
25 business.

1 Communications. There are none.

2 Introduction to proposals. There are none today.

3 Reports of committee. There are none.

4 Special order calendar. There is none today.

5 Unfinished business. There is none today.

6 Correction and approval of the Journal. There
7 is none today.

8 Okay. Announcements. Are there any
9 announcements by Commissioners? Please raise your
10 microphone. Commissioner Cerio, you are
11 recognized.

12 MR. CERIO: Thank you, Mr. Chairman.
13 Commissioners, I just wanted to take a moment to go
14 over the remainder of the fall calendar in my
15 capacity as chair of rules and administration.

16 After the conclusion of this week's meetings,
17 as the Chairman said, there will be three remaining
18 committee weeks left for the substantive committees
19 to conduct their work.

20 These weeks are October 30th through
21 November 3rd, November 27th through December 1st,
22 and December 11th through the 15th.

23 Now, of course the intention of the fall
24 calendar of committee weeks was to allow
25 flexibility to accommodate schedules, but also to

1 allow us as commissioners to take the time
2 necessary to hear referenced proposals, but to also
3 hear some of these substantive presentations that
4 the committees have sponsored and workshops and
5 things of that nature.

6 And the CRC rules require standing substantive
7 committees to review all proposals referred to them
8 by the committee chair.

9 So with only three weeks remaining,
10 Commissioners should be aware that the committees
11 really are going to be ramping up their meetings to
12 accommodate the remaining work flow. So just
13 please plan accordingly.

14 Once the Commission begins its regular session
15 in the spring, each committee will only have three
16 commission meeting days to hear referenced
17 proposals.

18 Now, with this tight time frame, I also support
19 Chairman Beruff's recommendation that the
20 committees endeavor to hear all referenced
21 proposals, if humanly possible, this fall.

22 As we move into the final committee weeks, the
23 Rules and Administration Committee will also begin
24 discussing the 2018 schedule.

25 So in 2018 the CRC will be considering

1 proposals to send to style and drafting. We'll be
2 holding style and drafting committee meetings,
3 holding public hearings, and voting on final
4 passage of proposals to place on the ballot.

5 Our work, as almost everyone knows -- I'm sure
6 you all know, has to be completed by May 10th,
7 2018.

8 So I invite commissioners to reach out to share
9 their thoughts on the 2018 schedule so that rules
10 and administration may take all commissioner input
11 into consideration as we move forward.

12 It's important that each of you have an
13 opportunity to express your views and your
14 calendar, and all kinds of other things, as we do
15 the best we can to accommodate everyone, and as we
16 finalize our important work for the people of
17 Florida.

18 That's all I have, Mr. Chairman.

19 MR. CHAIRMAN: Thank you, Commissioner.
20 Is there other -- Commissioner Plymale, you are
21 recognized.

22 MS. PLYMALE: And for those of you who
23 have vast experience beyond anything I have, just
24 bear with me for a few minutes. I appreciate being
25 recognized, first of all. Thank you.

1 And I would like to start by telling you -- I'm
2 sure you've all heard this -- the squeaky wheel
3 sometimes gets the attention.

4 I feel like sometimes I've been the squeaky
5 wheel because I have asked, I've begged, I've
6 vigorously compared us to the '98 Commission to the
7 point where I finally figured out, I think, the way
8 we're -- the way we're working.

9 And I think -- my major complaint was why don't
10 we have commission presentations to the full
11 commission like they did in '98.

12 But here's what I know for sure now. That our
13 process is going to be driven by committees.
14 Presentations abound in the committees.

15 You can see them on the Florida Channel; you
16 can see the wisdom of the past commissioners; you
17 can see technical overviews for the particular
18 articles. Please link to the Florida Channel and
19 see what you need to know for your article.

20 I would also ask you to familiarize yourself
21 with Mason's Ten Principles of Government
22 Procedure. And I have some copies if you would
23 like them. Discussion is encouraged, often asked
24 for. Also learning to use our rules as we move
25 into the committees.

1 And I would like to finish with former
2 Daniel -- speaker Daniel Webster's remarks which
3 were "review vigorously -- rigorously and revise
4 carefully." And I think that's a good way for us
5 to proceed. Thank you.

6 MR. CHAIRMAN: Thank you, Commissioner.
7 Is there any other comments from the commissioners?
8 Commissioner Coxe, you are recognized.

9 MR. COXE: Thank you, Mr. Chairman. Just
10 for the benefit and informational purposes, there
11 is scheduled for the morning of November 1st before
12 the Ethics and Elections Committee three objects --
13 I mean, three subjects, one of which is the
14 Restoration of Rights.

15 The reason I mention that -- and I believe
16 Mr. Woodburn is going to distribute an e-mail, if
17 he hasn't already, to all of the Commissioners.

18 Ethics and Elections presumably have
19 responsibility for the Restoration of Voting
20 Rights. But Commissioner Carlton's committee on
21 Declaration of Rights would have responsibility for
22 the Restoration of Civil Rights. Not being the
23 same thing necessarily.

24 Despite efforts to coordinate a meeting of both
25 committees at the same time so that duplication

1 didn't take place, the intent is to hold most of
2 that meeting of November 1st in the morning and
3 invite everyone here.

4 And I know Commissioner Carlton said she'll be
5 able to be there on behalf of the Commission -- the
6 Committee on Rights -- Declaration of Rights.

7 We have been assured by Mr. Woodburn a
8 committee room large enough to house everybody.
9 This, you may recall, is an issue that was very
10 spoken about on the tour. I call it the Second
11 Rolling Stones Tour -- next to last, because we've
12 got one more coming, I think.

13 But be that as it may, I would invite everybody
14 to be there. It's an issue of importance to
15 everybody obviously from what we heard around the
16 state.

17 So -- and I say this primarily because of the
18 distinction between restoration of voting rights as
19 opposed to restoration of civil rights.

20 Thank you, Mr. Chair.

21 MR. CHAIRMAN: Thank you for that
22 clarification, Mr. Coxe.

23 Is there any other commissioner who would like
24 to be recognized on any topics?

25 Commissioner Kruppenbacher.

1 MR. KRUPPENBACHER: I just want to let
2 the Commission know that between the last meeting
3 and this meeting, thanks to our governor and the
4 legislature, and probably some of you, the Orlando
5 airport was named the number one airport in North
6 America.

7 MR. CHAIRMAN: Good. We'll take all the
8 number ones that we can get in this state, right?
9 Thank you.

10 Commissioner Joyner, please, you are recognized.

11 MS. JOYNER: I would like for you to take
12 note that Tampa International was number two by one
13 vote.

14 MR. CHAIRMAN: I sense a little rivalry there.

15 MR. KRUPPENBACHER: Tampa's got a nice
16 little airport.

17 MR. CHAIRMAN: All right.
18 Commissioner Joyner, yes, you can retort.

19 MS. JOYNER: I just want to follow up
20 that Tampa International was built first and they
21 used the same architects to build Orlando
22 International.

23 So they improved -- they made an improvement on
24 what is the best airport in the world.

25 MR. KRUPPENBACHER: I will say what I

1 said --

2 MR. CHAIRMAN: All right.

3 MR. KRUPPENBACHER: -- we know Tampa is
4 there if we have to divert in the event of snow.

5 MR. CHAIRMAN: Okay. Thank you.
6 Commissioner Rouson.

7 MR. ROUSON: Thank you very much,
8 Mr. Chair. Just a point of clarification and a
9 point of information for the listening public.

10 January 9th through March 9th begins our 60-day
11 legislative session. For those of us who are
12 pulling double duty as sitting legislators, I'm
13 prayerful that a scheduling will take that into
14 consideration.

15 MR. CHAIRMAN: Thank you, Commissioner.
16 Any other comments? I just want to make sure
17 everybody gets an opportunity. Commissioner Lee.

18 MR. LEE: Thank you, Mr. Chairman. I
19 appreciate it. And I'm not sure whether this is a
20 question or a comment, but as we prepare -- this is
21 our final meeting before the deadline for filing
22 proposals by the Commissioners.

23 I know that the drafting group -- I spoke to
24 Executive Director Jeff Woodburn about this. That
25 I know they're going to be very busy trying to, you

1 know, work their legalese to get things in posture.

2 You know, many of us will have thoughts and
3 ideas about things that we might want to clean up
4 in the Constitution if there was ever the
5 opportunity.

6 But they don't, in and of themselves, in our
7 minds, certainly my case, warrant becoming a
8 foundation for a constitutional provision.
9 Something that we might want to do if something was
10 coming through on Article V or whatever.

11 And I just want to make abundantly clear that
12 there is no obligation for us to have something
13 filed as a proposal in order for that idea to get
14 attached somewhere along the way to a moving
15 proposal that's going through the process.

16 MR. CHAIRMAN: Thank you. I think that
17 that is pretty standard for this process.

18 MR. LEE: Thank you.

19 MR. CHAIRMAN: Any other commissioner
20 comments? Mr. Cerio.

21 MR. CERIO: Mr. Chair, I move that the
22 Commission stand adjourned.

23 MR. CHAIRMAN: Thank you. Adjourned.

24 (Proceedings adjourned at 2:20 p.m.)

25 * * *

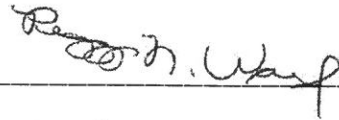
CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF LEON)

I, Peggy L. Ward, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 1 through 19, is a true and correct record of my stenographic notes.

DATED this 30th day of October, 2017, at Tallahassee, Leon County, Florida.



Peggy L. Ward, Court Reporter

Commission No.: FF 909254

Expiration: August 13, 2019

